

Laws  
of the  
State of Maryland

At the Session of the General Assembly Begun and Held in the  
City of Annapolis on the Ninth Day of January 2019  
and Ending on the Eighth Day of April 2019

Bills vetoed by the Governor appear after the Laws

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VOLUME V

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**Chapter 569****(House Bill 34)**

AN ACT concerning

**Business Regulation – Trader’s Licenses – License Fees**

FOR the purpose of requiring a certain clerk to account for and pay into the General Fund of the State the entire fee received for a trader’s license issued in a certain county or municipal corporation; exempting a visually handicapped applicant who meets certain standards and Blind Industries and Services of Maryland from a certain trader’s license fee; requiring the clerk of a certain county or municipal corporation, before issuing a trader’s license, to ~~verify~~ review certain information submitted by an applicant on an application for a trader’s license; authorizing the governing body of a county or municipal corporation to select a uniform license fee for a trader’s license by submitting its selection on a certain form provided by the Comptroller and the State Department of Assessments and Taxation on or before a certain date; providing that a certain selection regarding the basis for assessing a trader’s license fee by the governing body of a county or municipal corporation is irrevocable; establishing the amount of a uniform license fee for certain jurisdictions; prohibiting a certain certification from being required under certain circumstances; requiring the State Department of Assessments and Taxation to adopt certain regulations on the granting of exemptions from a certain inventory reporting requirement; making certain conforming changes; and generally relating to license fees for a trader’s license.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 17–206, 17–302(c), 17–1806 through 17–1808, and 17–1813

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 17–1804(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Business Regulation

Section 17–1807.1

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property  
Section 11–101  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

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

**Article – Business Regulation**

17–206.

(a) This section does not apply to:

- (1) a console machine license, pinball machine license, Wicomico County pinball machine license, or Garrett County amusement device license issued under Subtitle 4 of this title;
- (2) a Calvert County peddler license or magazine seller license issued under Subtitle 9 of this title;
- (3) a junk dealer or scrap metal processor license, agent license, or Calvert County junk dealer or scrap metal processor license issued under Subtitle 10 of this title;
- (4) a license to keep a storage warehouse issued under Subtitle 12 of this title;
- (5) a State juke box license or Harford County juke box license issued under Subtitle 13 of this title;
- (6) a promoter license issued under Subtitle 14 of this title;
- (7) a vending machine license issued under Subtitle 19 of this title; or
- (8) a license to do business as a trading stamp issuer issued under Subtitle 20 of this title.

(b) Except as provided in [subsection] **SUBSECTIONS (a) AND (C)** of this section or otherwise in this title, each clerk shall account for and distribute the fees received for licenses issued under this title as follows:

- (1) the clerk shall pay into the General Fund of the State:
  - (i) the percentage of license fees authorized by law as a fee of the office;
  - (ii) the additional issuance fee now allowed; and

(iii) 3% of license fees to defray the expenses of the State License Bureau; and

(2) except as provided in subsection [(c)] (D) of this section, the clerk shall distribute the remaining license fees:

(i) to the municipal corporation where the licensed business or activity is located, if the licensed business or activity is located in a municipal corporation; or

(ii) to the county where the licensed business or activity is located, if the licensed business or activity is not located in a municipal corporation.

**(C) A CLERK SHALL ACCOUNT FOR AND PAY INTO THE GENERAL FUND OF THE STATE THE ENTIRE FEE RECEIVED FOR A TRADER'S LICENSE ISSUED IN A COUNTY OR MUNICIPAL CORPORATION THAT SELECTS A UNIFORM LICENSE FEE UNDER § 17-1807.1 OF THIS TITLE.**

[(c)] (D) (1) For purposes of this subsection, per capita revenue shall be computed by using the population figures from the later of:

(i) the most recent federal census; or

(ii) an official local census.

(2) The clerk may not distribute license fees to a county or municipal corporation unless the county or municipal corporation:

(i) levies, in its current fiscal year, taxes sufficient to collect at least \$1.00 per capita in revenue; and

(ii) certifies to the Comptroller a copy of the levy.

(3) The clerk shall pay into the General Fund of the State any money that is not distributed at the end of the fiscal year of a county or municipal corporation because the county or municipal corporation failed to make the levy and certification required by paragraph (2) of this subsection.

17-302.

(c) (1) In this subsection, "county treasurer" includes the Director of Finance or other chief fiscal officer of a county that does not have a county treasurer.

(2) This subsection does not apply to a domestic corporation that has shares subject to taxation under State law.

(3) [An] **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN** applicant for a license shall submit to the clerk:

(i) a certification by the State Department of Assessments and Taxation of the value of the goods, fixtures, and stock in trade in each county where the business is located for the applicant's business for the valuation year;

(ii) a certification by the county treasurer of that county that there are no unpaid taxes due to the State or county on the goods, fixtures, or stock in trade; and

(iii) a certification by the municipal corporation, if any, where the business is located that there are no unpaid taxes due to the municipal corporation on the goods, fixtures, or stock in trade.

(4) In this subsection, the valuation year:

(i) in Washington County, is the fiscal year that includes May 1 of the calendar year when the license is issued; or

(ii) in each other county, is the last calendar year before the year for which the license is sought.

17–1804.

(a) Except as otherwise provided in this subtitle, a person must have a trader's license whenever the person:

(1) does business as a trader in the State; or

(2) does business as an exhibitor in the State.

17–1806.

(a) An applicant for a trader's license shall state in the application the place where the applicant will do business as a trader.

(b) (1) [This subsection does not apply if the average value of the applicant's stock in trade exceeds \$10,000.

(2)] An applicant for a trader's license may apply under this subsection if the applicant has a defect in vision such that:

(i) visual acuity in the applicant's better eye does not exceed 20/140 with correcting lenses; or

(ii) the widest diameter of the applicant's visual field subtends an angle not exceeding 20 degrees.

**[(3)] (2)** An applicant for a trader's license under this subsection shall submit to the clerk:

(i) a signed certificate, from a licensed physician who specializes in treatment of the eye, that the applicant's vision meets the standard of paragraph **[(2)] (1)** of this subsection; and

(ii) an affidavit that the applicant is the owner of the place of business listed in the application.

**[(4)] (3)** Blind Industries also may apply for a trader's license under this subsection for a business that it operates, if Blind Industries submits to the clerk an affidavit that:

(i) Blind Industries operates the business listed in the application; and

(ii) the manager of the business has vision that meets the standard of paragraph **[(2)] (1)** of this subsection.

17-1807.

(a) **(1)** In Baltimore County, the clerk may not issue a trader's license for the first time without the approval of the zoning commissioner.

**[(b)] (2)** In an area of Cecil County where the Cecil County Office of Planning and Zoning has jurisdiction, the clerk may not issue a trader's license for the first time until the applicant has obtained zoning approval from that office.

**[(c) (1)] (3) (I)** In Howard County, the clerk may not issue a trader's license for the first time without the approval of the Director of the Office of Planning and Zoning.

**[(2)] (II)** Within 3 working days after an application for a trader's license is submitted for review to the Director of the Office of Planning and Zoning, the Director shall notify the clerk of the approval or disapproval of the application.

**(B) (1) THIS SUBSECTION DOES NOT APPLY TO A COUNTY OR MUNICIPAL CORPORATION THAT SELECTS A UNIFORM LICENSE FEE UNDER § 17-1807.1 OF THIS SUBTITLE.**

**(2) A CLERK MAY NOT ISSUE A TRADER'S LICENSE UNTIL THE CLERK ~~VERIFIES~~ REVIEWES THE ACCURACY OF THE STATEMENT MADE BY THE APPLICANT**

**ON THE APPLICATION FOR A TRADER'S LICENSE UNDER § 17-1806 OF THIS SUBTITLE REGARDING THE PLACE WHERE THE APPLICANT WILL DO BUSINESS AS A TRADER.**

**17-1807.1.**

**(A) ON OR BEFORE OCTOBER 1 EACH YEAR, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY SELECT A UNIFORM LICENSE FEE FOR A TRADER'S LICENSE UNDER § 17-1808(B) OF THIS SUBTITLE BY SUBMITTING ITS SELECTION ON A FORM PROVIDED BY THE COMPTROLLER AND THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.**

**(B) A SELECTION BY THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION UNDER THIS SECTION IS IRREVOCABLE.**

**17-1808.**

**(a) (1) Except as otherwise provided in this section, an applicant for a trader's license shall pay to the clerk a license fee [based on the value of the applicant's stock-in-trade].**

**(2) IF THE APPLICANT'S BUSINESS IS LOCATED IN A COUNTY OR MUNICIPAL CORPORATION THAT SELECTS A UNIFORM LICENSE FEE UNDER § 17-1807.1 OF THIS SUBTITLE, THE APPLICANT:**

**(I) SHALL PAY THE LICENSE FEE SET FORTH IN SUBSECTION (B) OF THIS SECTION; AND**

**(II) IF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH THE BUSINESS IS LOCATED PROVIDES A FULL TAX EXEMPTION FOR COMMERCIAL INVENTORY, MAY NOT BE REQUIRED TO SUBMIT A CERTIFICATION BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE VALUE OF THE GOODS, FIXTURES, AND STOCK-IN-TRADE UNDER § 17-302 OF THIS TITLE.**

**(3) IF THE APPLICANT'S BUSINESS IS LOCATED IN A COUNTY OR MUNICIPAL CORPORATION WITH A LICENSE FEE BASED ON THE VALUE OF THE APPLICANT'S STOCK-IN-TRADE, THE APPLICANT SHALL PAY THE LICENSE FEE UNDER SUBSECTION (C) OF THIS SECTION.**

**(B) (1) THIS SUBSECTION APPLIES ONLY TO A COUNTY OR MUNICIPAL CORPORATION THAT SELECTS A UNIFORM LICENSE FEE FOR A TRADER'S LICENSE UNDER § 17-1807.1 OF THIS SUBTITLE.**

**(2) IN A COUNTY OTHER THAN BALTIMORE CITY OR BALTIMORE COUNTY, THE LICENSE FEE IS \$15.**

**(3) IN BALTIMORE CITY OR BALTIMORE COUNTY, THE LICENSE FEE IS \$20.**

**(C) (1) THIS SUBSECTION APPLIES ONLY TO A COUNTY OR MUNICIPAL CORPORATION WITH A LICENSE FEE BASED ON THE VALUE OF THE APPLICANT'S STOCK-IN-TRADE.**

(2) In a county other than Baltimore City or Baltimore County, the license fee is:

(i) \$15, if the value of the applicant's stock-in-trade is not more than \$1,000;

(ii) \$18, if the value is more than \$1,000 but not more than \$1,500;

(iii) \$20, if the value is more than \$1,500 but not more than \$2,500;

(iv) \$25, if the value is more than \$2,500 but not more than \$4,000;

(v) \$30, if the value is more than \$4,000 but not more than \$6,000;

(vi) \$40, if the value is more than \$6,000 but not more than \$8,000;

(vii) \$50, if the value is more than \$8,000 but not more than \$10,000;

(viii) \$65, if the value is more than \$10,000 but not more than \$15,000;

(ix) \$80, if the value is more than \$15,000 but not more than \$20,000;

(x) \$100, if the value is more than \$20,000 but not more than \$30,000;

(xi) \$125, if the value is more than \$30,000 but not more than \$40,000;

(xii) \$150, if the value is more than \$40,000 but not more than \$50,000;

(xiii) \$200, if the value is more than \$50,000 but not more than \$75,000;

(xiv) \$250, if the value is more than \$75,000 but not more than \$100,000;

- \$150,000;
- (xv) \$300, if the value is more than \$100,000 but not more than \$200,000;
- (xvi) \$350, if the value is more than \$150,000 but not more than \$300,000;
- (xvii) \$400, if the value is more than \$200,000 but not more than \$400,000;
- (xviii) \$500, if the value is more than \$300,000 but not more than \$500,000;
- (xix) \$600, if the value is more than \$400,000 but not more than \$750,000; or
- (xx) \$750, if the value is more than \$500,000 but not more than \$750,000; or
- (xxi) \$800, if the value is more than \$750,000.

(3) In Baltimore City, the license fee is:

- than \$1,000;
- (i) \$20, if the value of the applicant's stock-in-trade is not more than \$1,000;
- (ii) \$40, if the value is more than \$1,000 but not more than \$5,000;
- (iii) \$80, if the value is more than \$5,000 but not more than \$10,000;
- (iv) \$160, if the value is more than \$10,000 but not more than \$50,000;
- (v) \$375, if the value is more than \$50,000 but not more than \$100,000;
- (vi) \$1,000, if the value is more than \$100,000 but not more than \$300,000;
- (vii) \$1,500, if the value is more than \$300,000 but not more than \$750,000; or
- (viii) \$2,125, if the value is more than \$750,000.

(4) In Baltimore County, the license fee is:

- (i) \$20, if the value of the applicant's stock-in-trade is not more than \$1,000;

- (ii) \$40, if the value is more than \$1,000 but not more than \$5,000;
- (iii) \$80, if the value is more than \$5,000 but not more than \$10,000;
- (iv) \$160, if the value is more than \$10,000 but not more than \$50,000;
- (v) \$375, if the value is more than \$50,000 but not more than \$100,000;
- (vi) \$450, if the value is more than \$100,000 but not more than \$200,000;
- (vii) \$500, if the value is more than \$200,000 but not more than \$300,000;
- (viii) \$775, if the value is more than \$300,000 but not more than \$400,000;
- (ix) \$1,000, if the value is more than \$400,000 but not more than \$500,000;
- (x) \$1,250, if the value is more than \$500,000 but not more than \$750,000; and
- (xi) \$1,600, if the value is more than \$750,000.

**[(b)] (D)** (1) This subsection does not apply to a domestic corporation that has shares subject to taxation under State law.

(2) In determining the value of an applicant's stock-in-trade, the clerk shall accept as prima facie evidence the values shown on the certification of the State Department of Assessments and Taxation required by § 17-302 of this title.

**[(c)] (E)** [Notwithstanding the provisions of this section, if the average value of the applicant's stock-in-trade is \$10,000 or less,] **A LICENSE FEE SHALL BE WAIVED FOR:**

**(1)** a visually handicapped applicant who meets the standards of [§ 17-1806(b)(2)] **§ 17-1806(B)(1)** of this subtitle [or Blind Industries shall pay to the clerk a license fee of only \$6]; **AND**

**(2) BLIND INDUSTRIES.**

(a) Except as provided in subsection (b) of this section, a trader may transfer the trader's license to a person who:

- (1) buys the stock-in-trade of the trader; and
- (2) buys or rents the place of business of the trader.

(b) (1) A trader's license issued to a visually handicapped individual or Blind Industries is not transferable.

(2) However, Blind Industries may change the manager of the place of business for which a trader's license was issued if the new manager has vision that meets the standard of [§ 17-1806(b)(2)] **§ 17-1806(B)(1)** of this subtitle.

(c) Whenever a trader sells the trader's stock-in-trade and transfers the trader's license:

(1) the transfer of the trader's license shall be reported to the clerk who issued the license; and

(2) the clerk shall:

- (i) record the transfer of the trader's license; and
- (ii) charge 50 cents for doing so.

(d) (1) In Baltimore County, the clerk may not issue a transferred trader's license without the approval of the zoning commissioner.

(2) (i) In Howard County, the clerk may not issue a transferred trader's license without the approval of the Director of the Office of Planning and Zoning.

(ii) Within 3 working days after an application for issuance of a transferred trader's license is submitted for review by the Director of the Office of Planning and Zoning, the Director shall notify the clerk of the approval or disapproval of the application.

(e) A person who buys a trader's license may do business as a trader for the rest of the term of the trader's license.

### **Article – Tax – Property**

11-101.

(a) On or before April 15 of each year, a person shall submit a report on personal property to the Department if:

(1) the person is a business trust, statutory trust, domestic corporation, limited liability company, limited liability partnership, or limited partnership;

(2) the person is a foreign corporation, foreign statutory trust, foreign limited liability company, foreign limited liability partnership, or foreign limited partnership registered or qualified to do business in the State; or

(3) the person owns or during the preceding calendar year owned property that is subject to property tax.

(b) The report shall:

(1) be in the form that the Department requires;

(2) be under oath as the Department requires; and

(3) contain the information that the Department requires.

**(C) ON OR BEFORE DECEMBER 31, 2019, THE DEPARTMENT SHALL ADOPT REGULATIONS ON THE GRANTING OF EXEMPTIONS FROM THE REPORTING REQUIREMENT UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 570

(Senate Bill 331)

AN ACT concerning

### **Business Regulation – Trader’s Licenses – License Fees**

FOR the purpose of requiring a certain clerk to account for and pay into the General Fund of the State the entire fee received for a trader’s license issued in a certain county or municipal corporation; exempting a visually handicapped applicant who meets certain standards and Blind Industries and Services of Maryland from a certain trader’s license fee; requiring the clerk of a certain county or municipal corporation, before issuing a trader’s license, to ~~verify~~ review certain information submitted by an applicant on an application for a trader’s license; authorizing the governing body of a county or municipal corporation to select a uniform license fee for a trader’s license by submitting its selection on a certain form provided by the Comptroller and

the State Department of Assessments and Taxation on or before a certain date; providing that a certain selection regarding the basis for assessing a trader's license fee by the governing body of a county or municipal corporation is irrevocable; establishing the amount of a uniform license fee for certain jurisdictions; prohibiting a certain certification from being required under certain circumstances; requiring the State Department of Assessments and Taxation to adopt certain regulations on the granting of exemptions from a certain inventory reporting requirement; making certain conforming changes; and generally relating to license fees for a trader's license.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 17–206, 17–302(c), 17–1806 through 17–1808, and 17–1813

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 17–1804(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Business Regulation

Section 17–1807.1

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 11–101

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

### **Article – Business Regulation**

17–206.

(a) This section does not apply to:

(1) a console machine license, pinball machine license, Wicomico County pinball machine license, or Garrett County amusement device license issued under Subtitle 4 of this title;

(2) a Calvert County peddler license or magazine seller license issued under Subtitle 9 of this title;

(3) a junk dealer or scrap metal processor license, agent license, or Calvert County junk dealer or scrap metal processor license issued under Subtitle 10 of this title;

(4) a license to keep a storage warehouse issued under Subtitle 12 of this title;

(5) a State juke box license or Harford County juke box license issued under Subtitle 13 of this title;

(6) a promoter license issued under Subtitle 14 of this title;

(7) a vending machine license issued under Subtitle 19 of this title; or

(8) a license to do business as a trading stamp issuer issued under Subtitle 20 of this title.

(b) Except as provided in [subsection] **SUBSECTIONS (a) AND (C)** of this section or otherwise in this title, each clerk shall account for and distribute the fees received for licenses issued under this title as follows:

(1) the clerk shall pay into the General Fund of the State:

(i) the percentage of license fees authorized by law as a fee of the office;

(ii) the additional issuance fee now allowed; and

(iii) 3% of license fees to defray the expenses of the State License Bureau; and

(2) except as provided in subsection [(c)] **(D)** of this section, the clerk shall distribute the remaining license fees:

(i) to the municipal corporation where the licensed business or activity is located, if the licensed business or activity is located in a municipal corporation; or

(ii) to the county where the licensed business or activity is located, if the licensed business or activity is not located in a municipal corporation.

**(C) A CLERK SHALL ACCOUNT FOR AND PAY INTO THE GENERAL FUND OF THE STATE THE ENTIRE FEE RECEIVED FOR A TRADER'S LICENSE ISSUED IN A**

**COUNTY OR MUNICIPAL CORPORATION THAT SELECTS A UNIFORM LICENSE FEE UNDER § 17-1807.1 OF THIS TITLE.**

**[(c)] (D)** (1) For purposes of this subsection, per capita revenue shall be computed by using the population figures from the later of:

- (i) the most recent federal census; or
- (ii) an official local census.

(2) The clerk may not distribute license fees to a county or municipal corporation unless the county or municipal corporation:

- (i) levies, in its current fiscal year, taxes sufficient to collect at least \$1.00 per capita in revenue; and
- (ii) certifies to the Comptroller a copy of the levy.

(3) The clerk shall pay into the General Fund of the State any money that is not distributed at the end of the fiscal year of a county or municipal corporation because the county or municipal corporation failed to make the levy and certification required by paragraph (2) of this subsection.

17-302.

(c) (1) In this subsection, “county treasurer” includes the Director of Finance or other chief fiscal officer of a county that does not have a county treasurer.

(2) This subsection does not apply to a domestic corporation that has shares subject to taxation under State law.

(3) **[An] EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN** applicant for a license shall submit to the clerk:

(i) a certification by the State Department of Assessments and Taxation of the value of the goods, fixtures, and stock in trade in each county where the business is located for the applicant’s business for the valuation year;

(ii) a certification by the county treasurer of that county that there are no unpaid taxes due to the State or county on the goods, fixtures, or stock in trade; and

(iii) a certification by the municipal corporation, if any, where the business is located that there are no unpaid taxes due to the municipal corporation on the goods, fixtures, or stock in trade.

(4) In this subsection, the valuation year:

(i) in Washington County, is the fiscal year that includes May 1 of the calendar year when the license is issued; or

(ii) in each other county, is the last calendar year before the year for which the license is sought.

17-1804.

(a) Except as otherwise provided in this subtitle, a person must have a trader's license whenever the person:

(1) does business as a trader in the State; or

(2) does business as an exhibitor in the State.

17-1806.

(a) An applicant for a trader's license shall state in the application the place where the applicant will do business as a trader.

(b) (1) [This subsection does not apply if the average value of the applicant's stock in trade exceeds \$10,000.

(2)] An applicant for a trader's license may apply under this subsection if the applicant has a defect in vision such that:

(i) visual acuity in the applicant's better eye does not exceed 20/140 with correcting lenses; or

(ii) the widest diameter of the applicant's visual field subtends an angle not exceeding 20 degrees.

[(3)] (2) An applicant for a trader's license under this subsection shall submit to the clerk:

(i) a signed certificate, from a licensed physician who specializes in treatment of the eye, that the applicant's vision meets the standard of paragraph [(2)] (1) of this subsection; and

(ii) an affidavit that the applicant is the owner of the place of business listed in the application.

[(4)] (3) Blind Industries also may apply for a trader's license under this subsection for a business that it operates, if Blind Industries submits to the clerk an affidavit that:

(i) Blind Industries operates the business listed in the application;  
and

(ii) the manager of the business has vision that meets the standard of paragraph [(2)] (1) of this subsection.

17-1807.

(a) (1) In Baltimore County, the clerk may not issue a trader's license for the first time without the approval of the zoning commissioner.

[(b)] (2) In an area of Cecil County where the Cecil County Office of Planning and Zoning has jurisdiction, the clerk may not issue a trader's license for the first time until the applicant has obtained zoning approval from that office.

[(c) (1)] (3) (I) In Howard County, the clerk may not issue a trader's license for the first time without the approval of the Director of the Office of Planning and Zoning.

[(2)] (II) Within 3 working days after an application for a trader's license is submitted for review to the Director of the Office of Planning and Zoning, the Director shall notify the clerk of the approval or disapproval of the application.

**(B) (1) THIS SUBSECTION DOES NOT APPLY TO A COUNTY OR MUNICIPAL CORPORATION THAT SELECTS A UNIFORM LICENSE FEE UNDER § 17-1807.1 OF THIS SUBTITLE.**

**(2) A CLERK MAY NOT ISSUE A TRADER'S LICENSE UNTIL THE CLERK ~~VERIFIES~~ REVIEWES THE ACCURACY OF THE STATEMENT MADE BY THE APPLICANT ON THE APPLICATION FOR A TRADER'S LICENSE UNDER § 17-1806 OF THIS SUBTITLE REGARDING THE PLACE WHERE THE APPLICANT WILL DO BUSINESS AS A TRADER.**

17-1807.1.

**(A) ON OR BEFORE OCTOBER 1 EACH YEAR, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY SELECT A UNIFORM LICENSE FEE FOR A TRADER'S LICENSE UNDER § 17-1808(B) OF THIS SUBTITLE BY SUBMITTING ITS SELECTION ON A FORM PROVIDED BY THE COMPTROLLER AND THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.**

**(B) A SELECTION BY THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION UNDER THIS SECTION IS IRREVOCABLE.**

17-1808.

(a) (1) Except as otherwise provided in this section, an applicant for a trader's license shall pay to the clerk a license fee [based on the value of the applicant's stock-in-trade].

**(2) IF THE APPLICANT'S BUSINESS IS LOCATED IN A COUNTY OR MUNICIPAL CORPORATION THAT SELECTS A UNIFORM LICENSE FEE UNDER § 17-1807.1 OF THIS SUBTITLE, THE APPLICANT:**

**(I) SHALL PAY THE LICENSE FEE SET FORTH IN SUBSECTION (B) OF THIS SECTION; AND**

**(II) IF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH THE BUSINESS IS LOCATED PROVIDES A FULL TAX EXEMPTION FOR COMMERCIAL INVENTORY, MAY NOT BE REQUIRED TO SUBMIT A CERTIFICATION BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE VALUE OF THE GOODS, FIXTURES, AND STOCK-IN-TRADE UNDER § 17-302 OF THIS TITLE.**

**(3) IF THE APPLICANT'S BUSINESS IS LOCATED IN A COUNTY OR MUNICIPAL CORPORATION WITH A LICENSE FEE BASED ON THE VALUE OF THE APPLICANT'S STOCK-IN-TRADE, THE APPLICANT SHALL PAY THE LICENSE FEE UNDER SUBSECTION (C) OF THIS SECTION.**

**(B) (1) THIS SUBSECTION APPLIES ONLY TO A COUNTY OR MUNICIPAL CORPORATION THAT SELECTS A UNIFORM LICENSE FEE FOR A TRADER'S LICENSE UNDER § 17-1807.1 OF THIS SUBTITLE.**

**(2) IN A COUNTY OTHER THAN BALTIMORE CITY OR BALTIMORE COUNTY, THE LICENSE FEE IS \$15.**

**(3) IN BALTIMORE CITY OR BALTIMORE COUNTY, THE LICENSE FEE IS \$20.**

**(C) (1) THIS SUBSECTION APPLIES ONLY TO A COUNTY OR MUNICIPAL CORPORATION WITH A LICENSE FEE BASED ON THE VALUE OF THE APPLICANT'S STOCK-IN-TRADE.**

(2) In a county other than Baltimore City or Baltimore County, the license fee is:

(i) \$15, if the value of the applicant's stock-in-trade is not more than \$1,000;

(ii) \$18, if the value is more than \$1,000 but not more than \$1,500;

(iii) \$20, if the value is more than \$1,500 but not more than \$2,500;

- (iv) \$25, if the value is more than \$2,500 but not more than \$4,000;
- (v) \$30, if the value is more than \$4,000 but not more than \$6,000;
- (vi) \$40, if the value is more than \$6,000 but not more than \$8,000;
- (vii) \$50, if the value is more than \$8,000 but not more than \$10,000;
- (viii) \$65, if the value is more than \$10,000 but not more than \$15,000;
- (ix) \$80, if the value is more than \$15,000 but not more than \$20,000;
- (x) \$100, if the value is more than \$20,000 but not more than \$30,000;
- (xi) \$125, if the value is more than \$30,000 but not more than \$40,000;
- (xii) \$150, if the value is more than \$40,000 but not more than \$50,000;
- (xiii) \$200, if the value is more than \$50,000 but not more than \$75,000;
- (xiv) \$250, if the value is more than \$75,000 but not more than \$100,000;
- (xv) \$300, if the value is more than \$100,000 but not more than \$150,000;
- (xvi) \$350, if the value is more than \$150,000 but not more than \$200,000;
- (xvii) \$400, if the value is more than \$200,000 but not more than \$300,000;
- (xviii) \$500, if the value is more than \$300,000 but not more than \$400,000;
- (xix) \$600, if the value is more than \$400,000 but not more than \$500,000;
- (xx) \$750, if the value is more than \$500,000 but not more than \$750,000; or
- (xxi) \$800, if the value is more than \$750,000.

- (3) In Baltimore City, the license fee is:
- (i) \$20, if the value of the applicant's stock-in-trade is not more than \$1,000;
  - (ii) \$40, if the value is more than \$1,000 but not more than \$5,000;
  - (iii) \$80, if the value is more than \$5,000 but not more than \$10,000;
  - (iv) \$160, if the value is more than \$10,000 but not more than \$50,000;
  - (v) \$375, if the value is more than \$50,000 but not more than \$100,000;
  - (vi) \$1,000, if the value is more than \$100,000 but not more than \$300,000;
  - (vii) \$1,500, if the value is more than \$300,000 but not more than \$750,000; or
  - (viii) \$2,125, if the value is more than \$750,000.
- (4) In Baltimore County, the license fee is:
- (i) \$20, if the value of the applicant's stock-in-trade is not more than \$1,000;
  - (ii) \$40, if the value is more than \$1,000 but not more than \$5,000;
  - (iii) \$80, if the value is more than \$5,000 but not more than \$10,000;
  - (iv) \$160, if the value is more than \$10,000 but not more than \$50,000;
  - (v) \$375, if the value is more than \$50,000 but not more than \$100,000;
  - (vi) \$450, if the value is more than \$100,000 but not more than \$200,000;
  - (vii) \$500, if the value is more than \$200,000 but not more than \$300,000;
  - (viii) \$775, if the value is more than \$300,000 but not more than \$400,000;

- (ix) \$1,000, if the value is more than \$400,000 but not more than \$500,000;
- (x) \$1,250, if the value is more than \$500,000 but not more than \$750,000; and
- (xi) \$1,600, if the value is more than \$750,000.

**[(b)] (D)** (1) This subsection does not apply to a domestic corporation that has shares subject to taxation under State law.

(2) In determining the value of an applicant's stock-in-trade, the clerk shall accept as prima facie evidence the values shown on the certification of the State Department of Assessments and Taxation required by § 17-302 of this title.

**[(c)] (E)** [Notwithstanding the provisions of this section, if the average value of the applicant's stock-in-trade is \$10,000 or less,] **A LICENSE FEE SHALL BE WAIVED FOR:**

**(1)** a visually handicapped applicant who meets the standards of [§ 17-1806(b)(2)] **§ 17-1806(B)(1)** of this subtitle [or Blind Industries shall pay to the clerk a license fee of only \$6]; **AND**

**(2) BLIND INDUSTRIES.**

17-1813.

(a) Except as provided in subsection (b) of this section, a trader may transfer the trader's license to a person who:

- (1) buys the stock-in-trade of the trader; and
- (2) buys or rents the place of business of the trader.

(b) (1) A trader's license issued to a visually handicapped individual or Blind Industries is not transferable.

(2) However, Blind Industries may change the manager of the place of business for which a trader's license was issued if the new manager has vision that meets the standard of [§ 17-1806(b)(2)] **§ 17-1806(B)(1)** of this subtitle.

(c) Whenever a trader sells the trader's stock-in-trade and transfers the trader's license:

(1) the transfer of the trader's license shall be reported to the clerk who issued the license; and

(2) the clerk shall:

(i) record the transfer of the trader's license; and

(ii) charge 50 cents for doing so.

(d) (1) In Baltimore County, the clerk may not issue a transferred trader's license without the approval of the zoning commissioner.

(2) (i) In Howard County, the clerk may not issue a transferred trader's license without the approval of the Director of the Office of Planning and Zoning.

(ii) Within 3 working days after an application for issuance of a transferred trader's license is submitted for review by the Director of the Office of Planning and Zoning, the Director shall notify the clerk of the approval or disapproval of the application.

(e) A person who buys a trader's license may do business as a trader for the rest of the term of the trader's license.

### **Article – Tax – Property**

11–101.

(a) On or before April 15 of each year, a person shall submit a report on personal property to the Department if:

(1) the person is a business trust, statutory trust, domestic corporation, limited liability company, limited liability partnership, or limited partnership;

(2) the person is a foreign corporation, foreign statutory trust, foreign limited liability company, foreign limited liability partnership, or foreign limited partnership registered or qualified to do business in the State; or

(3) the person owns or during the preceding calendar year owned property that is subject to property tax.

(b) The report shall:

(1) be in the form that the Department requires;

(2) be under oath as the Department requires; and

(3) contain the information that the Department requires.

(C) ON OR BEFORE DECEMBER 31, 2019, THE DEPARTMENT SHALL ADOPT REGULATIONS ON THE GRANTING OF EXEMPTIONS FROM THE REPORTING REQUIREMENT UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 571

### (House Bill 77)

AN ACT concerning

#### Criminal Law – Decriminalization of Attempted Suicide

FOR the purpose of providing that attempted suicide is not a crime in the State; ~~prohibiting a certain act, in itself, from being the basis of a certain criminal charge; providing for the construction of this Act;~~ providing that the common law offense of attempted suicide is abrogated and repealed; and generally relating to attempted suicide.

BY adding to

Article – Criminal Law

Section 3–101.1 to be under the amended subtitle “Subtitle 1. Suicide”

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

#### Article – Criminal Law

Subtitle 1. [Assisted] Suicide.

#### 3–101.1.

(A) ATTEMPTED SUICIDE IS NOT A CRIME IN THE STATE.

(B) ~~THE ACT OF ATTEMPTING TO COMMIT SUICIDE, IN ITSELF, MAY NOT FORM THE BASIS OF A CRIMINAL CHARGE AGAINST THE PERSON WHO ATTEMPTED TO COMMIT SUICIDE.~~

~~(c)~~ THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A PERSON WHO COMMITS ONE OR MORE CRIMES IN THE COURSE OF ATTEMPTING TO COMMIT SUICIDE FROM BEING CHARGED WITH THE OTHER CRIME OR CRIMES.

SECTION 2. AND BE IT FURTHER ENACTED, That the common law offense of attempted suicide is hereby abrogated and repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 572

(House Bill 82)

AN ACT concerning

### **Transportation – Complete Streets – Access to Healthy Food and Necessities**

FOR the purpose of ~~requiring a complete streets policy adopted by certain modal administrations of the Department of Transportation to create access to healthy food for certain individuals living in food deserts; authorizing grants under the Complete Streets Program to be used to encourage certain certified jurisdictions to develop ranking systems for certain projects that prioritize designs that create access to healthy food in food deserts; specifying that a goal of the Program is to create access to healthy food for certain individuals living in food deserts; requiring the Governor, each fiscal year, to appropriate a certain amount from the Transportation Trust Fund for the Program; defining the term “food desert”; altering a certain definition~~ altering the Complete Streets Program by adding access to retail stores that provide healthy food and other necessities, especially in certain areas, as a design feature of the complete streets policy and as a design feature and goal of the Program; making certain technical corrections; providing for the construction of this Act; defining a certain term; and generally relating to complete streets policies and the Complete Streets Program.

BY repealing and reenacting, without amendments,  
Article – Housing and Community Development  
Section 6–308(c)  
Annotated Code of Maryland  
(2006 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 2–112, 8–901, ~~and 8–903~~ 8–903, and 8–905(b)(1)(ii)

Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

~~BY repealing~~

~~Article – Transportation~~

~~Section 8–904~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

~~Article – Transportation~~

~~Section 8–904~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2018 Supplement)~~

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

### **Article – Housing and Community Development**

6–308.

(c) The Secretary, on the recommendation of the Interagency Food Desert Advisory Committee established under § 6–308.2 of this subtitle, may designate an area as a food desert after considering the following factors:

- (1) availability of fresh fruit, vegetables, and other healthy foods in the area;
- (2) income levels of local residents;
- (3) transportation needs of local residents and the availability of public transportation;
- (4) comments from local governments; and
- (5) any other factors that the Department considers relevant.

### **Article – Transportation**

2–112.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Complete streets design features” means design features that accommodate and facilitate safe and convenient access and mobility to facilities by all users, including bicyclists, motorists, pedestrians, and public transportation users.

(ii) “Complete streets design features” includes:

1. Paved shoulders suitable for use by bicyclists;
2. Protected bicycle lanes;
3. Share the road signage;
4. Crosswalks;
5. Pedestrian control signals;
6. Bus access and safety measures;
7. Sidewalks;
8. Shared use pathways; [and]
9. Green stormwater infrastructure; AND

**10. ~~ROUTES THAT CREATE ACCESS TO HEALTHY FOOD IN FOOD DESERTS~~ ACCESS TO RETAIL STORES THAT PROVIDE HEALTHY FOOD AND OTHER NECESSITIES, ESPECIALLY IN FOOD DESERTS DESIGNATED UNDER § 6-308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

(3) “Complete streets policy” means a policy that provides information for the implementation of complete streets design features during the planning, design, construction, and reconstruction of a facility.

(4) “Facility” means:

- (i) An airport facility, as defined in § 5-101 of this article, that is owned or operated by the State;
- (ii) A State highway, as defined in § 8-101 of this article; and
- (iii) A transit facility, as defined in § 7-101 of this article.

**~~(5) “FOOD DESERT” MEANS A COMMUNITY THAT DOES NOT HAVE EASY ACCESS TO HEALTHY FOOD, INCLUDING FRESH FRUITS AND VEGETABLES, TYPICALLY IN THE FORM OF A SUPERMARKET, GROCERY STORE, OR FARMERS’ MARKET.~~**

**~~(5)~~ (6)** “Green stormwater infrastructure” means infrastructure implemented using best management practices that reduce the volume of stormwater

runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other effective method.

(b) This section applies to a facility in:

- (1) The Maryland Aviation Administration, as required under § 5–408.1 of this article;
- (2) The Maryland Transit Administration, as required under § 7–310 of this article; and
- (3) The State Highway Administration, as required under § 8–204.1 of this article.

(c) Except as provided in subsection (d) of this section, a complete streets policy adopted in accordance with this section shall:

- (1) Be implemented with the objective of creating a comprehensive, integrated, and connected transportation network that allows users to choose among different modes of transportation;
- (2) Ensure that all users are considered during the planning, design, construction, and reconstruction phases of a facility;
- (3) Benefit all users equitably to the extent feasible while taking into consideration the needs of the most underinvested and underserved communities;
- (4) When practicable, require the accommodation of other modes of transportation;
- (5) Recognize that all facilities are different and user needs should be balanced to ensure community enhancement; ~~and~~
- (6) Incorporate best practices related to complete streets design features;

**AND**

~~(7) CREATE ACCESS TO HEALTHY FOOD FOR INDIVIDUALS WITHOUT PERSONAL VEHICLES LIVING IN FOOD DESERTS.~~

(d) Exceptions to the requirements of this section may be adopted when circumstances or laws exist that prohibit or limit the ability to provide favorable conditions for all modes of transportation.

8–901.

(a) In this subtitle the following words have the meanings indicated.

(b) “Certified jurisdiction” means a local government that has been certified by the Department in accordance with § 8–905 of this subtitle.

(c) “Complete streets” means streets that provide accommodations for users of multiple modes of transportation.

(d) **“COMPLETE STREETS DESIGN FEATURES” HAS THE MEANING STATED IN § 2–112 OF THIS ARTICLE.**

(E) “Complete streets policy” means a law, a bylaw, an ordinance, or an administrative policy adopted by a local government in accordance with § 8–905 of this subtitle.

~~(F)~~ (F) “Eligible project” means a local government or State highway, street, or road retrofit project that includes the addition of or significant repair to facilities that provide access for users of multiple modes of transportation.

~~(F) “FOOD DESERT” MEANS A COMMUNITY THAT DOES NOT HAVE EASY ACCESS TO HEALTHY FOOD, INCLUDING FRESH FRUITS AND VEGETABLES, TYPICALLY IN THE FORM OF A SUPERMARKET, GROCERY STORE, OR FARMERS’ MARKET.~~

[(f)] (G) “Green stormwater infrastructure” means infrastructure implemented using best management practices that reduce the volume of stormwater runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other effective method.

[(g)] (H) “Local government” means a county or municipality in the State.

[(h)] (I) “Program” means the Complete Streets Program established under this subtitle.

8–903.

(a) The purpose of the Program is to provide matching grants to certified jurisdictions to encourage:

(1) The regular and routine inclusion of complete streets design ~~elements~~ **FEATURES** and infrastructure during the planning, design, construction, and reconstruction of new or existing locally funded roads;

(2) The adoption of urban retrofit street ordinances designed to provide safe access to users of multiple modes of transportation; ~~and~~

(3) The development of ranking systems for complete streets projects that consider the needs of underinvested and underserved communities in specific geographic regions of the State;~~AND~~

~~(4) THE DEVELOPMENT OF RANKING SYSTEMS FOR COMPLETE STREETS PROJECTS THAT PRIORITIZE DESIGNS TO CREATE ACCESS TO HEALTHY FOOD IN FOOD DESERTS.~~

(b) The goals of the Program are to:

(1) Promote healthy communities by encouraging the use of multiple modes of transportation other than single-occupancy motor vehicles;

(2) Improve safety by designing streets to include DESIGN features such as:

(i) Wider sidewalks;

(ii) Dedicated bike facilities;

(iii) Medians;

(iv) Pedestrian streetscape DESIGN features; and

(v) Green stormwater infrastructure;

(3) Protect the environment and improve water quality by using green stormwater infrastructure to reduce stormwater runoff from rights-of-way;

(4) Reduce congestion by providing safe alternatives to single-occupancy motor vehicle driving;

(5) Preserve community character by ~~involving~~:

(I) INVOLVING local and diverse communities and stakeholders in planning, prioritization, and design decisions; ~~and~~

(II) FACILITATING ACCESS TO RETAIL STORES THAT PROVIDE HEALTHY FOODS AND OTHER NECESSITIES, ESPECIALLY IN FOOD DESERTS DESIGNATED UNDER § 6-308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; AND

(6) Provide for the equitable distribution of complete streets funds that takes into consideration the needs of underinvested and underserved communities in specific geographic regions of the State;~~AND~~

~~(7) CREATE ACCESS TO HEALTHY FOOD FOR INDIVIDUALS WITHOUT PERSONAL VEHICLES LIVING IN FOOD DESERTS.~~

~~§ 904.~~

~~Funds for the Program shall be as provided by the Governor in the State budget.]~~

~~§ 904.~~

~~FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL APPROPRIATE AT LEAST \$1,000,000 FROM THE TRANSPORTATION TRUST FUND FOR THE COMPLETE STREETS PROGRAM.~~

8-905.

(b) (1) A complete streets policy adopted by a local government shall:

(ii) Require the development of procedures to follow when conducting local road repairs, upgrades, or expansion projects to incorporate complete streets [elements] DESIGN FEATURES;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to require the Maryland Department of Transportation to provide staff or operating expenses for the administration of the Complete Streets Program until money is appropriated in the State budget for the Program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 573

(Senate Bill 116)

AN ACT concerning

### **Transportation – Complete Streets – Access to Healthy Food and Necessities**

FOR the purpose of ~~requiring a complete streets policy adopted by certain modal administrations of the Department of Transportation to create access to healthy food for certain individuals living in food deserts; authorizing grants under the Complete Streets Program to be used to encourage certain certified jurisdictions to develop ranking systems for certain projects that prioritize designs that create access to~~

~~healthy food in food deserts; specifying that a goal of the Program is to create access to healthy food for certain individuals living in food deserts; requiring the Governor, each fiscal year, to appropriate a certain amount from the Transportation Trust Fund for the Program; defining the term “food desert”; altering a certain definition altering the Complete Streets Program by adding access to retail stores that provide healthy food and other necessities, especially in certain areas, as a design feature of the complete streets policy and as a design feature and goal of the Program; making certain technical corrections; providing for the construction of this Act; defining a certain term; and generally relating to complete streets policies and the Complete Streets Program.~~

BY repealing and reenacting, without amendments,

Article – Housing and Community Development

Section 6–308(c)

Annotated Code of Maryland

(2006 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 2–112, 8–901, ~~and 8–903~~ 8–903, and 8–905(b)(1)(ii)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

~~BY repealing~~

~~Article – Transportation~~

~~Section 8–904~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

~~Article – Transportation~~

~~Section 8–904~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2018 Supplement)~~

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

**Article – Housing and Community Development**

6–308.

(c) The Secretary, on the recommendation of the Interagency Food Desert Advisory Committee established under § 6–308.2 of this subtitle, may designate an area as a food desert after considering the following factors:

- area;
- (1) availability of fresh fruit, vegetables, and other healthy foods in the
  - (2) income levels of local residents;
  - (3) transportation needs of local residents and the availability of public  
transportation;
  - (4) comments from local governments; and
  - (5) any other factors that the Department considers relevant.

### Article – Transportation

2–112.

- (a) (1) In this section the following words have the meanings indicated.

(2) (i) “Complete streets design features” means design features that accommodate and facilitate safe and convenient access and mobility to facilities by all users, including bicyclists, motorists, pedestrians, and public transportation users.

- (ii) “Complete streets design features” includes:

1. Paved shoulders suitable for use by bicyclists;
2. Protected bicycle lanes;
3. Share the road signage;
4. Crosswalks;
5. Pedestrian control signals;
6. Bus access and safety measures;
7. Sidewalks;
8. Shared use pathways; [and]
9. Green stormwater infrastructure; AND

**10. ~~ROUTES THAT CREATE ACCESS TO HEALTHY FOOD IN FOOD DESERTS~~ ACCESS TO RETAIL STORES THAT PROVIDE HEALTHY FOOD AND OTHER NECESSITIES, ESPECIALLY IN FOOD DESERTS DESIGNATED UNDER § 6–308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

(3) “Complete streets policy” means a policy that provides information for the implementation of complete streets design features during the planning, design, construction, and reconstruction of a facility.

(4) “Facility” means:

(i) An airport facility, as defined in § 5–101 of this article, that is owned or operated by the State;

(ii) A State highway, as defined in § 8–101 of this article; and

(iii) A transit facility, as defined in § 7–101 of this article.

~~(5) “FOOD DESERT” MEANS A COMMUNITY THAT DOES NOT HAVE EASY ACCESS TO HEALTHY FOOD, INCLUDING FRESH FRUITS AND VEGETABLES, TYPICALLY IN THE FORM OF A SUPERMARKET, GROCERY STORE, OR FARMERS’ MARKET.~~

~~(5)~~ (6) “Green stormwater infrastructure” means infrastructure implemented using best management practices that reduce the volume of stormwater runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other effective method.

(b) This section applies to a facility in:

(1) The Maryland Aviation Administration, as required under § 5–408.1 of this article;

(2) The Maryland Transit Administration, as required under § 7–310 of this article; and

(3) The State Highway Administration, as required under § 8–204.1 of this article.

(c) Except as provided in subsection (d) of this section, a complete streets policy adopted in accordance with this section shall:

(1) Be implemented with the objective of creating a comprehensive, integrated, and connected transportation network that allows users to choose among different modes of transportation;

(2) Ensure that all users are considered during the planning, design, construction, and reconstruction phases of a facility;

(3) Benefit all users equitably to the extent feasible while taking into consideration the needs of the most underinvested and underserved communities;

(4) When practicable, require the accommodation of other modes of transportation;

(5) Recognize that all facilities are different and user needs should be balanced to ensure community enhancement; ~~{and}~~

(6) Incorporate best practices related to complete streets design features; ~~AND~~

~~(7) CREATE ACCESS TO HEALTHY FOOD FOR INDIVIDUALS WITHOUT PERSONAL VEHICLES LIVING IN FOOD DESERTS.~~

(d) Exceptions to the requirements of this section may be adopted when circumstances or laws exist that prohibit or limit the ability to provide favorable conditions for all modes of transportation.

8-901.

(a) In this subtitle the following words have the meanings indicated.

(b) “Certified jurisdiction” means a local government that has been certified by the Department in accordance with § 8-905 of this subtitle.

(c) “Complete streets” means streets that provide accommodations for users of multiple modes of transportation.

(d) **“COMPLETE STREETS DESIGN FEATURES” HAS THE MEANING STATED IN § 2-112 OF THIS ARTICLE.**

**(E)** “Complete streets policy” means a law, a bylaw, an ordinance, or an administrative policy adopted by a local government in accordance with § 8-905 of this subtitle.

~~(e)~~ **(F)** “Eligible project” means a local government or State highway, street, or road retrofit project that includes the addition of or significant repair to facilities that provide access for users of multiple modes of transportation.

~~(F) “FOOD DESERT” MEANS A COMMUNITY THAT DOES NOT HAVE EASY ACCESS TO HEALTHY FOOD, INCLUDING FRESH FRUITS AND VEGETABLES, TYPICALLY IN THE FORM OF A SUPERMARKET, GROCERY STORE, OR FARMERS’ MARKET.~~

~~[(f)] (G)~~ “Green stormwater infrastructure” means infrastructure implemented using best management practices that reduce the volume of stormwater runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other effective method.

~~[(g)] (H)~~ “Local government” means a county or municipality in the State.

~~[(h)] (I)~~ “Program” means the Complete Streets Program established under this subtitle.

8–903.

(a) The purpose of the Program is to provide matching grants to certified jurisdictions to encourage:

(1) The regular and routine inclusion of complete streets design ~~elements~~ **FEATURES** and infrastructure during the planning, design, construction, and reconstruction of new or existing locally funded roads;

(2) The adoption of urban retrofit street ordinances designed to provide safe access to users of multiple modes of transportation; ~~and~~

(3) The development of ranking systems for complete streets projects that consider the needs of underinvested and underserved communities in specific geographic regions of the State; ~~AND~~

~~(4) THE DEVELOPMENT OF RANKING SYSTEMS FOR COMPLETE STREETS PROJECTS THAT PRIORITIZE DESIGNS TO CREATE ACCESS TO HEALTHY FOOD IN FOOD DESERTS.~~

(b) The goals of the Program are to:

(1) Promote healthy communities by encouraging the use of multiple modes of transportation other than single-occupancy motor vehicles;

(2) Improve safety by designing streets to include **DESIGN** features such as:

(i) Wider sidewalks;

(ii) Dedicated bike facilities;

(iii) Medians;

(iv) Pedestrian streetscape **DESIGN** features; and

(v) Green stormwater infrastructure;

(3) Protect the environment and improve water quality by using green stormwater infrastructure to reduce stormwater runoff from rights-of-way;

(4) Reduce congestion by providing safe alternatives to single-occupancy motor vehicle driving;

(5) Preserve community character by ~~involving~~:

(I) INVOLVING local and diverse communities and stakeholders in planning, prioritization, and design decisions; ~~and~~

(II) FACILITATING ACCESS TO RETAIL STORES THAT PROVIDE HEALTHY FOODS AND OTHER NECESSITIES, ESPECIALLY IN FOOD DESERTS DESIGNATED UNDER § 6-308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; AND

(6) Provide for the equitable distribution of complete streets funds that takes into consideration the needs of underinvested and underserved communities in specific geographic regions of the State; ~~AND~~

~~(7) CREATE ACCESS TO HEALTHY FOOD FOR INDIVIDUALS WITHOUT PERSONAL VEHICLES LIVING IN FOOD DESERTS.~~

~~§ 904.~~

~~Funds for the Program shall be as provided by the Governor in the State budget.]~~

~~§ 904.~~

~~FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL APPROPRIATE AT LEAST \$1,000,000 FROM THE TRANSPORTATION TRUST FUND FOR THE COMPLETE STREETS PROGRAM.~~

8-905.

(b) (1) A complete streets policy adopted by a local government shall:

(ii) Require the development of procedures to follow when conducting local road repairs, upgrades, or expansion projects to incorporate complete streets [elements] DESIGN FEATURES;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to require the Maryland Department of Transportation to provide staff or operating

expenses for the administration of the Complete Streets Program until money is appropriated in the State budget for the Program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 574**

### **(House Bill 84)**

AN ACT concerning

#### **Maryland Farms and Families Fund – Purpose, Use, Funding, and Grant Qualifications – Alterations**

FOR the purpose of altering the purpose and use of the Maryland Farms and Families Fund; requiring the Governor to include a certain appropriation to the Fund in the annual budget bill each fiscal year, beginning in a certain fiscal year; providing that the appropriation is in addition to certain other funding for a certain division in the Department of Agriculture; altering certain qualifications for certain nonprofit organizations to receive a certain grant from the Fund; making stylistic changes; and generally relating to the Maryland Farms and Families Fund.

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 10–2001 and 10–2002

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 10–2003 and 10–2004

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

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

#### **Article – Agriculture**

10–2001.

(a) In this subtitle the following words have the meanings indicated.

- (b) “FMNP” means the federal Farmers Market Nutrition Program.
- (c) “Fund” means the Maryland Farms and Families Fund.
- (d) “Program” means the Maryland Farms and Families Program.
- (e) “SNAP” means the federal Supplemental Nutrition Assistance Program.
- (f) “WIC” means the federal Special Supplemental Food Program for Women, Infants, and Children.

10–2002.

- (a) There is a Maryland Farms and Families Program in the Department.
- (b) The purpose of the Program is to double the purchasing power of food–insecure Maryland residents with limited access to fresh fruits and vegetables and to increase revenue for farmers through redemption of federal nutrition benefits at Maryland farmers markets.

10–2003.

- (a) There is a Maryland Farms and Families Fund.
- (b) The purpose of the Fund is to provide grants to [nonprofit]:
  - (1) NONPROFIT organizations that match purchases made with FMNP, SNAP, and WIC benefits at participating farmers markets [throughout the State];**
  - (2) NONPROFIT FARMERS MARKETS TO IMPLEMENT THE PROGRAM AT THE FARMERS MARKETS; AND**
  - (3) LOCAL NONPROFIT ORGANIZATIONS TO IMPLEMENT THE PROGRAM IN PARTNERSHIP WITH ONE OR MORE PARTICIPATING LOCAL FARMERS MARKETS.**
- (c) The Secretary shall administer the Fund.
- (d)
  - (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
  - (2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.
- (e) The Fund consists of:

(1) Money appropriated in the State budget to the Fund; and

(2) Any other money from any other source accepted for the benefit of the Fund.

(f) (1) In accordance with this subsection, the Fund shall be used to provide grants to [nonprofit organizations that meet the qualifications established in § 10–2004 of this subtitle]:

**(I) NONPROFIT ORGANIZATIONS THAT:**

**1. MEET THE QUALIFICATIONS ESTABLISHED IN § 10–2004 OF THIS SUBTITLE; AND**

**2. DISTRIBUTE THE GRANT MONEY TO FARMERS MARKETS AND LOCAL NONPROFIT ORGANIZATIONS IN ACCORDANCE WITH THIS SUBTITLE;**

**(II) NONPROFIT FARMERS MARKETS TO IMPLEMENT THE PROGRAM AT THE FARMERS MARKETS; AND**

**(III) LOCAL NONPROFIT ORGANIZATIONS TO IMPLEMENT THE PROGRAM IN PARTNERSHIP WITH ONE OR MORE LOCAL FARMERS MARKETS.**

(2) A qualified nonprofit organization that receives a grant under this section:

(i) Shall distribute at least 70% of the grant money it receives [to participating Maryland farmers markets for healthy local food incentives] **DIRECTLY TO PARTICIPATING FARMERS MARKETS AS MATCHING DOLLARS FOR PURCHASES MADE WITH FMNP, SNAP, AND WIC BENEFITS;** and

(ii) May not use more than 30% of the grant money it receives for [statewide] Program development, promotion and outreach, farmers market training and capacity building, technical assistance, program data collection, evaluation, administration, and reporting.

(g) **(1)** [Subject to the limitations of the State budget] ~~FOR~~ **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER,** the Governor shall include in the annual budget bill [a proposed General Fund] **AN** appropriation ~~OF \$500,000~~ **\$100,000** to the Fund [of \$500,000 for each fiscal year].

**(2) THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO, AND MAY NOT SUPPLANT, ANY FUNDING APPROPRIATED TO THE MARKETING AND PROMOTION DIVISION IN THE DEPARTMENT.**

10-2004.

(a) **(1)** A nonprofit organization is qualified to receive a grant in accordance with this subtitle if the Department determines that the nonprofit organization has a demonstrated record of:

~~(1)~~ **(I)** [Building a statewide network;

**(2)** Designing and implementing successful healthy food incentive programs that connect federal food benefits recipients with local producers;

**(3)** ~~(2)~~ **(II)** Implementing funds distributing and reporting processes;

**(4)** ~~(3)~~ **(III)** Providing training and technical assistance to farmers markets;

**(5)** ~~(4)~~ **(IV)** Conducting community outreach and data collection, including customer surveys; and

**(6)** ~~(5)~~ **(V)** Providing a full accounting and administration of funds distributed to farmers markets.

**(2) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, IN AWARDING A GRANT IN ACCORDANCE WITH THIS SUBTITLE, THE DEPARTMENT MAY CONSIDER WHETHER THE NONPROFIT ORGANIZATION HAS A DEMONSTRATED RECORD OF PROVIDING SERVICES IN FOOD DESERTS.**

(b) Within 90 days after the end of a grant cycle, a qualified nonprofit organization that received a grant in accordance with this subtitle shall submit a report to the Department that includes the following information:

(1) The names and locations of Maryland farmers markets that received funds under the Program;

(2) The dollar amount of funds awarded to each participating farmers market;

(3) The dollar amount of FMNP, SNAP, and WIC benefits, and funds provided under the Program that were spent at participating farmers markets, as well as any unspent funds;

(4) The number of FMNP, SNAP, and WIC transactions carried out at participating farmers markets; and

(5) The impact of the Program on increasing the quantity of fresh fruits and vegetables consumed by FMNP, SNAP, and WIC families, as determined by customer surveys.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 575

(Senate Bill 483)

AN ACT concerning

### **Maryland Farms and Families Fund – Purpose, Use, Funding, and Grant Qualifications – Alterations**

FOR the purpose of altering the purpose and use of the Maryland Farms and Families Fund; requiring the Governor to include a certain appropriation to the Fund in the annual budget bill each fiscal year, beginning in a certain fiscal year; providing that the appropriation is in addition to certain other funding for a certain division in the Department of Agriculture; altering certain qualifications for certain nonprofit organizations to receive a certain grant from the Fund; making stylistic changes; and generally relating to the Maryland Farms and Families Fund.

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 10–2001 and 10–2002

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 10–2003 and 10–2004

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

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

### **Article – Agriculture**

10–2001.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “FMNP” means the federal Farmers Market Nutrition Program.
- (c) “Fund” means the Maryland Farms and Families Fund.
- (d) “Program” means the Maryland Farms and Families Program.
- (e) “SNAP” means the federal Supplemental Nutrition Assistance Program.
- (f) “WIC” means the federal Special Supplemental Food Program for Women, Infants, and Children.

10–2002.

- (a) There is a Maryland Farms and Families Program in the Department.
- (b) The purpose of the Program is to double the purchasing power of food–insecure Maryland residents with limited access to fresh fruits and vegetables and to increase revenue for farmers through redemption of federal nutrition benefits at Maryland farmers markets.

10–2003.

- (a) There is a Maryland Farms and Families Fund.
- (b) The purpose of the Fund is to provide grants to [nonprofit]:
  - (1) **NONPROFIT** organizations that match purchases made with FMNP, SNAP, and WIC benefits at participating farmers markets [throughout the State];
  - (2) **NONPROFIT FARMERS MARKETS TO IMPLEMENT THE PROGRAM AT THE FARMERS MARKETS; AND**
  - (3) **LOCAL NONPROFIT ORGANIZATIONS TO IMPLEMENT THE PROGRAM IN PARTNERSHIP WITH ONE OR MORE PARTICIPATING LOCAL FARMERS MARKETS.**
- (c) The Secretary shall administer the Fund.
- (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(e) The Fund consists of:

(1) Money appropriated in the State budget to the Fund; and

(2) Any other money from any other source accepted for the benefit of the Fund.

(f) (1) In accordance with this subsection, the Fund shall be used to provide grants to [nonprofit organizations that meet the qualifications established in § 10–2004 of this subtitle]:

**(I) NONPROFIT ORGANIZATIONS THAT:**

**1. MEET THE QUALIFICATIONS ESTABLISHED IN § 10–2004 OF THIS SUBTITLE; AND**

**2. DISTRIBUTE THE GRANT MONEY TO FARMERS MARKETS AND LOCAL NONPROFIT ORGANIZATIONS IN ACCORDANCE WITH THIS SUBTITLE;**

**(II) NONPROFIT FARMERS MARKETS TO IMPLEMENT THE PROGRAM AT THE FARMERS MARKETS; AND**

**(III) LOCAL NONPROFIT ORGANIZATIONS TO IMPLEMENT THE PROGRAM IN PARTNERSHIP WITH ONE OR MORE LOCAL FARMERS MARKETS.**

(2) A qualified nonprofit organization that receives a grant under this section:

(i) Shall distribute at least 70% of the grant money it receives [to participating Maryland farmers markets for healthy local food incentives] **DIRECTLY TO PARTICIPATING FARMERS MARKETS AS MATCHING DOLLARS FOR PURCHASES MADE WITH FMNP, SNAP, AND WIC BENEFITS;** and

(ii) May not use more than 30% of the grant money it receives for [statewide] Program development, promotion and outreach, farmers market training and capacity building, technical assistance, program data collection, evaluation, administration, and reporting.

(g) **(1) [Subject to the limitations of the State budget] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER,** the Governor shall include in the annual budget bill [a proposed

General Fund] AN appropriation OF ~~\$500,000~~ \$100,000 to the Fund [of \$500,000 for each fiscal year].

**(2) THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO, AND MAY NOT SUPPLANT, ANY FUNDING APPROPRIATED TO THE MARKETING AND PROMOTION DIVISION IN THE DEPARTMENT.**

10-2004.

(a) **(1)** A nonprofit organization is qualified to receive a grant in accordance with this subtitle if the Department determines that the nonprofit organization has a demonstrated record of:

~~(1)~~ **(I)** [Building a statewide network;

**(2)** Designing and implementing successful healthy food incentive programs that connect federal food benefits recipients with local producers;

**(3)** ~~(2)~~ **(II)** Implementing funds distributing and reporting processes;

**(4)** ~~(3)~~ **(III)** Providing training and technical assistance to farmers markets;

**(5)** ~~(4)~~ **(IV)** Conducting community outreach and data collection, including customer surveys; and

**(6)** ~~(5)~~ **(V)** Providing a full accounting and administration of funds distributed to farmers markets.

**(2) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, IN AWARDING A GRANT IN ACCORDANCE WITH THIS SUBTITLE, THE DEPARTMENT MAY CONSIDER WHETHER THE NONPROFIT ORGANIZATION HAS A DEMONSTRATED RECORD OF PROVIDING SERVICES IN FOOD DESERTS.**

(b) Within 90 days after the end of a grant cycle, a qualified nonprofit organization that received a grant in accordance with this subtitle shall submit a report to the Department that includes the following information:

(1) The names and locations of Maryland farmers markets that received funds under the Program;

(2) The dollar amount of funds awarded to each participating farmers market;

(3) The dollar amount of FMNP, SNAP, and WIC benefits, and funds provided under the Program that were spent at participating farmers markets, as well as any unspent funds;

(4) The number of FMNP, SNAP, and WIC transactions carried out at participating farmers markets; and

(5) The impact of the Program on increasing the quantity of fresh fruits and vegetables consumed by FMNP, SNAP, and WIC families, as determined by customer surveys.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 576

(House Bill 87)

AN ACT concerning

### **State Board of Education – Membership – ~~Teachers~~ Teacher and Parent Members**

FOR the purpose of altering the membership of the State Board of Education to add a ~~certain number of members who are certified teachers with certain experience~~ certain certified teacher and a parent of a certain student; authorizing the teacher ~~members~~ member to be appointed to the State Board although the ~~individuals are~~ individual is subject to the authority of the State Board; requiring the Governor to appoint a certain teacher ~~members~~ member with the advice and consent of the Senate ~~from a certain list submitted to the Governor by the State Department of Education~~ after an election by teachers in the State; ~~requiring a certain list submitted to the Governor by the Department to consist of a certain number of teacher members who received a certain number of votes after an election by teachers in the State;~~ requiring the State Department of Education to provide notice of a certain vacancy to certain individuals and organizations; requiring a certain election to be conducted under regulations that the Department adopts; authorizing the Department to consult with the State Retirement Agency of the Maryland State Retirement and Pension System to conduct a certain election; authorizing a certain teacher ~~members~~ member to attend and participate in certain sessions of the State Board; ~~prohibiting a~~ the teacher member from voting on certain matters; requiring the Governor to appoint a certain parent member with the advice and consent of the Senate from a certain list submitted to the Governor by the Maryland PTA; requiring the Department to provide notice of a certain vacancy to the Maryland PTA;

authorizing a certain parent member to attend and participate in certain sessions of the State Board; providing for the appointment and terms of certain initial teacher members and the initial parent member of the State Board; and generally relating to teacher and parent members of the State Board of Education.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 2–202  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2018 Supplement)

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

### Article – Education

2–202.

(a) The State Board consists of [11] ~~14~~ **13** regular members, and 1 student member, appointed by the Governor with the advice and consent of the Senate.

(b) (1) In making appointments to the State Board, the Governor shall consider representation from:

(i) All parts of this State; and

(ii) Areas of this State with concentrations of population or unique needs.

(2) **[The] EXCEPT AS PROVIDED IN PARAGRAPHS (4) THROUGH (6) OF THIS SUBSECTION, THE** members of the Board shall be appointed from the general public.

(3) The following individuals may not be appointed to the Board:

(i) Except for the **TEACHER MEMBERS MEMBER** AND student member, any individual who is subject to the authority of the Board;

(ii) The Governor; and

(iii) The State Superintendent.

**(4) (I) OF THE ~~14~~ 13 REGULAR MEMBERS OF THE STATE BOARD, TWO ONE REGULAR MEMBERS MEMBER SHALL BE A CERTIFIED TEACHERS;**

~~1. ONE OF WHOM SHALL HAVE EXPERIENCE TEACHING STUDENTS IN AT LEAST ONE OF THE ELEMENTARY GRADES, KINDERGARTEN THROUGH SIXTH GRADE; AND TEACHER WHO IS ACTIVELY TEACHING.~~

~~2. ONE OF WHOM SHALL HAVE EXPERIENCE TEACHING STUDENTS IN AT LEAST ONE OF THE SECONDARY GRADES, SEVENTH THROUGH TWELFTH GRADE.~~

(II) THE GOVERNOR SHALL APPOINT THE TEACHER ~~MEMBERS~~ MEMBER, WITH THE ADVICE AND CONSENT OF THE SENATE, ~~FROM A LIST SUBMITTED TO THE GOVERNOR BY THE DEPARTMENT, AND CONSISTING OF THE TWO TEACHER MEMBERS~~ WHO RECEIVED THE HIGHEST NUMBER OF VOTES AFTER AN ELECTION BY TEACHERS IN THE STATE.

(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF A TEACHER MEMBER VACANCY ON THE STATE BOARD TO:

1. ALL CERTIFIED TEACHERS WHO ARE ACTIVELY TEACHING IN THE STATE; AND

2. ALL ~~STATEWIDE~~ TEACHERS' ORGANIZATIONS REPRESENTING ~~A MAJORITY OF~~ TEACHERS IN THE STATE FOR PURPOSES OF COLLECTIVE BARGAINING.

(IV) 1. THE ELECTION SHALL BE CONDUCTED UNDER REGULATIONS THAT THE DEPARTMENT ADOPTS.

2. THE DEPARTMENT MAY CONSULT WITH THE STATE RETIREMENT AGENCY OF THE MARYLAND STATE RETIREMENT AND PENSION SYSTEM TO CONDUCT THE ELECTION REQUIRED UNDER THIS SUBPARAGRAPH.

(V) ~~A~~ THE TEACHER MEMBER MAY ATTEND AND PARTICIPATE IN AN EXECUTIVE SESSION OF THE STATE BOARD.

(VI) ~~A~~ THE TEACHER MEMBER MAY NOT VOTE ON ANY MATTER THAT RELATES TO APPEALS TO THE STATE BOARD UNDER § 6-202 OF THIS ARTICLE.

(5) (I) OF THE ~~14~~ 13 REGULAR MEMBERS OF THE STATE BOARD, ONE REGULAR MEMBER SHALL BE THE PARENT OF A STUDENT ENROLLED IN A PUBLIC SCHOOL IN THE STATE.

(II) THE GOVERNOR SHALL APPOINT THE PARENT MEMBER, WITH THE ADVICE AND CONSENT OF THE SENATE, FROM A LIST OF THREE QUALIFIED INDIVIDUALS SUBMITTED TO THE GOVERNOR BY THE MARYLAND PTA.

**(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF THE PARENT MEMBER VACANCY ON THE STATE BOARD TO THE MARYLAND PTA.**

**(IV) THE PARENT MEMBER MAY ATTEND AND PARTICIPATE IN AN EXECUTIVE SESSION OF THE STATE BOARD.**

[(4)] **(6)** The student member shall be selected by the Governor from a list of 2 persons nominated by the Maryland Association of Student Councils.

(c) (1) The student member shall be:

(i) A regularly enrolled student; and

(ii) In good standing in a public high school in the State.

(2) The student member may attend and participate in an executive session of the Board.

(3) The student member may not vote on any matter that relates to:

(i) The dismissal of or other disciplinary action involving personnel;

or

(ii) Appeals to the State Board under § 2–205 of this subtitle or § 4–205 or § 6–202 of this article.

(d) (1) Each regular member serves for a term of 4 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the State Board as of July 1, 1989.

(2) The Governor shall appoint a new member to fill any vacancy on the Board for the remainder of that term and until a successor is appointed and qualifies.

(3) A member is eligible for reappointment but may not serve for more than two full 4–year terms.

(4) The student member shall serve for a term of 1 year. A student member is eligible for reappointment but may not serve more than two full 1–year terms.

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall appoint, in accordance with § 2–202(b)(4) and (5) of the Education Article, as enacted by this Act:

(1) the ~~two~~ initial teacher ~~members~~ member of the State Board of Education ~~as follows:~~

~~(i) one teacher member shall serve for a term of 1 year and 6 months beginning January 1, 2020, and terminating at the end of June 30, 2021, or until a successor is appointed and qualifies; and~~

~~(ii) one teacher member, who shall serve for a term of 2 years and 6 months beginning January 1, 2020, and terminating at the end of June 30, 2022, or until a successor is appointed and qualifies; and~~

(2) the initial parent member of the State Board of Education, *who* shall serve for a term of 3 years and 6 months beginning January 1, 2020, and terminating at the end of June 30, 2023, or until a successor is appointed and qualifies.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 577

### (Senate Bill 529)

AN ACT concerning

#### State Board of Education – Membership – ~~Teachers~~ Teacher and Parent Members

FOR the purpose of altering the membership of the State Board of Education to add a ~~certain number of members who are certified teachers~~ certain certified teacher and a parent of a certain student; authorizing the teacher ~~members~~ member to be appointed to the State Board although the ~~individuals are~~ individual is subject to the authority of the State Board; requiring the Governor to appoint a certain teacher member with the advice and consent of the Senate ~~from a certain list submitted to the Governor by the State Department of Education~~ after an election by teachers in the State; ~~requiring a certain list submitted to the Governor by the Department to consist of a certain number of teacher members who received a certain number of votes after an election by teachers in the State;~~ requiring the State Department of Education to provide notice of a certain vacancy to certain individuals and organizations; requiring a certain election to be conducted under regulations that the Department adopts; authorizing the Department to consult with the State Retirement Agency of the Maryland State Retirement and Pension System to conduct a certain election; authorizing a certain teacher member to attend and participate in certain sessions of the State Board; prohibiting the teacher member from voting on certain matters; requiring the Governor to appoint a certain parent member with the advice and consent of the Senate from a certain list submitted to the Governor by the Maryland PTA; requiring the Department to provide notice of a

certain vacancy to the Maryland PTA; authorizing a certain parent member to attend and participate in certain sessions of the State Board; providing for the appointment and terms of certain initial ~~teacher~~ members ~~and the initial parent member~~ of the State Board; and generally relating to teacher and parent members of the State Board of Education.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 2–202  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2018 Supplement)

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

### Article – Education

2–202.

(a) The State Board consists of [11] ~~14~~ 13 regular members, and 1 student member, appointed by the Governor with the advice and consent of the Senate.

(b) (1) In making appointments to the State Board, the Governor shall consider representation from:

(i) All parts of this State; and

(ii) Areas of this State with concentrations of population or unique needs.

(2) **[The] EXCEPT AS PROVIDED IN PARAGRAPHS (4) THROUGH (6) OF THIS SUBSECTION, THE** members of the Board shall be appointed from the general public.

(3) The following individuals may not be appointed to the Board:

(i) Except for the ~~TEACHER MEMBERS MEMBER~~ MEMBER AND student member, any individual who is subject to the authority of the Board;

(ii) The Governor; and

(iii) The State Superintendent.

**(4) (1) OF THE 13 REGULAR MEMBERS OF THE STATE BOARD, ONE REGULAR MEMBER SHALL BE A CERTIFIED TEACHER WHO IS ACTIVELY TEACHING.**

(II) THE GOVERNOR SHALL APPOINT THE TEACHER MEMBER, WITH THE ADVICE AND CONSENT OF THE SENATE, WHO RECEIVED THE HIGHEST NUMBER OF VOTES AFTER AN ELECTION BY TEACHERS IN THE STATE.

(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF A TEACHER MEMBER VACANCY ON THE STATE BOARD TO:

1. ALL CERTIFIED TEACHERS WHO ARE ACTIVELY TEACHING IN THE STATE; AND

2. ALL TEACHERS' ORGANIZATIONS REPRESENTING TEACHERS IN THE STATE FOR PURPOSES OF COLLECTIVE BARGAINING.

(IV) 1. THE ELECTION SHALL BE CONDUCTED UNDER REGULATIONS THAT THE DEPARTMENT ADOPTS.

2. THE DEPARTMENT MAY CONSULT WITH THE STATE RETIREMENT AGENCY OF THE MARYLAND STATE RETIREMENT AND PENSION SYSTEM TO CONDUCT THE ELECTION REQUIRED UNDER THIS SUBPARAGRAPH.

(V) THE TEACHER MEMBER MAY ATTEND AND PARTICIPATE IN AN EXECUTIVE SESSION OF THE STATE BOARD.

(VI) THE TEACHER MEMBER MAY NOT VOTE ON ANY MATTER THAT RELATES TO APPEALS TO THE STATE BOARD UNDER § 6-202 OF THIS ARTICLE.

(5) (I) OF THE 13 REGULAR MEMBERS OF THE STATE BOARD, ONE REGULAR MEMBER SHALL BE THE PARENT OF A STUDENT ENROLLED IN A PUBLIC SCHOOL IN THE STATE.

(II) THE GOVERNOR SHALL APPOINT THE PARENT MEMBER, WITH THE ADVICE AND CONSENT OF THE SENATE, FROM A LIST OF THREE QUALIFIED INDIVIDUALS SUBMITTED TO THE GOVERNOR BY THE MARYLAND PTA.

(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF THE PARENT MEMBER VACANCY ON THE STATE BOARD TO THE MARYLAND PTA.

(IV) THE PARENT MEMBER MAY ATTEND AND PARTICIPATE IN AN EXECUTIVE SESSION OF THE STATE BOARD.

~~(4) (I) OF THE 14 REGULAR MEMBERS OF THE STATE BOARD, TWO REGULAR MEMBERS SHALL BE CERTIFIED TEACHERS.~~

~~(II) THE GOVERNOR SHALL APPOINT THE TEACHER MEMBERS, WITH THE ADVICE AND CONSENT OF THE SENATE, FROM A LIST SUBMITTED TO THE GOVERNOR BY THE DEPARTMENT, AND CONSISTING OF THE TWO TEACHER MEMBERS WHO RECEIVED THE HIGHEST NUMBER OF VOTES AFTER AN ELECTION BY TEACHERS IN THE STATE.~~

~~(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF A TEACHER MEMBER VACANCY ON THE STATE BOARD TO:~~

~~1. ALL CERTIFIED TEACHERS IN THE STATE; AND~~

~~2. ALL STATEWIDE TEACHERS' ORGANIZATIONS REPRESENTING A MAJORITY OF TEACHERS IN THE STATE FOR PURPOSES OF COLLECTIVE BARGAINING.~~

~~(IV) THE ELECTION SHALL BE CONDUCTED UNDER REGULATIONS THAT THE DEPARTMENT ADOPTS.~~

~~(5) (I) OF THE 14 REGULAR MEMBERS OF THE STATE BOARD, ONE REGULAR MEMBER SHALL BE THE PARENT OF A STUDENT ENROLLED IN A PUBLIC SCHOOL IN THE STATE.~~

~~(II) THE GOVERNOR SHALL APPOINT THE PARENT MEMBER, WITH THE ADVICE AND CONSENT OF THE SENATE, FROM A LIST OF THREE QUALIFIED INDIVIDUALS SUBMITTED TO THE GOVERNOR BY THE MARYLAND PTA.~~

~~(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF THE PARENT MEMBER VACANCY ON THE STATE BOARD TO THE MARYLAND PTA.~~

[(4)] (6) The student member shall be selected by the Governor from a list of 2 persons nominated by the Maryland Association of Student Councils.

(c) (1) The student member shall be:

(i) A regularly enrolled student; and

(ii) In good standing in a public high school in the State.

(2) The student member may attend and participate in an executive session of the Board.

(3) The student member may not vote on any matter that relates to:

(i) The dismissal of or other disciplinary action involving personnel;

or

(ii) Appeals to the State Board under § 2–205 of this subtitle or § 4–205 or § 6–202 of this article.

(d) (1) Each regular member serves for a term of 4 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the State Board as of July 1, 1989.

(2) The Governor shall appoint a new member to fill any vacancy on the Board for the remainder of that term and until a successor is appointed and qualifies.

(3) A member is eligible for reappointment but may not serve for more than two full 4-year terms.

(4) The student member shall serve for a term of 1 year. A student member is eligible for reappointment but may not serve more than two full 1-year terms.

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall appoint, in accordance with § 2–202(b)(4) and (5) of the Education Article, as enacted by this Act:

(1) the ~~two~~ initial teacher ~~members~~ member of the State Board of Education ~~as follows:~~

~~(i) one teacher member shall serve for a term of 1 year and 6 months beginning January 1, 2020, and terminating at the end of June 30, 2021, or until a successor is appointed and qualifies; and~~

~~(ii) one teacher member, who shall serve for a term of 2 years and 6 months beginning January 1, 2020, and terminating at the end of June 30, 2022, or until a successor is appointed and qualifies; and~~

(2) the initial parent member of the State Board of Education, who shall serve for a term of 3 years and 6 months beginning January 1, 2020, and terminating at the end of June 30, 2023, or until a successor is appointed and qualifies.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 578**

**(House Bill 88)**

AN ACT concerning

**Criminal Law ~~—Alcohol Offenses—~~ and Civil Offenses**  
**~~(Decriminalization of Petty Nonviolent Offenses Act) — Classifications~~**

FOR the purpose of making it a civil rather than a criminal offense to consume an alcoholic beverage in public under certain circumstances or to possess an alcoholic beverage in an open container under certain circumstances; requiring certain offenders to be issued a citation under certain circumstances; providing a certain maximum fine; establishing the Task Force to Study Crime Classification and Penalties; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing reimbursement of certain expenses; requiring the Task Force to study certain issues related to the classification of and penalties for criminal and civil violations in the State; requiring the Task Force to report its findings to the Governor and the General Assembly on or before a certain date; making certain conforming changes; providing for the termination of certain provisions of this Act; and generally relating to ~~alcohol~~ classification of offenses.

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 6–321 and 6–322  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 10–119  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

6–321.

- (a) In this section, “public property” includes property that is:
- (1) a structure, road, parking area, or grounds; and
  - (2) located on land owned, leased, or operated by:
    - (i) the State;
    - (ii) a county;

- (iii) a municipality;
- (iv) the Washington Suburban Sanitary Commission;
- (v) the Maryland–National Capital Park and Planning Commission;
- (vi) the Montgomery County Revenue Authority; or
- (vii) the Washington Metropolitan Area Transit Authority.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, an individual may not consume an alcoholic beverage:

- (i) on public property;
- (ii) on the mall, adjacent parking area, or other outside area of a shopping center;
- (iii) on an adjacent parking area or other outside area of any other retail establishment; and
- (iv) in a parked vehicle located in an area described under item (i), (ii), or (iii) of this paragraph.

(2) An individual may consume an alcoholic beverage on:

- (i) public property if authorized by the governmental entity that has authority over the property; or
- (ii) private property described under paragraph (1)(ii) through (iv) of this subsection if authorized by the owner of the property.

(3) If the owner or operator of a motor home or chartered bus has consented to the consumption of the alcoholic beverages, paragraph (1) of this subsection does not apply to passengers:

- (i) in the living quarters of a motor home equipped with a toilet and central heating; or
- (ii) of a chartered bus in transit.

(c) **(1) A VIOLATION OF THIS SECTION IS A CODE VIOLATION AND A CIVIL OFFENSE.**

**(2)** A person who violates this section [is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100]:

**(I) SHALL BE ISSUED A CITATION UNDER § 10–119 OF THE CRIMINAL LAW ARTICLE; AND**

**(II) IS SUBJECT TO A FINE NOT EXCEEDING \$100.**

6–322.

(a) (1) Except as provided in paragraph (2) of this subsection, an individual may not possess an alcoholic beverage in an open container while:

(i) on the mall, adjacent parking area, or other outside area of a shopping center;

(ii) on an adjacent parking area or other outside area of any other retail establishment; or

(iii) in a parked vehicle located in an area described under item (i) or (ii) of this paragraph.

(2) An individual may possess an alcoholic beverage in an open container on private property described under paragraph (1) of this subsection if the individual is authorized by the owner of the establishment.

**(b) (1) A VIOLATION OF THIS SECTION IS A CODE VIOLATION AND A CIVIL OFFENSE.**

**(2) A person who violates this section [is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100]:**

**(I) SHALL BE ISSUED A CITATION UNDER § 10–119 OF THE CRIMINAL LAW ARTICLE; AND**

**(II) IS SUBJECT TO A FINE NOT EXCEEDING \$100.**

### **Article – Criminal Law**

10–119.

(a) (1) A person [who violates §§ 10–113 through 10–115 or § 10–118 of this part] shall be issued a citation under this section **IF THE PERSON VIOLATES:**

**(I) §§ 10–113 THROUGH 10–115 OR § 10–118 OF THIS PART; OR**

**(II) § 6–321 OR § 6–322 OF THE ALCOHOLIC BEVERAGES ARTICLE.**

(2) A minor who violates § 10–116 or § 10–117(a) of this part shall be issued a citation under this section.

(b) (1) A citation for a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part **OR § 6–321 OR § 6–322 OF THE ALCOHOLIC BEVERAGES ARTICLE** may be issued by:

(i) a police officer authorized to make arrests;

(ii) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural Resources Article; and

(iii) subject to paragraphs (2) and (3) of this subsection, in Anne Arundel County, Frederick County, Harford County, Kent County, Montgomery County, Prince George’s County, and Talbot County, and only in the inspector’s jurisdiction, an alcoholic beverages inspector who investigates license violations under the Alcoholic Beverages Article.

(2) In Anne Arundel County, Frederick County, Harford County, Kent County, Montgomery County, Prince George’s County, and Talbot County, the inspector shall successfully complete an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners.

(3) In Anne Arundel County, Harford County, Kent County, Montgomery County, Prince George’s County, and Talbot County, the inspector may not carry a firearm in the performance of the inspector’s duties.

(c) A person authorized under this section to issue a citation shall issue it if the person has probable cause to believe that the person charged is committing or has committed a Code violation.

(d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult shall be as prescribed by the District Court and shall be uniform throughout the State.

(2) The citation issued to an adult shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

(iii) the location, date, and time that the violation occurred;

(iv) the fine that may be imposed;

- (v) a notice stating that prepayment of the fine is not allowed;
  - (vi) a notice that the District Court shall promptly send the person charged a summons to appear for trial;
  - (vii) the signature of the person issuing the citation; and
  - (viii) a space for the person charged to sign the citation.
- (3) The form of citation issued to a minor shall:
- (i) be prescribed by the State Court Administrator;
  - (ii) be uniform throughout the State; and
  - (iii) contain the information listed in § 3–8A–33(b) of the Courts

Article.

(e) (1) Except for a citation subject to the jurisdiction of a circuit court, the issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(2) (i) The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(ii) Willful failure of the defendant to respond to the summons is contempt of court.

(f) (1) For purposes of this section, a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part **OR § 6–321 OR § 6–322 OF THE ALCOHOLIC BEVERAGES ARTICLE** is a Code violation and is a civil offense.

(2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.

(4) Adjudication of a Code violation is not a criminal conviction for any purpose, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes, and in any such proceeding, the

court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes;

(2) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(3) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, or to testify on the defendant's own behalf, if the defendant chooses to do so;

(4) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant;

(5) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

- (i) guilty of a Code violation; or
- (ii) not guilty of a Code violation; and

(6) before rendering judgment, the court may place the defendant on probation in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) **THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO COMMITS A CODE VIOLATION UNDER § 6-321 OR § 6-322 OF THE ALCOHOLIC BEVERAGES ARTICLE.**

(2) Except as provided in paragraph [(2)] (3) of this subsection, if the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

- (i) a fine not exceeding \$500; or
- (ii) if the violation is a subsequent violation, a fine not exceeding \$1,000.

[(2)] (3) If the District Court finds that a person has committed a Code violation under § 10-117 of this subtitle, the court shall require the person to pay:

- (i) a fine not exceeding \$2,500; or
- (ii) if the violation is a subsequent violation, a fine not exceeding \$5,000.

~~[(3)] (4)~~ The Chief Judge of the District Court may not establish a schedule for the prepayment of fines for a Code violation under this part.

(i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:

(1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and

(2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

(2) The court costs in a Code violation case in which costs are imposed are \$5.

(k) (1) In this subsection, “driver’s license” means a license or permit to drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

(2) This subsection applies only to:

(i) a person who is at least 18 but under 21 years of age; or

(ii) a minor if the minor is subject to the jurisdiction of the court.

(3) If a person is found guilty of a Code violation under § 10–113 of this part that involved the use of a driver’s license or a document purporting to be a driver’s license, the court shall notify the Motor Vehicle Administration of the violation.

(4) The Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, shall establish uniform procedures for reporting Code violations described in this subsection.

(l) (1) A defendant who has been found guilty of a Code violation has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

(2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion has the same authority provided in the trial of criminal cases.

(m) (1) The State’s Attorney for any county may prosecute a Code violation in the same manner as prosecution of a violation of the criminal laws of this State.

- (2) In a Code violation case the State's Attorney may:
- (i) enter a nolle prosequi in or place the case on the stet docket; and
  - (ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of this State.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Crime Classification and Penalties.

(b) The Task Force consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Attorney General, or the Attorney General's designee;

(4) the Executive Director of the Maryland Sentencing Commission, or the Executive Director's designee;

(5) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee;

(6) the president of the Maryland State's Attorneys' Association, or the president's designee;

(7) an expert in the subject matter of criminal sentencing, appointed by the president of the Maryland State's Attorneys' Association;

(8) the Public Defender, or the Public Defender's designee;

(9) an expert in the subject matter of criminal sentencing, appointed by the Public Defender; and

(10) the chair of the Justice Reinvestment Oversight Board.

(c) The members of the Task Force shall designate the chair of the Task Force.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) review the penalties for all criminal and civil violations throughout the Maryland Code;

(2) study the history and legislative intent of the classification of criminal and civil violations throughout the Maryland Code, including the constitutional implications and collateral consequences that arise as a result of classification;

(3) study criminal classifications and penalty schemes in other states and how those classifications and schemes compare to those in the State; and

(4) make recommendations regarding the current statutory scheme for criminal and civil violations throughout the Maryland Code, including:

(i) whether there are violations that should be reclassified as civil offenses, misdemeanors, or felonies;

(ii) whether there are penalties that should be altered;

(iii) whether the State would benefit from:

1. the imposition of standardized crime classifications and penalties;

2. the codification of a default mental state as an element of criminal liability; and

3. the codification of affirmative defenses and their elements;

(iv) whether statutory changes are necessary for provisions of criminal law that lack an explicit mens rea; and

(v) what limitations, if any, should be placed on the ability of administrative boards, agencies, local governments, appointed commissioners, or of other persons or entities to enact rules, regulations, ordinances, or laws providing for criminal penalties.

(g) On or before December 31, 2020, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2019.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, *except as provided in Section 3 of this Act*, this Act shall take effect ~~October~~ June 1, 2019. *Section 2 of this Act shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2021, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.*

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 579

### (House Bill 109)

AN ACT concerning

#### **Environment – Expanded Polystyrene Food Service Products – ~~Prohibition~~ Prohibitions**

FOR the purpose of establishing that this Act does not affect the authority of a county, municipality, or other local government to enact standards that are at least as stringent as the standards established in this Act; prohibiting a person from selling in the State a certain expanded polystyrene food service product on or after a certain date; prohibiting a certain food service business or certain school from selling or providing food or beverages in a certain expanded polystyrene food service product on or after a certain date; providing that certain provisions of this Act do not prohibit a person from storing a food service product for later distribution outside the State; requiring the Department of the Environment to conduct a certain public education and outreach campaign in a certain manner; requiring the Department to conduct a public education and outreach antilittering campaign; authorizing the Department to provide a certain waiver to a certain food service business or certain school under certain circumstances; requiring a ~~county health department~~ unit of county government to enforce certain provisions of this Act; authorizing a ~~county health department~~ unit of county government to impose a certain penalty for certain violations; prohibiting the imposition of a certain penalty unless certain conditions are met; requiring a ~~county health department~~ unit of county government to notify the Department of certain violations; authorizing the Department to adopt certain regulations; defining certain terms; and generally relating to expanded polystyrene food service products.

BY adding to

Article – Environment

Section 9–2201 through 9–2207 to be under the new subtitle “Subtitle 22. Expanded Polystyrene”

Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

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

**Article – Environment**

**SUBTITLE 22. EXPANDED POLYSTYRENE.**

**9–2201.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “EXPANDED POLYSTYRENE” MEANS BLOWN POLYSTYRENE AND EXPANDED AND EXTRUDED FOAMS THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS UTILIZING A STYRENE MONOMER AND PROCESSED BY A NUMBER OF TECHNIQUES, INCLUDING FUSION OF POLYMER SPHERES (EXPANDABLE BEAD POLYSTYRENE), INJECTION MOLDING, FOAM MOLDING, AND EXTRUSION–BLOW MOLDING (EXTRUDED FOAM POLYSTYRENE).

(C) (1) “EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT” MEANS A PRODUCT MADE OF EXPANDED POLYSTYRENE THAT IS ~~USED~~:

(I) USED FOR SELLING OR PROVIDING FOOD OR BEVERAGES;  
AND

(II) 1. INTENDED BY THE MANUFACTURER TO BE USED ONCE FOR EATING OR DRINKING; OR

2. GENERALLY RECOGNIZED BY THE PUBLIC AS AN ITEM TO BE DISCARDED AFTER ONE USE.

(2) “EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT” INCLUDES:

(I) FOOD CONTAINERS;

(II) PLATES;

(III) HOT AND COLD BEVERAGE CUPS;

(IV) ~~MEAT AND VEGETABLE TRAYS~~ TRAYS; AND

(V) ~~EGG CARTONS~~ CARTONS FOR EGGS OR OTHER FOOD.

(3) “EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT” DOES NOT INCLUDE:

~~(I) PREPACKAGED SOUP OR OTHER FOOD THAT A FOOD SERVICE BUSINESS SELLS OR OTHERWISE PROVIDES TO ITS CUSTOMERS IN EXPANDED POLYSTYRENE CONTAINERS THAT HAVE BEEN FILLED AND SEALED BEFORE RECEIPT BY THE FOOD SERVICE BUSINESS;~~

~~(II) (I) FOOD OR BEVERAGES THAT HAVE BEEN FILLED AND SEALED PACKAGED IN EXPANDED POLYSTYRENE CONTAINERS OUTSIDE THE STATE BEFORE RECEIPT BY THE A FOOD SERVICE BUSINESS;~~

~~(III) (II) MATERIALS A PRODUCT MADE OF EXPANDED POLYSTYRENE THAT IS USED TO PACKAGE RAW, UNCOOKED, OR BUTCHERED MEAT, FISH, POULTRY, OR SEAFOOD FOR OFF-PREMISES CONSUMPTION; OR~~

~~(IV) (III) NONFOAM POLYSTYRENE FOOD SERVICE PRODUCTS.~~

(D) (1) “FOOD SERVICE BUSINESS” MEANS A BUSINESS IN THE STATE THAT SELLS OR PROVIDES FOOD OR BEVERAGES FOR CONSUMPTION ON OR OFF THE PREMISES ~~IN THE STATE~~.

(2) “FOOD SERVICE BUSINESS” INCLUDES A BUSINESS OR INSTITUTIONAL CAFETERIA, INCLUDING A CAFETERIA OPERATED BY OR ON BEHALF OF THE STATE OR A LOCAL GOVERNMENT;

~~(I) RESTAURANTS;~~

~~(II) FAST FOOD STYLE RESTAURANTS;~~

~~(III) CAFES;~~

~~(IV) DELICATESSENS;~~

~~(V) COFFEE SHOPS;~~

~~(VI) SUPERMARKETS AND GROCERY STORES;~~

~~(VII) VENDING TRUCKS AND CARTS;~~

~~(VIII) FOOD TRUCKS;~~

~~(IX) MOVIE THEATERS;~~

~~(X) DINNER THEATERS; AND~~

~~(XI) BUSINESS AND INSTITUTIONAL CAFETERIAS, INCLUDING THOSE OPERATED BY OR ON BEHALF OF THE STATE.~~

(E) "SCHOOL" INCLUDES:

- (1) A PUBLIC ELEMENTARY OR SECONDARY SCHOOL;
- (2) A NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL; AND
- (3) AN INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10-101(H) OF THE EDUCATION ARTICLE.

(F) "UNIT OF COUNTY GOVERNMENT" INCLUDES:

- (1) A LOCAL HEALTH DEPARTMENT; OR
- (2) A LOCAL ENVIRONMENTAL DEPARTMENT.

9-2202.

THIS SUBTITLE DOES NOT AFFECT THE AUTHORITY OF A COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT TO ENACT STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE STANDARDS ESTABLISHED IN THIS SUBTITLE.

9-2203.

(A) ON OR AFTER ~~JANUARY~~ JULY 1, 2020, A PERSON MAY NOT SELL OR OFFER FOR SALE IN THE STATE AN EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT.

(B) ON OR AFTER ~~JANUARY~~ JULY 1, 2020, A FOOD SERVICE BUSINESS OR SCHOOL MAY NOT SELL OR PROVIDE FOOD OR BEVERAGES IN AN EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT.

(C) THIS SECTION DOES NOT PROHIBIT A PERSON FROM STORING A FOOD SERVICE PRODUCT FOR LATER DISTRIBUTION OUTSIDE THE STATE.

9-2204.

(A) THE DEPARTMENT SHALL CONDUCT A PUBLIC EDUCATION AND OUTREACH CAMPAIGN BEFORE AND DURING THE IMPLEMENTATION OF THIS SUBTITLE.

(B) THE PUBLIC EDUCATION AND OUTREACH CAMPAIGN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) CONTACT WITH FOOD SERVICE BUSINESSES, IN CONSULTATION WITH ~~COUNTY HEALTH DEPARTMENTS~~ RELEVANT UNITS OF COUNTY GOVERNMENT AND RELEVANT TRADE ORGANIZATIONS;

(2) CONTACT WITH SCHOOLS, IN CONSULTATION WITH THE MARYLAND STATE DEPARTMENT OF EDUCATION;

(3) DISTRIBUTION OF INFORMATION THROUGH STATE INTERNET AND WEB-BASED RESOURCES; AND

(4) NEWS RELEASES AND NEWS EVENTS.

(C) THE DEPARTMENT SHALL CONDUCT A PUBLIC EDUCATION AND OUTREACH ANTILITTERING CAMPAIGN.

9-2205.

THE DEPARTMENT MAY GRANT TO A FOOD SERVICE BUSINESS OR SCHOOL A WAIVER FROM THE APPLICATION OF § 9-2203(B) OF THIS SUBTITLE FOR A PERIOD OF UP TO 1 YEAR IF THE DEPARTMENT DETERMINES THAT ACHIEVING COMPLIANCE UNDER THIS SUBTITLE WOULD PRESENT AN UNDUE HARDSHIP OR A PRACTICAL DIFFICULTY NOT GENERALLY APPLICABLE TO OTHER FOOD SERVICE BUSINESSES OR SCHOOLS IN SIMILAR CIRCUMSTANCES.

9-2206.

(A) A ~~COUNTY HEALTH DEPARTMENT~~ UNIT OF COUNTY GOVERNMENT SHALL ENFORCE § 9-2203 OF THIS SUBTITLE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A COUNTY MAY IMPOSE A PENALTY NOT EXCEEDING \$250 ON:

(1) A PERSON WHO VIOLATES § 9-2203(A) OF THIS SUBTITLE; OR

(2) A FOOD SERVICE BUSINESS THAT VIOLATES § 9-2203(B) OF THIS SUBTITLE.

(C) A PENALTY MAY NOT BE IMPOSED UNDER THIS SECTION UNLESS:

(1) ~~THE COUNTY HEALTH DEPARTMENT~~ UNIT OF COUNTY GOVERNMENT FIRST ISSUES A WRITTEN NOTICE OF VIOLATION TO THE PERSON OR THE FOOD SERVICE BUSINESS; AND

(2) THE VIOLATION IS NOT CORRECTED WITHIN 3 MONTHS OF RECEIPT OF THE WRITTEN NOTICE.

(D) A ~~COUNTY HEALTH DEPARTMENT~~ UNIT OF COUNTY GOVERNMENT SHALL NOTIFY THE DEPARTMENT OF ANY VIOLATION OF § 9-2203 OF THIS SUBTITLE.

9-2207.

THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 580

(Senate Bill 285)

AN ACT concerning

**Environment – Expanded Polystyrene Food Service Products – ~~Prohibition~~  
Prohibitions**

FOR the purpose of establishing that this Act does not affect the authority of a county, municipality, or other local government to enact standards that are at least as stringent as the standards established in this Act; prohibiting a person from selling in the State a certain expanded polystyrene food service product on or after a certain date; prohibiting a certain food service business or certain school from selling or providing food *or beverages* in a certain expanded polystyrene food service product on or after a certain date; providing that certain provisions of this Act do not prohibit a person from storing a food service product for later distribution outside the State; requiring the Department of the Environment to conduct a certain public education and outreach campaign in a certain manner; *requiring the Department to conduct a public education and outreach antilittering campaign*; authorizing the Department to provide a certain waiver to a certain food service business or certain school under certain circumstances; requiring a ~~county health department~~ unit of county government to enforce certain provisions of this Act; authorizing a ~~county health department~~ unit of county government to impose a certain penalty for certain

violations; prohibiting the imposition of a certain penalty unless certain conditions are met; requiring a ~~county health department~~ unit of county government to notify the Department of certain violations; authorizing the Department to adopt certain regulations; defining certain terms; and generally relating to expanded polystyrene food service products.

BY adding to

Article – Environment

Section 9–2201 through 9–2207 to be under the new subtitle “Subtitle 22. Expanded Polystyrene”

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

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

**Article – Environment**

**SUBTITLE 22. EXPANDED POLYSTYRENE.**

**9–2201.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “EXPANDED POLYSTYRENE” MEANS BLOWN POLYSTYRENE AND EXPANDED AND EXTRUDED FOAMS THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS UTILIZING A STYRENE MONOMER AND PROCESSED BY A NUMBER OF TECHNIQUES, INCLUDING FUSION OF POLYMER SPHERES (EXPANDABLE BEAD POLYSTYRENE), INJECTION MOLDING, FOAM MOLDING, AND EXTRUSION–BLOW MOLDING (EXTRUDED FOAM POLYSTYRENE).

(C) (1) “EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT” MEANS A PRODUCT MADE OF EXPANDED POLYSTYRENE THAT IS ~~USED~~:

(I) USED FOR SELLING OR PROVIDING FOOD OR BEVERAGES;  
AND

(II) 1. INTENDED BY THE MANUFACTURER TO BE USED ONCE FOR EATING OR DRINKING; OR

2. GENERALLY RECOGNIZED BY THE PUBLIC AS AN ITEM TO BE DISCARDED AFTER ONE USE.

(2) “EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT” INCLUDES:

- (I) FOOD CONTAINERS;
- (II) PLATES;
- (III) HOT AND COLD BEVERAGE CUPS;
- (IV) ~~MEAT AND VEGETABLE TRAYS~~ TRAYS; AND
- (V) ~~EGG CARTONS~~ CARTONS FOR EGGS OR OTHER FOOD.

(3) “EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT” DOES NOT INCLUDE:

~~(I) PREPACKAGED SOUP OR OTHER FOOD THAT A FOOD SERVICE BUSINESS SELLS OR OTHERWISE PROVIDES TO ITS CUSTOMERS IN EXPANDED POLYSTYRENE CONTAINERS THAT HAVE BEEN FILLED AND SEALED PACKAGED BEFORE RECEIPT BY THE FOOD SERVICE BUSINESS;~~

~~(II) (I) FOOD OR BEVERAGES THAT HAVE BEEN FILLED AND SEALED PACKAGED IN EXPANDED POLYSTYRENE CONTAINERS OUTSIDE THE STATE BEFORE RECEIPT BY THE A FOOD SERVICE BUSINESS;~~

~~(III) (II) MATERIALS A PRODUCT MADE OF EXPANDED POLYSTYRENE THAT IS USED TO PACKAGE RAW, UNCOOKED, OR BUTCHERED MEAT, FISH, POULTRY, OR SEAFOOD FOR OFF-PREMISES CONSUMPTION; OR~~

~~(IV) (III) NONFOAM POLYSTYRENE FOOD SERVICE PRODUCTS.~~

(D) (1) “FOOD SERVICE BUSINESS” MEANS A BUSINESS IN THE STATE THAT SELLS OR PROVIDES FOOD OR BEVERAGES FOR CONSUMPTION ON OR OFF THE PREMISES ~~IN THE STATE.~~

(2) “FOOD SERVICE BUSINESS” INCLUDES A BUSINESS OR INSTITUTIONAL CAFETERIA, INCLUDING A CAFETERIA OPERATED BY OR ON BEHALF OF THE STATE OR A LOCAL GOVERNMENT;

- ~~(I) RESTAURANTS;~~
- ~~(II) FAST FOOD STYLE RESTAURANTS;~~
- ~~(III) CAFES;~~
- ~~(IV) DELICATESSENS;~~

~~(V) COFFEE SHOPS;~~

~~(VI) SUPERMARKETS AND GROCERY STORES;~~

~~(VII) VENDING TRUCKS AND CARTS;~~

~~(VIII) FOOD TRUCKS;~~

~~(IX) MOVIE THEATERS;~~

~~(X) DINNER THEATERS; AND~~

~~(XI) BUSINESS AND INSTITUTIONAL CAFETERIAS, INCLUDING THOSE OPERATED BY OR ON BEHALF OF THE STATE.~~

(E) “SCHOOL” INCLUDES:

(1) A PUBLIC ELEMENTARY OR SECONDARY SCHOOL;

(2) A NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL; AND

(3) AN INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10–101(H) OF THE EDUCATION ARTICLE.

(F) “UNIT OF COUNTY GOVERNMENT” INCLUDES:

(1) A LOCAL HEALTH DEPARTMENT; OR

(2) A LOCAL ENVIRONMENTAL DEPARTMENT.

9–2202.

THIS SUBTITLE DOES NOT AFFECT THE AUTHORITY OF A COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT TO ENACT STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE STANDARDS ESTABLISHED IN THIS SUBTITLE.

9–2203.

(A) ON OR AFTER ~~JANUARY~~ JULY 1, 2020, A PERSON MAY NOT SELL OR OFFER FOR SALE IN THE STATE AN EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT.

(B) ON OR AFTER ~~JANUARY~~ JULY 1, 2020, A FOOD SERVICE BUSINESS OR SCHOOL MAY NOT SELL OR PROVIDE FOOD OR BEVERAGES IN AN EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT.

**(C) THIS SECTION DOES NOT PROHIBIT A PERSON FROM STORING A FOOD STORAGE SERVICE PRODUCT FOR LATER DISTRIBUTION OUTSIDE THE STATE.**

**9-2204.**

**(A) THE DEPARTMENT SHALL CONDUCT A PUBLIC EDUCATION AND OUTREACH CAMPAIGN BEFORE AND DURING THE IMPLEMENTATION OF THIS SUBTITLE.**

**(B) THE PUBLIC EDUCATION AND OUTREACH CAMPAIGN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:**

**(1) CONTACT WITH FOOD SERVICE BUSINESSES, IN CONSULTATION WITH ~~COUNTY HEALTH DEPARTMENTS~~ RELEVANT UNITS OF COUNTY GOVERNMENT AND RELEVANT TRADE ORGANIZATIONS;**

**(2) CONTACT WITH SCHOOLS, IN CONSULTATION WITH THE MARYLAND STATE DEPARTMENT OF EDUCATION;**

**(3) DISTRIBUTION OF INFORMATION THROUGH STATE INTERNET AND WEB-BASED RESOURCES; AND**

**(4) NEWS RELEASES AND NEWS EVENTS.**

**(C) THE DEPARTMENT SHALL CONDUCT A PUBLIC EDUCATION AND OUTREACH ANTILITTERING CAMPAIGN.**

**9-2205.**

**THE DEPARTMENT MAY GRANT TO A FOOD SERVICE BUSINESS OR SCHOOL A WAIVER FROM THE APPLICATION OF § 9-2203(B) OF THIS SUBTITLE FOR A PERIOD OF UP TO 1 YEAR IF THE DEPARTMENT DETERMINES THAT ACHIEVING COMPLIANCE UNDER THIS SUBTITLE WOULD PRESENT AN UNDUE HARDSHIP OR A PRACTICAL DIFFICULTY NOT GENERALLY APPLICABLE TO OTHER FOOD SERVICE BUSINESSES OR SCHOOLS IN SIMILAR CIRCUMSTANCES.**

**9-2206.**

**(A) A ~~COUNTY HEALTH DEPARTMENT~~ UNIT OF COUNTY GOVERNMENT SHALL ENFORCE § 9-2203 OF THIS SUBTITLE.**

**(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A COUNTY MAY IMPOSE A PENALTY NOT EXCEEDING \$250 ON:**

- (1) A PERSON WHO VIOLATES § 9–2203(A) OF THIS SUBTITLE; OR
- (2) A FOOD SERVICE BUSINESS THAT VIOLATES § 9–2203(B) OF THIS SUBTITLE.
- (C) A PENALTY MAY NOT BE IMPOSED UNDER THIS SECTION UNLESS:
- (1) THE ~~COUNTY HEALTH DEPARTMENT~~ UNIT OF COUNTY GOVERNMENT FIRST ISSUES A WRITTEN NOTICE OF VIOLATION TO THE PERSON OR THE FOOD SERVICE BUSINESS; AND
- (2) THE VIOLATION IS NOT CORRECTED WITHIN 3 MONTHS OF RECEIPT OF THE WRITTEN NOTICE.
- (D) A ~~COUNTY HEALTH DEPARTMENT~~ UNIT OF COUNTY GOVERNMENT SHALL NOTIFY THE DEPARTMENT OF ANY VIOLATION OF § 9–2203 OF THIS SUBTITLE.

9–2207.

THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 581

(House Bill 118)

AN ACT concerning

### Higher Education – Senatorial and Delegate Scholarships – In-State Tuition

FOR the purpose of making a certain applicant eligible for senatorial and delegate scholarships if the applicant is eligible for certain in-State tuition; *making conforming changes*; and generally relating to senatorial and delegate scholarships.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 18–401 and 18–501  
Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 18–402, 18–406(a), (b), and (g), 18–406.1, and 18–502

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

### Article – Education

18–401.

There is a program of senatorial scholarships in this State that are awarded under this subtitle.

18–402.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, each applicant for a senatorial scholarship shall:

(i) Take a competitive examination administered by the Office; and

(ii) 1. Be accepted for admission in the regular undergraduate, graduate, or professional program at an eligible institution; or

2. Be enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution.

(2) An applicant is exempt from the examination if the applicant:

(i) Is attending an eligible institution and has completed at least 1 year in good academic standing at the institution;

(ii) Graduated from high school at least 5 years before application for a senatorial scholarship;

(iii) Is accepted for admission to a private career institution, if the institution's curriculum is approved by the Commission, and the institution is accredited by a national accrediting association approved by the United States Department of Education; or

(iv) Is planning to attend or is attending a Maryland community college.

(3) An applicant is exempt from the requirements of paragraph (1) of this subsection if the applicant is or was enrolled in a certificate or license program, course, or sequence of courses at a community college that leads to certification or licensure.

(b) [(1) Except as provided in paragraph (2) of this subsection, each] **EACH** applicant shall:

[(i)] **(1)** Be [a resident of this State] **ELIGIBLE FOR IN-STATE TUITION UNDER THIS ARTICLE**; and

[(ii)] **(2)** At the time of the applicant's initial application, be [a resident of] **DOMICILED IN** the legislative district from which the applicant seeks an award.

**(2)** If the applicant is an individual who is on active duty with the United States military, the applicant shall:

(i) Be domiciled in this State; and

(ii) At the time of the applicant's initial application, be domiciled in the legislative district from which the applicant seeks an award.]

(c) (1) Each applicant shall demonstrate to the Office a definite financial need, and each Senator shall consider the financial need of each applicant.

(2) Each Senator is the final judge of the financial need of each applicant to whom the Senator awards a scholarship, and the Office may not negate the Senator's judgment or impose requirements of time or procedure.

(d) Each applicant shall accept any other conditions attached to the award.

18-406.

(a) Except as otherwise provided in this section, each recipient of a senatorial scholarship may hold the scholarship for 4 undergraduate academic years, subject to § 18-406.1 of this subtitle, and 4 graduate academic years if the recipient:

(1) Is a full-time student;

(2) Continues to be [a resident of this State] **ELIGIBLE FOR IN-STATE TUITION UNDER THIS ARTICLE**; and

(3) Continues to be a student at the institution and takes at least 12 semester hours of courses as an undergraduate or 9 semester hours of courses as a graduate student each semester leading to a degree.

(b) A recipient of an undergraduate or graduate senatorial scholarship may hold the scholarship, appropriately prorated, for 8 academic years if the recipient:

(1) Is a part-time student;

(2) Continues to be [a resident of this State] **ELIGIBLE FOR IN-STATE TUITION UNDER THIS ARTICLE**; and

(3) Continues to be a student at the institution and takes at least 6 semester hours of courses each semester leading to a degree.

(g) A recipient of a senatorial scholarship who is an individual who is on active duty with the United States military and otherwise meets the conditions of subsection (a) or (b) of this section may be domiciled in this State rather than [a resident of this State] **ELIGIBLE FOR IN-STATE TUITION UNDER THIS ARTICLE**.

18-406.1.

A recipient may hold a scholarship for a fifth undergraduate academic year or for a semester subsequent to the end of a fourth undergraduate academic year if the recipient:

(1) Requests a scholarship from the Senator for a fifth undergraduate academic year or for a semester subsequent to the end of a fourth undergraduate academic year;

(2) Is a full-time student;

(3) Continues to be [a resident of the State] **ELIGIBLE FOR IN-STATE TUITION UNDER THIS ARTICLE**;

(4) Continues to be a student at the institution and takes courses leading to a degree; and

(5) Has exhausted the funds available under § 18-406(a) of this subtitle.

18-501.

(a) There is a program of Delegate Scholarships in this State that are awarded under this subtitle.

(b) A scholarship awarded under this subtitle may be used at:

(1) An eligible institution for a program of undergraduate, graduate, or professional studies;

(2) An accredited undergraduate, graduate, or professional institution outside the State, if the applicant:

(i) Will be studying in an academic area that is not available in this State;

(ii) Is disabled and will be studying at an institution outside the State that makes special provisions for disabled students that are not available to the applicant at an institution in the State; or

(iii) Is an individual who is on active duty with the United States military who is domiciled in this State; and

(3) A private career school within the State that is approved by the Maryland Higher Education Commission under § 11–202 of this article and that is accredited by a national accrediting association that is approved by the United States Department of Education.

(c) Money appropriated to the Commission for scholarships awarded under this section that are not used by the end of the fiscal year shall be retained by the Commission for use by the awarding Delegate in the Delegate Scholarship Program during subsequent fiscal years.

18–502.

(A) Each member of the House of Delegates may select the recipients of the scholarships on any basis that the Delegate considers appropriate.

**(B) A MEMBER OF THE HOUSE OF DELEGATES MAY SELECT ANY INDIVIDUAL WHO IS ELIGIBLE FOR IN-STATE TUITION UNDER THIS ARTICLE AS A RECIPIENT OF THE SCHOLARSHIP.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 582

(House Bill 123)

AN ACT concerning

**Real Estate Salespersons and Brokers – Advertisements Provision of Real Estate Brokerage Services Through a Team – Use of “and Associates”**

FOR the purpose of ~~authorizing certain licensees of the State Real Estate Commission to advertise using the words “and associates”; and generally relating to advertisements for real estate brokerage services~~ altering the definition of “team” for the purposes of certain provisions of law regulating the provision of real estate brokerage services through a team; and generally relating to real estate brokerage services.

BY repealing and reenacting, with amendments,  
 Article – Business Occupations and Professions  
 Section ~~17-527.2~~ 17-543  
 Annotated Code of Maryland  
 (2018 Replacement Volume)

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

### Article – Business Occupations and Professions

~~17-527.2.~~

(a) (1) ~~In this section the following words have the meanings indicated.~~

(2) ~~“Advertise” means the use of any oral, written, or visual advertisement by a licensed real estate salesperson, licensed real estate broker, licensed associate real estate broker, or other person on behalf of a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker.~~

(3) (i) ~~“Advertisement” means, unless the context requires otherwise, any oral, written, or printed media advertisement.~~

(ii) ~~“Advertisement” includes any correspondence, mailing, newsletter, brochure, business card, for sale or for lease sign and sign rider, promotional item, automobile signage, telephone directory listing, television announcement, radio announcement, telephone solicitation, and World Wide Web and Internet voice overs.~~

(4) (i) ~~“Designated name” means the individual name of a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker other than the licensed real estate salesperson’s, licensed real estate broker’s, or licensed associate real estate broker’s full legal name.~~

(ii) ~~“Designated name” includes a first name, nickname, or last name.~~

(b) ~~A licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker may not advertise unless:~~

~~(1) the name or designated name of the licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker, as the name or designated name appears on the license certificate and pocket card issued by the Commission, is meaningfully and conspicuously included in the advertisement; and~~

~~(2) the name of the business with which the licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker is affiliated:~~

~~(i) is meaningfully and conspicuously included in the advertisement; and~~

~~(ii) is the full name of the business and not a logo used by the business.~~

~~(C) A LICENSED REAL ESTATE SALESPERSON, LICENSED REAL ESTATE BROKER, OR LICENSED ASSOCIATE REAL ESTATE BROKER MAY ADVERTISE USING THE WORDS “AND ASSOCIATES”.~~

17-543.

In this Part V of this subtitle, “team” means two or more licensed associate real estate brokers or licensed real estate salespersons, or any combination of licensed associate real estate brokers or licensed real estate salespersons, who:

(1) work together on a regular basis to provide real estate brokerage services;

(2) represent themselves to the public as being part of one entity; and

(3) designate themselves by a collective name such as team or group, OR BY USING THE WORDS “AND ASSOCIATES”.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 583

(House Bill 185)

AN ACT concerning

**Prince George's County – Alcoholic Beverages – Class BLX License for Movie Theaters**

**PG 302–19**

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue a Class BLX license for a movie theater under certain circumstances; providing that a certain license may not be issued in a certain legislative district; authorizing the holder of the license to sell beer, wine, and liquor for on–premises consumption; allowing the holder of the license to serve only customers who have proof of admission to the movie theater; providing the hours of sale for the license; and generally relating to Class BLX licenses for movie theaters in Prince George's County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 26–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 26–1606, 26–1616, and 26–2004(f)  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

26–102.

This title applies only in Prince George's County.

26–1606.

(a) Except as provided in subsection (b) of this section **AND § 26–1616(B)(2) OF THIS SUBTITLE**, the Board may not issue a license for use on the site of a movie theater.

(b) This section does not prohibit the issuance of a Class B–DH (draffthouse) license for use on the site of a draffthouse, as defined in § 26–1007 of this title.

26–1616.

(a) There is a Class BLX license.

(b) [(1)] The Board may issue the license for use in:

(1) a luxury-type restaurant, as defined in regulations of the Board, that has:

(i) a minimum capital investment of \$1,000,000 for a dining room facility and kitchen equipment, not including the cost of the land, building, or lease; and

(ii) seating for at least 100 individuals; AND

(2) ~~A SUBJECT TO SUBSECTION (C) OF THIS SECTION, A MOVIE THEATER IF:~~

(I) THE OWNER OR OPERATOR OF THE MOVIE THEATER HAS INVESTED AT LEAST ~~\$2,000,000~~ \$5,000,000 IN RENOVATING OR REMODELING THE MOVIE THEATER; ~~AND~~

(II) EXCLUDING CANDY AND POPCORN, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF THE MOVIE THEATER EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; AND

(III) ANY EMPLOYEE WHO SERVES ALCOHOLIC BEVERAGES IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS TRAINING PROGRAM.

(C) THE BOARD MAY NOT ISSUE A CLASS BLX LICENSE TO A MOVIE THEATER IN THE 26TH LEGISLATIVE DISTRICT ONLY AFTER:

(1) ~~CONSULTING WITH THE SENATOR AND DELEGATES FROM THE 26TH LEGISLATIVE DISTRICT; AND~~

(2) ~~RECEIVING THE WRITTEN APPROVAL OF THE COMMUNITY ASSOCIATION THAT THE BOARD DETERMINES TO BE APPROPRIATE.~~

~~(D)~~ (D) THE HOLDER OF A CLASS BLX LICENSE ISSUED FOR A MOVIE THEATER MAY SERVE ONLY CUSTOMERS WHO HAVE PROOF OF ADMISSION TO THE MOVIE THEATER.

[(2)] ~~(D)~~ (E) (1) If the criteria under [paragraph (1) of this subsection] SUBSECTION (B)(1) OF THIS SECTION are met, the Board may issue or transfer one Class BLX license FOR USE IN A LUXURY-TYPE RESTAURANT on behalf of:

(i) the county;

(ii) the Maryland-National Capital Park and Planning Commission;

or

(iii) a private concessionaire under contract with:

1. the county; or
2. the Maryland–National Capital Park and Planning

Commission.

**[(3)] (2)** The Board may determine:

- (i) the number of licenses to be issued;
- (ii) to whom the license may be issued; and
- (iii) whether a holder of an alcoholic beverages license may have an interest in one Class BLX license.

**[(4)] (3)** The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

**[(c)] ~~(E)~~ (F)** (1) Subject to paragraphs (2) and (3) of this subsection, a person may not hold more than 10 Class BLX licenses.

(2) The Board may issue:

(i) a fifth license to a license holder only if the date of application for the fifth license is at least 1 year after the date the license holder was issued the fourth license; and

(ii) a sixth license only if the date of application for the sixth license is at least 1 year after the date the license holder was issued the fifth license.

(3) In determining whether to issue a fifth, sixth, seventh, eighth, ninth, or tenth license to a single license holder, the Board:

(i) shall consider the number of licensed establishments existing in the area surrounding the site of the proposed licensed establishment; and

(ii) may issue an additional license only if the Board determines that the proposed licensed establishment will enhance the recreational, business, and economic development of the area.

**[(d)] ~~(F)~~ (G)** The profit realized from the sale of an alcoholic beverage under a license issued under subsection **[(b)(2)] ~~(D)(1)~~ (E)(1)** of this section may be for the use and benefit of the license holder.

[(e)] ~~(G)~~ **(H)** The annual license fee is \$3,875.

26–2004.

(f) (1) **(I)** Subject to [paragraph (2) of this subsection] **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the holder of a Class BLX license **ISSUED FOR A LUXURY-TYPE RESTAURANT** may sell beer, wine, and liquor for on-premises consumption from 6 a.m. to 2 a.m. the following day.

**[(2)] (II)** A license holder may not sell beer, wine, or liquor for on-premises consumption:

**[(i)] 1.** except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; or

**[(ii)] 2.** at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

**(2) A HOLDER OF A CLASS BLX LICENSE ISSUED FOR A MOVIE THEATER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION FROM NOON TO 12:30 A.M. THE FOLLOWING DAY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 584

**(Senate Bill 352)**

AN ACT concerning

**Prince George’s County – Alcoholic Beverages – Class BLX License for Movie Theaters**

FOR the purpose of authorizing the Board of License Commissioners for Prince George’s County to issue a Class BLX license for a movie theater under certain circumstances; *providing that a certain license may not be issued in a certain legislative district*; authorizing the holder of the license to sell beer, wine, and liquor for on-premises consumption; allowing the holder of the license to serve only customers who have proof of admission to the movie theater; providing the hours of sale for the license; and generally relating to Class BLX licenses for movie theaters in Prince George’s County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 26–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 26–1606, 26–1616, and 26–2004(f)  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

26–102.

This title applies only in Prince George’s County.

26–1606.

(a) Except as provided in subsection (b) of this section **AND § 26–1616(B)(2) OF THIS SUBTITLE**, the Board may not issue a license for use on the site of a movie theater.

(b) This section does not prohibit the issuance of a Class B–DH (draffhouse) license for use on the site of a draffhouse, as defined in § 26–1007 of this title.

26–1616.

(a) There is a Class BLX license.

(b) **[(1)]** The Board may issue the license for use in:

**(1)** a luxury–type restaurant, as defined in regulations of the Board, that has:

(i) a minimum capital investment of \$1,000,000 for a dining room facility and kitchen equipment, not including the cost of the land, building, or lease; and

(ii) seating for at least 100 individuals; **AND**

**(2) ~~A~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, A MOVIE THEATER IF:**

(I) THE OWNER OR OPERATOR OF THE MOVIE THEATER HAS INVESTED AT LEAST ~~\$2,000,000~~ \$5,000,000 IN RENOVATING OR REMODELING THE MOVIE THEATER; ~~AND~~

(II) EXCLUDING CANDY AND POPCORN, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF THE MOVIE THEATER EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; AND

~~(III) ALL EMPLOYEES ANY EMPLOYEE WHO WILL SERVE AN SERVES ALCOHOLIC BEVERAGE AT THE MOVIE THEATER ARE BEVERAGES IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.~~

~~(C) THE BOARD MAY NOT ISSUE A CLASS BLX LICENSE TO A MOVIE THEATER IN THE 26TH LEGISLATIVE DISTRICT ONLY AFTER:~~

~~(1) CONSULTING WITH THE SENATOR AND DELEGATES FROM THE 26TH LEGISLATIVE DISTRICT; AND~~

~~(2) RECEIVING THE WRITTEN APPROVAL OF THE COMMUNITY ASSOCIATION THAT THE BOARD DETERMINES TO BE APPROPRIATE.~~

~~(D)~~ (D) THE HOLDER OF A CLASS BLX LICENSE ISSUED FOR A MOVIE THEATER MAY SERVE ONLY CUSTOMERS WHO HAVE PROOF OF ADMISSION TO THE MOVIE THEATER.

[(2)] ~~(D)~~ (E) (1) If the criteria under [paragraph (1) of this subsection] SUBSECTION (B)(1) OF THIS SECTION are met, the Board may issue or transfer one Class BLX license FOR USE IN A LUXURY-TYPE RESTAURANT on behalf of:

- (i) the county;
  - (ii) the Maryland–National Capital Park and Planning Commission;
- or
- (iii) a private concessionaire under contract with:

- 1. the county; or
- 2. the Maryland–National Capital Park and Planning Commission.

[(3)] (2) The Board may determine:

- (i) the number of licenses to be issued;

(ii) to whom the license may be issued; and

(iii) whether a holder of an alcoholic beverages license may have an interest in one Class BLX license.

**[(4)] (3)** The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

**[(c)] ~~(E)~~ (F)** (1) Subject to paragraphs (2) and (3) of this subsection, a person may not hold more than 10 Class BLX licenses.

(2) The Board may issue:

(i) a fifth license to a license holder only if the date of application for the fifth license is at least 1 year after the date the license holder was issued the fourth license; and

(ii) a sixth license only if the date of application for the sixth license is at least 1 year after the date the license holder was issued the fifth license.

(3) In determining whether to issue a fifth, sixth, seventh, eighth, ninth, or tenth license to a single license holder, the Board:

(i) shall consider the number of licensed establishments existing in the area surrounding the site of the proposed licensed establishment; and

(ii) may issue an additional license only if the Board determines that the proposed licensed establishment will enhance the recreational, business, and economic development of the area.

**[(d)] ~~(F)~~ (G)** The profit realized from the sale of an alcoholic beverage under a license issued under subsection **[(b)(2)] ~~(D)(1)~~ (E)(1)** of this section may be for the use and benefit of the license holder.

**[(e)] ~~(G)~~ (H)** The annual license fee is \$3,875.

26-2004.

(f) (1) **(I)** Subject to [paragraph (2) of this subsection] **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the holder of a Class BLX license **ISSUED FOR A LUXURY-TYPE RESTAURANT** may sell beer, wine, and liquor for on-premises consumption from 6 a.m. to 2 a.m. the following day.

**[(2)] (II)** A license holder may not sell beer, wine, or liquor for on-premises consumption:

[(i)] 1. except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6 a.m.; or

[(ii)] 2. at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following day, unless the Sunday is December 24 or December 31.

**(2) A HOLDER OF A CLASS BLX LICENSE ISSUED FOR A MOVIE THEATER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION FROM NOON TO 12:30 A.M. THE FOLLOWING DAY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 585

(House Bill 186)

AN ACT concerning

**Prince George’s County – Alcoholic Beverages – Family Entertainment Permit**

**PG 301–19**

FOR the purpose of repealing exceptions to the entertainment permit in Prince George’s County; establishing a family entertainment permit in the county; establishing requirements that an alcoholic beverages license holder whose business provides family entertainment must meet to obtain a family entertainment permit; requiring the Board of License Commissioners to determine the days and hours the permit is to be in effect, subject to a certain restriction; requiring the Board to adopt certain regulations; establishing a certain fee for the permit; and generally relating to entertainment permits in Prince George’s County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 26–102 and 26–1103(b)  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 26–1103(a)

Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 26–1103.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

26–102.

This title applies only in Prince George’s County.

26–1103.

(a) This section does not apply to a license holder that seeks to provide entertainment if:

(1) the license of the license holder is issued under § 26–1003, § 26–1006, § 26–1008, § 26–1009, § 26–1010, § 26–1011, § 26–1014, § 26–1015, § 26–1016, or § 26–1018.1 of this title; **OR**

[(2) the Board determines that the license holder’s principal business is to provide family entertainment;

(3) the license is a Class B (on–sale) license issued for a restaurant, and the license holder provides entertainment for adults and children that:

(i) is ancillary to the operation of the business; and

(ii) is not the primary focus of marketing or promotion for the business; or]

[(4)] **(2)** the license is a veterans or fraternal Class C license and the license holder provides entertainment that:

(i) is under the direct supervision of the license holder;

(ii) is for adults, children, and families of the organization or the public; and

(iii) when offered, ends not later than midnight.

- (b) There is an entertainment permit.

**26-1103.1.**

- (A) THERE IS A FAMILY ENTERTAINMENT PERMIT.**

**(B) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B (ON-SALE) LICENSE IN ACCORDANCE WITH THIS SECTION IF THE BOARD DETERMINES THAT:**

**(1) THE LICENSE HOLDER'S BUSINESS PROVIDES FAMILY ENTERTAINMENT;**

**(2) THE ROOM IN WHICH THE ENTERTAINMENT IS TO BE PROVIDED HAS A SEATING CAPACITY OF NOT MORE THAN 110 INDIVIDUALS;**

**(3) THE ESTABLISHMENT WILL ALLOW UNDERAGE PERSONS TO VIEW THE ENTERTAINMENT AND WILL NOT OFFER ENTERTAINMENT FOR ADULTS ONLY;**

**(4) THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD WILL BE AT LEAST 60% OF THE TOTAL DAILY RECEIPTS FROM THE SALE OF FOOD AND DRINK IN THE ESTABLISHMENT;**

**(5) THE ESTABLISHMENT WILL OFFER THE SAME MENU, INCLUDING APPETIZERS, MAIN COURSES, AND DESSERTS, THROUGHOUT THE ESTABLISHMENT AND DURING THE TIME WHEN THE ENTERTAINMENT IS PROVIDED; AND**

**(6) THE PRICES FOR FOOD AND DRINK IN THE ROOM WHERE THE ENTERTAINMENT IS TO BE PROVIDED WILL NOT VARY FROM THE PRICES FOR FOOD AND DRINK OFFERED ELSEWHERE IN THE ESTABLISHMENT.**

**(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT AUTHORIZES THE PERMIT HOLDER TO IMPOSE A COVER CHARGE AND PROVIDE ENTERTAINMENT.**

**(2) THE PERMIT HOLDER SHALL COMPLY WITH ALL REQUIREMENTS UNDER COUNTY LAW, INCLUDING ZONING AND USE AND OCCUPANCY LAWS.**

- (D) (1) THE BOARD SHALL DETERMINE:**

**(I) THE NUMBER OF DAYS IN A WEEK THAT A PERMIT HOLDER MAY EXERCISE THE PRIVILEGES OF THE PERMIT; AND**

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE HOURS THAT THE PERMIT MAY BE IN EFFECT.

(2) ENTERTAINMENT MAY NOT BE PROVIDED LATER THAN MIDNIGHT.

(E) THE HOLDER OF THE PERMIT SHALL BE SUBJECT TO § 26-1103(E) THROUGH (H)(1) AND (H)(3) THROUGH (L) OF THIS SUBTITLE.

(F) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(G) THE ANNUAL FEE FOR THE PERMIT IS \$250, WHICH IS IN ADDITION TO THE ANNUAL FEE FOR THE CLASS B LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 586

(House Bill 187)

AN ACT concerning

**Prince George's County – Speed Monitoring Systems – Maryland Route 210  
(Indian Head Highway)**

PG 305-19

FOR the purpose of repealing certain provisions of law that limit the ~~number and~~ location of speed monitoring systems that may be placed and used on Maryland Route 210 (Indian Head Highway) in Prince George's County; ~~authorizing the placement and use of speed monitoring systems at any intersection~~ increasing the number of speed monitoring systems that may be placed on Maryland Route 210 in Prince George's County; requiring the State Highway Administration, in conjunction with the Prince George's County Department of Public Works and Transportation, to perform a certain examination of Maryland Route 210 and report certain findings and recommendations to the Governor and the General Assembly on or before a certain date; making certain conforming changes; and generally relating to the placement and use of speed monitoring systems on Maryland Route 210 (Indian Head Highway) in Prince George's County.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings  
Section 7–302(e)(4)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 11–819(a)(1)  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 11–819(a)(2)  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 21–809(a)(1) and (8), (b)(1)(i) and (v), and (c)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 21–809(b)(1)(vi) through (viii)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

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

### **Article – Courts and Judicial Proceedings**

7–302.

(e) (4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems or school bus monitoring cameras, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems or school bus monitoring cameras; and
2. Subject to subparagraphs (ii) and (iii) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.

(iii) The fines collected by Prince George's County as a result of violations enforced by [a speed monitoring system at the intersection of Old Fort Road and] **SPEED MONITORING SYSTEMS ~~AT INTERSECTIONS~~ ON Maryland Route 210** shall be remitted to the Comptroller for deposit into the Criminal Injuries Compensation Fund under § 11-819 of the Criminal Procedure Article.

### Article – Criminal Procedure

11-819.

(a) (1) There is a Criminal Injuries Compensation Fund.

(2) The Fund consists of:

(i) money distributed to the Fund from the additional court costs collected from defendants under § 7-409 of the Courts Article;

(ii) money distributed to the Fund under § 7-302(e)(4)(iii) of the Courts Article from fines collected for violations enforced by [a speed monitoring system at the intersection of Old Fort Road and] **SPEED MONITORING SYSTEMS ~~AT INTERSECTIONS~~ ON Maryland Route 210 IN PRINCE GEORGE'S COUNTY;**

(iii) any investment earnings or federal matching funds received by the State for criminal injuries compensation; and

(iv) funds made available to the Fund from any other source.

### Article – Transportation

21-809.

(a) (1) In this section the following words have the meanings indicated.

(8) “Speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

(b) (1) (i) A speed monitoring system may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

(v) An ordinance or resolution adopted by the governing body of a local jurisdiction under this paragraph shall provide that, if the local jurisdiction moves or places a mobile or stationary speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the local jurisdiction may not issue a citation for a violation recorded by that speed monitoring system:

1. Until signage is installed in accordance with subparagraph (vii) of this paragraph; and

2. For at least the first 15 calendar days after the signage is installed.

(vi) This section applies to a violation of this subtitle recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

1. In Montgomery County, on a highway in a residential district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35 miles per hour, which speed limit was established using generally accepted traffic engineering practices;

2. In a school zone with a posted speed limit of at least 20 miles per hour; or

3. In Prince George’s County:

A. Subject to subparagraph (vii) of this paragraph, ~~at the intersection of Old Fort Road and~~ **AT AN INTERSECTION** ON Maryland Route 210 (Indian Head Highway); or

B. On that part of a highway located within the grounds of an institution of higher education as defined in § 10–101(h) of the Education Article, or within one-half mile of the grounds of a building or property used by the institution of higher education where generally accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or bicycle traffic is substantially generated or influenced by the institution of higher education.

(vii) ~~1=~~ Not more than ~~one~~ **THREE** speed monitoring ~~system~~ **SYSTEMS** may be placed ~~at the intersection of Old Fort Road and~~ **ON** Maryland Route 210 (Indian Head Highway).

~~2.] A speed monitoring system placed [in accordance with this subparagraph] AT AN INTERSECTION ON MARYLAND ROUTE 210 (INDIAN HEAD HIGHWAY) IN PRINCE GEORGE'S COUNTY may record only vehicles traveling in the southbound lane of the roadway.~~

(viii) Before activating a speed monitoring system, the local jurisdiction shall:

1. Publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction;

2. Ensure that each sign that designates a school zone is proximate to a sign that:

A. Indicates that speed monitoring systems are in use in the school zone; and

B. Is in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25-104 of this article;

3. With regard to a speed monitoring system established ~~at the intersection of Old Fort Road and~~ **AN INTERSECTION ON** Maryland Route 210 (Indian Head Highway) **IN PRINCE GEORGE'S COUNTY** or based on proximity to an institution of higher education under paragraph (1)(vi)3 of this subsection, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that:

A. Are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25-104 of this article; and

B. Indicate that a speed monitoring system is in use; and

4. With regard to a speed monitoring system placed on Maryland Route 210 (Indian Head Highway) **IN PRINCE GEORGE'S COUNTY**, ensure that each sign that indicates that a speed monitoring system is in use is proximate to a device that displays a real-time posting of the speed at which a driver is traveling.

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated in violation of this subtitle.

(2) A civil penalty under this subsection may not exceed \$40.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (d)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway Administration, in conjunction with the Prince George’s County Department of Public Works and Transportation, shall:

(1) examine for Maryland Route 210 (Indian Head Highway) in Prince George’s County the engineering, infrastructure, and other relevant factors that it determines may contribute to the overabundance of motor vehicle accidents, injuries, and fatalities on the highway; and

(2) report its findings and recommendations on the most effective solutions to address these motor vehicle accidents, injuries, and fatalities on the highway to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before May 31, 2021.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 587**

### **(House Bill 189)**

AN ACT concerning

#### **Prince George’s County – Alcoholic Beverages – Class BLX Licenses**

#### **PG 304–19**

FOR the purpose of increasing in Prince George’s County the number of Class BLX licenses that a person may hold; requiring the Board of License Commissioners for Prince George’s County to take certain actions before issuing a certain Class BLX license to a license holder that already holds certain other Class BLX licenses; and generally relating to alcoholic beverages licenses in Prince George’s County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages

Section 26–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 26–1616  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

26–102.

This title applies only in Prince George’s County.

26–1616.

(a) There is a Class BLX license.

(b) (1) The Board may issue the license for use in a luxury–type restaurant, as defined in regulations of the Board, that has:

(i) a minimum capital investment of \$1,000,000 for a dining room facility and kitchen equipment, not including the cost of the land, building, or lease; and

(ii) seating for at least 100 individuals.

(2) If the criteria under paragraph (1) of this subsection are met, the Board may issue or transfer one Class BLX license on behalf of:

(i) the county;

(ii) the Maryland–National Capital Park and Planning Commission;

or

(iii) a private concessionaire under contract with:

1. the county; or

2. the Maryland–National Capital Park and Planning

Commission.

(3) The Board may determine:

(i) the number of licenses to be issued;

(ii) to whom the license may be issued; and

(iii) whether a holder of an alcoholic beverages license may have an interest in one Class BLX license.

(4) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(c) (1) Subject to paragraphs (2) and (3) of this subsection, a person may not hold more than [10] **15** Class BLX licenses.

(2) The Board may issue:

(i) a fifth license to a license holder only if the date of application for the fifth license is at least 1 year after the date the license holder was issued the fourth license; and

(ii) a sixth license only if the date of application for the sixth license is at least 1 year after the date the license holder was issued the fifth license.

(3) In determining whether to issue a fifth, sixth, [seventh, eighth, ninth, or tenth] **OR SUBSEQUENT** license to a single license holder, the Board:

(i) shall consider the number of licensed establishments existing in the area surrounding the site of the proposed licensed establishment; and

(ii) may issue an additional license only if the Board determines that the proposed licensed establishment will enhance the recreational, business, and economic development of the area.

(d) The profit realized from the sale of an alcoholic beverage under a license issued under subsection (b)(2) of this section may be for the use and benefit of the license holder.

(e) The annual license fee is \$3,875.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 588****(House Bill 197)**

AN ACT concerning

**Wicomico County – Alcoholic Beverages – Bed and Breakfast License**

FOR the purpose of establishing a Class B–BB (bed and breakfast) beer and wine license in Wicomico County; providing the qualifications that must be met for issuance of the license; authorizing the license holder to sell alcoholic beverages to guests of the establishment under certain circumstances; authorizing the license holder to sell alcoholic beverages to guests of certain catered events under certain circumstances; authorizing the license holder to allow certain guests to consume personal alcoholic beverages on the premises under certain circumstances and subject to a certain limitation; specifying the hours of sale of alcoholic beverages; specifying that, except during certain catered events or ticketed events hosted by the license holder, the license does not authorize the license holder to sell alcoholic beverages to certain individuals; specifying that a license is void under certain circumstances and must be returned to the Board of License Commissioners for Wicomico County; specifying that certain restrictions do not apply to a permanent resident of the establishment or to guests of the permanent resident; requiring the license holder to retain and make available certain records; setting an annual fee for the license; and generally relating to alcoholic beverages licenses in Wicomico County.

BY renumbering

Article – Alcoholic Beverages  
Section 32–1001  
to be Section 32–1001.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 32–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 32–1001  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 32–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 32–1001.1.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

32–102.

This title applies only in Wicomico County.

32–1001.

**(A) THERE IS A CLASS B–BB (BED AND BREAKFAST) BEER AND WINE LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER WHO IS APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT TO OPERATE A BED AND BREAKFAST THAT:**

**(1) PROVIDES SERVICES ORDINARILY PROVIDED BY A BED AND BREAKFAST;**

**(2) HAS AT LEAST ONE ROOM BUT NOT MORE THAN 10 ROOMS, EACH WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME; AND**

**(3) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A GUEST IF:**

**(1) THE NAME AND ADDRESS OF THE GUEST APPEARS ON THE REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND**

**(2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED AND BREAKFAST.**

**(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE FOR ON–PREMISES CONSUMPTION TO A GUEST OF A CATERED EVENT AT THE BED AND BREAKFAST IF:**

**(I) 1. THE LICENSE HOLDER IS UNDER CONTRACT TO CATER**

**THE EVENT;**

- 2. THE LICENSE HOLDER CATERS THE EVENT; AND**
- 3. FOOD IS SERVED AT THE CATERED EVENT; OR**

**(II) THE LICENSE HOLDER HOSTS AN EVENT FOR WHICH TICKETS ARE SOLD IN ADVANCE.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW A GUEST OF THE BED AND BREAKFAST, WHOSE NAME AND ADDRESS APPEAR ON THE REGISTRY OF THE ESTABLISHMENT, TO BRING PERSONAL ALCOHOLIC BEVERAGES ONTO THE PREMISES FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT UNDER SUBSECTION (E) OF THIS SECTION.**

**(E) THE LICENSE HOLDER MAY SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY, FROM 7 A.M. TO MIDNIGHT.**

**(F) EXCEPT DURING CATERED EVENTS THAT MEET THE REQUIREMENTS UNDER SUBSECTION (D) OF THIS SECTION OR TICKETED EVENTS HOSTED BY THE LICENSE HOLDER, THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER AND WINE TO AN INDIVIDUAL WHO:**

**(1) IS NOT A GUEST OF THE BED AND BREAKFAST; OR**

**(2) IS REGISTERED AS A GUEST AT THE BED AND BREAKFAST ONLY TO OBTAIN BEER AND WINE.**

**(G) (1) A BED AND BREAKFAST MAY NOT BE OPERATED ONLY TO SELL OR PROVIDE BEER AND WINE.**

**(2) IF THE BED AND BREAKFAST ENDS OPERATIONS AS A BED AND BREAKFAST:**

**(I) THE LICENSE IS VOID; AND**

**(II) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE BOARD.**

**(H) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO A PERMANENT RESIDENT ON THE PREMISES OR TO GUESTS OF THE PERMANENT RESIDENT.**

**(I) THE LICENSE HOLDER SHALL:**

**(1) MAINTAIN RECORDS OF ALL CATERED EVENTS WHERE ALCOHOLIC BEVERAGES ARE SERVED; AND**

**(2) MAKE THE RECORDS REQUIRED UNDER ITEM (1) OF THIS SUBSECTION AVAILABLE ON REQUEST TO THE BOARD OR TO THE COMPTROLLER.**

**(J) THE ANNUAL LICENSE FEE IS \$300.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 589**

### **(Senate Bill 19)**

AN ACT concerning

#### **Wicomico County – Alcoholic Beverages – Bed and Breakfast License**

FOR the purpose of establishing a Class B–BB (bed and breakfast) beer and wine license in Wicomico County; providing the qualifications that must be met for issuance of the license; authorizing the license holder to sell alcoholic beverages to guests of the establishment under certain circumstances; authorizing the license holder to sell alcoholic beverages to guests of certain catered events under certain circumstances; authorizing the license holder to allow certain guests to consume personal alcoholic beverages on the premises under certain circumstances and subject to a certain limitation; specifying the hours of sale of alcoholic beverages; specifying that, except during certain catered events or ticketed events hosted by the license holder, the license does not authorize the license holder to sell alcoholic beverages to certain individuals; specifying that a license is void under certain circumstances and must be returned to the Board of License Commissioners for Wicomico County; specifying that certain restrictions do not apply to a permanent resident of the establishment or to guests of the permanent resident; requiring the license holder to retain and make available certain records; setting an annual fee for the license; and generally relating to alcoholic beverages licenses in Wicomico County.

BY renumbering

Article – Alcoholic Beverages

Section 32–1001

to be Section 32–1001.1

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 32–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 32–1001

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 32–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 32–1001.1.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – Alcoholic Beverages**

32–102.

This title applies only in Wicomico County.

**32–1001.**

**(A) THERE IS A CLASS B–BB (BED AND BREAKFAST) BEER AND WINE LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER WHO IS APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT TO OPERATE A BED AND BREAKFAST THAT:**

**(1) PROVIDES SERVICES ORDINARILY PROVIDED BY A BED AND BREAKFAST;**

**(2) HAS AT LEAST ONE ROOM BUT NOT MORE THAN 10 ROOMS, EACH WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME; AND**

**(3) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE**

APPROPRIATE LOCAL GOVERNMENTAL UNIT.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A GUEST IF:

(1) THE NAME AND ADDRESS OF THE GUEST APPEARS ON THE REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND

(2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED AND BREAKFAST.

(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION TO A GUEST OF A CATERED EVENT AT THE BED AND BREAKFAST IF:

(I) 1. THE LICENSE HOLDER IS UNDER CONTRACT TO CATER THE EVENT;

2. THE LICENSE HOLDER CATERES THE EVENT; AND

3. FOOD IS SERVED AT THE CATERED EVENT; OR

(II) THE LICENSE HOLDER HOSTS AN EVENT FOR WHICH TICKETS ARE SOLD IN ADVANCE.

(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW A GUEST OF THE BED AND BREAKFAST, WHOSE NAME AND ADDRESS APPEAR ON THE REGISTRY OF THE ESTABLISHMENT, TO BRING PERSONAL ALCOHOLIC BEVERAGES ONTO THE PREMISES FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT UNDER SUBSECTION (E) OF THIS SECTION.

(E) THE LICENSE HOLDER MAY SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY, FROM 7 A.M. TO MIDNIGHT.

(F) EXCEPT DURING CATERED EVENTS THAT MEET THE REQUIREMENTS UNDER SUBSECTION (D) OF THIS SECTION OR TICKETED EVENTS HOSTED BY THE LICENSE HOLDER, THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER AND WINE TO AN INDIVIDUAL WHO:

(1) IS NOT A GUEST OF THE BED AND BREAKFAST; OR

(2) IS REGISTERED AS A GUEST AT THE BED AND BREAKFAST ONLY TO OBTAIN BEER AND WINE.

**(G) (1) A BED AND BREAKFAST MAY NOT BE OPERATED ONLY TO SELL OR PROVIDE BEER AND WINE.**

**(2) IF THE BED AND BREAKFAST ENDS OPERATIONS AS A BED AND BREAKFAST:**

**(I) THE LICENSE IS VOID; AND**

**(II) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE BOARD.**

**(H) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO A PERMANENT RESIDENT ON THE PREMISES OR TO GUESTS OF THE PERMANENT RESIDENT.**

**(I) THE LICENSE HOLDER SHALL:**

**(1) MAINTAIN RECORDS OF ALL CATERED EVENTS WHERE ALCOHOLIC BEVERAGES ARE SERVED; AND**

**(2) MAKE THE RECORDS REQUIRED UNDER ITEM (1) OF THIS SUBSECTION AVAILABLE ON REQUEST TO THE BOARD OR TO THE COMPTROLLER.**

**(J) THE ANNUAL LICENSE FEE IS \$300.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 590

(House Bill 198)

AN ACT concerning

### Wicomico County – Alcoholic Beverages – Basket of Cheer Permit

FOR the purpose of establishing a basket of cheer permit in Wicomico County; authorizing the Board of License Commissioners for Wicomico County to grant the permit to certain nonprofit organizations; providing that the permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer, consisting of certain alcoholic beverages; specifying that the alcoholic beverages contained in a

basket of cheer shall be for off-premises consumption; setting a fee for the permit; and generally relating to alcoholic beverages permits in Wicomico County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 32–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 32–1313

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

32–102.

This title applies only in Wicomico County.

**32–1313.**

**(A) THERE IS A BASKET OF CHEER PERMIT.**

**(B) THE BOARD MAY ISSUE THE PERMIT TO A NONPROFIT ORGANIZATION, AS DEFINED BY § 501(C) OF THE INTERNAL REVENUE CODE, THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

**(C) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO PROVIDE AS A PRIZE AT A BENEFIT PERFORMANCE A BASKET OF CHEER, CONSISTING OF:**

**(1) FOR A HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE, NOT MORE THAN:**

**(I) 288 OUNCES OF BEER; AND**

**(II) 2.25 LITERS OF WINE; AND**

**(2) FOR A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, NOT MORE THAN:**

- (I) 288 OUNCES OF BEER;
- (II) 2.25 LITERS OF WINE; AND
- (III) 2.25 LITERS OF LIQUOR.

(D) THE ALCOHOLIC BEVERAGES CONTAINED IN A BASKET OF CHEER SHALL BE FOR OFF-PREMISES CONSUMPTION.

(E) THE PERMIT FEES ARE:

(1) \$30 PER EVENT FOR THE HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE; AND

(2) \$45 PER EVENT FOR THE HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 591

(Senate Bill 6)

AN ACT concerning

### Wicomico County – Alcoholic Beverages – Basket of Cheer Permit

FOR the purpose of establishing a basket of cheer permit in Wicomico County; authorizing the Board of License Commissioners for Wicomico County to grant the permit to certain nonprofit organizations; providing that the permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer, consisting of certain alcoholic beverages; specifying that the alcoholic beverages contained in a basket of cheer shall be for off-premises consumption; setting a fee for the permit; and generally relating to alcoholic beverages permits in Wicomico County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 32–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 32–1313  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

32–102.

This title applies only in Wicomico County.

**32–1313.**

**(A) THERE IS A BASKET OF CHEER PERMIT.**

**(B) THE BOARD MAY ISSUE THE PERMIT TO A NONPROFIT ORGANIZATION, AS DEFINED BY § 501(C) OF THE INTERNAL REVENUE CODE, THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

**(C) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO PROVIDE AS A PRIZE AT A BENEFIT PERFORMANCE A BASKET OF CHEER, CONSISTING OF:**

**(1) FOR A HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE, NOT MORE THAN:**

**(I) 288 OUNCES OF BEER; AND**

**(II) 2.25 LITERS OF WINE; AND**

**(2) FOR A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, NOT MORE THAN:**

**(I) 288 OUNCES OF BEER;**

**(II) 2.25 LITERS OF WINE; AND**

**(III) 2.25 LITERS OF LIQUOR.**

**(D) THE ALCOHOLIC BEVERAGES CONTAINED IN A BASKET OF CHEER SHALL BE FOR OFF-PREMISES CONSUMPTION.**

**(E) THE PERMIT FEES ARE:**

**(1) \$30 PER EVENT FOR THE HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE; AND**

**(2) \$45 PER EVENT FOR THE HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 592**

**(House Bill 199)**

AN ACT concerning

**Wicomico County – Deer Hunting – Sundays**

FOR the purpose of authorizing the Department of Natural Resources to allow a person in Wicomico County to hunt deer on private property on ~~certain Sundays~~ a certain Sunday; and generally relating to Sunday deer hunting in Wicomico County.

BY repealing and reenacting, without amendments,  
 Article – Natural Resources  
 Section 10–410(a)(1)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

BY ~~repealing and reenacting, with amendments,~~ adding to  
 Article – Natural Resources  
 Section ~~10–410(a)(3)~~ 10–410(a)(12)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

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

**Article – Natural Resources**

10–410.

(a) (1) Except as otherwise provided in this subsection, a person may not hunt any game bird or mammal on Sundays.

~~(2) Subject to the provisions of § 10-415 of this subtitle, in Calvert County, Caroline County, Charles County, Harford County, Queen Anne's County, St. Mary's County, Somerset County, **WICOMICO COUNTY**, and Worcester County, a person may hunt deer on private property on:~~

~~(i) The first Sunday of the bow hunting season in November; and~~

~~(ii) Each Sunday in the deer firearms season.~~

**(12) (I) THIS PARAGRAPH APPLIES ONLY IN WICOMICO COUNTY.**

**(II) SUBJECT TO § 10-415 OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY ON THE SECOND SUNDAY IN DEER FIREARMS SEASON FROM 30 MINUTES BEFORE SUNRISE UNTIL 10:30 A.M.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 593

(House Bill 244)

AN ACT concerning

### Garrett County – Hotel Rental Tax – Rate and Distribution of Revenue

FOR the purpose of increasing the maximum hotel rental tax rate that Garrett County may impose; altering the distribution of hotel rental tax revenue in Garrett County; and generally relating to the hotel rental tax in Garrett County.

BY repealing and reenacting, with amendments,  
 Article – Local Government  
 Section 20-405 and 20-415  
 Annotated Code of Maryland  
 (2013 Volume and 2018 Supplement)

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

**Article – Local Government**

20–405.

(a) Subject to this section, the hotel rental tax rate is the rate that the county sets by resolution.

(b) The hotel rental tax rate may not exceed:

(1) except as otherwise provided in this section, 3% in a code county;

(2) 3% in Cecil County;

(3) 4% in Talbot County;

(4) 5% in Calvert County, Carroll County, Charles County, Dorchester County, Frederick County, St. Mary's County, and Somerset County; [and]

(5) 6% in [Garrett County and] Wicomico County; **AND**

**(6) 8% IN GARRETT COUNTY.**

(c) With the unanimous consent of the county commissioners:

(1) a code county other than a Western Maryland code county may set a hotel rental tax rate up to 5%; and

(2) a Western Maryland code county may set a hotel rental tax rate up to 8%.

(d) The hotel rental tax rate in Washington County is 6%.

20–415.

(a) Except as otherwise provided in this part, a code county, Calvert County, Cecil County, Garrett County, or St. Mary's County shall distribute the hotel rental tax revenue as follows:

(1) a reasonable sum for hotel rental tax administrative costs to the general fund of the county;

(2) after the distribution in item (1) of this subsection, the revenue attributable to a hotel located in a municipality to the municipality; and

(3) the remaining balance to the general fund of the county.

(b) Cecil County may not deduct more than 5% of the revenue for administrative costs under subsection (a)(1) of this section.

[(c) Garrett County shall designate a part of the balance under subsection (a)(3) of this section for the promotion of the county.]

**(C) (1) FROM THE PART OF THE BALANCE UNDER SUBSECTION (A)(3) OF THIS SECTION THAT IS ATTRIBUTABLE TO A TAX RATE OF 6% OR LESS, GARRETT COUNTY SHALL DESIGNATE A PORTION FOR THE PROMOTION OF THE COUNTY.**

**(2) IF GARRETT COUNTY IMPOSES A TAX RATE GREATER THAN 6%, THE PART OF THE BALANCE UNDER SUBSECTION (A)(3) OF THIS SECTION THAT IS ATTRIBUTABLE TO THE RATE GREATER THAN 6% SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.**

(d) If a Western Maryland code county imposes a tax rate greater than 5%, the revenue attributable to the rate greater than 5% and attributable to a hotel located in a municipality shall be distributed to the general fund of the county.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 594

(Senate Bill 216)

AN ACT concerning

### **Garrett County – Hotel Rental Tax – Rate and Distribution of Revenue**

FOR the purpose of increasing the maximum hotel rental tax rate that Garrett County may impose; altering the distribution of hotel rental tax revenue in Garrett County; and generally relating to the hotel rental tax in Garrett County.

BY repealing and reenacting, with amendments,

Article – Local Government  
Section 20–405 and 20–415  
Annotated Code of Maryland  
(2013 Volume and 2018 Supplement)

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

**Article – Local Government**

20–405.

(a) Subject to this section, the hotel rental tax rate is the rate that the county sets by resolution.

(b) The hotel rental tax rate may not exceed:

(1) except as otherwise provided in this section, 3% in a code county;

(2) 3% in Cecil County;

(3) 4% in Talbot County;

(4) 5% in Calvert County, Carroll County, Charles County, Dorchester County, Frederick County, St. Mary's County, and Somerset County; [and]

(5) 6% in [Garrett County and] Wicomico County; **AND**

**(6) 8% IN GARRETT COUNTY.**

(c) With the unanimous consent of the county commissioners:

(1) a code county other than a Western Maryland code county may set a hotel rental tax rate up to 5%; and

(2) a Western Maryland code county may set a hotel rental tax rate up to 8%.

(d) The hotel rental tax rate in Washington County is 6%.

20–415.

(a) Except as otherwise provided in this part, a code county, Calvert County, Cecil County, Garrett County, or St. Mary's County shall distribute the hotel rental tax revenue as follows:

(1) a reasonable sum for hotel rental tax administrative costs to the general fund of the county;

(2) after the distribution in item (1) of this subsection, the revenue attributable to a hotel located in a municipality to the municipality; and

(3) the remaining balance to the general fund of the county.

(b) Cecil County may not deduct more than 5% of the revenue for administrative costs under subsection (a)(1) of this section.

[(c) Garrett County shall designate a part of the balance under subsection (a)(3) of this section for the promotion of the county.]

**(C) (1) FROM THE PART OF THE BALANCE UNDER SUBSECTION (A)(3) OF THIS SECTION THAT IS ATTRIBUTABLE TO A TAX RATE OF 6% OR LESS, GARRETT COUNTY SHALL DESIGNATE A PORTION FOR THE PROMOTION OF THE COUNTY.**

**(2) IF GARRETT COUNTY IMPOSES A TAX RATE GREATER THAN 6%, THE PART OF THE BALANCE UNDER SUBSECTION (A)(3) OF THIS SECTION THAT IS ATTRIBUTABLE TO THE RATE GREATER THAN 6% SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.**

(d) If a Western Maryland code county imposes a tax rate greater than 5%, the revenue attributable to the rate greater than 5% and attributable to a hotel located in a municipality shall be distributed to the general fund of the county.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 595**

**(House Bill 248)**

AN ACT concerning

### **Education – Child Care Subsidies – Mandatory Funding Level**

FOR the purpose of altering the Governor's required appropriation of certain funds in the State budget to increase the Child Care Subsidy Program reimbursement to a certain amount beginning in a certain fiscal year; and generally relating to the Child Care Subsidy Program.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 1–101(a) and (f) and 9.5–111(a) and (d)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education  
Section 9.5–111(e)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)

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

**Article – Education**

1–101.

(a) In this article, unless the context requires otherwise, the following words have the meanings indicated.

(f) “Department” means the State Department of Education.

9.5–111.

(a) (1) In this section the following words have the meanings indicated.

(2) “Analysis” means the market rate survey or an alternative method allowable under federal law.

(3) “Program” means the Child Care Subsidy Program.

(d) The Governor shall include in the annual State budget an appropriation from all fund sources for the Program that is not less than the total appropriation for the Program in fiscal year 2018 or fiscal year 2019, whichever is greater.

(e) The Governor shall, from all fund sources, appropriate funds in the annual State budget in an amount sufficient to raise the Program’s reimbursement rates for each region to:

(1) For fiscal year 2020, not less than the 30th percentile of the most recent market rate survey or its equivalent if an alternative methodology defined by the Department is used; **AND**

(2) For fiscal year 2021 **AND EACH FISCAL YEAR THEREAFTER**, not less than the [45th] **60TH** percentile of the most recent market rate survey or its equivalent if an alternative methodology defined by the Department is used[; and

(3) For fiscal year 2022 and each fiscal year thereafter, not less than the 60th percentile of the most recent market rate survey or its equivalent if an alternative methodology defined by the Department is used].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 596**

### **(Senate Bill 181)**

AN ACT concerning

#### **Education – Child Care Subsidies – Mandatory Funding Level**

FOR the purpose of altering the Governor’s required appropriation of certain funds in the State budget to increase the Child Care Subsidy Program reimbursement to a certain amount beginning in a certain fiscal year; and generally relating to the Child Care Subsidy Program.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 1–101(a) and (f) and 9.5–111(a) and (d)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 9.5–111(e)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)

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

#### **Article – Education**

1–101.

(a) In this article, unless the context requires otherwise, the following words have the meanings indicated.

(f) “Department” means the State Department of Education.

9.5–111.

(a) (1) In this section the following words have the meanings indicated.

(2) “Analysis” means the market rate survey or an alternative method allowable under federal law.

(3) “Program” means the Child Care Subsidy Program.

(d) The Governor shall include in the annual State budget an appropriation from all fund sources for the Program that is not less than the total appropriation for the Program in fiscal year 2018 or fiscal year 2019, whichever is greater.

(e) The Governor shall, from all fund sources, appropriate funds in the annual State budget in an amount sufficient to raise the Program’s reimbursement rates for each region to:

(1) For fiscal year 2020, not less than the 30th percentile of the most recent market rate survey or its equivalent if an alternative methodology defined by the Department is used; **AND**

(2) For fiscal year 2021 **AND EACH FISCAL YEAR THEREAFTER**, not less than the [45th] **60TH** percentile of the most recent market rate survey or its equivalent if an alternative methodology defined by the Department is used[; and

(3) For fiscal year 2022 and each fiscal year thereafter, not less than the 60th percentile of the most recent market rate survey or its equivalent if an alternative methodology defined by the Department is used].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 597

(House Bill 258)

AN ACT concerning

### **Health Insurance – Individual Market Stabilization – Provider Fee**

FOR the purpose of clarifying that certain provisions of law apply to managed care organizations; requiring a managed care organization to pay a certain fee on a certain basis in certain calendar years; altering the purpose of certain provisions of law requiring that certain entities be subject to a certain assessment on all amounts used to calculate a certain premium tax liability or the amount of the entity’s

premium tax exemption value; requiring that certain entities be subject to certain assessments ~~for in certain calendar years in which the federal government makes an assessment and for certain calendar years in which the federal government does not make an assessment under a certain provision of federal law~~; clarifying that certain assessments are for insurance products that are subject to a certain provision of federal law and may be subject to an assessment by the State; requiring that the calculation of the assessment be made without regard to certain threshold limits or a certain partial exclusion of net premiums; making a conforming change; providing for the application of certain provisions of law; requiring the Maryland Health Insurance Coverage Protection Commission to study a certain matter; providing that certain provisions of this Act apply to stand-alone dental plan carriers and stand-alone vision plan carriers; providing for the termination of a certain provision of this Act, subject to a certain contingency; requiring the Maryland Insurance Commissioner to forward a copy of a certain notice to the Department of Legislative Services within a certain period of time and notify certain carriers; making a certain provision of this Act subject to a certain contingency; and generally relating to the stabilization of the individual market and the health insurance provider fee.

BY adding to

Article – Health – General  
Section 15–102.3(g)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance  
Section 6–102.1  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Chapter 17 of the Acts of the General Assembly of 2017, as amended by Chapters 37  
and 38 of the Acts of the General Assembly of 2018  
Section 1(b)

BY repealing and reenacting, with amendments,

Chapter 17 of the Acts of the General Assembly of 2017, as amended by Chapters 37  
and 38 of the Acts of the General Assembly of 2018  
Section 1(h)(1)

BY repealing and reenacting, with amendments,

Article – Insurance  
Section 6–102.1(a)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

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

**Article – Health – General**

15–102.3.

**(G) (1) THE PROVISIONS OF § 6–102.1 OF THE INSURANCE ARTICLE APPLY TO MANAGED CARE ORGANIZATIONS.**

**(2) FOR EACH CALENDAR YEAR THAT THE INSURANCE COMMISSIONER ASSESSES A HEALTH INSURANCE PROVIDER FEE UNDER § 6–102.1 OF THE INSURANCE ARTICLE, A MANAGED CARE ORGANIZATION SHALL PAY THE FEE ON A QUARTERLY BASIS IN ACCORDANCE WITH A SCHEDULE ADOPTED BY THE INSURANCE COMMISSIONER.**

**Article – Insurance**

6–102.1.

(a) This section applies to:

(1) an insurer, a nonprofit health service plan, a health maintenance organization, a dental plan organization, a fraternal benefit organization, and any other person subject to regulation by the State that provides a product that:

- (i) is subject to ~~the fee under~~ § 9010 of the Affordable Care Act; and
- (ii) may be subject to an assessment by the State; and

(2) a managed care organization authorized under Title 15, Subtitle 1 of the Health – General Article.

(b) The purpose of this section is to [recoup the aggregate amount of the] **ASSIST IN THE STABILIZATION OF THE INDIVIDUAL HEALTH INSURANCE MARKET BY ASSESSING A** health insurance provider fee [that otherwise would have been assessed under § 9010 of the Affordable Care Act] that is attributable to State health risk for calendar year 2019 ~~[as a bridge to stability in the individual health insurance market]~~ **AND EACH CALENDAR YEAR THEREAFTER YEARS 2019 THROUGH 2023, BOTH INCLUSIVE, AS PROVIDED FOR UNDER SUBSECTION (C) OF THIS SECTION.**

(c) (1) ~~[In] FOR A~~ calendar year ~~[2019] IN WHICH THE FEDERAL GOVERNMENT DOES NOT MAKE AN ASSESSMENT UNDER § 9010 OF THE AFFORDABLE CARE ACT~~, in addition to the amounts otherwise due under this subtitle, an entity subject to this section shall be subject to an assessment of 2.75% on all amounts

used to calculate the entity's premium tax liability under § 6–102 of this subtitle or the amount of the entity's premium tax exemption value for ~~THE IMMEDIATELY PRECEDING~~ calendar year ~~2018~~.

~~(2) FOR A CALENDAR YEAR IN WHICH THE FEDERAL GOVERNMENT MAKES AN ASSESSMENT UNDER § 9010 OF THE AFFORDABLE CARE ACT IN CALENDAR YEARS 2020 THROUGH 2023, BOTH INCLUSIVE, IN ADDITION TO THE AMOUNTS OTHERWISE DUE UNDER THIS SUBTITLE, AN ENTITY SUBJECT TO THIS SECTION SHALL BE SUBJECT TO AN ASSESSMENT OF 1% ON ALL AMOUNTS USED TO CALCULATE THE ENTITY'S PREMIUM TAX LIABILITY UNDER § 6–102 OF THIS SUBTITLE OR THE AMOUNT OF THE ENTITY'S PREMIUM TAX EXEMPTION VALUE FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.~~

(3) THE ASSESSMENTS REQUIRED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ARE FOR PRODUCTS THAT:

(I) ARE SUBJECT TO § 9010 OF THE AFFORDABLE CARE ACT;

AND

(II) MAY BE SUBJECT TO AN ASSESSMENT BY THE STATE.

(4) THE CALCULATION OF THE ASSESSMENTS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL BE MADE WITHOUT REGARD TO:

(I) THE THRESHOLD LIMITS ESTABLISHED IN § 9010(B)(2)(A) OF THE AFFORDABLE CARE ACT; OR

(II) THE PARTIAL EXCLUSION OF NET PREMIUMS PROVIDED FOR IN § 9010(B)(2)(B) OF THE AFFORDABLE CARE ACT.

~~[(2)] (D)~~ Notwithstanding § 2–114 of this article, the assessment required under this section shall be distributed by the Commissioner to the Maryland Health Benefit Exchange Fund established under § 31–107 of this article.

Chapter 17 of the Acts of 2017, as amended by Chapters 37 and 38 of the Acts of 2018

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.  
That:

(b) There is a Maryland Health Insurance Coverage Protection Commission.

(h) (1) The Commission shall study and make recommendations for individual and group health insurance market stability, including:

(i) the components of one or more waivers under § 1332 of the Affordable Care Act to ensure market stability that may be submitted by the State;

(ii) whether to pursue a standard plan design that limits cost sharing;

(iii) whether to merge the individual and small group health insurance markets in the State for rating purposes;

(iv) whether to pursue a Basic Health Program;

(v) whether to pursue a Medicaid buy-in program for the individual market;

(vi) whether to provide subsidies that supplement premium tax credits or cost-sharing reductions described in § 1402(c) of the Affordable Care Act; [and]

(vii) whether to adopt a State-based individual health insurance mandate and how to use payments collected from individuals who do not maintain minimum essential coverage, including use of the payments to assist individuals in purchasing health insurance; AND

**(VIII) WHETHER THE STATE REINSURANCE PROGRAM SHOULD BE EXTENDED AFTER CALENDAR YEAR 2023 AND, IF SO, HOW IT WILL BE FUNDED.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article – Insurance

6–102.1.

(a) (1) This section applies to:

[(1)] (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, an insurer, a nonprofit health service plan, a health maintenance organization, a dental plan organization, a fraternal benefit organization, and any other person subject to regulation by the State that provides a product that:

[(i)] 1. is subject to the fee under § 9010 of the Affordable Care Act; and

[(ii)] 2. may be subject to an assessment by the State; and

[(2)] (II) a managed care organization authorized under Title 15, Subtitle 1 of the Health – General Article.

**(2) THIS SECTION DOES NOT APPLY TO A STAND-ALONE DENTAL PLAN CARRIER OR A STAND-ALONE VISION PLAN CARRIER.**

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The assessment established under § 6–102.1 of the Insurance Article, as enacted by Section ~~2~~ 1 of this Act, shall apply to stand-alone dental plan carriers and stand-alone vision plan carriers.

(b) If the federal government confirms that under the rules that implement § 1903 of the Social Security Act, which requires health care related taxes to be broad-based and uniform in order to apply to Medicaid providers, such as managed care organizations, that the State can impose a 1% assessment on Medicaid managed care organizations if it is imposing that fee on all commercial health insurance plans except dental and vision, subsection (a) of this section, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

(c) If the Maryland Insurance Commissioner receives notice of the confirmation described in subsection (b) of this section, within 5 days after receiving notice of the confirmation, the Commissioner shall:

(1) forward a copy of the notice to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401; and

(2) notify each stand-alone dental plan carrier and stand-alone vision plan carrier.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the termination of Section 3(a) of this Act.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 598

(Senate Bill 239)

AN ACT concerning

**Health Insurance – Individual Market Stabilization – Provider Fee**

FOR the purpose of clarifying that certain provisions of law apply to managed care organizations; requiring a managed care organization to pay a certain fee on a certain basis in certain calendar years; altering the purpose of certain provisions of law requiring that certain entities be subject to a certain assessment on all amounts used to calculate a certain premium tax liability or the amount of the entity's premium tax exemption value; requiring that certain entities be subject to certain assessments for in certain calendar years in which the federal government makes an assessment and for certain calendar years in which the federal government does not make an assessment under a certain provision of federal law; clarifying that certain assessments are for insurance products that are subject to a certain provision of federal law and may be subject to an assessment by the State; requiring that the calculation of the assessment be made without regard to certain threshold limits or a certain partial exclusion of net premiums; making a conforming change; providing for the application of certain provisions of law; requiring the Maryland Health Insurance Coverage Protection Commission to study a certain matter; providing that certain provisions of this Act apply to stand-alone dental plan carriers and stand-alone vision plan carriers; providing for the termination of a certain provision of this Act, subject to a certain contingency; requiring the Maryland Insurance Commissioner to forward a copy of a certain notice to the Department of Legislative Services within a certain period of time and notify certain carriers; making a certain provision of this Act subject to a certain contingency; and generally relating to the stabilization of the individual market and the health insurance provider fee.

BY adding to

Article – Health – General  
Section 15–102.3(g)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance  
Section 6–102.1  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Chapter 17 of the Acts of the General Assembly of 2017, as amended by Chapters 37  
and 38 of the Acts of the General Assembly of 2018  
Section 1(b)

BY repealing and reenacting, with amendments,

Chapter 17 of the Acts of the General Assembly of 2017, as amended by Chapters 37  
and 38 of the Acts of the General Assembly of 2018  
Section 1(h)(1)

~~BY repealing and reenacting, with amendments,~~

~~Article – Insurance~~~~Section 6–102.1(a)~~~~Annotated Code of Maryland~~~~(2017 Replacement Volume and 2018 Supplement)~~

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

**Article – Health – General**

15–102.3.

**(G) (1) THE PROVISIONS OF § 6–102.1 OF THE INSURANCE ARTICLE APPLY TO MANAGED CARE ORGANIZATIONS.**

**(2) FOR EACH CALENDAR YEAR THAT THE INSURANCE COMMISSIONER ASSESSES A HEALTH INSURANCE PROVIDER FEE UNDER § 6–102.1 OF THE INSURANCE ARTICLE, A MANAGED CARE ORGANIZATION SHALL PAY THE FEE ON A QUARTERLY BASIS IN ACCORDANCE WITH A SCHEDULE ADOPTED BY THE INSURANCE COMMISSIONER.**

**Article – Insurance**

6–102.1.

(a) This section applies to:

(1) an insurer, a nonprofit health service plan, a health maintenance organization, a dental plan organization, a fraternal benefit organization, and any other person subject to regulation by the State that provides a product that:

- (i) is subject to ~~the fee under~~ § 9010 of the Affordable Care Act; and
- (ii) may be subject to an assessment by the State; and

(2) a managed care organization authorized under Title 15, Subtitle 1 of the Health – General Article.

(b) The purpose of this section is to [recoup the aggregate amount of the] **ASSIST IN THE STABILIZATION OF THE INDIVIDUAL HEALTH INSURANCE MARKET BY ASSESSING A** health insurance provider fee [that otherwise would have been assessed under § 9010 of the Affordable Care Act] that is attributable to State health risk for calendar year 2019 [as a bridge to stability in the individual health insurance market] **AND EACH CALENDAR YEAR THEREAFTER YEARS 2019 THROUGH 2023, BOTH INCLUSIVE, AS PROVIDED FOR UNDER SUBSECTION (C) OF THIS SECTION.**

(c) (1) ~~[In] FOR A~~ calendar year ~~[2019] IN WHICH THE FEDERAL GOVERNMENT DOES NOT MAKE AN ASSESSMENT UNDER § 9010 OF THE AFFORDABLE CARE ACT~~, in addition to the amounts otherwise due under this subtitle, an entity subject to this section shall be subject to an assessment of 2.75% on all amounts used to calculate the entity's premium tax liability under § 6-102 of this subtitle or the amount of the entity's premium tax exemption value for ~~THE IMMEDIATELY PRECEDING~~ calendar year ~~[2018]~~.

(2) ~~FOR A CALENDAR YEAR IN WHICH THE FEDERAL GOVERNMENT MAKES AN ASSESSMENT UNDER § 9010 OF THE AFFORDABLE CARE ACT IN CALENDAR YEARS 2020 THROUGH 2023, BOTH INCLUSIVE~~, IN ADDITION TO THE AMOUNTS OTHERWISE DUE UNDER THIS SUBTITLE, AN ENTITY SUBJECT TO THIS SECTION SHALL BE SUBJECT TO AN ASSESSMENT OF 1% ON ALL AMOUNTS USED TO CALCULATE THE ENTITY'S PREMIUM TAX LIABILITY UNDER § 6-102 OF THIS SUBTITLE OR THE AMOUNT OF THE ENTITY'S PREMIUM TAX EXEMPTION VALUE FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.

(3) THE ASSESSMENTS REQUIRED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ARE FOR PRODUCTS THAT:

(I) ARE SUBJECT TO § 9010 OF THE AFFORDABLE CARE ACT;

AND

(II) MAY BE SUBJECT TO AN ASSESSMENT BY THE STATE.

(4) THE CALCULATION OF THE ASSESSMENTS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL BE MADE WITHOUT REGARD TO:

(I) THE THRESHOLD LIMITS ESTABLISHED IN § 9010(B)(2)(A) OF THE AFFORDABLE CARE ACT; OR

(II) THE PARTIAL EXCLUSION OF NET PREMIUMS PROVIDED FOR IN § 9010(B)(2)(B) OF THE AFFORDABLE CARE ACT.

(2) (D) Notwithstanding § 2-114 of this article, the assessment required under this section shall be distributed by the Commissioner to the Maryland Health Benefit Exchange Fund established under § 31-107 of this article.

Chapter 17 of the Acts of 2017, as amended by Chapters 37 and 38 of the Acts of 2018

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(b) There is a Maryland Health Insurance Coverage Protection Commission.

(h) (1) The Commission shall study and make recommendations for individual and group health insurance market stability, including:

(i) the components of one or more waivers under § 1332 of the Affordable Care Act to ensure market stability that may be submitted by the State;

(ii) whether to pursue a standard plan design that limits cost sharing;

(iii) whether to merge the individual and small group health insurance markets in the State for rating purposes;

(iv) whether to pursue a Basic Health Program;

(v) whether to pursue a Medicaid buy-in program for the individual market;

(vi) whether to provide subsidies that supplement premium tax credits or cost-sharing reductions described in § 1402(c) of the Affordable Care Act; [and]

(vii) whether to adopt a State-based individual health insurance mandate and how to use payments collected from individuals who do not maintain minimum essential coverage, including use of the payments to assist individuals in purchasing health insurance; AND

**(VIII) WHETHER THE STATE REINSURANCE PROGRAM SHOULD BE EXTENDED AFTER CALENDAR YEAR 2023 AND, IF SO, HOW IT WILL BE FUNDED.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article – Insurance

6–102.1.

(a) (1) This section applies to:

[(1)] (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, an insurer, a nonprofit health service plan, a health maintenance organization, a dental plan organization, a fraternal benefit organization, and any other person subject to regulation by the State that provides a product that:

[(i)] 1. is subject to the fee under § 9010 of the Affordable Care Act; and

[(ii)] 2. may be subject to an assessment by the State; and

[(2)] (II) a managed care organization authorized under Title 15, Subtitle 1 of the Health – General Article.

**(2) THIS SECTION DOES NOT APPLY TO A STAND-ALONE DENTAL PLAN CARRIER OR A STAND-ALONE VISION PLAN CARRIER.**

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The assessment established under § 6-102.1 of the Insurance Article, as enacted by Section 1 of this Act, shall apply to stand-alone dental plan carriers and stand-alone vision plan carriers.

(b) If the federal government confirms that under the rules that implement § 1903 of the Social Security Act, which requires health care related taxes to be broad-based and uniform in order to apply to Medicaid providers, such as managed care organizations, that the State can impose a 1% assessment on Medicaid managed care organizations if it is imposing that fee on all commercial health insurance plans except dental and vision, subsection (a) of this section, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

(c) If the Maryland Insurance Commissioner receives notice of the confirmation described in subsection (b) of this section, within 5 days after receiving notice of the confirmation, the Commissioner shall:

(1) forward a copy of the notice to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401; and

(2) notify each stand-alone dental plan carrier and stand-alone vision plan carrier.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the termination of Section 3(a) of this Act.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

AN ACT concerning

**Criminal Procedure – Expungement – Boating Offenses**

FOR the purpose of authorizing a person to file a petition for expungement of certain records based on a conviction for certain criminal boating offenses; making certain stylistic changes; and generally relating to expungement for certain criminal boating offenses.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure  
Section 10–110(a)  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 8–725.3(a), 8–725.4(b)(1) and (3), 8–725.5(a), 8–725.6(a), 8–726(a),  
8–726.1(b), 8–727.1(b), and 8–738.2(a)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

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

**Article – Criminal Procedure**

10–110.

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if the person is convicted of:

(1) a misdemeanor that is a violation of:

(i) § 6–320 of the Alcoholic Beverages Article;

(ii) an offense listed in § 17–613(a) of the Business Occupations and Professions Article;

(iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of the Business Regulation Article;

(iv) § 3–1508 or § 10–402 of the Courts Article;

(v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law Article;

- (vi) § 5–211 of this article;
- (vii) § 3–203 or § 3–808 of the Criminal Law Article;
- (viii) § 5–601 not involving the use or possession of marijuana, § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law Article;
- (ix) § 6–105, § 6–108, § 6–206, § 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;
- (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the Criminal Law Article;
- (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, § 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;
- (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the Criminal Law Article;
- (xiv) § 11–306(a) of the Criminal Law Article;
- (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, § 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- (xvii) § 4–509 of the Family Law Article;
- (xviii) § 18–215 of the Health – General Article;
- (xix) § 4–411 or § 4–2005 of the Housing and Community Development Article;
- (xx) § 27–403, § 27–404, § 27–405, § 27–406, § 27–406.1, § 27–407, § 27–407.1, or § 27–407.2 of the Insurance Article;
- (xxi) **§ 8–725.3, § 8–725.4, § 8–725.5, § 8–725.6, § 8–726, § 8–726.1, § 8–727.1, OR § 8–738.2 OF THE NATURAL RESOURCES ARTICLE OR ANY PROHIBITED ACT RELATED TO SPEED LIMITS FOR PERSONAL WATERCRAFT;**
- (xxii) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public Safety Article;

Article; [(xxii)] **(XXIII)** § 7–318.1, § 7–509, or § 10–507 of the Real Property

[(xxiii)] **(XXIV)** § 9–124 of the State Government Article;

[(xxiv)] **(XXV)** § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax – General Article; **OR**

[(xxv)] **(XXVI)** the common law offenses of affray, rioting, criminal contempt, battery, or hindering; [or]

(2) a felony that is a violation of:

(i) § 7–104 of the Criminal Law Article;

(ii) the prohibition against possession with intent to distribute a controlled dangerous substance under § 5–602(2) of the Criminal Law Article; or

(iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

(3) an attempt, a conspiracy, or a solicitation of any offense listed in item (1) or (2) of this subsection.

### **Article – Natural Resources**

8–725.3.

(a) A person may not operate any vessel on the Severn River from April 15, 1989 to October 15, 1989 in excess of 40 miles per hour during the following days and times:

(1) A Saturday;

(2) A Sunday;

(3) A State holiday; and

(4) Any other day from sundown to sunrise.

8–725.4.

(b) (1) Except as provided in subsection (d) of this section, a person may not operate a vessel on the waters of the State so as to exceed a noise level of 90dB(a).

(3) An owner or lessee of a vessel may not allow the vessel to be operated on waters of the State in violation of paragraph (1) of this subsection.

8-725.5.

(a) A person may not operate a vessel on Seneca Creek in Montgomery County at a speed in excess of 6 knots.

8-725.6.

(a) A person may not operate a vessel on the Monocacy River between Starner's Dam and the upstream island in Carroll and Frederick counties at a speed in excess of 6 knots.

8-726.

(a) A person may not throw, dump, deposit, or cause to be thrown, dumped, or deposited any trash, junk, or other refuse on any waters of the State.

8-726.1.

(b) Ballast, ashes, filth, earth, oysters, or oyster shells may not be deposited from a vessel to a site:

- (1) In the Chesapeake Bay above Sandy Point;
- (2) In Herring Bay; or
- (3) Below the high water mark in a river, creek, or harbor in the State.

8-727.1.

(b) Except as provided in subsection (c) of this section, an individual who is on a vessel may not display or operate a flashing, alternating red and yellow light or signal device.

8-738.2.

(a) A person may not:

- (1) Operate a vessel recklessly or in a manner that may endanger another or the property of another on a bay, creek, lake, river, or stream in the State; or
- (2) Come into a wharf or bathing shore recklessly or in a manner that may endanger a person or property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

**Chapter 600****(Senate Bill 394)**

AN ACT concerning

**Criminal Procedure – Expungement – Boating Offenses**

FOR the purpose of authorizing a person to file a petition for expungement of certain records based on a conviction for certain criminal boating offenses; making certain stylistic changes; and generally relating to expungement for certain criminal boating offenses.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure  
Section 10–110(a)  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 8–725.3(a), 8–725.4(b)(1) and (3), 8–725.5(a), 8–725.6(a), 8–726(a),  
8–726.1(b), 8–727.1(b), and 8–738.2(a)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

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

**Article – Criminal Procedure**

10–110.

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if the person is convicted of:

(1) a misdemeanor that is a violation of:

(i) § 6–320 of the Alcoholic Beverages Article;

(ii) an offense listed in § 17–613(a) of the Business Occupations and Professions Article;

(iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of the Business Regulation Article;

- (iv) § 3–1508 or § 10–402 of the Courts Article;
- (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law Article;
- (vi) § 5–211 of this article;
- (vii) § 3–203 or § 3–808 of the Criminal Law Article;
- (viii) § 5–601 not involving the use or possession of marijuana, § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law Article;
- (ix) § 6–105, § 6–108, § 6–206, § 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;
- (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the Criminal Law Article;
- (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, § 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;
- (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the Criminal Law Article;
- (xiv) § 11–306(a) of the Criminal Law Article;
- (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, § 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- (xvii) § 4–509 of the Family Law Article;
- (xviii) § 18–215 of the Health – General Article;
- (xix) § 4–411 or § 4–2005 of the Housing and Community Development Article;
- (xx) § 27–403, § 27–404, § 27–405, § 27–406, § 27–406.1, § 27–407, § 27–407.1, or § 27–407.2 of the Insurance Article;
- (xxi) **§ 8–725.3, § 8–725.4, § 8–725.5, § 8–725.6, § 8–726, § 8–726.1, § 8–727.1, OR § 8–738.2 OF THE NATURAL RESOURCES ARTICLE OR ANY PROHIBITED ACT RELATED TO SPEED LIMITS FOR PERSONAL WATERCRAFT;**

(XXII) § 5–307, § 5–308, § 6–602, § 7–402, or § 14–114 of the Public Safety Article;

[(xxii)] (XXIII) § 7–318.1, § 7–509, or § 10–507 of the Real Property Article;

[(xxiii)] (XXIV) § 9–124 of the State Government Article;

[(xxiv)] (XXV) § 13–1001, § 13–1004, § 13–1007, or § 13–1024 of the Tax – General Article; **OR**

[(xxv)] (XXVI) the common law offenses of affray, rioting, criminal contempt, battery, or hindering; [or]

(2) a felony that is a violation of:

(i) § 7–104 of the Criminal Law Article;

(ii) the prohibition against possession with intent to distribute a controlled dangerous substance under § 5–602(2) of the Criminal Law Article; or

(iii) § 6–202(a), § 6–203, or § 6–204 of the Criminal Law Article; or

(3) an attempt, a conspiracy, or a solicitation of any offense listed in item (1) or (2) of this subsection.

### Article – Natural Resources

8–725.3.

(a) A person may not operate any vessel on the Severn River from April 15, 1989 to October 15, 1989 in excess of 40 miles per hour during the following days and times:

(1) A Saturday;

(2) A Sunday;

(3) A State holiday; and

(4) Any other day from sundown to sunrise.

8–725.4.

(b) (1) Except as provided in subsection (d) of this section, a person may not operate a vessel on the waters of the State so as to exceed a noise level of 90dB(a).

(3) An owner or lessee of a vessel may not allow the vessel to be operated on waters of the State in violation of paragraph (1) of this subsection.

8-725.5.

(a) A person may not operate a vessel on Seneca Creek in Montgomery County at a speed in excess of 6 knots.

8-725.6.

(a) A person may not operate a vessel on the Monocacy River between Starner's Dam and the upstream island in Carroll and Frederick counties at a speed in excess of 6 knots.

8-726.

(a) A person may not throw, dump, deposit, or cause to be thrown, dumped, or deposited any trash, junk, or other refuse on any waters of the State.

8-726.1.

(b) Ballast, ashes, filth, earth, oysters, or oyster shells may not be deposited from a vessel to a site:

- (1) In the Chesapeake Bay above Sandy Point;
- (2) In Herring Bay; or
- (3) Below the high water mark in a river, creek, or harbor in the State.

8-727.1.

(b) Except as provided in subsection (c) of this section, an individual who is on a vessel may not display or operate a flashing, alternating red and yellow light or signal device.

8-738.2.

(a) A person may not:

- (1) Operate a vessel recklessly or in a manner that may endanger another or the property of another on a bay, creek, lake, river, or stream in the State; or
- (2) Come into a wharf or bathing shore recklessly or in a manner that may endanger a person or property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 601

### (House Bill 272)

AN ACT concerning

#### **Natural Resources – State and Local Forest Conservation Funds**

FOR the purpose of requiring a person that is subject to the Forest Conservation Act to demonstrate that appropriate credits generated by a forest mitigation bank in the same county or watershed are not available before the person may pay money to a State or local forest conservation fund to meet any afforestation or reforestation requirements; requiring a local authority that has established a forest conservation fund to provide to the Department of Natural Resources a certain plan ~~for~~ identifying areas for mitigation projects and certain accounting procedures to track money into and out of the fund; requiring that local forest conservation fund mitigation plans and accounting procedures be made available to the public; prohibiting a local authority from collecting money for deposit into its forest conservation fund unless it has ~~identified afforestation, reforestation, or conservation projects sufficient to provide full mitigation~~ submitted to the Department the mitigation plan and accounting procedures; requiring a local authority to ensure that ~~average~~ the equivalent number of acres for which money is collected and paid into its local forest conservation fund is ~~fully~~ mitigated in accordance with certain provisions of law; altering the information that the Department is required to include in its annual report to certain committees of the General Assembly under the Forest Conservation Act; providing for the application of this Act; making a certain technical correction; and generally relating to State and local forest conservation funds.

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 5–1610 and 5–1613  
Annotated Code of Maryland  
(2018 Replacement Volume)

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

#### **Article – Natural Resources**

5–1610.

(a) (1) In this section the following words have the meanings indicated.

(2) “Fund” means the Forest Conservation Fund.

(3) “Priority funding area” has the meaning stated in § 5–7B–02 of the State Finance and Procurement Article.

(b) There is a Forest Conservation Fund in the Department.

(c) Except as provided in subsection (h) of this section, if any person subject to this subtitle demonstrates to the satisfaction of the appropriate State or local authority that the requirements for reforestation or afforestation on–site or off–site cannot be reasonably accomplished **AND APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE**, the person shall contribute money to the Fund:

(1) On or before September 30, 2014:

(i) For a project inside a priority funding area, at a rate of 30 cents per square foot of the area of required planting; and

(ii) For a project outside a priority funding area, at a rate of 36 cents per square foot of the area of required planting; and

(2) After September 30, 2014:

(i) For a project inside a priority funding area, at a rate adjusted for inflation as determined by the Department annually by regulation; and

(ii) For a project outside a priority funding area, at a rate that is 20% higher than the rate set under item (2)(i) of this subsection.

(d) Money collected by the State or a local authority under § 5–1608(c) or § 5–1612 of this subtitle for noncompliance with this subtitle or regulations adopted under this subtitle or for noncompliance with a forest conservation plan or the associated 2–year management agreement shall be deposited in the Fund.

(e) (1) The Department shall accomplish the reforestation or afforestation for which the money is deposited within 2 years or 3 growing seasons, as appropriate, after receipt of the money.

(2) Money deposited in the Fund under subsection (c) of this section shall remain in the Fund for a period of 2 years or 3 growing seasons, and at the end of that time period, any portion that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money to be used for

documented tree planting in the same county or watershed beyond that required by this subtitle or other applicable statutes.

(f) (1) (i) Money deposited in the Fund under subsection (c) of this section may only be spent on reforestation and afforestation, including site identification, acquisition, and preparation, maintenance of existing forests, and achieving urban canopy goals, and may not revert to the General Fund of the State.

(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(2) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, the reforestation or afforestation requirement under this subsection shall occur in the county and watershed in which the project is located.

(ii) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the State in which the project is located.

(iii) If the reforestation or afforestation cannot be reasonably accomplished in the county or watershed in which the project is located, then the reforestation or afforestation shall be accomplished through purchase of credits in, establishment, or maintenance of a forest mitigation bank in accordance with regulations of the Department. The Reforestation Fund may not be used to finance administrative activities associated with a mitigation bank and any credits created by the Reforestation Fund may not be sold to compensate for additional forest impacts.

(g) Money deposited in the Fund under subsection (d) of this section may be used by the Department for the purpose of implementing this subtitle.

(h) (1) In lieu of a State Forest Conservation Fund, any local authority with an approved forest conservation program may establish a forest conservation fund, to be administered by the local authority, to allow a payment by any person who has demonstrated to the satisfaction of the local authority that [the]:

**(I) THE requirements for reforestation and afforestation on-site and off-site cannot be reasonably accomplished; AND**

**(II) APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE.**

(2) (i) Subject to subparagraph (ii) of this paragraph, the rates shall be:

1. For a project inside a priority funding area, at least the same as the rates established for the State Forest Conservation Fund under subsection (c) of this section; and

2. For a project outside a priority funding area, 20% higher than the rates established under item 1 of this subparagraph.

(ii) Subject to subparagraph (iii) of this paragraph, if a local jurisdiction establishes rates for projects that are higher than the minimum rates established under subsection (c) of this section, the local authority may use a rate for a project:

1. Inside a priority funding area that is 20% lower than the rate calculated under subparagraph (i)2 of this paragraph; or

2. Outside a priority funding area that is 20% higher than the rate calculated under subparagraph (i)1 of this paragraph.

(iii) The rate established under subparagraph (ii)1 of this paragraph for a project inside a priority funding area may not be lower than the rate established for the State Forest Conservation Fund under subsection (c) of this section.

**(H-1) (1) A LOCAL AUTHORITY THAT HAS AN ESTABLISHED FOREST CONSERVATION FUND SHALL PROVIDE TO THE DEPARTMENT:**

**(I) A GENERAL PLAN ~~FOR~~ IDENTIFYING APPROPRIATE AND POTENTIALLY AVAILABLE AREAS FOR MITIGATION PROJECTS; AND**

**(II) DETAILED ACCOUNTING PROCEDURES FOR ACCURATELY TRACKING MONEY RECEIVED INTO AND EXPENDED OUT OF THE FOREST CONSERVATION FUND.**

**(2) LOCAL FOREST CONSERVATION FUND MITIGATION PLANS AND ACCOUNTING PROCEDURES SHALL BE MADE AVAILABLE TO THE PUBLIC.**

(i) (1) Money deposited in the local forest conservation fund under subsection (h) of this section may only be spent on reforestation and afforestation, including the costs directly related to site identification, acquisition, prepurchase, and preparation, maintenance of existing forests, and achieving urban canopy goals, and may not revert to any other local general fund.

(2) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, the reforestation or afforestation requirement under this subsection shall occur in the county and watershed in which the project is located.

(ii) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the State in which the project is located.

(iii) If the reforestation or afforestation cannot be reasonably accomplished in the county or watershed in which the project is located, then the reforestation or afforestation shall be accomplished through purchase of credits in, establishment, or maintenance of a forest mitigation bank in accordance with regulations of the local forest conservation program. The Reforestation Fund may not be used to finance administrative activities associated with a mitigation bank and any credits created by the Reforestation Fund may not be sold to compensate for additional forest impacts.

**(3) A LOCAL AUTHORITY, CONSISTENT WITH § 5-1606 OF THIS SUBTITLE:**

**(I) MAY NOT COLLECT MONEY FOR DEPOSIT INTO ITS FOREST CONSERVATION FUND UNLESS THE LOCAL AUTHORITY HAS ~~IDENTIFIED AFFORESTATION, REFORESTATION, OR CONSERVATION PROJECTS SUFFICIENT TO PROVIDE THE FULL MITIGATION ACREAGE REQUIRED FOR THE UNDERLYING DEVELOPMENT PROJECT~~ SUBMITTED TO THE DEPARTMENT THE GENERAL MITIGATION PLAN AND ACCOUNTING PROCEDURES REQUIRED UNDER SUBSECTION (H-1) OF THIS SECTION; AND**

**(II) SHALL ENSURE THAT THE ~~ACREAGE~~ EQUIVALENT NUMBER OF ACRES FOR WHICH MONEY IS COLLECTED AND PAID INTO ITS FOREST CONSERVATION FUND IS ~~FULLY~~ MITIGATED IN ACCORDANCE WITH AFFORESTATION, REFORESTATION, AND CONSERVATION PRIORITIES AND TECHNIQUES AUTHORIZED UNDER § 5-1607 OF THIS SUBTITLE.**

(j) Money collected by the local authority under § 5-1608(c) of this subtitle for noncompliance with this subtitle or regulations or ordinances adopted under this subtitle for noncompliance with a forest conservation plan or the associated 2-year management agreement shall be deposited in the local fund. The rate shall be 30 cents per square foot of the area found to be in noncompliance with the required forest conservation.

(k) Money deposited in a local forest conservation fund under subsection (j) of this section may be used by the local authority for purposes related to implementing this subtitle.

5-1613.

On or before September 30 of each year, the Department shall submit, subject to § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House [Environmental Matters]

**ENVIRONMENT AND TRANSPORTATION** Committee a statewide report, compiled from local authorities' reports to the Department, on:

- (1) The number, location, and type of projects subject to the provisions of this subtitle;
- (2) The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the 100 year floodplain, in connection with a development project;
- (3) The amount of reforestation and afforestation fees and noncompliance penalties collected and expended, **THE NUMBER OF ACRES FOR WHICH THE FEES WERE COLLECTED, AND THE NUMBER OF ACRES REFORESTED, AFFORESTED, OR CONSERVED USING THE FEES;**
- (4) The costs of implementing the forest conservation program;
- (5) The size, location, and protection of any local forest mitigation banks which are created under a local or State program;
- (6) The number, location, and type of violations and type of enforcement activity conducted in accordance with this subtitle; and
- (7) To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any money deposited into the Forest Conservation Fund or a local forest conservation fund before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 602

(Senate Bill 234)

AN ACT concerning

**Natural Resources – State and Local Forest Conservation Funds**

FOR the purpose of requiring a person that is subject to the Forest Conservation Act to demonstrate that appropriate credits generated by a forest mitigation bank in the same county or watershed are not available before the person may pay money to a State or local forest conservation fund to meet any afforestation or reforestation requirements; requiring a local authority that has established a forest conservation fund to provide to the Department of Natural Resources a certain plan ~~for~~ identifying areas for mitigation projects and certain accounting procedures to track money into and out of the fund; requiring that local forest conservation fund mitigation plans and accounting procedures be made available to the public; prohibiting a local authority from collecting money for deposit into its forest conservation fund unless it has ~~identified afforestation, reforestation, or conservation projects sufficient to provide full mitigation~~ submitted to the Department ~~a certain~~ the mitigation plan and accounting procedures; requiring a local authority to ensure that ~~acreage a certain amount~~ the equivalent number of acres for which money is collected and paid into its local forest conservation fund is ~~fully~~ mitigated in accordance with certain provisions of law; altering the information that the Department is required to include in its annual report to certain committees of the General Assembly under the Forest Conservation Act; providing for the application of this Act; making a certain technical correction; and generally relating to State and local forest conservation funds.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5–1610 and 5–1613

Annotated Code of Maryland

(2018 Replacement Volume)

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

### Article – Natural Resources

5–1610.

(a) (1) In this section the following words have the meanings indicated.

(2) “Fund” means the Forest Conservation Fund.

(3) “Priority funding area” has the meaning stated in § 5–7B–02 of the State Finance and Procurement Article.

(b) There is a Forest Conservation Fund in the Department.

(c) Except as provided in subsection (h) of this section, if any person subject to this subtitle demonstrates to the satisfaction of the appropriate State or local authority that the requirements for reforestation or afforestation on–site or off–site cannot be reasonably accomplished **AND APPROPRIATE CREDITS GENERATED BY A FOREST**

**MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE**, the person shall contribute money to the Fund:

(1) On or before September 30, 2014:

(i) For a project inside a priority funding area, at a rate of 30 cents per square foot of the area of required planting; and

(ii) For a project outside a priority funding area, at a rate of 36 cents per square foot of the area of required planting; and

(2) After September 30, 2014:

(i) For a project inside a priority funding area, at a rate adjusted for inflation as determined by the Department annually by regulation; and

(ii) For a project outside a priority funding area, at a rate that is 20% higher than the rate set under item (2)(i) of this subsection.

(d) Money collected by the State or a local authority under § 5-1608(c) or § 5-1612 of this subtitle for noncompliance with this subtitle or regulations adopted under this subtitle or for noncompliance with a forest conservation plan or the associated 2-year management agreement shall be deposited in the Fund.

(e) (1) The Department shall accomplish the reforestation or afforestation for which the money is deposited within 2 years or 3 growing seasons, as appropriate, after receipt of the money.

(2) Money deposited in the Fund under subsection (c) of this section shall remain in the Fund for a period of 2 years or 3 growing seasons, and at the end of that time period, any portion that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money to be used for documented tree planting in the same county or watershed beyond that required by this subtitle or other applicable statutes.

(f) (1) (i) Money deposited in the Fund under subsection (c) of this section may only be spent on reforestation and afforestation, including site identification, acquisition, and preparation, maintenance of existing forests, and achieving urban canopy goals, and may not revert to the General Fund of the State.

(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(2) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, the reforestation or afforestation requirement under this subsection shall occur in the county and watershed in which the project is located.

(ii) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the State in which the project is located.

(iii) If the reforestation or afforestation cannot be reasonably accomplished in the county or watershed in which the project is located, then the reforestation or afforestation shall be accomplished through purchase of credits in, establishment, or maintenance of a forest mitigation bank in accordance with regulations of the Department. The Reforestation Fund may not be used to finance administrative activities associated with a mitigation bank and any credits created by the Reforestation Fund may not be sold to compensate for additional forest impacts.

(g) Money deposited in the Fund under subsection (d) of this section may be used by the Department for the purpose of implementing this subtitle.

(h) (1) In lieu of a State Forest Conservation Fund, any local authority with an approved forest conservation program may establish a forest conservation fund, to be administered by the local authority, to allow a payment by any person who has demonstrated to the satisfaction of the local authority that [the]:

**(I) THE requirements for reforestation and afforestation on-site and off-site cannot be reasonably accomplished; AND**

**(II) APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE.**

(2) (i) Subject to subparagraph (ii) of this paragraph, the rates shall be:

1. For a project inside a priority funding area, at least the same as the rates established for the State Forest Conservation Fund under subsection (c) of this section; and

2. For a project outside a priority funding area, 20% higher than the rates established under item 1 of this subparagraph.

(ii) Subject to subparagraph (iii) of this paragraph, if a local jurisdiction establishes rates for projects that are higher than the minimum rates established under subsection (c) of this section, the local authority may use a rate for a project:

1. Inside a priority funding area that is 20% lower than the rate calculated under subparagraph (i)2 of this paragraph; or

2. Outside a priority funding area that is 20% higher than the rate calculated under subparagraph (i)1 of this paragraph.

(iii) The rate established under subparagraph (ii)1 of this paragraph for a project inside a priority funding area may not be lower than the rate established for the State Forest Conservation Fund under subsection (c) of this section.

**(H-1) (1) A LOCAL AUTHORITY THAT HAS AN ESTABLISHED FOREST CONSERVATION FUND SHALL PROVIDE TO THE DEPARTMENT:**

**(I) A GENERAL PLAN ~~FOR~~ IDENTIFYING APPROPRIATE AND POTENTIALLY AVAILABLE AREAS FOR MITIGATION PROJECTS; AND**

**(II) DETAILED ACCOUNTING PROCEDURES FOR ACCURATELY TRACKING MONEY RECEIVED INTO AND EXPENDED OUT OF THE FOREST CONSERVATION FUND.**

**(2) LOCAL FOREST CONSERVATION FUND MITIGATION PLANS AND ACCOUNTING PROCEDURES SHALL BE MADE AVAILABLE TO THE PUBLIC.**

(i) (1) Money deposited in the local forest conservation fund under subsection (h) of this section may only be spent on reforestation and afforestation, including the costs directly related to site identification, acquisition, prepurchase, and preparation, maintenance of existing forests, and achieving urban canopy goals, and may not revert to any other local general fund.

(2) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, the reforestation or afforestation requirement under this subsection shall occur in the county and watershed in which the project is located.

(ii) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the State in which the project is located.

(iii) If the reforestation or afforestation cannot be reasonably accomplished in the county or watershed in which the project is located, then the reforestation or afforestation shall be accomplished through purchase of credits in, establishment, or maintenance of a forest mitigation bank in accordance with regulations of the local forest conservation program. The Reforestation Fund may not be used to finance administrative activities associated with a mitigation bank and any credits created by the Reforestation Fund may not be sold to compensate for additional forest impacts.

**(3) A LOCAL AUTHORITY, CONSISTENT WITH § 5-1606 OF THIS SUBTITLE:**

**(I) MAY NOT COLLECT MONEY FOR DEPOSIT INTO ITS FOREST CONSERVATION FUND UNLESS THE LOCAL AUTHORITY HAS ~~IDENTIFIED~~**

~~AFFORESTATION, REFORESTATION, OR CONSERVATION PROJECTS SUFFICIENT TO PROVIDE THE FULL MITIGATION ACREAGE REQUIRED FOR THE UNDERLYING DEVELOPMENT PROJECT SUBMITTED TO THE DEPARTMENT THE GENERAL MITIGATION PLAN AND ACCOUNTING PROCEDURES REQUIRED UNDER SUBSECTION (H-1) OF THIS SECTION; AND~~

(II) SHALL ENSURE THAT ~~THE ACREAGE AN EQUAL~~ THE EQUIVALENT NUMBER OF ACRES FOR WHICH MONEY IS COLLECTED AND PAID INTO ITS FOREST CONSERVATION FUND IS ~~FULLY~~ MITIGATED IN ACCORDANCE WITH AFFORESTATION, REFORESTATION, AND CONSERVATION PRIORITIES AND TECHNIQUES AUTHORIZED UNDER § 5-1607 OF THIS SUBTITLE.

(j) Money collected by the local authority under § 5-1608(c) of this subtitle for noncompliance with this subtitle or regulations or ordinances adopted under this subtitle for noncompliance with a forest conservation plan or the associated 2-year management agreement shall be deposited in the local fund. The rate shall be 30 cents per square foot of the area found to be in noncompliance with the required forest conservation.

(k) Money deposited in a local forest conservation fund under subsection (j) of this section may be used by the local authority for purposes related to implementing this subtitle.

5-1613.

On or before September 30 of each year, the Department shall submit, subject to § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House [Environmental Matters] **ENVIRONMENT AND TRANSPORTATION** Committee a statewide report, compiled from local authorities' reports to the Department, on:

(1) The number, location, and type of projects subject to the provisions of this subtitle;

(2) The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the 100 year floodplain, in connection with a development project;

(3) The amount of reforestation and afforestation fees and noncompliance penalties collected and expended, **THE NUMBER OF ACRES FOR WHICH THE FEES WERE COLLECTED, AND THE NUMBER OF ACRES REFORESTED, AFFORESTED, OR CONSERVED USING THE FEES;**

(4) The costs of implementing the forest conservation program;

(5) The size, location, and protection of any local forest mitigation banks which are created under a local or State program;

(6) The number, location, and type of violations and type of enforcement activity conducted in accordance with this subtitle; and

(7) To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any money deposited into the Forest Conservation Fund or a local forest conservation fund before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 603

**(House Bill 274)**

AN ACT concerning

### **Justice Reinvestment Act – Diminution Credits – Sentencing**

FOR the purpose of clarifying that certain changes in certain provisions of law relating to the application of diminution credits shall be construed prospectively to apply to ~~the portion of an inmate's sentence that is originally imposed, modified, or ordered to be served for a~~ inmates who are sentenced or committed to custody on a finding of violation of probation on or after a certain date; providing for the construction of this Act; and generally relating to diminution credits.

BY repealing and reenacting, with amendments,  
Chapter 515 of the Acts of the General Assembly of 2016  
Section 14

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

### **Chapter 515 of the Acts of 2016**

SECTION 14. AND BE IT FURTHER ENACTED, That § 3–704, § 3–707, and § 3–708 of the Correctional Services Article, as enacted by Section 2 of this Act, shall be construed prospectively to apply only to ~~inmates that~~ WHO are sentenced ~~THE PORTION~~

~~OF AN INMATE'S SENTENCE THAT IS ORIGINALLY IMPOSED, MODIFIED, OR ORDERED TO BE SERVED FOR A~~ OR COMMITTED TO CUSTODY ON A FINDING OF VIOLATION OF PROBATION on or after October 1, 2017.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to:

(1) result in a recalculated release date for an inmate that is prior to the effective date of this Act; or

(2) create a cause of action for false imprisonment against the Department of Public Safety and Correctional Services or a local correctional facility.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 604

(Senate Bill 327)

AN ACT concerning

### Justice Reinvestment Act – Diminution Credits – Sentencing

FOR the purpose of clarifying that certain changes in certain provisions of law relating to the application of diminution credits shall be construed prospectively to apply to ~~the portion of an inmate's sentence that is originally imposed, modified, or ordered to be served for a~~ inmates who are sentenced or committed to custody on a finding of violation of probation on or after a certain date; providing for the construction of this Act; and generally relating to diminution credits.

BY repealing and reenacting, with amendments,  
Chapter 515 of the Acts of the General Assembly of 2016  
Section 14

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

### Chapter 515 of the Acts of 2016

SECTION 14. AND BE IT FURTHER ENACTED, That § 3–704, § 3–707, and § 3–708 of the Correctional Services Article, as enacted by Section 2 of this Act, shall be construed prospectively to apply only to ~~inmates that~~ inmates *WHO* are sentenced ~~THE PORTION~~

~~OF AN INMATE'S SENTENCE THAT IS ORIGINALLY IMPOSED, MODIFIED, OR ORDERED TO BE SERVED FOR A~~ OR COMMITTED TO CUSTODY ON A FINDING OF VIOLATION OF PROBATION on or after October 1, 2017.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to:

(1) result in a recalculated release date for an inmate that is prior to the effective date of this Act; or

(2) create a cause of action for false imprisonment against the Department of Public Safety and Correctional Services or a local correctional facility.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 605

(House Bill 277)

AN ACT concerning

**Regional Initiative to Limit or Reduce Greenhouse Gas Emissions in  
Transportation Sector – Authorization  
(Regional Transportation and Climate Protection Act of 2019)**

FOR the purpose of authorizing the Governor to include the State as a full participant in a certain initiative, agreement, or compact that limits or reduces greenhouse gas emissions from the transportation sector; ~~authorizing the Governor to impose a certain statewide greenhouse gas emission fee on the sale or distribution of motor fuel under certain circumstances;~~ requiring the Department of the Environment and the Department of Transportation to report to ~~certain committees of~~ the General Assembly on or before ~~a certain date,~~ certain dates ~~and with a certain frequency thereafter,~~ on the status of a certain initiative, agreement, or compact that limits or reduces greenhouse gas emissions from the transportation sector; requiring the General Assembly to enact a law approving the withdrawal of the State from a certain initiative, agreement, or compact that limits or reduces greenhouse gas emissions from the transportation sector; and generally relating to limiting or reducing greenhouse gas emissions from the transportation sector.

BY adding to

Article – Environment

Section 2–1204.2

Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

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

**Article – Environment**

**2–1204.2.**

(A) THE GOVERNOR MAY INCLUDE THE STATE AS A FULL PARTICIPANT IN ANY REGIONAL GOVERNMENTAL INITIATIVE, AGREEMENT, OR COMPACT THAT LIMITS OR REDUCES GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR.

~~(B) IF THE COMMONWEALTH OF VIRGINIA OR THE DISTRICT OF COLUMBIA IMPOSES A STATEWIDE OR CITYWIDE GREENHOUSE GAS EMISSION FEE ON THE SALE OR DISTRIBUTION OF MOTOR FUEL, THE GOVERNOR MAY IMPOSE A SIMILAR FEE OF UP TO THE SAME AMOUNT AS THE FEE IMPOSED BY THE COMMONWEALTH OF VIRGINIA OR THE DISTRICT OF COLUMBIA.~~

~~(C) ON OR BEFORE NOVEMBER 1, 2019, AND EVERY 6 MONTHS FOR EACH YEAR THEREAFTER FOR THE NEXT 3 YEARS THEREAFTER, THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF A REGIONAL GOVERNMENTAL INITIATIVE, AGREEMENT, OR COMPACT THAT LIMITS OR REDUCES GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR, INCLUDING:~~

~~(1) WHETHER A REGIONAL GOVERNMENTAL INITIATIVE, AGREEMENT, OR COMPACT THAT LIMITS GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR EXISTS;~~

~~(2) WHETHER THE GOVERNOR HAS INCLUDED THE STATE AS A FULL PARTICIPANT IN SUCH AN INITIATIVE, AGREEMENT, OR COMPACT; AND~~

~~(3) ANY OTHER INFORMATION THE DEPARTMENT OR THE DEPARTMENT OF TRANSPORTATION CONSIDERS RELEVANT.~~

~~(D)~~ (C) THE STATE MAY WITHDRAW FROM A REGIONAL GOVERNMENTAL INITIATIVE, AGREEMENT, OR COMPACT ENTERED INTO UNDER THIS SECTION IF THE GENERAL ASSEMBLY ENACTS A LAW TO APPROVE THE WITHDRAWAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 606

(Senate Bill 249)

AN ACT concerning

**Regional Initiative to Limit or Reduce Greenhouse Gas Emissions in  
Transportation Sector – Authorization  
(Regional Transportation and Climate Protection Act of 2019)**

FOR the purpose of authorizing the Governor to include the State as a full participant in a certain initiative, agreement, or compact that limits or reduces greenhouse gas emissions from the transportation sector; ~~authorizing the Governor to impose a certain statewide greenhouse gas emission fee on the sale or distribution of motor fuel under certain circumstances;~~ requiring the Department of the Environment and the Department of Transportation to report to ~~certain committees of the General Assembly on or before a certain date,~~ *certain dates* ~~and with a certain frequency thereafter,~~ on the status of a certain initiative, agreement, or compact that limits or reduces greenhouse gas emissions from the transportation sector; requiring the General Assembly to enact a law approving the withdrawal of the State from a certain initiative, agreement, or compact that limits or reduces greenhouse gas emissions from the transportation sector; and generally relating to limiting or reducing greenhouse gas emissions from the transportation sector.

BY adding to

Article – Environment

Section 2–1204.2

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

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

### Article – Environment

**2–1204.2.**

(A) THE GOVERNOR MAY INCLUDE THE STATE AS A FULL PARTICIPANT IN ANY REGIONAL GOVERNMENTAL INITIATIVE, AGREEMENT, OR COMPACT THAT LIMITS OR REDUCES GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR.

~~(B) IF THE COMMONWEALTH OF VIRGINIA OR THE DISTRICT OF COLUMBIA IMPOSES A STATEWIDE OR CITYWIDE GREENHOUSE GAS EMISSION FEE ON THE SALE OR DISTRIBUTION OF MOTOR FUEL, THE GOVERNOR MAY IMPOSE A SIMILAR FEE OF UP TO THE SAME AMOUNT AS THE FEE IMPOSED BY THE COMMONWEALTH OF VIRGINIA OR THE DISTRICT OF COLUMBIA.~~

~~(C) ON OR BEFORE NOVEMBER 1, 2019, AND EVERY 6 MONTHS FOR EACH YEAR THEREAFTER FOR THE NEXT 3 YEARS THEREAFTER, THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF A REGIONAL GOVERNMENTAL INITIATIVE, AGREEMENT, OR COMPACT THAT LIMITS OR REDUCES GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR, INCLUDING:~~

(1) WHETHER A REGIONAL GOVERNMENTAL INITIATIVE, AGREEMENT, OR COMPACT THAT LIMITS GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR EXISTS;

(2) WHETHER THE GOVERNOR HAS INCLUDED THE STATE AS A FULL PARTICIPANT IN SUCH AN INITIATIVE, AGREEMENT, OR COMPACT; AND

(3) ANY OTHER INFORMATION THE DEPARTMENT OR THE DEPARTMENT OF TRANSPORTATION CONSIDERS RELEVANT.

~~(D)~~ (C) THE STATE MAY WITHDRAW FROM A REGIONAL GOVERNMENTAL INITIATIVE, AGREEMENT, OR COMPACT ENTERED INTO UNDER THIS SECTION IF THE GENERAL ASSEMBLY ENACTS A LAW TO APPROVE THE WITHDRAWAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 607****(House Bill 285)**

AN ACT concerning

**Hotel Rental Tax – Limitation of Municipal Authority to Tax Small Hotels –  
Repeal**

FOR the purpose of repealing a limitation on the authority of certain municipalities to impose a hotel rental tax on hotels with fewer than a certain number of sleeping rooms; and generally relating to the municipal hotel rental tax.

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 20–432  
Annotated Code of Maryland  
(2013 Volume and 2018 Supplement)

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

**Article – Local Government**

20–432.

(a) Except as provided in subsections (b) and (c) of this section, a municipality may impose, by ordinance or resolution, a hotel rental tax.

(b) (1) In this subsection, “hotel rental tax revenue sharing arrangement” includes:

(i) a requirement under §§ 20–415 through 20–422 of this subtitle that a county distribute revenue from a county hotel rental tax to a municipality; or

(ii) any other hotel rental tax revenue sharing requirement, agreement, or arrangement between a county and a municipality.

(2) A municipality in a county that has a hotel rental tax revenue sharing arrangement between the municipality and the county may not impose a hotel rental tax under this part.

(c) A municipality may not impose a hotel rental tax if[

(1) the hotel has 10 or fewer sleeping rooms; or

(2)] the municipality is located in a county that:

[(i)] (1) distributes at least 50% of total county hotel rental tax revenues to promote tourism in the county; or

[(ii)] (2) does not impose a tax on a transient charge paid to a hotel.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 608**

### **(Senate Bill 466)**

AN ACT concerning

#### **Hotel Rental Tax – Limitation of Municipal Authority to Tax Small Hotels – Repeal**

FOR the purpose of repealing a limitation on the authority of certain municipalities to impose a hotel rental tax on hotels with fewer than a certain number of sleeping rooms; and generally relating to the municipal hotel rental tax.

BY repealing and reenacting, with amendments,

Article – Local Government

Section 20–432

Annotated Code of Maryland

(2013 Volume and 2018 Supplement)

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

#### **Article – Local Government**

20–432.

(a) Except as provided in subsections (b) and (c) of this section, a municipality may impose, by ordinance or resolution, a hotel rental tax.

(b) (1) In this subsection, “hotel rental tax revenue sharing arrangement” includes:

(i) a requirement under §§ 20–415 through 20–422 of this subtitle that a county distribute revenue from a county hotel rental tax to a municipality; or

(ii) any other hotel rental tax revenue sharing requirement, agreement, or arrangement between a county and a municipality.

(2) A municipality in a county that has a hotel rental tax revenue sharing arrangement between the municipality and the county may not impose a hotel rental tax under this part.

(c) A municipality may not impose a hotel rental tax if[

(1) the hotel has 10 or fewer sleeping rooms; or

(2)] the municipality is located in a county that:

[i] (1) distributes at least 50% of total county hotel rental tax revenues to promote tourism in the county; or

[ii] (2) does not impose a tax on a transient charge paid to a hotel.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 609

### (House Bill 286)

AN ACT concerning

#### **Election Law – Registration and Voting at Precinct Polling Places**

FOR the purpose of providing an exception to the voter registration deadline to allow an individual to appear at a precinct polling place in the individual's county of residence and apply to register to vote ~~or change the voter's address on an existing voter registration~~; requiring an applicant for voter registration on election day to provide proof of residency; specifying the acceptable forms of proof of residency; requiring an election judge to determine whether an applicant for voter registration resides in the precinct and is qualified to become a registered voter; requiring an election judge to process certain applicants for voter registration in a certain manner; requiring ~~local boards of elections~~ *the State Board of Elections* to take appropriate measures to notify potential registrants of the correct precinct polling place for the potential registrants' residence addresses *except under certain circumstances*; requiring an election judge

to notify certain individuals of the correct precinct for the voter's residence address; ~~requiring an election judge to determine whether a voter who applies to change the voter's address resides in the precinct where the voter seeks to vote; requiring an election judge to process certain voters who apply to change their address in a certain manner;~~ requiring the State Board of Elections to adopt regulations and procedures in accordance with the requirements of certain provisions of this Act for the administration of voter registration on election day; and generally relating to registration and voting at precinct polling places.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 3–302  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Election Law  
Section 3–306  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

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

### **Article – Election Law**

3–302.

(a) Except as provided under [§ 3–305] **§§ 3–305 AND 3–306** of this subtitle, registration is closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election.

(b) A voter registration application received when registration is closed shall be accepted and retained by a local board, but the registration of the applicant does not become effective until registration reopens.

(c) A voter registration application that is received by the local board after the close of registration shall be considered timely received for the next election provided:

(1) there is sufficient evidence, as determined by the local board pursuant to regulations adopted by the State Board, that the application was mailed on or before registration was closed for that election; or

(2) the application was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board prior to the close of registration.

**3-306.**

(A) ON ELECTION DAY, AN INDIVIDUAL MAY APPEAR AT A PRECINCT POLLING PLACE IN THE INDIVIDUAL'S COUNTY OF RESIDENCE AND APPLY TO REGISTER TO VOTE ~~OR CHANGE THE VOTER'S ADDRESS ON AN EXISTING VOTER REGISTRATION.~~

(B) (1) WHEN APPLYING TO REGISTER TO VOTE ON ELECTION DAY, THE APPLICANT SHALL PROVIDE PROOF OF RESIDENCY.

(2) THE APPLICANT SHALL PROVE RESIDENCY BY SHOWING THE ELECTION JUDGE:

(I) A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS; OR

(II) IF THE APPLICANT DOES NOT HAVE A DRIVER'S LICENSE OR IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS, A COPY OF AN OFFICIAL DOCUMENT THAT:

1. MEETS THE REQUIREMENTS ESTABLISHED BY THE STATE BOARD; AND

2. CONTAINS THE APPLICANT'S NAME AND CURRENT ADDRESS.

(C) (1) WHEN AN INDIVIDUAL APPLIES TO REGISTER TO VOTE AT A PRECINCT POLLING PLACE ON ELECTION DAY, THE ELECTION JUDGE SHALL DETERMINE WHETHER THE APPLICANT RESIDES IN THE PRECINCT IN WHICH THE APPLICANT APPLIED AND IS QUALIFIED TO BECOME A REGISTERED VOTER.

(2) IF THE VOTER IS A RESIDENT OF THE PRECINCT AND IS QUALIFIED TO REGISTER TO VOTE, THE ELECTION JUDGE SHALL:

(I) ISSUE THE VOTER A VOTER AUTHORITY CARD;

(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD; AND

(III) ISSUE THE VOTER A REGULAR BALLOT.

(3) IF THE VOTER IS A RESIDENT OF THE COUNTY BUT NOT THE PRECINCT, IS QUALIFIED TO REGISTER TO VOTE, AND CHOOSES TO VOTE IN THE PRECINCT, THE ELECTION JUDGE SHALL:

- (I) ISSUE THE VOTER A VOTER AUTHORITY CARD;
- (II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD; AND
- (III) ISSUE THE VOTER A PROVISIONAL BALLOT.

(D) (1) ~~THE LOCAL BOARDS~~ UNLESS A LOCAL BOARD ELECTS TO MAKE THE NOTIFICATION, THE STATE BOARD SHALL TAKE APPROPRIATE MEASURES TO NOTIFY POTENTIAL REGISTRANTS OF THE CORRECT PRECINCT POLLING PLACE FOR THE POTENTIAL REGISTRANTS' RESIDENCE ADDRESSES BEFORE EACH ELECTION.

(2) THE ELECTION JUDGE SHALL NOTIFY AN INDIVIDUAL WHO APPLIES TO REGISTER TO VOTE AT THE INCORRECT PRECINCT FOR THE VOTER'S RESIDENCE ADDRESS OF THE CORRECT PRECINCT FOR THE VOTER'S RESIDENCE ADDRESS.

~~(E) (1) WHEN A VOTER APPLIES TO CHANGE THE VOTER'S ADDRESS AT A PRECINCT POLLING PLACE ON ELECTION DAY, THE ELECTION JUDGE SHALL DETERMINE WHETHER THE VOTER RESIDES IN THE PRECINCT IN WHICH THE VOTER SEEKS TO VOTE.~~

~~(2) IF THE VOTER IS A RESIDENT OF THE PRECINCT, THE ELECTION JUDGE SHALL:~~

- ~~(I) ISSUE THE VOTER A VOTER AUTHORITY CARD;~~
- ~~(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD; AND~~
- ~~(III) ISSUE THE VOTER A REGULAR BALLOT.~~

~~(3) IF THE VOTER IS A RESIDENT OF THE COUNTY BUT NOT THE PRECINCT, THE ELECTION JUDGE SHALL:~~

- ~~(I) ISSUE THE VOTER A VOTER AUTHORITY CARD;~~
- ~~(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD; AND~~
- ~~(III) ISSUE THE VOTER A PROVISIONAL BALLOT.~~

~~(F)~~ (E) THE STATE BOARD SHALL ADOPT REGULATIONS AND PROCEDURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE ADMINISTRATION OF VOTER REGISTRATION ON ELECTION DAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 610**

**(House Bill 287)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Promoter’s Permit**

FOR the purpose of repealing in Frederick County a certain requirement for a promoter’s permit, so that an event that a for–profit organization seeks to publicize, sell tickets for, organize, produce, or stage need not be conducted in conjunction with a nonprofit organization that holds a certain license; altering certain permit fees; and generally relating to promoter’s permits in Frederick County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 20–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 20–1103

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

20–1103.

(a) There is a promoter’s permit.

(b) A for–profit organization shall obtain the permit from the Board before the organization may [help] publicize, sell tickets for, organize, operate, produce, or stage an event[:

(1)] at which alcoholic beverages are sold or served[; and

(2) that is conducted in conjunction with an organization that holds a license issued under Subtitle 13, Part III of this title].

(c) The Board may adopt regulations establishing the requirements for conducting an event described in subsection (b) of this section, including health and safety standards to be met by a permit holder.

(d) The permit fee is:

**(1) \$50, IF THE PROMOTER EXPECTS THAT FEWER THAN 500 INDIVIDUALS WILL ATTEND;**

~~(1)~~ **(2)** \$250, if the promoter expects that ~~fewer than~~ **FROM 500 TO** 1,000 individuals will attend;

~~(2)~~ **(3)** \$600, if the promoter expects that from 1,001 to 3,000 individuals will attend; and

~~(3)~~ **(4)** \$1,000, if the promoter expects that more than 3,000 individuals will attend.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 611

**(Senate Bill 275)**

AN ACT concerning

### **Frederick County – Alcoholic Beverages – Promoter’s Permit**

FOR the purpose of repealing in Frederick County a certain requirement for a promoter’s permit, so that an event that a for–profit organization seeks to publicize, sell tickets for, organize, produce, or stage need not be conducted in conjunction with a nonprofit organization that holds a certain license; altering certain permit fees; and generally relating to promoter’s permits in Frederick County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
 Section 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 20–1103  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

20–1103.

(a) There is a promoter's permit.

(b) A for-profit organization shall obtain the permit from the Board before the organization may [help] publicize, sell tickets for, organize, operate, produce, or stage an event[:

(1)] at which alcoholic beverages are sold or served[; and

(2) that is conducted in conjunction with an organization that holds a license issued under Subtitle 13, Part III of this title].

(c) The Board may adopt regulations establishing the requirements for conducting an event described in subsection (b) of this section, including health and safety standards to be met by a permit holder.

(d) The permit fee is:

**(1) \$50, IF THE PROMOTER EXPECTS THAT FEWER THAN 500 INDIVIDUALS WILL ATTEND;**

~~(1)~~ **(2)** \$250, if the promoter expects that ~~fewer than~~ **FROM 500 TO** 1,000 individuals will attend;

~~(2)~~ **(3)** \$600, if the promoter expects that from 1,001 to 3,000 individuals will attend; and

~~(3)~~ **(4)** \$1,000, if the promoter expects that more than 3,000 individuals will attend.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 612**

### **(House Bill 288)**

AN ACT concerning

#### **Frederick County – Alcoholic Beverages Licenses – Sunday Sales**

FOR the purpose of repealing the prohibition on certain license holders in Frederick County selling beer, beer and wine, or beer, wine, and liquor at a bar or counter on Sunday; and generally relating to alcoholic beverages sales on Sunday in Frederick County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 20–2002(c), 20–2004(c), and 20–2005(d)  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

#### **Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

20–2002.

(c) [(1)] A holder of a Class C beer (on-sale) license may sell beer:

[(i)] (1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

[(ii)] (2) [subject to paragraph (2) of this subsection,] on Sunday:

[1.] (I) from 10 a.m. to 2 a.m. the following day; or

[2.] (II) for a specific event that the Board has approved, the hours for the event that are set by the Board.

[(2)] The license holder may not sell beer at a bar or counter on Sunday.]

20-2004.

(c) [(1)] A holder of a Class C beer and wine license may sell beer and wine:

[(i)] (1) on Monday through Saturday, for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

[(ii)] (2) [subject to paragraph (2) of this subsection,] on Sunday, for on-premises consumption:

[1.] (I) from 10 a.m. to 2 a.m. the following day; or

[2.] (II) for a specific event that the Board has approved, the hours for the event that are set by the Board.

[(2)] The license holder may not sell beer or wine at a bar or counter on Sunday.]

20-2005.

(d) [(1)] A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor for on- and off-premises consumption:

[(i)] (1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

[(ii)] (2) [subject to paragraph (2) of this subsection,] on Sunday:

[1.] (I) from 10 a.m. to 2 a.m. the following day; or

[2.] (II) for a specific event that the Board has approved, the hours for the event that are set by the Board.

[(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 613

(Senate Bill 274)

AN ACT concerning

### Frederick County – Alcoholic Beverages Licenses – Sunday Sales

FOR the purpose of repealing the prohibition on certain license holders in Frederick County selling beer, beer and wine, or beer, wine, and liquor at a bar or counter on Sunday; and generally relating to alcoholic beverages sales on Sunday in Frederick County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 20–2002(c), 20–2004(c), and 20–2005(d)  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

### Article – Alcoholic Beverages

20–102.

This title applies only in Frederick County.

20–2002.

(c) [(1)] A holder of a Class C beer (on-sale) license may sell beer:

[(i)] (1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

[(ii)] (2) [subject to paragraph (2) of this subsection,] on Sunday:

[1.] (I) from 10 a.m. to 2 a.m. the following day; or

[2.] (II) for a specific event that the Board has approved, the hours for the event that are set by the Board.

[(2)] The license holder may not sell beer at a bar or counter on Sunday.]

20-2004.

(c) [(1)] A holder of a Class C beer and wine license may sell beer and wine:

[(i)] (1) on Monday through Saturday, for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

[(ii)] (2) [subject to paragraph (2) of this subsection,] on Sunday, for on-premises consumption:

[1.] (I) from 10 a.m. to 2 a.m. the following day; or

[2.] (II) for a specific event that the Board has approved, the hours for the event that are set by the Board.

[(2)] The license holder may not sell beer or wine at a bar or counter on Sunday.]

20-2005.

(d) [(1)] A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor for on- and off-premises consumption:

[(i)] (1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

[(ii)] (2) [subject to paragraph (2) of this subsection,] on Sunday:

[1.] (I) from 10 a.m. to 2 a.m. the following day; or

[2.] (II) for a specific event that the Board has approved, the hours for the event that are set by the Board.

[(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 614

### (House Bill 289)

AN ACT concerning

#### **Frederick County – Alcoholic Beverages – Cinema/Theater License**

FOR the purpose of creating a cinema/theater license in Frederick County; authorizing the Board of License Commissioners to issue the license for use in a for–profit cinema or theater that has one or more screening rooms or performance halls; authorizing the license holder to sell beer, wine, and liquor for on–premises consumption under certain circumstances; requiring a license holder to sell certain food; authorizing a customer to consume beer, wine, or liquor anywhere on the licensed premises; prohibiting an individual serving beer, wine, or liquor from mixing the contents of one bottle with the contents of another bottle; requiring the individual to dispose of or destroy all empty bottles and cans; requiring a license holder to obtain a certain crowd control training certificate and have a certain certified crowd control manager present at the licensed premises at certain times; requiring the license holder to have a certain individual who has received certification from a certain alcohol awareness program to be present at the licensed premises under certain circumstances; specifying a license fee; repealing a provision of law concerning Class B–DH (drafhouse) licenses for theaters; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing

Article – Alcoholic Beverages  
Section 20–1008  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 20–102

Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 20–1003.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–1008 of Article – Alcoholic Beverages of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

**20–1003.1.**

**(A) THERE IS A CLASS CT (CINEMA/THEATER) (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A FOR–PROFIT CINEMA OR THEATER THAT HAS ONE OR MORE SCREENING ROOMS OR PERFORMANCE HALLS.**

**(C) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION BY THE CAN, BOTTLE, OR DRINK:**

**(I) IN A DESIGNATED AREA OF THE LOBBY, FOR 45 MINUTES BEFORE A MOVIE STARTS OR A THEATER PERFORMANCE STARTS; AND**

**(II) TO AN INDIVIDUAL WHO HAS A TICKET TO A MOVIE OR A THEATER PERFORMANCE AND PROPER IDENTIFICATION.**

**(2) A LICENSE HOLDER SHALL OFFER FOR SALE FOOD OTHER THAN CANDY AND POPCORN.**

**(D) A CUSTOMER MAY CONSUME BEER, WINE, OR LIQUOR ANYWHERE ON THE LICENSED PREMISES.**

(E) A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE MONDAY THROUGH SUNDAY.

(F) AN INDIVIDUAL SERVING BEER, WINE, OR LIQUOR:

(1) MAY NOT MIX THE CONTENTS OF ONE BOTTLE WITH THE CONTENTS OF ANOTHER BOTTLE; AND

(2) SHALL REMOVE OR DESTROY ALL EMPTY BOTTLES AND CANS.

(G) (1) A LICENSE HOLDER SHALL:

(I) OBTAIN A CROWD CONTROL TRAINING CERTIFICATE FROM A PROGRAM THAT IS CERTIFIED BY THE STATE; AND

(II) WHILE SELLING BEER, WINE, AND LIQUOR, HAVE ONE CERTIFIED CROWD CONTROL MANAGER ON THE LICENSED PREMISES FOR EVERY 250 INDIVIDUALS PRESENT.

(2) NOTWITHSTANDING § 20–1903(A) OF THIS TITLE, A LICENSE HOLDER SHALL REQUIRE ONE INDIVIDUAL WHO HAS COMPLETED A CERTIFIED ALCOHOL AWARENESS PROGRAM TO BE ON THE LICENSED PREMISES AT ALL TIMES WHEN ALCOHOL IS BEING SERVED.

(H) THE ANNUAL LICENSE FEE IS \$1,500.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 615

(Senate Bill 273)

AN ACT concerning

### Frederick County – Alcoholic Beverages – Cinema/Theater License

FOR the purpose of creating a cinema/theater license in Frederick County; authorizing the Board of License Commissioners to issue the license for use in a for–profit cinema or theater that has one or more screening rooms or performance halls; authorizing the

license holder to sell beer, wine, and liquor for on-premises consumption under certain circumstances; requiring a license holder to sell certain food; authorizing a customer to consume beer, wine, or liquor anywhere on the licensed premises; prohibiting an individual serving beer, wine, or liquor from mixing the contents of one bottle with the contents of another bottle; requiring the individual to dispose of or destroy all empty bottles and cans; requiring a license holder to obtain a certain crowd control training certificate and have a certain certified crowd control manager present at the licensed premises at certain times; requiring the license holder to have a certain individual who has received certification from a certain alcohol awareness program to be present at the licensed premises under certain circumstances; specifying a license fee; repealing a provision of law concerning Class B–DH (drafhouse) licenses for theaters; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing

Article – Alcoholic Beverages  
Section 20–1008  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 20–1003.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–1008 of Article – Alcoholic Beverages of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

**20–1003.1.**

(A) THERE IS A CLASS CT (CINEMA/THEATER) (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A FOR-PROFIT CINEMA OR THEATER THAT HAS ONE OR MORE SCREENING ROOMS OR PERFORMANCE HALLS.

(C) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY THE CAN, BOTTLE, OR DRINK:

(I) IN A DESIGNATED AREA OF THE LOBBY, FOR 45 MINUTES BEFORE A MOVIE STARTS OR A THEATER PERFORMANCE STARTS; AND

(II) TO AN INDIVIDUAL WHO HAS A TICKET TO A MOVIE OR A THEATER PERFORMANCE AND PROPER IDENTIFICATION.

(2) A LICENSE HOLDER SHALL OFFER FOR SALE FOOD OTHER THAN CANDY AND POPCORN.

(D) A CUSTOMER MAY CONSUME BEER, WINE, OR LIQUOR ANYWHERE ON THE LICENSED PREMISES.

(E) A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE MONDAY THROUGH SUNDAY.

(F) AN INDIVIDUAL SERVING BEER, WINE, OR LIQUOR:

(1) MAY NOT MIX THE CONTENTS OF ONE BOTTLE WITH THE CONTENTS OF ANOTHER BOTTLE; AND

(2) SHALL REMOVE OR DESTROY ALL EMPTY BOTTLES AND CANS.

(G) (1) A LICENSE HOLDER SHALL:

(I) OBTAIN A CROWD CONTROL TRAINING CERTIFICATE FROM A PROGRAM THAT IS CERTIFIED BY THE STATE; AND

(II) WHILE SELLING BEER, WINE, AND LIQUOR, HAVE ONE CERTIFIED CROWD CONTROL MANAGER ON THE LICENSED PREMISES FOR EVERY 250 INDIVIDUALS PRESENT.

(2) NOTWITHSTANDING § 20-1903(A) OF THIS TITLE, A LICENSE HOLDER SHALL REQUIRE ONE INDIVIDUAL WHO HAS COMPLETED A CERTIFIED

**ALCOHOL AWARENESS PROGRAM TO BE ON THE LICENSED PREMISES AT ALL TIMES WHEN ALCOHOL IS BEING SERVED.**

**(H) THE ANNUAL LICENSE FEE IS \$1,500.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 616**

### **(House Bill 290)**

AN ACT concerning

#### **Somerset County – Alcoholic Beverages – Board of License Commissioners – Salaries**

FOR the purpose of increasing the salary of the chair, members, clerk, and attorney of the Board of License Commissioners for Somerset County; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 29–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 29–204  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

#### **Article – Alcoholic Beverages**

29–102.

This title applies only in Somerset County.

29–204.

- (a) (1) The chair of the Board shall receive a salary of ~~[\$3,500]~~ **\$4,000** annually.
- (2) Each other member of the Board shall receive a salary of ~~[\$3,000]~~ **\$3,500** annually.
- (3) The County Commissioners shall pay the salaries of the members of the Board.
- (4) The County Commissioners may pay for expenses of the Board, including:
- (i) salaries of personnel other than members of the Board; and
  - (ii) costs of printing, supplies, and other expenses related to the operation of the Board.
- (b) The Board may:
- (1) employ:
    - (i) a secretary;
    - (ii) inspectors; and
    - (iii) clerical and other assistants as are necessary; and
  - (2) except as otherwise provided in this section, set the compensation of the employees.
- (c) The Board:
- (1) shall appoint a clerk to the Board at a salary of ~~[\$3,500]~~ **\$4,000** annually; and
  - (2) may designate an attorney for the Board at a salary of ~~[\$4,000]~~ **\$4,500** annually.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

**Chapter 617****(Senate Bill 337)**

AN ACT concerning

**Somerset County – Alcoholic Beverages – Board of License Commissioners –  
Salaries**

FOR the purpose of increasing the salary of the chair, members, clerk, and attorney of the Board of License Commissioners for Somerset County; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 29–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 29–204  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

29–102.

This title applies only in Somerset County.

29–204.

(a) (1) The chair of the Board shall receive a salary of ~~[\$3,500]~~ **\$4,000** annually.

(2) Each other member of the Board shall receive a salary of ~~[\$3,000]~~ **\$3,500** annually.

(3) The County Commissioners shall pay the salaries of the members of the Board.

(4) The County Commissioners may pay for expenses of the Board, including:

- (i) salaries of personnel other than members of the Board; and
  - (ii) costs of printing, supplies, and other expenses related to the operation of the Board.
- (b) The Board may:
- (1) employ:
    - (i) a secretary;
    - (ii) inspectors; and
    - (iii) clerical and other assistants as are necessary; and
  - (2) except as otherwise provided in this section, set the compensation of the employees.
- (c) The Board:
- (1) shall appoint a clerk to the Board at a salary of [~~\$3,500~~] **\$4,000** annually; and
  - (2) may designate an attorney for the Board at a salary of [~~\$4,000~~] **\$4,500** annually.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 618

**(House Bill 291)**

AN ACT concerning

### **Somerset County – Alcoholic Beverages – Liquor Control Board Reserve Fund**

FOR the purpose of increasing the Somerset County Liquor Control Board reserve fund; increasing the maximum amount of money the Liquor Control Board may distribute from the reserve fund to a dispensary; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 29–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 29–310  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)  
 (As enacted by Chapter 41 of the Acts of the General Assembly of 2016)

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

### Article – Alcoholic Beverages

29–102.

This title applies only in Somerset County.

29–310.

(a) The Liquor Control Board shall apply proceeds derived from the operation of dispensaries first toward the repayment of money advanced to or borrowed by the Liquor Control Board.

(b) (1) After repayment under subsection (a) of this section, the Liquor Control Board may maintain a reserve fund not exceeding ~~[\$150,000]~~ **\$300,000** to:

(i) provide adequate working capital; and

(ii) cover any losses sustained by the Liquor Control Board in operating the dispensaries.

(2) The Liquor Control Board may distribute up to ~~[\$50,000]~~ **\$100,000** from the reserve fund to each dispensary.

(c) Of the proceeds generated by the dispensaries in excess of the amount required to maintain the reserve fund, the Liquor Control Board annually shall distribute:

(1) by May 1, to the county:

(i) 75% of the remaining proceeds generated by the dispensaries in Crisfield and the West Princess Anne election districts; and

(ii) all of the remaining proceeds generated by the dispensary in the Dublin election district; and

(2) by June 1, to the City of Crisfield and the Town of Princess Anne, in equal amounts, 25% of the remaining proceeds generated by the dispensaries in Crisfield and the West Princess Anne election districts.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 619**

### **(Senate Bill 335)**

AN ACT concerning

#### **Somerset County – Alcoholic Beverages – Liquor Control Board Reserve Fund**

FOR the purpose of increasing the Somerset County Liquor Control Board reserve fund; increasing the maximum amount of money the Liquor Control Board may distribute from the reserve fund to a dispensary; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 29–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 29–310  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)  
(As enacted by Chapter 41 of the Acts of the General Assembly of 2016)

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

#### **Article – Alcoholic Beverages**

29–102.

This title applies only in Somerset County.

29–310.

(a) The Liquor Control Board shall apply proceeds derived from the operation of dispensaries first toward the repayment of money advanced to or borrowed by the Liquor Control Board.

(b) (1) After repayment under subsection (a) of this section, the Liquor Control Board may maintain a reserve fund not exceeding ~~[\$150,000]~~ **\$300,000** to:

(i) provide adequate working capital; and

(ii) cover any losses sustained by the Liquor Control Board in operating the dispensaries.

(2) The Liquor Control Board may distribute up to ~~[\$50,000]~~ **\$100,000** from the reserve fund to each dispensary.

(c) Of the proceeds generated by the dispensaries in excess of the amount required to maintain the reserve fund, the Liquor Control Board annually shall distribute:

(1) by May 1, to the county:

(i) 75% of the remaining proceeds generated by the dispensaries in Crisfield and the West Princess Anne election districts; and

(ii) all of the remaining proceeds generated by the dispensary in the Dublin election district; and

(2) by June 1, to the City of Crisfield and the Town of Princess Anne, in equal amounts, 25% of the remaining proceeds generated by the dispensaries in Crisfield and the West Princess Anne election districts.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 620

**(House Bill 292)**

AN ACT concerning

**Somerset County – Alcoholic Beverages Licenses – Proximity to Places of  
Worship, Schools, Public Libraries, or Youth Centers**

FOR the purpose of altering the minimum distance from a place of worship, school, public library, or youth center for an establishment for which the Board of License Commissioners of Somerset County may issue a certain license; making a certain conforming change; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 29–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 29–1601  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

29–102.

This title applies only in Somerset County.

29–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within ~~[300]~~ **200** feet of a place of worship, school, public library, or youth center.

(2) The distance is to be measured from the nearest point of the establishment to the nearest point of the property line of the place of worship, public library, school, or youth center.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) a licensed establishment that existed before the place of worship, school, public library, or youth center was built within ~~[300]~~ **200** feet of the licensed establishment;

(2) an establishment having any previous owner who was the holder of a license to sell alcoholic beverages; and

(3) a temporary license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 621

(Senate Bill 338)

AN ACT concerning

### **Somerset County – Alcoholic Beverages Licenses – Proximity to Places of Worship, Schools, Public Libraries, or Youth Centers**

FOR the purpose of altering the minimum distance from a place of worship, school, public library, or youth center for an establishment for which the Board of License Commissioners of Somerset County may issue a certain license; making a certain conforming change; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 29–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 29–1601  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

### **Article – Alcoholic Beverages**

29–102.

This title applies only in Somerset County.

29–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within [300] **200** feet of a place of worship, school, public library, or youth center.

(2) The distance is to be measured from the nearest point of the establishment to the nearest point of the property line of the place of worship, public library, school, or youth center.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) a licensed establishment that existed before the place of worship, school, public library, or youth center was built within [300] **200** feet of the licensed establishment;

(2) an establishment having any previous owner who was the holder of a license to sell alcoholic beverages; and

(3) a temporary license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 622**

**(House Bill 293)**

AN ACT concerning

### **Frederick County – Alcoholic Beverages – Volunteer Fire Company or Volunteer Ambulance Company License**

FOR the purpose of establishing a volunteer fire company or volunteer ambulance company alcoholic beverages license in Frederick County; specifying that the license authorizes a volunteer fire company or volunteer ambulance company to sell beer, wine, and liquor only during a fund–raising event for on–premises consumption; requiring the license holder to provide a certain notice to the Board of License Commissioners at a certain time; providing for an annual license fee; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 20–1014.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

**20–1014.1.**

**(A) THERE IS A CLASS C (VOLUNTEER FIRE COMPANY OR VOLUNTEER AMBULANCE COMPANY) LICENSE.**

**(B) THE LICENSE AUTHORIZES A VOLUNTEER FIRE COMPANY OR VOLUNTEER AMBULANCE COMPANY TO SELL BEER, WINE, AND LIQUOR ONLY DURING A FUND–RAISING EVENT FOR ON–PREMISES CONSUMPTION.**

**(C) THE LICENSE HOLDER SHALL PROVIDE THE BOARD WITH NOTICE OF A FUND–RAISING EVENT AT LEAST 14 DAYS BEFORE THE EVENT IS TO BE HELD.**

**(D) THE ANNUAL LICENSE FEE IS \$500.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 623**

**(Senate Bill 204)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Volunteer Fire Company or Volunteer Ambulance Company License**

FOR the purpose of establishing a volunteer fire company or volunteer ambulance company alcoholic beverages license in Frederick County; specifying that the license authorizes a volunteer fire company or volunteer ambulance company to sell beer, wine, and liquor only during a fund-raising event for on-premises consumption; requiring the license holder to provide a certain notice to the Board of License Commissioners at a certain time; providing for an annual license fee; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 20–1014.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

**20–1014.1.**

**(A) THERE IS A CLASS C (VOLUNTEER FIRE COMPANY OR VOLUNTEER AMBULANCE COMPANY) LICENSE.**

**(B) THE LICENSE AUTHORIZES A VOLUNTEER FIRE COMPANY OR VOLUNTEER AMBULANCE COMPANY TO SELL BEER, WINE, AND LIQUOR ONLY DURING A FUND-RAISING EVENT FOR ON-PREMISES CONSUMPTION.**

**(C) THE LICENSE HOLDER SHALL PROVIDE THE BOARD WITH NOTICE OF A FUND-RAISING EVENT AT LEAST 14 DAYS BEFORE THE EVENT IS TO BE HELD.**

**(D) THE ANNUAL LICENSE FEE IS \$500.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 624**

**(House Bill 297)**

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Sale of Chilled Beer and Chilled Wine**

**MC 4–19**

FOR the purpose of authorizing a dispensary of the Montgomery County Department of Liquor Control to sell chilled beer and chilled wine for off-premises consumption ~~under certain circumstances~~ from a keg for certain purposes; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 25–102 and 25–310(d)  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section ~~25–310(d) and (e)~~ 25–310(e)  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

25–102.

This title applies only in Montgomery County.

25–310.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Beer” includes draft beer in refillable and nonrefillable containers.

(iii) “Wine” includes wine in refillable containers.

(2) A dispensary:

(i) may sell only:

1. except as provided for in subsection (e) of this section, for off-premises consumption, ~~chilled and nonchilled~~;

~~A. CHILLED AND NONCHILLED~~ beer, ~~and~~;

~~B. CHILLED AND NONCHILLED~~ wine, ~~and~~;

~~C. NONCHILLED~~ liquor;

2. ice;

3. bottled water; and

4. items commonly associated with the serving or consumption of alcoholic beverages, including bottle openers, corkscrews, drink mixes, and lime juice; and

(ii) may not sell snack foods or soft drinks.

(e) (1) A dispensary may sell any product in the dispensary’s inventory for the purpose of:

(i) holding tastings of beer, wine, and liquor on the premises of the dispensary only;

(ii) serving, for tasting, beer, wine, and liquor; and

(iii) allowing the consumption of beer, wine, and liquor by an individual for tasting in a quantity of not more than:

1. one-half ounce from each offering of liquor;

2. 1.5 ounces from all offerings of liquor in a day;

3. 1 ounce from each offering of wine;
4. 4 ounces from all offerings of wine in a day;
5. 3 ounces from each offering of beer; and
6. 12 ounces from all offerings of beer in a day.

(2) Once opened, a bottle used for beer, wine, or liquor tasting shall be marked that it is to be used for that purpose only.

**(3) A DISPENSARY MAY SELL CHILLED BEER OR CHILLED WINE FOR OFF-PREMISES CONSUMPTION ONLY FROM A KEG FOR THE PURPOSE OF FILLING:**

**(I) FOR BEER, A REFILLABLE CONTAINER OR A NONREFILLABLE CONTAINER; AND**

**(II) FOR WINE, A REFILLABLE CONTAINER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 625

(House Bill 301)

AN ACT concerning

### Vehicle Laws – ~~Ethnicity-Based or Race-Based~~ Traffic Stops – Policy and Reporting Requirements

FOR the purpose of ~~altering the meaning of “traffic stop” as it relates to certain policies and reporting requirements; requiring certain law enforcement agencies to report certain information to the Maryland Statistical Analysis Center; altering the categories of ethnicity and race a law enforcement officer is required to report to the law enforcement agency that employs the officer; requiring the Maryland Statistical Analysis Center to make certain reports to the General Assembly, the Governor, and law enforcement agencies; altering a certain definition;~~ repealing a termination provision for certain provisions of law relating to policy and reporting requirements for race-based traffic stops; repealing a certain reporting requirement of the Maryland Statistical Analysis Center on certain traffic stop data and requiring the Maryland Statistical Analysis Center on or before a certain date each year to place on

its website in a certain manner a filterable data display showing certain traffic stop data; requiring the Governor's Office of Crime Control and Prevention to provide certain notice to the General Assembly when the filterable data display is updated; making stylistic changes; altering a certain definition; and generally relating to law enforcement procedures and traffic stops.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 25–113  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 127 of the Acts of the General Assembly of 2015  
Section 2

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

#### **Article – Transportation**

25–113.

(a) (1) In this section the following words have the meanings indicated.

(2) “Law enforcement agency” means an agency that is listed in § 3–101(e) of the Public Safety Article.

(3) “Law enforcement officer” means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency.

(4) **“MARYLAND POLICE TRAINING AND STANDARDS COMMISSION” MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY ARTICLE.**

[(4)] (5) “Maryland Statistical Analysis Center” means the research, development, and evaluation component of the Governor’s Office of Crime Control and Prevention.

[(5)] “Police Training and Standards Commission” means the unit within the Department of Public Safety and Correctional Services established under § 3–202 of the Public Safety Article.]

(6) (i) “Traffic stop” means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time ~~¶~~for a violation of the Maryland Vehicle Law~~¶~~.

(ii) “Traffic stop” does not include:

1. A checkpoint or roadblock stop; ~~OR~~
2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes~~¶~~;
3. A stop based on the use of radar, laser, or vascar technology; or
4. A stop based on the use of license plate reader technology~~¶~~.

(b) The **MARYLAND** Police Training and Standards Commission, in consultation with the Maryland Statistical Analysis Center, shall develop:

(1) A model format for the efficient recording of data required under subsection (d) of this section on an electronic device, or by any other means, for use by a law enforcement agency;

(2) Guidelines that each law enforcement agency may use as a management tool to evaluate data collected by its officers for use in counseling and improved training;

(3) A standardized format that each law enforcement agency shall use in reporting data to the Maryland Statistical Analysis Center under subsection (e) of this section; and

(4) A model policy against ~~ETHNICITY-BASED-AND~~ race-based traffic stops that a law enforcement agency may use in developing its policy in accordance with subsection (g) of this section.

(c) ~~¶~~(1) Subject to paragraph (2) of this subsection, this~~¶~~ ~~THIS~~ section applies to each law enforcement agency that has one or more law enforcement officers.

~~¶~~(2) Except as provided in subsection (e)(2) of this section, this section does not apply to a law enforcement agency that is subject to an agreement with the United States Department of Justice that requires the law enforcement agency to collect data on the race or ethnicity of the drivers of motor vehicles stopped.~~¶~~

(d) Each time a law enforcement officer makes a traffic stop, that officer shall report the following information to the law enforcement agency that employs the officer using the format developed under subsection (b)(1) of this section:

- (1) The date, location, and time of the stop;
- (2) The approximate duration of the stop;
- (3) The traffic violation or violations alleged to have been committed that led to the stop;
- (4) Whether a search was conducted as a result of the stop;
- (5) If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether a person was searched, and whether a person's property was searched;
- (6) Whether any contraband or other property was seized in the course of the search;
- (7) Whether a warning, safety equipment repair order, or citation was issued as a result of the stop;
- (8) If a warning, safety equipment repair order, or citation was issued, the basis for issuing the warning, safety equipment repair order, or citation;
- (9) Whether an arrest was made as a result of either the stop or the search;
- (10) If an arrest was made, the crime charged;
- (11) The state in which the stopped vehicle is registered;
- (12) The gender of the driver;
- (13) The date of birth of the driver;
- (14) The state and, if available on the driver's license, the county of residence of the driver; ~~and~~
- (15) ~~THE ETHNICITY OF THE DRIVER AS:~~
  - ~~(i) HISPANIC OR LATINO; OR~~
  - ~~(ii) NOT HISPANIC OR LATINO; AND~~
- ~~(16)~~ The race ~~for ethnicity~~ of the driver as:
  - ~~(i)~~ Asian;

- (ii) Black;
- (iii) Hispanic;
- (iv) White; or
- (v) Other.†
- ~~(I) WHITE ALONE;~~
- ~~(II) BLACK OR AFRICAN AMERICAN ALONE;~~
- ~~(III) ASIAN ALONE;~~
- ~~(IV) NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER ALONE;~~
- ~~(V) SOME OTHER RACE ALONE;~~
- ~~(VI) TWO OR MORE RACES INCLUDING SOME OTHER RACE; OR~~
- ~~(VII) TWO OR MORE RACES EXCLUDING SOME OTHER RACE.~~

(e) ~~†(1)†~~ A law enforcement agency shall:

~~†(i)†~~ ~~(1)~~ Compile the data described in subsection (d) of this section for the calendar year as a report in the format required under subsection (b)(3) of this section; and

~~†(ii)†~~ ~~(2)~~ Submit the report to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year.

~~†(2)~~ A law enforcement agency that is exempt under subsection (c)(2) of this section shall submit to the Maryland Statistical Analysis Center copies of reports it submits to the United States Department of Justice in lieu of the report required under paragraph (1) of this subsection.†

(f) (1) The Maryland Statistical Analysis Center shall analyze the annual reports of law enforcement agencies submitted under subsection (e) of this section based on a methodology developed in consultation with the MARYLAND Police Training and Standards Commission.

(2) ~~(1)~~ ~~The ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE Maryland Statistical Analysis Center shall submit a report of the findings, DISAGGREGATED BY JURISDICTION AND LAW ENFORCEMENT AGENCY, to the Governor, the General Assembly in accordance with § 2-1246 of the State Government Article, and each law~~

~~enforcement agency before September 1 of each year~~ POST ON ITS WEBSITE IN A LOCATION THAT IS EASILY ACCESSIBLE TO THE PUBLIC A FILTERABLE DATA DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SECTION FOR THE PREVIOUS CALENDAR YEAR.

(II) A FILTERABLE DATA DISPLAY UNDER THIS PARAGRAPH SHALL ALLOW A PERSON TO:

1. FILTER THE TRAFFIC STOP DATA BY COUNTY OR MUNICIPALITY OR LAW ENFORCEMENT AGENCY; AND

2. REVIEW VARIOUS VISUALS ASSOCIATED WITH DATA ITEMS REPORTED UNDER SUBSECTION (D) OF THIS SECTION.

(III) BEGINNING WITH DATA COLLECTED FOR CALENDAR YEAR 2018, THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL INCLUDE AND MAINTAIN DATA FROM ALL PRIOR YEARS IN THE FILTERABLE DATA DISPLAY.

(IV) WHEN THE MARYLAND STATISTICAL ANALYSIS CENTER UPDATES A FILTERABLE DATA DISPLAY UNDER THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE ELECTRONIC AND WRITTEN NOTICE OF THE UPDATE TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

~~(3) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL SUBMIT A COPY OF EACH REPORT SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY BEFORE SEPTEMBER 1 EACH YEAR.~~

(g) (1) A law enforcement agency shall adopt a policy against race-based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers.

(2) (i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.

(ii) The policy shall make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

(3) The policy shall provide for the law enforcement agency to periodically review data collected by its officers under subsection (d) of this section and to review the annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of this subsection.

(h) (1) If a law enforcement agency fails to comply with the reporting provisions of this section, the Maryland Statistical Analysis Center shall report the noncompliance to the **MARYLAND** Police Training and Standards Commission.

(2) The **MARYLAND** Police Training and Standards Commission shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.

(3) If the law enforcement agency fails to comply with the required reporting provisions within 30 days after being contacted by the **MARYLAND** Police Training and Standards Commission, the Maryland Statistical Analysis Center and the **MARYLAND** Police Training and Standards Commission jointly shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.

### Chapter 127 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. [It shall remain effective for a period of 5 years and, at the end of May 31, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 626

(Senate Bill 417)

AN ACT concerning

### Vehicle Laws – ~~Ethnicity-Based or~~ Race-Based Traffic Stops – Policy and Reporting Requirements

FOR the purpose of ~~requiring certain law enforcement agencies to report certain information to the Maryland Statistical Analysis Center; altering the categories of ethnicity and race a law enforcement officer is required to report to the law enforcement agency that employs the officer; requiring the Maryland Statistical Analysis Center to make certain reports to the General Assembly, the Governor, and law enforcement agencies; altering a certain definition; repealing altering~~ repealing a termination provision for certain provisions of law relating to policy and reporting requirements for race-based traffic stops; repealing a certain reporting requirement

*of the Maryland Statistical Analysis Center on certain traffic stop data and requiring the Maryland Statistical Analysis Center on or before a certain date each year to place on its website in a certain manner a filterable data display showing certain traffic stop data; requiring the Governor’s Office of Crime Control and Prevention to provide certain notice to the General Assembly when the filterable data display is updated; requiring the Maryland Statistical Analysis Center to submit a certain report disaggregated by jurisdiction and law enforcement agency;* making stylistic changes; altering a certain definition; and generally relating to law enforcement procedures and traffic stops.

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 25–113  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Chapter 127 of the Acts of the General Assembly of 2015  
 Section 2

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

### **Article – Transportation**

25–113.

(a) (1) In this section the following words have the meanings indicated.

(2) “Law enforcement agency” means an agency that is listed in § 3–101(e) of the Public Safety Article.

(3) “Law enforcement officer” means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency.

**(4) “MARYLAND POLICE TRAINING AND STANDARDS COMMISSION” MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY ARTICLE.**

**[(4)] (5)** “Maryland Statistical Analysis Center” means the research, development, and evaluation component of the Governor’s Office of Crime Control and Prevention.

[(5) “Police Training and Standards Commission” means the unit within the Department of Public Safety and Correctional Services established under § 3–202 of the Public Safety Article.]

(6) (i) “Traffic stop” means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

(ii) “Traffic stop” does not include:

1. A checkpoint or roadblock stop; ~~OR~~
2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes; ~~†~~
3. A stop based on the use of radar, laser, or vascar technology; or
4. A stop based on the use of license plate reader technology. ~~†~~

(b) The **MARYLAND** Police Training and Standards Commission, in consultation with the Maryland Statistical Analysis Center, shall develop:

(1) A model format for the efficient recording of data required under subsection (d) of this section on an electronic device, or by any other means, for use by a law enforcement agency;

(2) Guidelines that each law enforcement agency may use as a management tool to evaluate data collected by its officers for use in counseling and improved training;

(3) A standardized format that each law enforcement agency shall use in reporting data to the Maryland Statistical Analysis Center under subsection (e) of this section; and

(4) A model policy against ~~ETHNICITY-BASED-AND~~ race-based traffic stops that a law enforcement agency may use in developing its policy in accordance with subsection (g) of this section.

(c) ~~†~~(1) Subject to paragraph (2) of this subsection, this ~~†~~ **THIS** section applies to each law enforcement agency that has one or more law enforcement officers.

~~†~~(2) Except as provided in subsection (e)(2) of this section, this section does not apply to a law enforcement agency that is subject to an agreement with the United States Department of Justice that requires the law enforcement agency to collect data on the race or ethnicity of the drivers of motor vehicles stopped. ~~†~~

(d) Each time a law enforcement officer makes a traffic stop, that officer shall report the following information to the law enforcement agency that employs the officer using the format developed under subsection (b)(1) of this section:

- (1) The date, location, and time of the stop;
- (2) The approximate duration of the stop;
- (3) The traffic violation or violations alleged to have been committed that led to the stop;
- (4) Whether a search was conducted as a result of the stop;
- (5) If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether a person was searched, and whether a person's property was searched;
- (6) Whether any contraband or other property was seized in the course of the search;
- (7) Whether a warning, safety equipment repair order, or citation was issued as a result of the stop;
- (8) If a warning, safety equipment repair order, or citation was issued, the basis for issuing the warning, safety equipment repair order, or citation;
- (9) Whether an arrest was made as a result of either the stop or the search;
- (10) If an arrest was made, the crime charged;
- (11) The state in which the stopped vehicle is registered;
- (12) The gender of the driver;
- (13) The date of birth of the driver;
- (14) The state and, if available on the driver's license, the county of residence of the driver; ~~and~~
- (15) ~~THE ETHNICITY OF THE DRIVER AS:~~
  - ~~(I) HISPANIC OR LATINO; OR~~
  - ~~(II) NOT HISPANIC OR LATINO; AND~~

~~(16)~~ The race ~~for ethnicity~~ of the driver as:

- ~~(i)~~ Asian;
- ~~(ii)~~ Black;
- ~~(iii)~~ Hispanic;
- ~~(iv)~~ White; or
- ~~(v)~~ Other.

~~(I)~~ ~~WHITE ALONE;~~

~~(II)~~ ~~BLACK OR AFRICAN AMERICAN ALONE;~~

~~(III)~~ ~~ASIAN ALONE;~~

~~(IV)~~ ~~NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER ALONE;~~

~~(V)~~ ~~SOME OTHER RACE ALONE;~~

~~(VI)~~ ~~TWO OR MORE RACES INCLUDING SOME OTHER RACE; OR~~

~~(VII)~~ ~~TWO OR MORE RACES EXCLUDING SOME OTHER RACE.~~

(e) ~~(1)~~ A law enforcement agency shall:

~~(i)~~ ~~(1)~~ Compile the data described in subsection (d) of this section for the calendar year as a report in the format required under subsection (b)(3) of this section; and

~~(ii)~~ ~~(2)~~ Submit the report to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year.

~~(2)~~ A law enforcement agency that is exempt under subsection (c)(2) of this section shall submit to the Maryland Statistical Analysis Center copies of reports it submits to the United States Department of Justice in lieu of the report required under paragraph (1) of this subsection.

(f) (1) The Maryland Statistical Analysis Center shall analyze the annual reports of law enforcement agencies submitted under subsection (e) of this section based on a methodology developed in consultation with the MARYLAND Police Training and Standards Commission.

(2) ~~(I) The~~ **ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE** Maryland Statistical Analysis Center shall ~~submit a report of the findings, DISAGGREGATED BY JURISDICTION AND LAW ENFORCEMENT AGENCY, to the Governor, the General Assembly in accordance with § 2-1246 of the State Government Article, and each law enforcement agency before September 1 of each year~~ **POST ON ITS WEBSITE IN A LOCATION THAT IS EASILY ACCESSIBLE TO THE PUBLIC A FILTERABLE DATA DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SECTION FOR THE PREVIOUS CALENDAR YEAR.**

**(II) A FILTERABLE DATA DISPLAY UNDER THIS PARAGRAPH SHALL ALLOW A PERSON TO:**

**1. FILTER THE TRAFFIC STOP DATA BY COUNTY OR MUNICIPALITY OR LAW ENFORCEMENT AGENCY; AND**

**2. REVIEW VARIOUS VISUALS ASSOCIATED WITH DATA ITEMS REPORTED UNDER SUBSECTION (D) OF THIS SECTION.**

**(III) BEGINNING WITH DATA COLLECTED FOR CALENDAR YEAR 2018, THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL INCLUDE AND MAINTAIN DATA FROM ALL PRIOR YEARS IN THE FILTERABLE DATA DISPLAY.**

**(IV) WHEN THE MARYLAND STATISTICAL ANALYSIS CENTER UPDATES A FILTERABLE DATA DISPLAY UNDER THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE ELECTRONIC AND WRITTEN NOTICE OF THE UPDATE TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.**

~~**(3) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL SUBMIT A COPY OF EACH REPORT SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY BEFORE SEPTEMBER 1 EACH YEAR.**~~

(g) (1) A law enforcement agency shall adopt a policy against race-based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers.

(2) (i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.

(ii) The policy shall make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

(3) The policy shall provide for the law enforcement agency to periodically review data collected by its officers under subsection (d) of this section and to review the annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of this subsection.

(h) (1) If a law enforcement agency fails to comply with the reporting provisions of this section, the Maryland Statistical Analysis Center shall report the noncompliance to the **MARYLAND** Police Training and Standards Commission.

(2) The **MARYLAND** Police Training and Standards Commission shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.

(3) If the law enforcement agency fails to comply with the required reporting provisions within 30 days after being contacted by the **MARYLAND** Police Training and Standards Commission, the Maryland Statistical Analysis Center and the **MARYLAND** Police Training and Standards Commission jointly shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.

### Chapter 127 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. ~~It shall remain effective for a period of 5 **10** years and, at the end of May 31, 2020 **2025**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 627

(House Bill 311)

AN ACT concerning

### Dorchester County – Alcoholic Beverages – Class A Licenses

FOR the purpose of authorizing the Board of License Commissioners for Dorchester County to issue a Class A beer, wine, and liquor license for ~~certain~~ a premises licensed under a ~~Class B license or a Class D license~~ certain license; authorizing the Board to limit the number of Class A beer, wine, and liquor licenses ~~that the Board issues~~ issued

*by the Board; and generally relating to ~~alcoholic beverages in Dorchester County~~ the issuance of Class A beer, wine, and liquor licenses in Dorchester County.*

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 19–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 19–1604  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

### **Article – Alcoholic Beverages**

19–102.

This title applies only in Dorchester County.

19–1604.

(a) The Board may issue a Class A beer license [or], ~~▲~~ Class A beer and wine license, **OR ▲ CLASS A BEER, WINE, AND LIQUOR LICENSE** for a premises licensed under a Class B or Class D license.

(b) The Board may limit the number of Class A beer licenses [and], Class A beer and wine licenses, **AND CLASS A BEER, WINE, AND LIQUOR LICENSES** that the Board issues.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 628**

**(Senate Bill 111)**

AN ACT concerning

**Dorchester County – Alcoholic Beverages – Class A Licenses**

FOR the purpose of authorizing the Board of License Commissioners for Dorchester County to issue a Class A beer, wine, and liquor license for a premises licensed under a certain license; authorizing the Board to limit the number of Class A beer, wine, and liquor licenses issued by the Board; and generally relating to the issuance of Class A beer, wine, and liquor licenses in Dorchester County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 19–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 19–1604  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

19–102.

This title applies only in Dorchester County.

19–1604.

(a) The Board may issue a Class A beer license [or], Class A beer and wine license, **OR CLASS A BEER, WINE, AND LIQUOR LICENSE** for a premises licensed under a Class B or Class D license.

(b) The Board may limit the number of Class A beer licenses [and], Class A beer and wine licenses, **AND CLASS A BEER, WINE, AND LIQUOR LICENSES** that the Board issues.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 629****(House Bill 312)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Multiple Licenses Allowed**

FOR the purpose of authorizing the Board of License Commissioners for Frederick County to issue not more than a certain number of hotel or motel licenses, hotel or restaurant licenses, entertainment center licenses, or hotel lobby licenses to the same license holder; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 20–903, 20–904, 20–1009, and 20–1009.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

20–903.

(a) There is a Class B beer, wine, and liquor hotel or motel license.

(b) The Board may issue the license for use by a hotel or motel that:

(1) is an establishment to accommodate the public by providing services ordinarily found in a hotel or motel;

(2) has at least 15 rooms;

(3) has a dining room with facilities for preparing and serving full-course meals for at least 28 individuals at one seating; and

(4) has a capital investment in the hotel or motel facility of at least \$400,000.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the individual drink at any place on the hotel or motel premises.

(2) (i) Subject to subparagraph (ii) of this paragraph, the license authorizes the license holder to sell beer, wine, and liquor by the bottle:

1. at any place on the premises for a banquet, party, hospitality room, meeting, or a similar function; and

2. for dinner in the restaurant portion of the premises.

(ii) A customer may not remove from the premises any contents of a bottle sold under this paragraph that remains unused.

(3) (i) The license authorizes the sale of beer, wine, and liquor by the bottle through room service to a registered patron in a hotel or motel room.

(ii) Not more than two bottles may be sold through room service to any one customer in a 24-hour period.

(iii) A bottle sold through room service may be removed from the premises by the customer on checking out from the hotel or motel.

**(D) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME LICENSE HOLDER.**

[(d)] **(E)** The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005(b) of this title.

[(e)] **(F)** The annual license fee is \$2,000.

20-904.

(a) There is a Class B beer, wine, and liquor hotel or restaurant license.

(b) The Board may issue the license for use by a hotel that:

(1) is an establishment for the accommodation of the public providing service ordinarily found in hotels;

(2) contains:

- (i) at least 25 rooms;
- (ii) a lobby with a registration and mail desk; and
- (iii) seating facilities and a dining room that serves full-course meals at least twice daily and that has a regular seating at tables, not including seats at bars or counters, for 28 or more individuals; and

(3) is operated in a facility that:

- (i) is valued for State and local assessment and taxation at not less than \$20,000; and

- (ii) has personal property valued for State and local assessment and taxation at not less than \$3,000.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue the license for use by a restaurant that:

- (i) serves full-course meals at least twice daily;

- (ii) has regular seating at tables, not including seats at bars or counters, for 28 or more individuals;

- (iii) is operated in a facility valued for State and local assessment and taxation at not less than \$40,000; and

- (iv) has personal property valued for State and local assessment and taxation at not less than \$5,000.

(2) (i) This subsection does not apply to or affect any license holder that had the license on December 31, 1993, or to a person who has a permit for a building that was under construction on that date.

- (ii) The area normally used as a restaurant for the preparation and consumption of food and beverages shall occupy at least 80% of the square foot area of the licensed premises, except for premises used for recreation, such as a bowling alley or pool hall.

(3) (i) The license holder may remove tables and chairs to accommodate additional patrons at not more than four special events held in the restaurant in a calendar year.

- (ii) A restaurant that removes its tables and chairs for a special event:

1. shall give notice to the Board at least 1 week before the event;

2. shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant; and

3. may not allow into the restaurant more than the maximum number of occupants that the County Fire Marshal allows.

(d) (1) The license issued for a hotel or restaurant:

(i) authorizes the sale of beer, wine, and liquor for on-premises consumption where meals are prepared and served; and

(ii) prohibits sales for consumption anywhere else, including at a bar or counter.

(2) The license issued for a restaurant authorizes the sale for off-premises consumption of beverages with an alcoholic content of not more than 14.5%.

**(E) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME LICENSE HOLDER.**

[(e)] (F) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005(b) of this title.

[(f)] (G) The annual license fee is:

(1) \$1,500 for a restaurant; and

(2) \$2,000 for a hotel.

20-1009.

(a) There is a Class EC (entertainment center) license.

(b) The Board may issue the license to a person for use in conjunction with:

(1) a Class 7 micro-brewery license that the person then obtains from the Comptroller; or

(2) a Class B beer, wine, and liquor license that the person has been issued by the Board.

(c) (1) The EC license authorizes the license holder to sell, in an entertainment center for on-premises consumption:

(i) malt beverages that are brewed in the license holder's micro-brewery, if the license holder also holds a Class 7 micro-brewery license; or

(ii) beer, wine, and liquor, if the license holder also holds a Class B beer, wine, and liquor license.

(2) The entertainment center may:

(i) contain:

1. rides and games such as bowling lanes, billiard tables, and go-carts; and

2. one or more food service facilities, bars, or lounges; and

(ii) allow the playing of music and dancing.

**(D) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME LICENSE HOLDER.**

[(d)] (E) The hours of sale are:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 11 a.m. to 2 a.m. the following day.

[(e)] (F) The annual EC license fee is \$1,500.

20-1009.1.

(a) There is a hotel lobby license.

(b) The Board may issue the license for use by a hotel that does not have a restaurant.

(c) The license authorizes the license holder to sell beer and wine by the bottle from a store in the hotel lobby to patrons of the hotel for on-premises consumption.

**(D) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME LICENSE HOLDER.**

[(d)] (E) The license holder may sell beer and wine:

and (1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;

(2) on Sunday, from 11 a.m. to 2 a.m. the following day.

[(e)] (F) The license fee is \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 630

(Senate Bill 276)

AN ACT concerning

### Frederick County – Alcoholic Beverages – Multiple Licenses Allowed

FOR the purpose of authorizing the Board of License Commissioners for Frederick County to issue not more than a certain number of hotel or motel licenses, hotel or restaurant licenses, entertainment center licenses, or hotel lobby licenses to the same license holder; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 20–903, 20–904, 20–1009, and 20–1009.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

### Article – Alcoholic Beverages

20–102.

This title applies only in Frederick County.

20–903.

(a) There is a Class B beer, wine, and liquor hotel or motel license.

(b) The Board may issue the license for use by a hotel or motel that:

(1) is an establishment to accommodate the public by providing services ordinarily found in a hotel or motel;

(2) has at least 15 rooms;

(3) has a dining room with facilities for preparing and serving full-course meals for at least 28 individuals at one seating; and

(4) has a capital investment in the hotel or motel facility of at least \$400,000.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the individual drink at any place on the hotel or motel premises.

(2) (i) Subject to subparagraph (ii) of this paragraph, the license authorizes the license holder to sell beer, wine, and liquor by the bottle:

1. at any place on the premises for a banquet, party, hospitality room, meeting, or a similar function; and

2. for dinner in the restaurant portion of the premises.

(ii) A customer may not remove from the premises any contents of a bottle sold under this paragraph that remains unused.

(3) (i) The license authorizes the sale of beer, wine, and liquor by the bottle through room service to a registered patron in a hotel or motel room.

(ii) Not more than two bottles may be sold through room service to any one customer in a 24-hour period.

(iii) A bottle sold through room service may be removed from the premises by the customer on checking out from the hotel or motel.

**(D) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME LICENSE HOLDER.**

**[(d)] (E)** The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.

[(e)] (F) The annual license fee is \$2,000.

20-904.

(a) There is a Class B beer, wine, and liquor hotel or restaurant license.

(b) The Board may issue the license for use by a hotel that:

(1) is an establishment for the accommodation of the public providing service ordinarily found in hotels;

(2) contains:

(i) at least 25 rooms;

(ii) a lobby with a registration and mail desk; and

(iii) seating facilities and a dining room that serves full-course meals at least twice daily and that has a regular seating at tables, not including seats at bars or counters, for 28 or more individuals; and

(3) is operated in a facility that:

(i) is valued for State and local assessment and taxation at not less than \$20,000; and

(ii) has personal property valued for State and local assessment and taxation at not less than \$3,000.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue the license for use by a restaurant that:

(i) serves full-course meals at least twice daily;

(ii) has regular seating at tables, not including seats at bars or counters, for 28 or more individuals;

(iii) is operated in a facility valued for State and local assessment and taxation at not less than \$40,000; and

(iv) has personal property valued for State and local assessment and taxation at not less than \$5,000.

(2) (i) This subsection does not apply to or affect any license holder that had the license on December 31, 1993, or to a person who has a permit for a building that was under construction on that date.

(ii) The area normally used as a restaurant for the preparation and consumption of food and beverages shall occupy at least 80% of the square foot area of the licensed premises, except for premises used for recreation, such as a bowling alley or pool hall.

(3) (i) The license holder may remove tables and chairs to accommodate additional patrons at not more than four special events held in the restaurant in a calendar year.

(ii) A restaurant that removes its tables and chairs for a special event:

1. shall give notice to the Board at least 1 week before the event;

2. shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant; and

3. may not allow into the restaurant more than the maximum number of occupants that the County Fire Marshal allows.

(d) (1) The license issued for a hotel or restaurant:

(i) authorizes the sale of beer, wine, and liquor for on-premises consumption where meals are prepared and served; and

(ii) prohibits sales for consumption anywhere else, including at a bar or counter.

(2) The license issued for a restaurant authorizes the sale for off-premises consumption of beverages with an alcoholic content of not more than 14.5%.

**(E) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME LICENSE HOLDER.**

[(e)] **(F)** The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.

[(f)] **(G)** The annual license fee is:

(1) \$1,500 for a restaurant; and

(2) \$2,000 for a hotel.

(a) There is a Class EC (entertainment center) license.

(b) The Board may issue the license to a person for use in conjunction with:

(1) a Class 7 micro-brewery license that the person then obtains from the Comptroller; or

(2) a Class B beer, wine, and liquor license that the person has been issued by the Board.

(c) (1) The EC license authorizes the license holder to sell, in an entertainment center for on-premises consumption:

(i) malt beverages that are brewed in the license holder's micro-brewery, if the license holder also holds a Class 7 micro-brewery license; or

(ii) beer, wine, and liquor, if the license holder also holds a Class B beer, wine, and liquor license.

(2) The entertainment center may:

(i) contain:

1. rides and games such as bowling lanes, billiard tables, and go-carts; and

2. one or more food service facilities, bars, or lounges; and

(ii) allow the playing of music and dancing.

**(D) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME LICENSE HOLDER.**

**[(d)] (E)** The hours of sale are:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from 11 a.m. to 2 a.m. the following day.

**[(e)] (F)** The annual EC license fee is \$1,500.

20-1009.1.

(a) There is a hotel lobby license.

(b) The Board may issue the license for use by a hotel that does not have a restaurant.

(c) The license authorizes the license holder to sell beer and wine by the bottle from a store in the hotel lobby to patrons of the hotel for on-premises consumption.

**(D) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME LICENSE HOLDER.**

**[(d)] (E)** The license holder may sell beer and wine:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;  
and

(2) on Sunday, from 11 a.m. to 2 a.m. the following day.

**[(e)] (F)** The license fee is \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 631

**(House Bill 314)**

AN ACT concerning

**Frederick County – Alcoholic Beverages License Applications – Repeal of  
Petition of Support – Notice**

FOR the purpose of repealing in Frederick County the requirement that certain real estate owners within a certain distance of an establishment for which a license is sought sign a petition of support for the license application; repealing the provision of law providing for selecting other persons to sign the petition under certain circumstances; requiring an applicant for a license to post a certain notice at the location described in the application for at least a certain time; specifying the contents of the notice; and generally relating to applications for alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 20–102

Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing

Article – Alcoholic Beverages  
Section 20–1405  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 20–1405  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

[20–1405.

(a) Subject to subsection (b) of this section, persons who are owners of real estate within 5,000 feet of the establishment for which a license is sought shall be those persons signing the petition of support for the license application.

(b) If an insufficient number of persons own real estate within 5,000 feet of the premises for which a license is sought, the persons signing the petition of support shall be drawn from owners of real estate within the area of a circle that:

- (1) has the establishment for which a license is sought at its center; and
- (2) encompasses properties owned by at least 1,000 persons.]

**20–1405.**

**(A) AN APPLICANT FOR A LICENSE SHALL POST A NOTICE THAT THE BOARD APPROVES IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 14 DAYS BEFORE THE APPLICATION HEARING.**

**(B) THE NOTICE SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR**

## AN APPLICATION HEARING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 632****(Senate Bill 224)**

AN ACT concerning

**Frederick County – Alcoholic Beverages License Applications – Repeal of  
Petition of Support – Notice**

FOR the purpose of repealing in Frederick County the requirement that certain real estate owners within a certain distance of an establishment for which a license is sought sign a petition of support for the license application; repealing the provision of law providing for selecting other persons to sign the petition under certain circumstances; requiring an applicant for a license to post a certain notice at the location described in the application for at least a certain time; specifying the contents of the notice; and generally relating to applications for alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing

Article – Alcoholic Beverages  
Section 20–1405  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 20–1405  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

[20–1405.

(a) Subject to subsection (b) of this section, persons who are owners of real estate within 5,000 feet of the establishment for which a license is sought shall be those persons signing the petition of support for the license application.

(b) If an insufficient number of persons own real estate within 5,000 feet of the premises for which a license is sought, the persons signing the petition of support shall be drawn from owners of real estate within the area of a circle that:

- (1) has the establishment for which a license is sought at its center; and
- (2) encompasses properties owned by at least 1,000 persons.]

**20–1405.**

**(A) AN APPLICANT FOR A LICENSE SHALL POST A NOTICE THAT THE BOARD APPROVES IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 14 DAYS BEFORE THE APPLICATION HEARING.**

**(B) THE NOTICE SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 633**

**(House Bill 334)**

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Community Performing Arts  
Facility Special Event Permit**

**MC 30–19**

FOR the purpose of establishing in Montgomery County a community performing arts facility special event permit; specifying that only a holder of a community performing arts facility license may obtain a community performing arts facility special event permit; specifying the scope and annual fee for the community performing arts facility special event permit; requiring a permit holder to provide certain notice to the Montgomery County Board of License Commissioners before a certain special event; authorizing a permit holder to hold an unlimited number of events in a year; and generally relating to community performing arts facilities in Montgomery County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 25–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 25–1004  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

25–102.

This title applies only in Montgomery County.

25–1004.

(a) There is a BWL Community Performing Arts Facility license.

(b) (1) The Board may issue the license for use by a nonprofit partnership, limited liability company, corporation, or other entity that owns or leases a performing arts facility that:

(i) is used for art classes, banquets, community–related activities, exhibits, live performances, shows, theater productions, visual art shows, and weddings; and

(ii) has:

1. a minimum capacity of 200 individuals; and
2. a maximum capacity of 1,499 individuals.

(2) The Board may not issue more than three licenses to a nonprofit partnership, limited liability company, corporation, or other entity that owns or leases performing arts facilities in separate locations.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for on-premises consumption.

(2) The Board may impose conditions on the issuance or renewal of the license that establish the areas in the community performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

(3) The license holder shall ensure that food is provided during the hours beer, wine, and liquor are sold, served, possessed, or consumed.

(d) (1) The holder of a Class B-BWLHR license with catering authority, a local caterer's license, or a State caterer's license may bring alcoholic beverages and food on the licensed premises under the terms of a contract with a holder of a BWL Community Performing Arts Facility license.

(2) A violation of this title that occurs when a caterer brings alcoholic beverages on licensed premises as provided under paragraph (1) of this subsection is the responsibility of the caterer and is not the responsibility of the license holder.

(e) The license holder may sell beer, wine, and liquor from 9 a.m. on any day of the week to 2 a.m. the following day.

(f) The license may not be transferred to another location.

(g) The annual license fee is \$750.

**(H) (1) THERE IS A COMMUNITY PERFORMING ARTS FACILITY SPECIAL EVENT PERMIT.**

**(2) THE BOARD MAY ISSUE THE PERMIT ONLY TO THE HOLDER OF A BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE.**

**(3) A HOLDER OF THE PERMIT MAY SELL BEER, WINE, OR LIQUOR FOR CONSUMPTION ON THE PREMISES OF THE SPECIAL EVENT.**

**(4) A HOLDER OF THE PERMIT SHALL NOTIFY THE BOARD IN WRITING**

ON A FORM PROVIDED BY THE BOARD AT LEAST 14 DAYS BEFORE EACH EVENT.

(5) A HOLDER OF THE PERMIT MAY HOLD AN UNLIMITED NUMBER OF EVENTS IN A YEAR.

(6) THE ANNUAL PERMIT FEE IS \$200.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 634

### (House Bill 335)

AN ACT concerning

#### Montgomery County – Alcoholic Beverages Licenses – Fee Refunds

#### MC 28–19

FOR the purpose of establishing that a holder of an alcoholic beverages license in Montgomery County is entitled to a refund of the unearned portion of a license fee if the holder voluntarily surrenders the license at least a certain amount of time before the license expiration date; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 25–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 25–1401  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 25–1411  
Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

25–102.

This title applies only in Montgomery County.

25–1401.

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4–102 (“Applications to be filed with local licensing board”);

(2) § 4–106 (“Payment of notice expenses”);

(3) § 4–108 (“Application form required by Comptroller”);

(4) § 4–112 (“Disposition of license fees”); **AND**

**[(5) § 4–113 (“Refund of license fees”); and]**

**[(6) (5) § 4–114 (“Fees for licenses issued for less than 1 year”).**

(b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article do not apply in the county:

(1) § 4–103 (“Application on behalf of partnership”), which is superseded by § 25–1404 of this subtitle;

(2) § 4–104 (“Application on behalf of corporation or club”), which is superseded by § 25–1405 of this subtitle;

(3) § 4–105 (“Application on behalf of limited liability company”), which is superseded by § 25–1406 of this subtitle;

(4) § 4–110 (“Required information on application — Petition of support”);  
and

(5) § 4–111 (“Payment of license fees”), which is superseded by § 25–1410 of this subtitle.

(c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)

of Division I of this article apply in the county:

(1) § 4–107 (“Criminal history records check”), subject to §§ 25–1402 and 25–1403 of this subtitle; [and]

(2) § 4–109 (“Required information on application — In general”), subject to § 25–1408 of this subtitle and § 22–1409 of this article; AND

(3) § 4–113 (“REFUND OF LICENSE FEES”), SUBJECT TO § 25–1411 OF THIS SUBTITLE.

25–1411.

**IF A LICENSE HOLDER VOLUNTARILY SURRENDERS THE LICENSE AT LEAST 6 MONTHS BEFORE THE LICENSE EXPIRATION DATE, THE LICENSE HOLDER IS ENTITLED TO A REFUND OF THE UNEARNED PORTION OF THE LICENSE FEE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 635

**(House Bill 338)**

AN ACT concerning

### **Human Services – Food Supplements (Summer SNAP for Children Act)**

FOR the purpose of renaming the food stamp program to be the food supplement program; requiring the State to provide matching funds for a certain supplement for certain individuals in a household that receives certain federally funded benefits; providing for the amount of the supplemental benefit; providing that the supplemental benefit is subject to certain requirements; providing that the supplemental benefit is for each child in the household; requiring the supplemental benefit to be provided in certain months; establishing the manner in which the supplemental benefit is provided; prohibiting a household from receiving more than one supplemental benefit per child; requiring a county to submit a certain application by a certain date to receive funding for the supplemental benefit; requiring the application to include certain information; requiring the Department of Human Services to notify certain counties of certain available funding on or before a certain date each year; providing that receipt of certain funding by a county is contingent on approval of a certain final

plan; requiring certain counties to submit a certain final plan to the Department on or before a certain date; requiring the Department to approve or reject a certain final plan and provide notice of the decision on or before a certain date; allowing a county with a rejected final plan to submit a revised final plan for approval; requiring the Department to certify available funding for an approved final plan; specifying the required State and local shares of funding for a county with an approved final plan; specifying the manner in which available State funding for the supplemental benefit is apportioned among counties with approved final plans; requiring the Governor to appropriate certain amounts of funding for the supplemental benefits in certain fiscal years; authorizing a county to provide certain additional funding; prohibiting certain required funding from being affected by certain additional funding; requiring the Governor to appropriate a certain amount of funding for the supplemental benefits in certain fiscal years; if certain federal funding is available, requiring the Department of Human Services, in consultation with the State Department of Education, to apply for a certain federal grant to implement a Summer Electronic Benefit Transfer for Children demonstration project; requiring the Department to report to certain committees of the General Assembly on or before a certain date annually; providing for the termination of certain provisions of this Act; defining a certain term; and generally relating to the food ~~stamp~~ supplement program.

BY repealing and reenacting, ~~without~~ with amendments,  
 Article – Human Services  
 Section 5–501  
 Annotated Code of Maryland  
 (2007 Volume and 2018 Supplement)

BY adding to  
 Article – Human Services  
 Section 5–501.1  
 Annotated Code of Maryland  
 (2007 Volume and 2018 Supplement)

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

### Article – Human Services

5–501.

(a) The Department may implement a food ~~stamp~~ SUPPLEMENT program in accordance with the federal ~~Food Stamp Act~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(b) The State shall bear the nonfederal portion of the administrative costs of the food ~~stamp~~ SUPPLEMENT program for each county.

(c) Each local department shall administer the food ~~stamp~~ SUPPLEMENT program:

- (1) under the supervision and control of the Department; and
- (2) in accordance with the regulations of the Department and federal law.

(d) If a household includes an individual who is at least 62 years old and receives a federally funded benefit in an amount less than \$30 per month under the food ~~stamp~~ SUPPLEMENT program, the State shall provide a supplement to increase the total benefit to \$30 per month.

#### **5-501.1.**

**(A) IN THIS SECTION, “CHILD” MEANS AN INDIVIDUAL WHO IS UNDER THE AGE OF 19 YEARS AT ANY TIME DURING A CALENDAR YEAR.**

**(B) (1) SUBJECT TO SUBSECTIONS (E) AND (F) OF THIS SECTION, IF A HOUSEHOLD INCLUDES AN INDIVIDUAL WHO RECEIVES A FEDERALLY FUNDED BENEFIT UNDER THE FOOD ~~STAMP~~ SUPPLEMENT PROGRAM, THE STATE SHALL PROVIDE MATCHING FUNDS TO A COUNTY TO SUPPLEMENT BENEFITS RECEIVED UNDER § 5-501 OF THIS SUBTITLE FOR EACH CHILD IN THE HOUSEHOLD ~~IN THE AMOUNT OF:~~**

**(2) FOR EACH CHILD IN THE HOUSEHOLD, THE COMBINED STATE AND COUNTY SUPPLEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL EQUAL AT LEAST:**

~~(1)~~ **(I) \$30 PER MONTH IN THE MONTHS OF JUNE, JULY, AND AUGUST; AND**

~~(2)~~ **(II) \$10 IN THE MONTH OF DECEMBER.**

**(C) (1) A SUPPLEMENT PROVIDED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ADDED TO THE HOUSEHOLD FOOD ~~STAMP~~ SUPPLEMENT PROGRAM BENEFIT ACCOUNT 15 DAYS AFTER THE FEDERALLY FUNDED BENEFIT IS ADDED TO THE ACCOUNT IN JUNE, JULY, AND AUGUST.**

**(2) A SUPPLEMENT PROVIDED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ADDED TO THE HOUSEHOLD FOOD ~~STAMP~~ SUPPLEMENT PROGRAM BENEFIT ACCOUNT 7 DAYS AFTER THE FEDERALLY FUNDED BENEFIT IS ADDED TO THE ACCOUNT IN DECEMBER.**

**(D) A HOUSEHOLD MAY NOT RECEIVE MORE THAN ONE SUPPLEMENT PER CHILD UNDER SUBSECTION (B) OF THIS SECTION.**

(E) (1) (I) TO RECEIVE FUNDING IN THE FOLLOWING FISCAL YEAR FOR THE SUPPLEMENTS UNDER SUBSECTION (B) OF THIS SECTION, A COUNTY SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT ON OR BEFORE DECEMBER 1.

(II) THE APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION:

1. A PROPOSED PLAN TO SUCCESSFULLY IMPLEMENT DISTRIBUTION OF SUPPLEMENTS AWARDED TO THE COUNTY;

2. A PROPOSED PLAN TO ~~MARKET AND~~ COMMUNICATE THE AVAILABILITY OF FOOD ~~STAMP~~ SUPPLEMENT PROGRAM BENEFITS AND SUPPLEMENTS TO ELIGIBLE FAMILIES;

3. THE PROCESS BY WHICH THE COUNTY WILL EVALUATE THE IMPACT OF THE SUPPLEMENTS;

4. FOOD ~~STAMP~~ SUPPLEMENT PROGRAM ~~PARTICIPATION~~ ELIGIBILITY AND ENROLLMENT RATES IN THE COUNTY; ~~AND~~

5. CERTIFICATION OF THE MAXIMUM AMOUNT OF LOCAL SHARE FUNDS AVAILABLE; AND

6. ANY OTHER RELEVANT INFORMATION REQUIRED BY THE DEPARTMENT.

(2) (I) ON OR BEFORE JANUARY 15 EACH YEAR, THE DEPARTMENT SHALL NOTIFY EACH COUNTY THAT SUBMITTED A COMPLETE APPLICATION OF THE AMOUNT OF FUNDING AVAILABLE IN THE NEXT FISCAL YEAR FOR SUPPLEMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(II) RECEIPT OF AVAILABLE FUNDING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS CONTINGENT ON APPROVAL BY THE DEPARTMENT OF A COUNTY'S FINAL PLAN SUBMITTED IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

(3) ON OR BEFORE MARCH 1 EACH YEAR, A COUNTY THAT IS NOTIFIED OF AVAILABLE FUNDING SHALL SUBMIT A FINAL PLAN TO THE DEPARTMENT THAT INCLUDES:

(I) A ~~MARKETING AND~~ COMMUNICATION PLAN TO INFORM ELIGIBLE FAMILIES OF THE FOOD ~~STAMP~~ SUPPLEMENT PROGRAM AND THE SUPPLEMENTS AVAILABLE UNDER THIS SECTION;

(II) IF FUNDING IS NOT SUFFICIENT TO PROVIDE A MINIMUM SUPPLEMENT OF \$100 TO ALL CHILDREN IN THE COUNTY RECEIVING FOOD ~~STAMP~~ SUPPLEMENT PROGRAM BENEFITS IN THE FISCAL YEAR, A DESIGNATION OF WHICH CHILDREN WILL BE ELIGIBLE TO RECEIVE THE SUPPLEMENTS UNDER THIS SECTION;

(III) THE CRITERIA USED TO DETERMINE ELIGIBILITY UNDER ITEM (II) OF THIS PARAGRAPH; AND

(IV) AN EVALUATION PLAN TO MEASURE:

1. THE IMPACT OF THE SUPPLEMENTS ON RECIPIENTS;
2. FOOD ~~STAMP~~ SUPPLEMENT PROGRAM PARTICIPATION; AND
3. ANY OTHER RELEVANT INFORMATION REQUIRED BY THE DEPARTMENT.

(4) (I) THE DEPARTMENT SHALL REVIEW A FINAL PLAN SUBMITTED UNDER PARAGRAPH (3) OF THIS SUBSECTION AND APPROVE OR REJECT THE FINAL PLAN.

(II) THE DEPARTMENT SHALL NOTIFY A COUNTY OF ITS DECISION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ON OR BEFORE ~~MAY 15~~ APRIL 1.

(III) IF THE DEPARTMENT REJECTS A COUNTY'S FINAL PLAN, THE COUNTY MAY SUBMIT A REVISED FINAL PLAN FOR APPROVAL ON OR BEFORE APRIL 15.

(IV) IF THE DEPARTMENT APPROVES A COUNTY'S FINAL PLAN, THE DEPARTMENT SHALL CERTIFY THE AMOUNT OF FUNDING THAT WILL BE PROVIDED ~~TO~~ FOR THE COUNTY IN THE FOLLOWING FISCAL YEAR.

(5) EACH COUNTY WITH AN APPROVED FINAL PLAN SHALL BE AWARDED FUNDING IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.

(F) (1) ~~(I) THE GOVERNOR SHALL INCLUDE \$2,000,000 IN THE FISCAL 2021 BUDGET FOR THE SUPPLEMENTS UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(II) IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE AN ADDITIONAL \$500,000 OVER THE PRIOR FISCAL~~

~~YEAR APPROPRIATION FOR THE SUPPLEMENTS UNDER SUBSECTION (B) OF THIS SECTION~~ THE STATE AND LOCAL SHARES OF FUNDING REQUIRED FOR A COUNTY WITH AN APPROVED FINAL PLAN SHALL BE EQUAL TO THE STATE AND LOCAL SHARE PERCENTAGES ESTABLISHED BY THE STATE AND LOCAL COST-SHARE FORMULA FOR THAT COUNTY REQUIRED UNDER § 5-303(D)(3)(I) OF THE EDUCATION ARTICLE.

(2) ~~IN (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN EACH FISCAL YEAR, THE DEPARTMENT SHALL PROVIDE THE STATE SHARE OF FUNDS TO FOR EACH COUNTY WITH AN APPROVED FINAL PLAN FOR THE FISCAL YEAR IN AN AMOUNT EQUAL TO THE PRODUCT OF:~~

1. ~~THE TOTAL AMOUNT OF FUNDS APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION MULTIPLIED BY~~ SUBSECTION (G) OF THIS SECTION; AND

2. ~~THE NUMBER OF CHILDREN IN HOUSEHOLDS THAT RECEIVE A FEDERAL BENEFIT UNDER THE FOOD STAMP SUPPLEMENT PROGRAM RECIPIENTS IN THE COUNTY WHO ARE ELIGIBLE FOR A BENEFIT UNDER THIS SECTION AND THEN, DIVIDED BY THE TOTAL NUMBER OF CHILDREN IN HOUSEHOLDS THAT RECEIVE A FEDERAL BENEFIT UNDER THE FOOD STAMP SUPPLEMENT PROGRAM RECIPIENTS IN THE STATE WHO ARE ELIGIBLE FOR A BENEFIT UNDER THIS SECTION~~ IN ALL COUNTIES WITH AN APPROVED FINAL PLAN.

(II) THE AMOUNT OF FUNDS PROVIDED TO A COUNTY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE GREATER THAN THE STATE SHARE AMOUNT THAT CORRESPONDS TO THE MAXIMUM AVAILABLE LOCAL SHARE FUNDS CERTIFIED UNDER SUBSECTION (E)(1)(II)5 OF THIS SECTION.

(3) (I) ~~A COUNTY MAY PROVIDE FUNDING IN ADDITION TO THE FUNDING PROVIDED REQUIRED UNDER PARAGRAPH (2) (1) OF THIS SUBSECTION TO INCREASE THE NUMBER OF SUPPLEMENTS PROVIDED IN THE COUNTY.~~

(II) ~~FUNDING PROVIDED BY A COUNTY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT AFFECT THE AMOUNT OF FUNDING THE DEPARTMENT IS REQUIRED TO PROVIDE UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

(G) EACH YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$200,000 FOR THE SUPPLEMENTS UNDER SUBSECTION (B) OF THIS SECTION.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, if federal funding is available, the Department of Human Services, in consultation with the State Department of Education, shall annually apply for a grant from the U.S. Department of Agriculture to implement a Summer Electronic Benefit Transfer for Children demonstration project.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1 of each year, the Department of Human Services shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Budget and Taxation Committee and the House Appropriations Committee on the status of the Summer Electronic Benefit Transfer for Children grant application and, if a grant has been awarded, the progress toward implementing a demonstration project.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. Sections 2 and 3 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2022, Sections 2 and 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 636**

**(Senate Bill 218)**

AN ACT concerning

### **Human Services – Food Supplements (Summer SNAP for Children Act)**

FOR the purpose of renaming the food stamp program to be the food supplement program; requiring the State to provide matching funds for a certain supplement for certain individuals in a household that receives certain federally funded benefits; providing for the amount of the supplemental benefit; providing that the supplemental benefit is subject to certain requirements; providing that the supplemental benefit is for each child in the household; requiring the supplemental benefit to be provided in certain months; establishing the manner in which the supplemental benefit is provided; prohibiting a household from receiving more than one supplemental benefit per child; requiring a county to submit a certain application by a certain date to receive funding for the supplemental benefit; requiring the application to include certain information; requiring the Department of Human Services to notify certain counties of certain available funding on or before a certain date each year; providing that receipt of certain funding by a county is contingent on approval of a certain final plan; requiring certain counties to submit a certain final plan to the Department on or before a certain date; requiring the Department to approve or reject a certain final plan and provide notice of the decision on or before a certain date; allowing a county

with a rejected final plan to submit a revised final plan for approval; requiring the Department to certify available funding for an approved final plan; specifying the required State and local shares of funding for a county with an approved final plan; specifying the manner in which available State funding for the supplemental benefit is apportioned among counties with approved final plans; requiring the Governor to appropriate certain amounts of funding for the supplemental benefits in certain fiscal years; authorizing a county to provide certain additional funding; prohibiting certain required funding from being affected by certain additional funding; requiring the Governor to appropriate a certain amount of funding for the supplemental benefits in certain fiscal years; if certain federal funding is available, requiring the Department of Human Services, in consultation with the State Department of Education, to apply for a certain federal grant to implement a Summer Electronic Benefit Transfer for Children demonstration project; requiring the Department to report to certain committees of the General Assembly on or before a certain date annually; providing for the termination of certain provisions of this Act; defining a certain term; and generally relating to the food ~~stamp~~ supplement program.

BY repealing and reenacting, ~~without~~ with amendments,  
 Article – Human Services  
 Section 5–501  
 Annotated Code of Maryland  
 (2007 Volume and 2018 Supplement)

BY adding to  
 Article – Human Services  
 Section 5–501.1  
 Annotated Code of Maryland  
 (2007 Volume and 2018 Supplement)

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

### Article – Human Services

5–501.

(a) The Department may implement a food ~~stamp~~ SUPPLEMENT program in accordance with the federal ~~Food Stamp Act~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(b) The State shall bear the nonfederal portion of the administrative costs of the food ~~stamp~~ SUPPLEMENT program for each county.

(c) Each local department shall administer the food ~~stamp~~ SUPPLEMENT program:

- (1) under the supervision and control of the Department; and
- (2) in accordance with the regulations of the Department and federal law.

(d) If a household includes an individual who is at least 62 years old and receives a federally funded benefit in an amount less than \$30 per month under the food ~~stamp~~ SUPPLEMENT program, the State shall provide a supplement to increase the total benefit to \$30 per month.

#### 5-501.1.

(A) IN THIS SECTION, “CHILD” MEANS AN INDIVIDUAL WHO IS UNDER THE AGE OF 19 YEARS AT ANY TIME DURING A CALENDAR YEAR.

(B) (1) SUBJECT TO SUBSECTIONS (E) AND (F) OF THIS SECTION, IF A HOUSEHOLD INCLUDES AN INDIVIDUAL WHO RECEIVES A FEDERALLY FUNDED BENEFIT UNDER THE FOOD ~~STAMP~~ SUPPLEMENT PROGRAM, THE STATE SHALL PROVIDE MATCHING FUNDS TO A COUNTY TO SUPPLEMENT BENEFITS RECEIVED UNDER § 5-501 OF THIS SUBTITLE FOR EACH CHILD IN THE HOUSEHOLD ~~IN THE AMOUNT OF:~~

(2) FOR EACH CHILD IN THE HOUSEHOLD, THE COMBINED STATE AND COUNTY SUPPLEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL EQUAL AT LEAST:

~~(1)~~ (I) \$30 PER MONTH IN THE MONTHS OF JUNE, JULY, AND AUGUST; AND

~~(2)~~ (II) \$10 IN THE MONTH OF DECEMBER.

(C) (1) A SUPPLEMENT PROVIDED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ADDED TO THE HOUSEHOLD FOOD ~~STAMP~~ SUPPLEMENT PROGRAM BENEFIT ACCOUNT 15 DAYS AFTER THE FEDERALLY FUNDED BENEFIT IS ADDED TO THE ACCOUNT IN JUNE, JULY, AND AUGUST.

(2) A SUPPLEMENT PROVIDED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ADDED TO THE HOUSEHOLD FOOD ~~STAMP~~ SUPPLEMENT PROGRAM BENEFIT ACCOUNT 7 DAYS AFTER THE FEDERALLY FUNDED BENEFIT IS ADDED TO THE ACCOUNT IN DECEMBER.

(D) A HOUSEHOLD MAY NOT RECEIVE MORE THAN ONE SUPPLEMENT PER CHILD UNDER SUBSECTION (B) OF THIS SECTION.

(E) (1) (I) TO RECEIVE FUNDING IN THE FOLLOWING FISCAL YEAR FOR THE SUPPLEMENTS UNDER SUBSECTION (B) OF THIS SECTION, A COUNTY SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT ON OR BEFORE DECEMBER 1.

(II) THE APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION:

1. A PROPOSED PLAN TO SUCCESSFULLY IMPLEMENT DISTRIBUTION OF SUPPLEMENTS AWARDED TO THE COUNTY;

2. A PROPOSED PLAN TO ~~MARKET AND~~ COMMUNICATE THE AVAILABILITY OF FOOD ~~STAMP~~ SUPPLEMENT PROGRAM BENEFITS AND SUPPLEMENTS TO ELIGIBLE FAMILIES;

3. THE PROCESS BY WHICH THE COUNTY WILL EVALUATE THE IMPACT OF THE SUPPLEMENTS;

4. FOOD ~~STAMP~~ SUPPLEMENT PROGRAM ~~PARTICIPATION~~ ELIGIBILITY AND ENROLLMENT RATES IN THE COUNTY; ~~AND~~

5. CERTIFICATION OF THE MAXIMUM AMOUNT OF LOCAL SHARE FUNDS AVAILABLE; AND

6. ANY OTHER RELEVANT INFORMATION REQUIRED BY THE DEPARTMENT.

(2) (I) ON OR BEFORE JANUARY 15 EACH YEAR, THE DEPARTMENT SHALL NOTIFY EACH COUNTY THAT SUBMITTED A COMPLETE APPLICATION OF THE AMOUNT OF FUNDING AVAILABLE IN THE NEXT FISCAL YEAR FOR SUPPLEMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(II) RECEIPT OF AVAILABLE FUNDING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS CONTINGENT ON APPROVAL BY THE DEPARTMENT OF A COUNTY'S FINAL PLAN SUBMITTED IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

(3) ON OR BEFORE MARCH 1 EACH YEAR, A COUNTY THAT IS NOTIFIED OF AVAILABLE FUNDING SHALL SUBMIT A FINAL PLAN TO THE DEPARTMENT THAT INCLUDES:

(I) A ~~MARKETING AND~~ COMMUNICATION PLAN TO INFORM ELIGIBLE FAMILIES OF THE FOOD ~~STAMP~~ SUPPLEMENT PROGRAM AND THE SUPPLEMENTS AVAILABLE UNDER THIS SECTION;

(II) IF FUNDING IS NOT SUFFICIENT TO PROVIDE A MINIMUM SUPPLEMENT OF \$100 TO ALL CHILDREN IN THE COUNTY RECEIVING FOOD ~~STAMP~~ SUPPLEMENT PROGRAM BENEFITS IN THE FISCAL YEAR, A DESIGNATION OF WHICH CHILDREN WILL BE ELIGIBLE TO RECEIVE THE SUPPLEMENTS UNDER THIS SECTION;

(III) THE CRITERIA USED TO DETERMINE ELIGIBILITY UNDER ITEM (II) OF THIS PARAGRAPH; AND

(IV) AN EVALUATION PLAN TO MEASURE:

1. THE IMPACT OF THE SUPPLEMENTS ON RECIPIENTS;
2. FOOD ~~STAMP~~ SUPPLEMENT PROGRAM PARTICIPATION; AND
3. ANY OTHER RELEVANT INFORMATION REQUIRED BY THE DEPARTMENT.

(4) (I) THE DEPARTMENT SHALL REVIEW A FINAL PLAN SUBMITTED UNDER PARAGRAPH (3) OF THIS SUBSECTION AND APPROVE OR REJECT THE FINAL PLAN.

(II) THE DEPARTMENT SHALL NOTIFY A COUNTY OF ITS DECISION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ON OR BEFORE ~~MAY 15~~ APRIL 1.

(III) IF THE DEPARTMENT REJECTS A COUNTY'S FINAL PLAN, THE COUNTY MAY SUBMIT A REVISED FINAL PLAN FOR APPROVAL ON OR BEFORE APRIL 15.

(IV) IF THE DEPARTMENT APPROVES A COUNTY'S FINAL PLAN, THE DEPARTMENT SHALL CERTIFY THE AMOUNT OF FUNDING THAT WILL BE PROVIDED ~~TO~~ FOR THE COUNTY IN THE FOLLOWING FISCAL YEAR.

(5) EACH COUNTY WITH AN APPROVED FINAL PLAN SHALL BE AWARDED FUNDING IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.

(F) (1) ~~(I) THE GOVERNOR SHALL INCLUDE \$2,000,000 IN THE FISCAL 2021 BUDGET FOR THE SUPPLEMENTS UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(II) IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE AN ADDITIONAL \$500,000 OVER THE PRIOR FISCAL YEAR APPROPRIATION FOR THE SUPPLEMENTS UNDER SUBSECTION (B) OF THIS~~

~~SECTION~~ THE STATE AND LOCAL SHARES OF FUNDING REQUIRED FOR A COUNTY WITH AN APPROVED FINAL PLAN SHALL BE EQUAL TO THE STATE AND LOCAL SHARE PERCENTAGES ESTABLISHED BY THE STATE AND LOCAL COST-SHARE FORMULA FOR THAT COUNTY REQUIRED UNDER § 5-303(D)(3)(I) OF THE EDUCATION ARTICLE.

(2) (I) ~~IN EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN EACH FISCAL YEAR, THE DEPARTMENT SHALL PROVIDE THE STATE SHARE OF FUNDS TO FOR EACH COUNTY WITH AN APPROVED FINAL PLAN FOR THE FISCAL YEAR IN AN AMOUNT EQUAL TO THE PRODUCT OF:~~

1. ~~THE TOTAL AMOUNT OF FUNDS APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION MULTIPLIED BY SUBSECTION (G) OF THIS SECTION; AND~~

2. ~~THE NUMBER OF CHILDREN IN HOUSEHOLDS THAT RECEIVE A FEDERAL BENEFIT UNDER THE FOOD STAMP SUPPLEMENT PROGRAM RECIPIENTS IN THE COUNTY WHO ARE ELIGIBLE FOR A BENEFIT UNDER THIS SECTION AND THEN, DIVIDED BY THE TOTAL NUMBER OF CHILDREN IN HOUSEHOLDS THAT RECEIVE A FEDERAL BENEFIT UNDER THE FOOD STAMP SUPPLEMENT PROGRAM RECIPIENTS IN THE STATE WHO ARE ELIGIBLE FOR A BENEFIT UNDER THIS SECTION IN ALL COUNTIES WITH AN APPROVED FINAL PLAN.~~

(II) THE AMOUNT OF FUNDS PROVIDED TO A COUNTY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE GREATER THAN THE STATE SHARE AMOUNT THAT CORRESPONDS TO THE MAXIMUM AVAILABLE LOCAL SHARE FUNDS CERTIFIED UNDER SUBSECTION (E)(1)(II)5 OF THIS SECTION.

(3) (I) ~~A COUNTY MAY PROVIDE FUNDING IN ADDITION TO THE FUNDING PROVIDED REQUIRED UNDER PARAGRAPH (2) (1) OF THIS SUBSECTION TO INCREASE THE NUMBER OF SUPPLEMENTS PROVIDED IN THE COUNTY.~~

(II) ~~FUNDING PROVIDED BY A COUNTY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT AFFECT THE AMOUNT OF FUNDING THE DEPARTMENT IS REQUIRED TO PROVIDE UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

(G) EACH YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$200,000 FOR THE SUPPLEMENTS UNDER SUBSECTION (B) OF THIS SECTION.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, if federal funding is available, the Department of Human Services, in consultation with the State Department of Education, shall annually apply for a grant from the U.S. Department of Agriculture to implement a Summer Electronic Benefit Transfer for Children demonstration project.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1 of each year, the Department of Human Services shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Budget and Taxation Committee and the House Appropriations Committee on the status of the Summer Electronic Benefit Transfer for Children grant application and, if a grant has been awarded, the progress toward implementing a demonstration project.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. Sections 2 and 3 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2022, Sections 2 and 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 637**

**(House Bill 345)**

AN ACT concerning

### **Montgomery County – Damascus – Alcoholic Beverages Licenses**

**MC 9–19**

FOR the purpose of repealing in Montgomery County a provision regarding the issuance of licenses in country inn zones in Damascus; repealing a restriction on the number of Class H licenses that may be issued in Damascus by the Board of License Commissioners for Montgomery County; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 25–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 25–1603

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

25–102.

This title applies only in Montgomery County.

25–1603.

(a) This section applies only to Damascus (12th election district).

(b) [The Board may issue not more than two licenses with an on–sale privilege for restaurants in the country inn zone of the county.

(c) The Board may issue a 7–day Class C (on–sale) beer, wine, and liquor license to a volunteer fire department.

[(d)] (C) (1) Subject to [subsection (b) of this section and] paragraph (2) of this subsection:

(i) the Board may issue [not more than two] Class H beer and wine, hotel and restaurant licenses; and

(ii) the licenses may be renewed or transferred.

(2) A license may be issued, transferred, or renewed if:

(i) pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are not used in the licensed premises; and

(ii) alcoholic beverages served by the license holder are consumed by customers while the customers are seated.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Theater Licenses – Seating Capacity**

FOR the purpose of repealing a certain seating capacity requirement for theaters in Frederick County for which the Board of License Commissioners may issue a license to sell beer and wine; and generally relating to the sale of alcoholic beverages by theaters in Frederick County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 20–1014  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

20–1014.

- (a) There is a Class C (theater) beer and wine license.
- (b)
  - (1) The president and two other officers of the theater shall sign the application for the license.
  - (2) Two of the signers shall be residents of the county.
- (c) The Board may issue a license for use by a theater with seating [for 200 or fewer individuals per performance].
- (d) The license authorizes the license holder to sell beer and wine for on–premises consumption from 1 hour before to 1 hour after:
  - (1) a regular performance; or

- (2) a fund-raiser performance that benefits the theater.
- (e) The annual license fee is \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 639

### (Senate Bill 952)

AN ACT concerning

#### **Frederick County – Alcoholic Beverages – Theater Licenses – Seating Capacity**

FOR the purpose of repealing a certain seating capacity requirement for theaters in Frederick County for which the Board of License Commissioners may issue a license to sell beer and wine; and generally relating to the sale of alcoholic beverages by theaters in Frederick County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 20–1014  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

#### **Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

20–1014.

- (a) There is a Class C (theater) beer and wine license.
- (b)
  - (1) The president and two other officers of the theater shall sign the application for the license.
  - (2) Two of the signers shall be residents of the county.
- (c) The Board may issue a license for use by a theater with seating [for 200 or fewer individuals per performance].
- (d) The license authorizes the license holder to sell beer and wine for on–premises consumption from 1 hour before to 1 hour after:
  - (1) a regular performance; or
  - (2) a fund–raiser performance that benefits the theater.
- (e) The annual license fee is \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 640

### (House Bill 365)

AN ACT concerning

#### **State Grants and Contracts – Reimbursement of Nonprofit Indirect Costs – Application**

FOR the purpose of applying a certain provision of law related to the reimbursement of indirect costs incurred by certain nonprofit organizations to certain grants and contracts; providing that a certain provision of law does not require the reimbursement of indirect costs incurred under certain grants and contracts during any fiscal year that began before a certain date; making a stylistic change; and generally relating to the reimbursement of indirect costs incurred by nonprofit organizations.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 2–208

Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

**Article – State Finance and Procurement**

2–208.

(a) (1) In this section the following words have the meanings indicated.

(2) “Indirect costs” means any costs that would be considered to be indirect costs under OMB Uniform Guidance.

(3) “Nonprofit organization” means an organization that is tax exempt under § 501(c)(3), (4), or (6) of the Internal Revenue Code.

(4) “OMB Uniform Guidance” means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards adopted by the Office of Management and Budget in 2 C.F.R. 200 and any related guidance published by the Office of Management and Budget.

**(B) (1) THIS SECTION APPLIES ONLY TO:**

**(I) A GRANT OR CONTRACT AWARDED ON OR AFTER OCTOBER 1, 2018;**

**(II) A MULTI-YEAR GRANT OR CONTRACT AWARDED BEFORE OCTOBER 1, 2018, IF:**

**1. THE GRANT OR CONTRACT CONTINUES TO BE IN EFFECT ON OR AFTER OCTOBER 1, 2018; AND**

**2. FUNDING FOR THE GRANT OR CONTRACT IS REQUIRED TO BE AUTHORIZED SEPARATELY FOR EACH FISCAL YEAR; AND**

**(III) AN EXTENSION OR A RENEWAL OF A GRANT OR CONTRACT IF THE EXTENSION OR RENEWAL ~~WAS AWARDED ON OR AFTER OCTOBER 1, 2018~~ IS AWARDED ON OR AFTER JULY 1, 2019.**

**(2) THIS SECTION APPLIES WHETHER OR NOT THE FUNDS AWARDED THROUGH THE GRANT OR CONTRACT ARE TRANSFERRED DIRECTLY BY THE STATE OR THROUGH A THIRD PARTY TO THE NONPROFIT ORGANIZATION.**

**(3) THIS SECTION DOES NOT REQUIRE THE REIMBURSEMENT OF INDIRECT COSTS INCURRED UNDER A MULTI-YEAR GRANT OR CONTRACT DESCRIBED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION DURING ANY FISCAL YEAR THAT ~~BEGAN BEFORE OCTOBER 1, 2018~~ BEGINS BEFORE JULY 1, 2019.**

**[(b)] (C)** If a nonprofit organization is a direct recipient or subrecipient of a grant or contract for the provision of services that is funded wholly with State funds or with a combination of State and other nonfederal funds, the terms of the grant or contract shall allow for reimbursement of indirect costs:

(1) at the same rate the nonprofit organization has negotiated and received:

(i) for indirect costs under a direct federal award; or

(ii) from a nonfederal entity based on the cost principles in Subpart E of OMB Uniform Guidance; or

(2) if the nonprofit organization has not negotiated and received an indirect cost rate described in item (1) of this subsection, at a rate of at least 10% of the costs that would be considered modified total direct costs under OMB Uniform Guidance.

**[(c)]** This section applies whether or not the funds awarded through the grant or contract are transferred directly by the State or through a third party to the nonprofit organization.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 641

### (Senate Bill 17)

AN ACT concerning

### **State Grants and Contracts – Reimbursement of Nonprofit Indirect Costs – Application**

FOR the purpose of applying a certain provision of law related to the reimbursement of indirect costs incurred by certain nonprofit organizations to certain grants and contracts; providing that a certain provision of law does not require the reimbursement of indirect costs incurred under certain grants and contracts during

any fiscal year that began before a certain date; ~~altering a certain definition~~; making a stylistic change; and generally relating to the reimbursement of indirect costs incurred by nonprofit organizations.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 2–208  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

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

**Article – State Finance and Procurement**

2–208.

(a) (1) In this section the following words have the meanings indicated.

(2) “Indirect costs” means any costs that would be considered to be indirect costs under OMB Uniform Guidance.

(3) “Nonprofit organization” means:

~~(H)~~ an organization that is tax exempt under § 501(c)(3), (4), or (6) of the Internal Revenue Code; ~~OR~~

~~(H) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.~~

(4) “OMB Uniform Guidance” means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards adopted by the Office of Management and Budget in 2 C.F.R. 200 and any related guidance published by the Office of Management and Budget.

**(B) (1) THIS SECTION APPLIES ONLY TO:**

**(I) A GRANT OR CONTRACT AWARDED ON OR AFTER OCTOBER 1, 2018;**

**(II) A MULTI-YEAR GRANT OR CONTRACT AWARDED BEFORE OCTOBER 1, 2018, IF:**

**1. THE GRANT OR CONTRACT CONTINUES TO BE IN EFFECT ON OR AFTER OCTOBER 1, 2018; AND**

**2. FUNDING FOR THE GRANT OR CONTRACT IS REQUIRED TO BE AUTHORIZED SEPARATELY FOR EACH FISCAL YEAR; AND**

**(III) AN EXTENSION OR A RENEWAL OF A GRANT OR CONTRACT IF THE EXTENSION OR RENEWAL ~~WAS AWARDED ON OR AFTER OCTOBER 1, 2018~~ IS AWARDED ON OR AFTER JULY 1, 2019.**

**(2) THIS SECTION APPLIES WHETHER OR NOT THE FUNDS AWARDED THROUGH THE GRANT OR CONTRACT ARE TRANSFERRED DIRECTLY BY THE STATE OR THROUGH A THIRD PARTY TO THE NONPROFIT ORGANIZATION.**

**(3) THIS SECTION DOES NOT REQUIRE THE REIMBURSEMENT OF INDIRECT COSTS INCURRED UNDER A MULTI-YEAR GRANT OR CONTRACT DESCRIBED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION DURING ANY FISCAL YEAR THAT ~~BEGAN BEFORE OCTOBER 1, 2018~~ BEGINS BEFORE JULY 1, 2019.**

**[(b)] (C)** If a nonprofit organization is a direct recipient or subrecipient of a grant or contract for the provision of services that is funded wholly with State funds or with a combination of State and other nonfederal funds, the terms of the grant or contract shall allow for reimbursement of indirect costs:

(1) at the same rate the nonprofit organization has negotiated and received:

(i) for indirect costs under a direct federal award; or

(ii) from a nonfederal entity based on the cost principles in Subpart E of OMB Uniform Guidance; or

(2) if the nonprofit organization has not negotiated and received an indirect cost rate described in item (1) of this subsection, at a rate of at least 10% of the costs that would be considered modified total direct costs under OMB Uniform Guidance.

**[(c)]** This section applies whether or not the funds awarded through the grant or contract are transferred directly by the State or through a third party to the nonprofit organization.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 642****(House Bill 374)**

AN ACT concerning

**Anne Arundel County – Alcoholic Beverages – ~~Racetrack License~~ and Racetrack Concessionaire Licenses**

FOR the purpose of expanding the privileges of a racetrack license in Anne Arundel County; specifying certain attributes of a licensed racing establishment; specifying the location where beer, wine, and liquor may be sold under the license; specifying that the playing of music and dancing may occur on the licensed premises; ~~authorizing the Board of License Commissioners to issue a concessionaire license;~~ allowing the carrying and consuming of beer, wine, and liquor anywhere on the licensed premises; altering the fee for a racetrack license; authorizing the Board of License Commissioners to issue a racetrack concessionaire license to a certain person; authorizing a holder of a racetrack concessionaire license to also hold a certain other license; specifying the location where alcoholic beverages may be sold under the racetrack concessionaire license; specifying that the playing of music and dancing may occur on the licensed premises of the concessionaire; allowing alcoholic beverages purchased under a racetrack concessionaire license to be taken into and consumed on the licensed premises of the racing establishment; establishing the annual license fee; specifying the days and hours of sale; stating that ~~the~~ a certain license holder need not obtain a certain Sunday license; ~~authorizing a license holder to also hold a certain other license;~~ prohibiting a racetrack license or a racetrack concessionaire license from being counted as a certain license for certain purposes; making conforming changes; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 11–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 11–401 and 11–1007  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 11–1007.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

11–102.

This title applies only in Anne Arundel County.

11–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);
- (2) § 2–202 (“Class 1 distillery license”);
- (3) § 2–203 (“Class 9 limited distillery license”);
- (4) § 2–204 (“Class 2 rectifying license”);
- (5) § 2–205 (“Class 3 winery license”);
- (6) § 2–206 (“Class 4 limited winery license”);
- (7) [§ 2–207 (“Class 5 brewery license”);
- (8)] § 2–208 (“Class 6 pub–brewery license”);
- [(9) § 2–209 (“Class 7 micro–brewery license”);]
- [(10)] **(8)** § 2–210 (“Class 8 farm brewery license”);
- [(11)] **(9)** § 2–211 (“Residency requirement”);
- [(12)] **(10)** § 2–212 (“Additional licenses”);
- [(13)] **(11)** § 2–213 (“Additional fees”);
- [(14)] **(12)** § 2–214 (“Sale or delivery restricted”);
- [(15)] **(13)** § 2–216 (“Interaction between manufacturing entities and  
retailers”);

[(16)] (14) § 2-217 (“Distribution of alcoholic beverages — Prohibited practices”); and

[(17)] (15) § 2-218 (“Restrictive agreements between producers and retailers — Prohibited”).

[(b) Section 2-215 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article applies in the county, subject to § 11-403 of this subtitle.]

**(B) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 2-207 (“CLASS 5 BREWERY LICENSE”), SUBJECT TO ~~§ 11-1007~~ § 11-1007.1 OF THIS TITLE;**

**(2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO ~~§ 11-1007~~ § 11-1007.1 OF THIS TITLE; AND**

**(3) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”), SUBJECT TO § 11-403 OF THIS SUBTITLE.**

11-1007.

(a) There is a racetrack license.

(b) (1) The Board may issue the license to the owner of a [regularly] licensed racing establishment **THAT HOLDS ~~PUBLIC~~ RACE MEETINGS AT WHICH PARI-MUTUEL BETTING IS ALLOWED.**

(2) There are no residential or voting qualifications for a license applicant.

[(c) The license authorizes the license holder to sell alcoholic beverages at one or more locations on the premises of the racing park.

(d) The license holder may sell alcoholic beverages from 2 hours before the running of an authorized race to 2 hours after the running of an authorized race.]

**(C) THE RACETRACK LICENSE AUTHORIZES:**

**(1) THE SALE OF BEER, WINE, AND LIQUOR IN A LOCATION OF THE LICENSED RACING ESTABLISHMENT NOT COVERED BY A RACETRACK CONCESSIONAIRE LICENSE THAT IS ISSUED IN ACCORDANCE WITH ~~SUBSECTION (D) OF THIS SECTION~~ § 11-1007.1 OF THIS SUBTITLE; AND**

(2) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED PREMISES.

~~(D) (1) THE BOARD MAY ISSUE A CONCESSIONAIRE LICENSE TO A CONCESSIONAIRE OPERATING IN CONJUNCTION WITH A LICENSED RACING ESTABLISHMENT.~~

~~(2) A CONCESSIONAIRE LICENSE SHALL BE GOVERNED BY § 11-1004(D) THROUGH (G) OF THIS SUBTITLE.~~

~~(E) (D)~~ BEER, WINE, AND LIQUOR SOLD UNDER A RACETRACK LICENSE MAY BE CARRIED AND CONSUMED ANYWHERE ON THE LICENSED PREMISES.

~~(F) (E)~~ (1) THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) A HOLDER OF A RACETRACK LICENSE NEED NOT OBTAIN A SUNDAY LICENSE TO SELL ALCOHOLIC BEVERAGES ON SUNDAY.

~~(G) THE LICENSE HOLDER MAY ALSO HOLD A CLASS 5 BREWERY LICENSE OR A CLASS 7 MICRO BREWERY LICENSE.~~

~~(H) (F)~~ A RACETRACK LICENSE MAY NOT BE COUNTED AS A CLASS B LICENSE OR A CLASS H LICENSE UNDER § 11-1609 OF THIS TITLE.

~~(e) (H) (G)~~ The ANNUAL license fee is ~~\$60 per day of live or simulcast racing~~ \$25,000 to be paid to the Board on or before January 1 for the racing of the preceding year.

11-1007.1.

(A) THERE IS A RACETRACK CONCESSIONAIRE LICENSE.

(B) (1) THE BOARD MAY ISSUE THE LICENSE TO A CONCESSIONAIRE OPERATING IN CONJUNCTION WITH A LICENSED RACING ESTABLISHMENT.

(2) THE LICENSE HOLDER MAY ALSO HOLD A CLASS 5 BREWERY LICENSE OR A CLASS 7 MICRO-BREWERY LICENSE.

(C) (1) THE LICENSE AUTHORIZES:

(I) SUBJECT TO ITEM (III) OF THIS PARAGRAPH, THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ON:

AND

1. THE LICENSED PREMISES OF THE CONCESSIONAIRE;

2. THE LICENSED PREMISES OF THE RACING ESTABLISHMENT;

(II) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED PREMISES OF THE CONCESSIONAIRE; AND

(III) IF THE LICENSE HOLDER IS ALSO THE HOLDER OF A CLASS 5 BREWERY LICENSE, THE SALE OF ONLY BEER IN ACCORDANCE WITH § 2-207 OF THIS ARTICLE ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ON:

AND

1. THE LICENSED PREMISES OF THE CONCESSIONAIRE;

2. THE LICENSED PREMISES OF THE RACING ESTABLISHMENT.

(2) ALCOHOLIC BEVERAGES PURCHASED UNDER THE LICENSE MAY BE TAKEN INTO AND CONSUMED ON THE LICENSED PREMISES OF THE RACING ESTABLISHMENT.

(D) (1) THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS AND DAYS SET OUT FOR A RACETRACK LICENSE UNDER § 11-1007 OF THIS SUBTITLE.

(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY LICENSE UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.

(E) THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE FOR PURPOSES OF § 11-1609 OF THIS TITLE.

(F) THE ANNUAL LICENSE FEE IS \$5,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 643****(Senate Bill 309)**

AN ACT concerning

**Anne Arundel County – Alcoholic Beverages – ~~Racetrack License~~ and Racetrack Concessionaire Licenses**

FOR the purpose of expanding the privileges of a racetrack license in Anne Arundel County; specifying certain attributes of a licensed racing establishment; specifying the location where beer, wine, and liquor may be sold under the license; specifying that the playing of music and dancing may occur on the licensed premises; ~~authorizing the Board of License Commissioners to issue a concessionaire license;~~ allowing the carrying and consuming of beer, wine, and liquor anywhere on the licensed premises; altering the fee for a racetrack license; authorizing the Board of License Commissioners to issue a racetrack concessionaire license to a certain person; authorizing a holder of a racetrack concessionaire license to also hold a certain other license; specifying the location where alcoholic beverages may be sold under the racetrack concessionaire license; specifying that the playing of music and dancing may occur on the licensed premises of the concessionaire; allowing alcoholic beverages purchased under a racetrack concessionaire license to be taken into and consumed on the licensed premises of the racing establishment; establishing the annual license fee; specifying the days and hours of sale; stating that ~~the~~ a certain license holder need not obtain a certain Sunday license; ~~authorizing a license holder to also hold a certain other license;~~ prohibiting a racetrack license or a racetrack concessionaire license from being counted as a certain license for certain purposes; making conforming changes; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 11–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 11–401 and 11–1007  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 11–1007.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

11–102.

This title applies only in Anne Arundel County.

11–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);
- (2) § 2–202 (“Class 1 distillery license”);
- (3) § 2–203 (“Class 9 limited distillery license”);
- (4) § 2–204 (“Class 2 rectifying license”);
- (5) § 2–205 (“Class 3 winery license”);
- (6) § 2–206 (“Class 4 limited winery license”);
- (7) [§ 2–207 (“Class 5 brewery license”);
- (8)] § 2–208 (“Class 6 pub–brewery license”);
- [(9) § 2–209 (“Class 7 micro–brewery license”);]
- [(10)] **(8)** § 2–210 (“Class 8 farm brewery license”);
- [(11)] **(9)** § 2–211 (“Residency requirement”);
- [(12)] **(10)** § 2–212 (“Additional licenses”);
- [(13)] **(11)** § 2–213 (“Additional fees”);
- [(14)] **(12)** § 2–214 (“Sale or delivery restricted”);
- [(15)] **(13)** § 2–216 (“Interaction between manufacturing entities and  
retailers”);

[(16)] (14) § 2-217 (“Distribution of alcoholic beverages — Prohibited practices”); and

[(17)] (15) § 2-218 (“Restrictive agreements between producers and retailers — Prohibited”).

[(b) Section 2-215 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article applies in the county, subject to § 11-403 of this subtitle.]

**(B) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 2-207 (“CLASS 5 BREWERY LICENSE”), SUBJECT TO ~~§ 11-1007~~ § 11-1007.1 OF THIS TITLE;**

**(2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO ~~§ 11-1007~~ § 11-1007.1 OF THIS TITLE; AND**

**(3) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”), SUBJECT TO § 11-403 OF THIS SUBTITLE.**

11-1007.

(a) There is a racetrack license.

(b) (1) The Board may issue the license to the owner of a [regularly] licensed racing establishment **THAT HOLDS ~~PUBLIC~~ RACE MEETINGS AT WHICH PARI-MUTUEL BETTING IS ALLOWED.**

(2) There are no residential or voting qualifications for a license applicant.

[(c) The license authorizes the license holder to sell alcoholic beverages at one or more locations on the premises of the racing park.

(d) The license holder may sell alcoholic beverages from 2 hours before the running of an authorized race to 2 hours after the running of an authorized race.]

**(C) THE RACETRACK LICENSE AUTHORIZES:**

**(1) THE SALE OF BEER, WINE, AND LIQUOR IN A LOCATION OF THE LICENSED RACING ESTABLISHMENT NOT COVERED BY A RACETRACK CONCESSIONAIRE LICENSE THAT IS ISSUED IN ACCORDANCE WITH ~~SUBSECTION (D) OF THIS SECTION~~ § 11-1007.1 OF THIS SUBTITLE; AND**

(2) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED PREMISES.

~~(D) (1) THE BOARD MAY ISSUE A CONCESSIONAIRE LICENSE TO A CONCESSIONAIRE OPERATING IN CONJUNCTION WITH A LICENSED RACING ESTABLISHMENT.~~

~~(2) A CONCESSIONAIRE LICENSE SHALL BE GOVERNED BY § 11-1004(D) THROUGH (G) OF THIS SUBTITLE.~~

~~(E) (D)~~ BEER, WINE, AND LIQUOR SOLD UNDER A RACETRACK LICENSE MAY BE CARRIED AND CONSUMED ANYWHERE ON THE LICENSED PREMISES.

~~(F) (E)~~ (1) THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) A HOLDER OF A RACETRACK LICENSE NEED NOT OBTAIN A SUNDAY LICENSE TO SELL ALCOHOLIC BEVERAGES ON SUNDAY.

~~(G) THE LICENSE HOLDER MAY ALSO HOLD A CLASS 5 BREWERY LICENSE OR A CLASS 7 MICRO BREWERY LICENSE.~~

~~(H) (F)~~ A RACETRACK LICENSE MAY NOT BE COUNTED AS A CLASS B LICENSE OR A CLASS H LICENSE UNDER § 11-1609 OF THIS TITLE.

~~(e) (H) (G)~~ The ANNUAL license fee is ~~\$60 per day of live or simulcast racing~~ \$25,000 to be paid to the Board on or before January 1 for the racing of the preceding year.

11-1007.1.

(A) THERE IS A RACETRACK CONCESSIONAIRE LICENSE.

(B) (1) THE BOARD MAY ISSUE THE LICENSE TO A CONCESSIONAIRE OPERATING IN CONJUNCTION WITH A LICENSED RACING ESTABLISHMENT.

(2) THE LICENSE HOLDER MAY ALSO HOLD A CLASS 5 BREWERY LICENSE OR A CLASS 7 MICRO-BREWERY LICENSE.

(C) (1) THE LICENSE AUTHORIZES:

(I) SUBJECT TO ITEM (III) OF THIS PARAGRAPH, THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ON:

AND

1. THE LICENSED PREMISES OF THE CONCESSIONAIRE;

2. THE LICENSED PREMISES OF THE RACING ESTABLISHMENT;

(II) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED PREMISES OF THE CONCESSIONAIRE; AND

(III) IF THE LICENSE HOLDER IS ALSO THE HOLDER OF A CLASS 5 BREWERY LICENSE, THE SALE OF ONLY BEER IN ACCORDANCE WITH § 2-207 OF THIS ARTICLE ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ON:

AND

1. THE LICENSED PREMISES OF THE CONCESSIONAIRE;

2. THE LICENSED PREMISES OF THE RACING ESTABLISHMENT.

(2) ALCOHOLIC BEVERAGES PURCHASED UNDER THE LICENSE MAY BE TAKEN INTO AND CONSUMED ON THE LICENSED PREMISES OF THE RACING ESTABLISHMENT.

(D) (1) THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS AND DAYS SET OUT FOR A RACETRACK LICENSE UNDER § 11-1007 OF THIS SUBTITLE.

(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY LICENSE UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.

(E) THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE FOR PURPOSES OF § 11-1609 OF THIS TITLE.

(F) THE ANNUAL LICENSE FEE IS \$5,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 644****(House Bill 389)**

AN ACT concerning

**Charles County – Alcoholic Beverages – Resort Complex License**

FOR the purpose of establishing in Charles County a resort complex license; authorizing the Board of License Commissioners to issue a certain amount of resort complex licenses to a resort complex owner or operator; specifying that the license authorizes the holder to sell beer, wine, and liquor at certain outlets in the resort complex; establishing the times during which a license holder may sell alcoholic beverages; exempting the resort complex license from certain license quotas or restrictions; establishing that certain areas in a resort complex may be excluded from the licensed premises; establishing certain license fees; defining a certain term; and generally relating to a resort complex license in Charles County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 18–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 18–1004

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

18–102.

This title applies only in Charles County.

18–1004.

**(A) IN THIS SECTION, “RESORT COMPLEX” MEANS A PARCEL OR CONTIGUOUS PARCELS OF LAND:**

**(1) OF AT LEAST 20 ACRES;**

(2) UNDER COMMON OWNERSHIP; AND

(3) WITH FACILITIES THAT:

(I) INCLUDE A VENUE FOR GOLF, WATERFRONT BEACH ACTIVITIES, OR A MARINA;

(II) SERVE THE PUBLIC; AND

(III) RESULTED IN A CAPITAL INVESTMENT OF AT LEAST \$550,000 EXCLUSIVE OF THE COST OF THE LAND.

(B) THERE IS A RESORT COMPLEX LICENSE.

(C) THE BOARD MAY ISSUE ONE RESORT COMPLEX LICENSE TO THE PERSON OWNING OR OPERATING A RESORT COMPLEX.

(D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM:

(1) ONE OR MORE OUTLETS IN THE RESORT COMPLEX THAT MAY BE CONSUMED IN CONJUNCTION WITH THE PLAYING OF MUSIC AND DANCING AT DESIGNATED LOCATIONS IN THE RESORT COMPLEX; AND

(2) ONE DESIGNATED OUTLET IN THE RESORT COMPLEX FOR OFF-PREMISES CONSUMPTION.

(E) A LICENSE HOLDER MAY SERVE ALCOHOLIC BEVERAGES:

(1) AT ONE OR MORE OUTSIDE OUTLETS IN THE RESORT COMPLEX ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO MIDNIGHT;

(2) AT ONE OR MORE INSIDE OUTLETS IN THE RESORT COMPLEX:

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT; AND

(3) AT ONE DESIGNATED OUTLET FOR OFF-PREMISES CONSUMPTION:

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.

(F) A RESORT COMPLEX LICENSE IS EXEMPT FROM ANY QUOTA OR RESTRICTION ON OFF-SALE LICENSES ISSUED FOR THE ELECTION DISTRICT IN WHICH THE RESORT COMPLEX IS LOCATED.

(G) (1) CERTAIN AREAS IN A RESORT COMPLEX MAY BE EXCLUDED FROM THE PORTION OF THE PROPERTY THAT IS CONSIDERED TO BE THE LICENSED PREMISES.

(2) A PERSON OTHER THAN THE RESORT COMPLEX LICENSE HOLDER MAY OBTAIN A DIFFERENT CLASS OF LICENSE FOR AN AREA EXCLUDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(H) THE ANNUAL LICENSE FEES ARE:

(1) \$3,500 FOR TWO OUTLET LOCATIONS; AND

(2) \$1,750 FOR EACH ADDITIONAL OUTLET LOCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 645**

**(House Bill 390)**

AN ACT concerning

**State Department of Education – Employment Categories and Practices**

FOR the purpose of altering the employment categories of certain employees of the State Department of Education; requiring that all positions in the Department be appointed positions in the professional service and skilled service as well as the executive service and management service, subject to a certain exception; repealing the authority for certain special appointment positions in the Department; altering the procedures for the appointment, setting of qualifications, and transfer of employees of the Department; specifying that certain employees serve at the pleasure of the State Board of Education and the State Superintendent of Schools; specifying that certain removal procedures apply to certain other employees; altering

the removal procedures for certain employees; requiring that the Department determine which employment classifications at the Department would be described as being in the skilled service or the professional service; requiring that, beginning on a certain date, all employees hired by the Department in certain classifications be hired, promoted, or transferred in accordance with certain requirements; and generally relating to the employment categories and practices of the State Department of Education.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 2–104 and 2–105  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Personnel and Pensions  
Section 6–405(a)(3)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

### **Article – Education**

2–104.

(a) The following [professional assistants] **EMPLOYEES** shall be appointed to **POSITIONS IN** the Department:

(1) No more than three Deputy State Superintendents of Schools;

(2) Any assistant State superintendents and directors authorized by the State Board and provided in the State budget; and

(3) Any other [professional assistants and agents] **EMPLOYEES TO FILL POSITIONS** authorized by the State Board and provided in the State budget.

(b) (1) **(I)** From the nominees proposed by the State Superintendent, the State Board shall appoint all [professional assistants to] **EMPLOYEES TO POSITIONS IN** the Department[, who].

**(II) EXCEPT AS PROVIDED IN § 6–405(A)(3) OF THE STATE PERSONNEL AND PENSIONS ARTICLE, ALL POSITIONS** shall be in the executive service, management service, [or special appointments] **PROFESSIONAL SERVICE, OR SKILLED SERVICE** in the State Personnel Management System.

(2) With the advice of the State Superintendent, the State Board shall set the qualifications for each [professional] position **IN THE DEPARTMENT**.

(3) The State Superintendent may transfer [professional assistants] **EMPLOYEES** within the Department as necessary.

(c) (1) All [professional assistants] **EMPLOYEES WHO ARE ASSIGNED TO THE EXECUTIVE SERVICE OR MANAGEMENT SERVICE OR WHO ARE SPECIAL APPOINTEES** shall serve at the pleasure of the State Board and the State Superintendent.

(2) All [other professional assistants] **EMPLOYEES IN THE PROFESSIONAL OR SKILLED SERVICE** shall be removed in accordance with procedures [set by the State Board] **SET FORTH IN § 2-105 OF THIS SUBTITLE AND TITLE 11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE**.

(d) (1) In addition to the other duties specified in this section, each [professional assistant to] **EMPLOYEE IN** the Department has the duties assigned to him by the State Superintendent.

(2) The Deputy State Superintendent designated by the State Superintendent or by the State Board is the acting State Superintendent when the State Superintendent is absent or disabled.

(3) Assistant State superintendents and directors have charge of the various divisions of the Department.

2-105.

[(a) Unless otherwise provided by law, the State Superintendent shall appoint and remove all clerical assistants and other nonprofessional personnel of the Department in accordance with the provisions of the State Personnel and Pensions Article that govern the skilled service, with the exception of special appointments.

(b)] The credential secretary and statistician of the Department are special appointments in the State Personnel Management System.

### **Article – State Personnel and Pensions**

6-405.

(a) Except as otherwise provided by law, individuals in the following positions in the skilled service and professional service are considered special appointments:

(3) as determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2019, the State Department of Education shall determine which employment classifications at the Department would ordinarily be described as being in the skilled service or the professional service. Beginning on July 1, 2019, all employees hired by the Department in classifications that the Department determines would ordinarily be described as skilled or professional shall be hired, promoted, or transferred in accordance with the requirements for skilled or professional employees under Title 6, Subtitle 4 of the State Personnel and Pensions Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 646**

**(Senate Bill 422)**

AN ACT concerning

### **State Department of Education – Employment Categories and Practices**

FOR the purpose of altering the employment categories of certain employees of the State Department of Education; requiring that all positions in the Department be appointed positions in the professional service and skilled service as well as the executive service and management service, subject to a certain exception; repealing the authority for certain special appointment positions in the Department; altering the procedures for the appointment, setting of qualifications, and transfer of employees of the Department; specifying that certain employees serve at the pleasure of the State Board of Education and the State Superintendent of Schools; specifying that certain removal procedures apply to certain other employees; altering the removal procedures for certain employees; requiring that the Department determine which employment classifications at the Department would be described as being in the skilled service or the professional service; requiring that, beginning on a certain date, all employees hired by the Department in certain classifications be hired, promoted, or transferred in accordance with certain requirements; and generally relating to the employment categories and practices of the State Department of Education.

BY repealing and reenacting, with amendments,

Article – Education

Section 2–104 and 2–105

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Personnel and Pensions  
Section 6–405(a)(3)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

**Article – Education**

2–104.

(a) The following [professional assistants] **EMPLOYEES** shall be appointed to **POSITIONS IN** the Department:

(1) No more than three Deputy State Superintendents of Schools;

(2) Any assistant State superintendents and directors authorized by the State Board and provided in the State budget; and

(3) Any other [professional assistants and agents] **EMPLOYEES TO FILL POSITIONS** authorized by the State Board and provided in the State budget.

(b) (1) **(I)** From the nominees proposed by the State Superintendent, the State Board shall appoint all [professional assistants to] **EMPLOYEES TO POSITIONS IN** the Department[, who].

**(II) EXCEPT AS PROVIDED IN § 6–405(A)(3) OF THE STATE PERSONNEL AND PENSIONS ARTICLE, ALL POSITIONS** shall be in the executive service, management service, [or special appointments] **PROFESSIONAL SERVICE, OR SKILLED SERVICE** in the State Personnel Management System.

(2) With the advice of the State Superintendent, the State Board shall set the qualifications for each [professional] position **IN THE DEPARTMENT**.

(3) The State Superintendent may transfer [professional assistants] **EMPLOYEES** within the Department as necessary.

(c) (1) All [professional assistants] **EMPLOYEES WHO ARE ASSIGNED TO THE EXECUTIVE SERVICE OR MANAGEMENT SERVICE OR WHO ARE SPECIAL APPOINTEES** shall serve at the pleasure of the State Board and the State Superintendent.

(2) All [other professional assistants] **EMPLOYEES IN THE**

**PROFESSIONAL OR SKILLED SERVICE** shall be removed in accordance with procedures [set by the State Board] **SET FORTH IN § 2–105 OF THIS SUBTITLE AND TITLE 11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

(d) (1) In addition to the other duties specified in this section, each [professional assistant to] **EMPLOYEE IN** the Department has the duties assigned to [him] **THE EMPLOYEE** by the State Superintendent.

(2) The Deputy State Superintendent designated by the State Superintendent or by the State Board is the acting State Superintendent when the State Superintendent is absent or disabled.

(3) Assistant State superintendents and directors have charge of the various divisions of the Department.

2–105.

[(a) Unless otherwise provided by law, the State Superintendent shall appoint and remove all clerical assistants and other nonprofessional personnel of the Department in accordance with the provisions of the State Personnel and Pensions Article that govern the skilled service, with the exception of special appointments.

(b)] The credential secretary and statistician of the Department are special appointments in the State Personnel Management System.

### **Article – State Personnel and Pensions**

6–405.

(a) Except as otherwise provided by law, individuals in the following positions in the skilled service and professional service are considered special appointments:

(3) as determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;

**SECTION 2. AND BE IT FURTHER ENACTED,** That, on or before July 1, 2019, the State Department of Education shall determine which employment classifications at the Department would ordinarily be described as being in the skilled service or the professional service. Beginning July 1, 2019, all employees hired by the Department in classifications that the Department determines would ordinarily be described as skilled or professional shall be hired, promoted, or transferred in accordance with the requirements for skilled or professional employees under Title 6, Subtitle 4 of the State Personnel and Pensions Article.

**SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 647

### (House Bill 396)

AN ACT concerning

#### Property Tax – Optional Installment Payment Schedule

FOR the purpose of authorizing the governing body of a county or municipal corporation to provide, by law, for ~~an~~ a voluntary installment payment schedule for certain property tax due on real property; altering a provision of law that authorizes advance payment of county property tax to include advance payment of municipal corporation and special taxing district property tax; specifying the circumstances under which the governing body of a county or municipal corporation may authorize advance payment or an installment payment schedule for certain property taxes; authorizing the governing body of a county or municipal corporation to authorize, by law, the payment of certain fees or other charges that are also included on a certain property tax bill through an installment payment schedule authorized under this Act; requiring that certain installment payment due dates be scheduled during certain periods of time; authorizing the governing body of a county or municipal corporation to impose a certain service charge under certain circumstances; prohibiting the charging of interest on certain installment payments under certain circumstances; authorizing the governing body of a county or municipal corporation to provide, by law, for certain eligibility criteria and certain procedures relating to ~~an~~ a voluntary installment payment schedule; authorizing a taxpayer to elect to pay certain property tax due on real property through an installment payment schedule authorized under this Act; providing that the failure to make a certain installment payment may not be considered to be a failure to pay the property tax when due except under certain circumstances; making stylistic and conforming changes; providing for the application of this Act; and generally relating to ~~an~~ a voluntary installment payment schedule for property taxes due on real property.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 10–204.3(b) and 10–205

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing

Article – Tax – Property

Section 10–204.3(k)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Tax – Property

Section 10–208

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

**Article – Tax – Property**

10–204.3.

(b) Notwithstanding Subtitle 1 of this title **AND SUBJECT TO § 10–208 OF THIS SUBTITLE:**

(1) the governing body of a county shall provide a semiannual payment schedule for State, county, and special taxing district property taxes due on owner–occupied residential property or business property; and

(2) the governing body of a municipal corporation shall provide a semiannual payment schedule for municipal corporation and special taxing district property taxes due on owner–occupied residential property or business property.

[(k) (1) The governing body of Prince George’s County may authorize, by law, an installment payment schedule of no more than six payments each year for county, municipal, and special taxing district property taxes due on owner–occupied residential property owned by a homeowner if:

(i) the homeowner is at least 62 years old; and

(ii) the owner–occupied residential property is not subject to a deed of trust, mortgage, or other encumbrance.

(2) The governing body of Prince George’s County shall provide, by law, for:

(i) any additional eligibility criteria for the installment payment schedule under this subsection;

(ii) the process for electing an installment payment schedule;

(iii) the due date of each payment installment; and

(iv) any other provision necessary to carry out the provisions of this subsection.]

10-205.

(a) (1) ~~The~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE governing body of a county OR MUNICIPAL CORPORATION may authorize, by law, advance payment of county, MUNICIPAL CORPORATION, OR SPECIAL TAXING DISTRICT property tax.

(2) ~~IN~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND IN ACCORDANCE WITH § 10-208 OF THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY AUTHORIZE THE ADVANCE PAYMENT TO BE PAID ON AN INSTALLMENT PAYMENT SCHEDULE.

(3) (I) THE GOVERNING BODY OF A COUNTY MAY AUTHORIZE ADVANCE PAYMENT OR AN INSTALLMENT PAYMENT SCHEDULE FOR:

1. COUNTY PROPERTY TAX COLLECTED BY THE COUNTY;

2. MUNICIPAL CORPORATION PROPERTY TAX COLLECTED BY THE COUNTY AT THE REQUEST OF THE GOVERNING BODY OF THE MUNICIPAL CORPORATION; OR

3. SPECIAL TAXING DISTRICT PROPERTY TAX COLLECTED BY THE COUNTY AT THE REQUEST OF THE SPECIAL TAXING DISTRICT.

(II) THE GOVERNING BODY OF A MUNICIPAL CORPORATION MAY AUTHORIZE ADVANCE PAYMENT OR AN INSTALLMENT PAYMENT SCHEDULE FOR MUNICIPAL CORPORATION PROPERTY TAXES COLLECTED BY THE MUNICIPAL CORPORATION.

(III) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY NOT AUTHORIZE ADVANCE PAYMENT OR AN INSTALLMENT PAYMENT SCHEDULE FOR PROPERTY TAXES IMPOSED ON REAL PROPERTY THAT IS SUBJECT TO A DEED OF TRUST, A MORTGAGE, OR ANY OTHER ENCUMBRANCE THAT INCLUDES THE ESCROWING OF PROPERTY TAX PAYMENTS.

(b) The advance payment is calculated by applying the current county property tax rate to the assessment of the taxpayer's property for the prior year.

(c) If the advance payment is less than the county, MUNICIPAL CORPORATION, OR SPECIAL TAXING DISTRICT property tax as finally determined, the collector shall send a bill to the taxpayer for the difference.

(d) (1) The law authorizing advance payment may allow interest on the advance payment.

- (2) The interest may not exceed any discounts allowed by law.

10-208.

(A) (1) ~~THE~~ SUBJECT TO § 10-205 OF THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY AUTHORIZE, BY LAW, AN INSTALLMENT PAYMENT SCHEDULE FOR THE COUNTY, MUNICIPAL CORPORATION, OR SPECIAL TAXING DISTRICT PROPERTY TAX IMPOSED ON REAL PROPERTY.

(2) IF A FEE OR OTHER CHARGE IMPOSED BY A COUNTY, MUNICIPAL CORPORATION, OR SPECIAL TAXING DISTRICT IS ALSO INCLUDED ON THE TAX BILL SENT TO THE TAXPAYER, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY ALSO AUTHORIZE, BY LAW, THE PAYMENT OF THE FEE OR CHARGE THROUGH THE INSTALLMENT PAYMENT SCHEDULE AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(2)~~ (3) (I) SUBJECT TO § 10-205 OF THIS SUBTITLE, AN INSTALLMENT PAYMENT SCHEDULE AUTHORIZED UNDER THIS SUBSECTION MAY BE SCHEDULED IN ADVANCE OF THE PROPERTY TAX BILL.

(II) AN INSTALLMENT PAYMENT SCHEDULE MAY INCLUDE ANY NUMBER OF DUE DATES SCHEDULED:

1. ON OR AFTER JANUARY 1; AND
2. ON OR BEFORE THE DUE DATE UNDER § 10-102 OF THIS TITLE OR § 10-204.3 OF THIS SUBTITLE, WHICHEVER IS APPLICABLE.

(B) FOR ANY INSTALLMENT PAYMENT SCHEDULED AFTER JULY 1:

(1) THE TAXING AUTHORITY MAY IMPOSE A SERVICE CHARGE IN ACCORDANCE WITH § 10-204.3(F) AND (G) OF THIS SUBTITLE; AND

(2) NO INTEREST MAY BE CHARGED IF PAYMENT IS MADE BEFORE THE NEXT INSTALLMENT IS DUE OR THE LAST INSTALLMENT IS DUE, WHICHEVER IS EARLIER.

(C) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION THAT AUTHORIZED AN INSTALLMENT PAYMENT SCHEDULE UNDER § 10-205 OF THIS SUBTITLE MAY PROVIDE, BY LAW, FOR:

(1) ANY ADDITIONAL ELIGIBILITY CRITERIA FOR AN INSTALLMENT PAYMENT SCHEDULE UNDER THIS SECTION;

- (2) THE PROCESS FOR ELECTING AN INSTALLMENT PAYMENT SCHEDULE;
- (3) THE NUMBER OF INSTALLMENT PAYMENTS ALLOWED EACH YEAR;
- (4) THE DUE DATE FOR EACH INSTALLMENT PAYMENT; AND
- (5) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(D) (1) A TAXPAYER MAY ELECT TO PAY THE PROPERTY TAX IMPOSED ON REAL PROPERTY THROUGH AN INSTALLMENT PAYMENT SCHEDULE AUTHORIZED UNDER THIS SECTION.

(2) THE FAILURE BY THE TAXPAYER TO MAKE AN INSTALLMENT PAYMENT UNDER AN INSTALLMENT PAYMENT SCHEDULE AUTHORIZED UNDER THIS SECTION MAY NOT BE CONSIDERED TO BE A FAILURE TO PAY THE PROPERTY TAX WHEN DUE EXCEPT AS PROVIDED UNDER SUBTITLE 1 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019, and shall be applicable to all taxable years beginning after June 30, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 648

(House Bill 421)

AN ACT concerning

### Vehicle Laws – Licenses, Identification Cards, and Moped Operator’s Permits – Indication of Applicant’s Sex

FOR the purpose of requiring that an application for a license, an identification card, or a moped operator’s permit allow an applicant to indicate the applicant’s sex in a certain manner; requiring the Motor Vehicle Administration to ensure that the license, identification card, or moped operator’s permit of an applicant who indicates that the applicant’s sex is unspecified displays a certain notation in the location that indicates the applicant’s sex; prohibiting the Administration from requiring a certain applicant to provide proof of the applicant’s sex; prohibiting the Administration from denying a certain application under certain circumstances; and generally relating to licenses, identification cards, and moped operator’s permits.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 11–128 and 11–135  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Transportation  
Section 12–305  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

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

**Article – Transportation**

11–128.

“License”, as used in reference to the operation of a motor vehicle, means any:

- (1) Driver’s license; and
  - (2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:
    - (i) Any temporary license;
    - (ii) A learner’s instructional permit;
    - (iii) A provisional license;
    - (iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;
    - (v) Any nonresident’s privilege to drive, as defined in this subtitle;
- and
- (vi) A commercial driver’s license.

11–135.

- (a) (1) “Motor vehicle” means, except as provided in subsection (b) of this section, a vehicle that:
  - (i) Is self-propelled or propelled by electric power obtained from overhead electrical wires; and

- (ii) Is not operated on rails.
- (2) “Motor vehicle” includes a low speed vehicle.
- (b) “Motor vehicle” does not include:
  - (1) A moped, as defined in § 11–134.1 of this subtitle;
  - (2) A motor scooter, as defined in § 11–134.5 of this subtitle; or
  - (3) An electric bicycle, as defined in § 11–117.1 of this subtitle.

**12–305.**

**(A) AN APPLICATION FOR A LICENSE, AN IDENTIFICATION CARD, OR A MOPED OPERATOR’S PERMIT SHALL ALLOW AN APPLICANT TO INDICATE THAT THE SEX THE APPLICANT IDENTIFIES AS IS:**

- (1) FEMALE;**
- (2) MALE; OR**
- (3) UNSPECIFIED OR OTHER.**

**(B) THE ADMINISTRATION SHALL ENSURE THAT THE LICENSE, IDENTIFICATION CARD, OR MOPED OPERATOR’S PERMIT OF AN APPLICANT WHO HAS INDICATED AN UNSPECIFIED OR OTHER SEX ON AN APPLICATION DISPLAYS AN “X” IN THE LOCATION ON THE LICENSE, IDENTIFICATION CARD, OR MOPED OPERATOR’S PERMIT THAT INDICATES THE APPLICANT’S SEX.**

**(C) THE ADMINISTRATION MAY NOT:**

**(1) REQUIRE AN APPLICANT FOR A LICENSE, AN IDENTIFICATION CARD, OR A MOPED OPERATOR’S PERMIT TO PROVIDE PROOF OF THE APPLICANT’S SEX; OR**

**(2) DENY AN APPLICATION FOR A LICENSE, AN IDENTIFICATION CARD, OR A MOPED OPERATOR’S PERMIT BECAUSE THE SEX SELECTED BY THE APPLICANT DOES NOT MATCH THE SEX INDICATED ON ANOTHER DOCUMENT ASSOCIATED WITH THE APPLICANT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 649**

**(Senate Bill 196)**

AN ACT concerning

**Vehicle Laws – Licenses, Identification Cards, and Moped Operator’s Permits –  
Indication of Applicant’s Sex**

FOR the purpose of requiring that an application for a license, an identification card, or a moped operator’s permit allow an applicant to indicate the applicant’s sex in a certain manner; requiring the Motor Vehicle Administration to ensure that the license, identification card, or moped operator’s permit of an applicant who indicates that the applicant’s sex is unspecified displays a certain notation in the location that indicates the applicant’s sex; prohibiting the Administration from requiring a certain applicant to provide proof of the applicant’s sex; prohibiting the Administration from denying a certain application under certain circumstances; and generally relating to licenses, identification cards, and moped operator’s permits.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 11–128 and 11–135  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Transportation  
Section 12–305  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

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

**Article – Transportation**

11–128.

“License”, as used in reference to the operation of a motor vehicle, means any:

- (1) Driver’s license; and

(2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:

(i) Any temporary license;

(ii) A learner's instructional permit;

(iii) A provisional license;

(iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;

(v) Any nonresident's privilege to drive, as defined in this subtitle;  
and

(vi) A commercial driver's license.

11-135.

(a) (1) "Motor vehicle" means, except as provided in subsection (b) of this section, a vehicle that:

(i) Is self-propelled or propelled by electric power obtained from overhead electrical wires; and

(ii) Is not operated on rails.

(2) "Motor vehicle" includes a low speed vehicle.

(b) "Motor vehicle" does not include:

(1) A moped, as defined in § 11-134.1 of this subtitle;

(2) A motor scooter, as defined in § 11-134.5 of this subtitle; or

(3) An electric bicycle, as defined in § 11-117.1 of this subtitle.

12-305.

**(A) AN APPLICATION FOR A LICENSE, AN IDENTIFICATION CARD, OR A MOPED OPERATOR'S PERMIT SHALL ALLOW AN APPLICANT TO INDICATE THAT THE SEX THE APPLICANT IDENTIFIES AS IS:**

**(1) FEMALE;**

**(2) MALE; OR**

**(3) UNSPECIFIED OR OTHER.**

**(B) THE ADMINISTRATION SHALL ENSURE THAT THE LICENSE, IDENTIFICATION CARD, OR MOPED OPERATOR'S PERMIT OF AN APPLICANT WHO HAS INDICATED AN UNSPECIFIED OR OTHER SEX ON AN APPLICATION DISPLAYS AN "X" IN THE LOCATION ON THE LICENSE, IDENTIFICATION CARD, OR MOPED OPERATOR'S PERMIT THAT INDICATES THE APPLICANT'S SEX.**

**(C) THE ADMINISTRATION MAY NOT:**

**(1) REQUIRE AN APPLICANT FOR A LICENSE, AN IDENTIFICATION CARD, OR A MOPED OPERATOR'S PERMIT TO PROVIDE PROOF OF THE APPLICANT'S SEX; OR**

**(2) DENY AN APPLICATION FOR A LICENSE, AN IDENTIFICATION CARD, OR A MOPED OPERATOR'S PERMIT BECAUSE THE SEX SELECTED BY THE APPLICANT DOES NOT MATCH THE SEX INDICATED ON ANOTHER DOCUMENT ASSOCIATED WITH THE APPLICANT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 650**

**(House Bill 425)**

AN ACT concerning

**Civil Actions – Unfair, Abusive, or Deceptive Trade Practices by Mortgage Servicer – Statute of Limitations**

FOR the purpose of extending the statute of limitations applicable to certain civil actions relating to unfair, abusive, or deceptive trade practices filed against a mortgage servicer; limiting the application of this Act to claims relating to certain residential property; providing for the ~~retroactive~~ application of this Act; defining certain terms; and generally relating to unfair, abusive, or deceptive trade practices by mortgage servicers and the applicable statute of limitations.

BY adding to

Article – Courts and Judicial Proceedings  
Section 5–121

Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

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

**Article – Courts and Judicial Proceedings**

**5–121.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANING INDICATED.

(2) “HOMEOWNER” MEANS:

(I) A RECORD OWNER OF RESIDENTIAL PROPERTY THAT IS OWNER–OCCUPIED AT THE TIME THE ALLEGED VIOLATION OF § 13–301 OF THE COMMERCIAL LAW ARTICLE OR OTHER STATE LAW OCCURRED; OR

(II) AN INDIVIDUAL WHO OCCUPIES RESIDENTIAL PROPERTY UNDER A USE AND POSSESSION ORDER ISSUED UNDER TITLE 8, SUBTITLE 2 OF THE FAMILY LAW ARTICLE.

(3) “MORTGAGE SERVICER” HAS THE MEANING STATED IN § 11–501 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(4) “RESIDENTIAL PROPERTY” HAS THE MEANING STATED IN § 7–105.1 OF THE REAL PROPERTY ARTICLE.

(5) “UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE” HAS THE MEANING STATED IN § 13–301 OF THE COMMERCIAL LAW ARTICLE.

(B) THIS SECTION APPLIES ONLY TO CLAIMS RELATING TO RESIDENTIAL PROPERTY.

(C) AN ACTION FILED BY A HOMEOWNER AGAINST A MORTGAGE SERVICER FOR DAMAGES ARISING OUT OF AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE SHALL BE FILED WITHIN THE ~~LATER~~ EARLIER OF:

(1) ~~12~~ 5 YEARS AFTER A FORECLOSURE SALE OF THE RESIDENTIAL PROPERTY; OR

(2) ~~3 YEARS AFTER THE HOMEOWNER DISCOVERED OR SHOULD HAVE DISCOVERED THE MORTGAGE SERVICER’S UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE~~ IF THE MORTGAGE SERVICER DISCLOSES ITS UNFAIR, ABUSIVE, OR

**DECEPTIVE TRADE PRACTICE TO THE HOMEOWNER, 3 YEARS AFTER THE DISCLOSURE TO THE HOMEOWNER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply ~~retroactively to revive an action that was barred by the application of the period of limitations applicable before October 1, 2019~~ only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 651**

**(House Bill 428)**

AN ACT concerning

**Comprehensive Flood Management Grant Program – Awards for Flood Damage and Mandatory Funding**

FOR the purpose of altering the policy and purpose of provisions of law governing flood control and watershed management to include establishing a grant program to assist local jurisdictions with certain repairs and work associated with a flood event; clarifying the projects for which an application must be submitted to and reviewed by the State clearinghouse of the Department of Planning; authorizing the Department of the Environment to use the comprehensive flood management grant program to award grants to subdivisions that have incurred infrastructure damage of a certain monetary amount caused by a flood event that occurred on or after a certain date; specifying the amount and use of the grant; establishing a priority for awarding the grant; requiring the Governor to include a certain appropriation to the comprehensive flood management grant program in ~~each~~ certain annual budget ~~submission~~ submissions; specifying that funds not awarded from the comprehensive flood management grant program by the end of a fiscal year remain in the program and are not subject to a certain provision of law; making stylistic and conforming changes; and generally relating to the comprehensive flood management grant program.

BY repealing and reenacting, without amendments,

Article – Environment

Section 5–801(a), (e), and (i)

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 5–802(b) and 5–803(h)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

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

**Article – Environment**

5–801.

(a) In this subtitle the following terms have the meanings indicated.

(e) “Federal flood insurance program” means the program established by the National Flood Insurance Act of 1968, as amended.

(i) “Subdivision” means:

(1) Any county, including Baltimore City; and

(2) Any incorporated municipality which has the authority to adopt and enforce land use and control measures for the areas within its jurisdiction.

5–802.

(b) The policy and purposes of this subtitle are:

(1) To assist in the guidance of development to minimize the impacts of flooding;

(2) To provide State guidelines and technical assistance to local governments in management of flood hazard areas;

(3) To provide for comprehensive watershed management;

(4) To facilitate implementation of projects for flood control;

(5) To encourage and provide for local governmental units to manage flood-prone lands in a comprehensive manner;

(6) To provide for the biological and environmental quality of the watersheds of the State; and

(7) To establish a grant program to assist local jurisdictions with [implementation]:

(I) **IMPLEMENTATION** of those capital projects included within the comprehensive flood management plans which are adopted and approved in accordance with this subtitle; **AND**

(II) **INFRASTRUCTURE REPAIRS, ~~DEBRIS REMOVAL~~ WATERSHED RESTORATION, AND EMERGENCY PROTECTION WORK ASSOCIATED WITH A FLOOD EVENT.**

5–803.

(h) (1) There is a comprehensive flood management grant program within the Department.

(2) (I) Subject to the approval of the Board of Public Works, the Department may use proceeds from the State debt created to fund the comprehensive flood management grant program to pay the entire cost of watershed studies pursuant to subsection (b) of this section.

(II) The Department may provide grants to subdivisions to pay the entire cost of watershed studies when the Department delegates that responsibility pursuant to subsection (b) of this section.

(3) (I) Subject to the approval of the Board of Public Works, the Department may provide grants to subdivisions for flood control and watershed management capital projects, and for the capital costs related to design, purchase, and installation of automated flood warning projects, provided that the projects are consistent with the plans and implementation prepared and adopted in accordance with this subtitle, and provided further that each project:

[(i)] 1. Is undertaken as part of a comprehensive flood management plan prepared and adopted by the subdivision; and

[(ii)] 2. Is not inconsistent with any State or interjurisdictional flood management plan.

[(4)] (II) Grants for automated flood warnings projects shall be conditioned to require all affected local governing bodies **TO**:

[(i)] 1. [To adopt] **ADOPT** a specific and compatible response plan which has been coordinated with local emergency management authorities and reviewed and approved by the Department and the Maryland Emergency Management Agency; and

[(ii)] 2. [To provide] **PROVIDE** for financial and other commitments to properly operate and maintain the project.

**(III) 1. THE AMOUNT OF ANY GRANT MADE BY THE DEPARTMENT FOR A FLOOD CONTROL AND WATERSHED MANAGEMENT CAPITAL PROJECT THAT INVOLVES ONLY NONFEDERAL FUNDS AND MEETS THE CRITERIA OF THIS SUBTITLE SHALL BE MATCHED BY A MINIMUM AMOUNT OF 25% OF PROJECT COSTS IN LOCAL GOVERNMENT OR PRIVATE FUNDS.**

**2. FOR A FLOOD CONTROL AND WATERSHED MANAGEMENT CAPITAL PROJECT THAT INVOLVES FEDERAL FUNDING AND MEETS THE CRITERIA OF THIS SUBTITLE:**

**A. THE DEPARTMENT MAY PROVIDE UP TO 50% OF THE NONFEDERAL SHARE OF THE PROJECT FUNDING; AND**

**B. LOCAL GOVERNMENT OR PRIVATE FUNDS SHALL PROVIDE NOT LESS THAN 50% OF THE NONFEDERAL SHARE OF THE PROJECT FUNDING.**

**(IV) EACH PROJECT APPLICATION FOR A GRANT UNDER THIS PARAGRAPH SHALL BE SUBMITTED TO AND REVIEWED BY THE STATE CLEARINGHOUSE OF THE DEPARTMENT OF PLANNING IN ACCORDANCE WITH ESTABLISHED CLEARINGHOUSE PROCEDURES.**

[(5)] (4) (i) Subject to the approval of the Board of Public Works, the Department may provide grants to subdivisions immediately after a flood for acquisition of any flood damaged owner-occupied dwelling.

(ii) Total expenditures for grants made under this paragraph may not exceed 50% of the total authorized budgeted funds in a fiscal year for grants under this subsection.

[(6)] (i) The amount of any grant made by the Department for a flood control and watershed management capital project which involves only nonfederal funds and meets the criteria of this subtitle shall be matched by a minimum amount of 25% of project costs in local government or private funds.

(ii) For a flood control and watershed management capital project which involves federal funding and meets the criteria of this subtitle:

1. The Department may provide up to 50% of the nonfederal share of the project funding; and

2. Local government or private funds shall provide not less than 50% of the nonfederal share of the project funding.]

**(5) (I) THE DEPARTMENT MAY AWARD GRANTS TO SUBDIVISIONS THAT HAVE INCURRED AT LEAST \$1,000,000 IN INFRASTRUCTURE DAMAGE CAUSED BY A FLOOD EVENT THAT OCCURRED ON OR AFTER JANUARY 1, 2009.**

**(II) THE TOTAL AMOUNT OF GRANTS AWARDED BY THE DEPARTMENT TO SUBDIVISIONS UNDER THIS PARAGRAPH MAY:**

**1. FOR FISCAL YEARS 2020, 2021, AND 2022, EQUAL UP TO 100% OF THE TOTAL AMOUNT OF MONEY APPROPRIATED TO THE COMPREHENSIVE FLOOD MANAGEMENT PROGRAM; AND**

**2. FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, EQUAL UP TO 50% OF THE TOTAL AMOUNT OF MONEY APPROPRIATED TO THE COMPREHENSIVE FLOOD MANAGEMENT PROGRAM.**

**~~(H)~~ (III) A GRANT AWARDED TO A SUBDIVISION UNDER THIS PARAGRAPH MAY BE:**

**1. FOR AN AMOUNT OF UP TO 50% OF THE COMBINED COST OF INFRASTRUCTURE REPAIRS, ~~DEBRIS REMOVAL~~ WATERSHED RESTORATION, AND EMERGENCY WORK ASSOCIATED WITH THE FLOOD EVENT;**

**2. USED FOR INFRASTRUCTURE REPAIRS, ~~DEBRIS REMOVAL~~ WATERSHED MANAGEMENT, OR EMERGENCY PROTECTION WORK ASSOCIATED WITH THE FLOOD EVENT; AND**

**3. USED FOR EXPENSES ASSOCIATED WITH ITEM 2 OF THIS ~~ITEM~~ SUBPARAGRAPH THAT THE SUBDIVISION HAS ALREADY INCURRED.**

**~~(H)~~ (IV) THE DEPARTMENT SHALL PRIORITIZE AWARDED GRANTS UNDER THIS PARAGRAPH TO SUBDIVISIONS IN WHICH:**

**1. INFRASTRUCTURE DAMAGE OCCURRED IN ~~A LOCALLY~~ AN AREA DESIGNATED BY THE MARYLAND HISTORICAL TRUST AS AN HISTORIC DISTRICT; OR**

**2. INFRASTRUCTURE DAMAGE CAUSED BY A FLOOD EVENT HAS OCCURRED MORE THAN ONCE WITHIN THE PREVIOUS 5 YEARS.**

**[(7)] (6) To receive a grant, the subdivision must participate in the national flood insurance program.**

~~[(8)] (7)~~ Before [making] **AWARDING** a grant **UNDER PARAGRAPHS (2), (3), OR (4) OF THIS SUBSECTION**, the Department, in cooperation with the Department of Planning, shall review the flood control and watershed management operations of the applicant subdivision to assure that the flood control and watershed management operations are in compliance with this subtitle.

~~[(9)] (8) (I) FOR EACH FISCAL YEAR FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE~~ **THE** GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION ~~OF AT LEAST \$5,000,000~~ FOR THE COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM OF AT LEAST:

1. FOR FISCAL YEAR 2021, \$3,000,000;
2. FOR FISCAL YEAR 2022, \$3,000,000; AND
3. FOR FISCAL YEAR 2023, \$2,000,000.

(II) FUNDS NOT AWARDED FROM THE COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM BY THE END OF A FISCAL YEAR:

1. SHALL REMAIN IN THE PROGRAM; AND
2. ARE NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

**(9) (I)** The Department, in consultation with the Department of Planning, shall adopt regulations necessary for the administration of the grant program.

**(II)** These regulations may include:

**[(i)] 1.** A determination of statewide and interjurisdictional needs and priorities;

**[(ii)] 2.** Standards of eligibility for applicants and projects;

**[(iii)] 3.** Criteria for recognition of tidal and nontidal areas;

**[(iv)] 4.** Engineering and economic standards and alternatives;  
and

**[(v)] 5.** Procedures for filing and processing contents of applications.

[(10) Each project application shall be submitted to and reviewed by the State clearinghouse of the Department of Planning in accordance with established clearinghouse procedures.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 652

### (Senate Bill 269)

AN ACT concerning

#### **Comprehensive Flood Management Grant Program – Awards for Flood Damage and Mandatory ~~Mandatory~~ Funding**

FOR the purpose of altering the policy and purpose of provisions of law governing flood control and watershed management to include establishing a grant program to assist local jurisdictions with certain repairs and work associated with a flood event; clarifying the projects for which an application must be submitted to and reviewed by the State clearinghouse of the Department of Planning; authorizing the Department of the Environment to use the comprehensive flood management grant program to award grants to subdivisions that have incurred infrastructure damage of a certain monetary amount caused by a flood event that occurred on or after a certain date; specifying the amount and use of the grant; establishing a priority for awarding the grant; ~~requiring~~ ~~authorizing~~ requiring the Governor to include a certain appropriation to the comprehensive flood management grant program in ~~each~~ certain annual budget ~~submission~~ submissions; specifying that funds not awarded from the comprehensive flood management grant program by the end of a fiscal year remain in the program and are not subject to a certain ~~provisions~~ provision of law; making stylistic and conforming changes; and generally relating to the comprehensive flood management grant program.

BY repealing and reenacting, without amendments,

Article – Environment

Section 5–801(a), (e), and (i)

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 5–802(b) and 5–803(h)

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

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

**Article – Environment**

5–801.

(a) In this subtitle the following terms have the meanings indicated.

(e) “Federal flood insurance program” means the program established by the National Flood Insurance Act of 1968, as amended.

(i) “Subdivision” means:

(1) Any county, including Baltimore City; and

(2) Any incorporated municipality which has the authority to adopt and enforce land use and control measures for the areas within its jurisdiction.

5–802.

(b) The policy and purposes of this subtitle are:

(1) To assist in the guidance of development to minimize the impacts of flooding;

(2) To provide State guidelines and technical assistance to local governments in management of flood hazard areas;

(3) To provide for comprehensive watershed management;

(4) To facilitate implementation of projects for flood control;

(5) To encourage and provide for local governmental units to manage flood-prone lands in a comprehensive manner;

(6) To provide for the biological and environmental quality of the watersheds of the State; and

(7) To establish a grant program to assist local jurisdictions with [implementation]:

**(I) IMPLEMENTATION** of those capital projects included within the comprehensive flood management plans which are adopted and approved in accordance with this subtitle; **AND**

**(II) INFRASTRUCTURE REPAIRS, ~~DEBRIS REMOVAL~~ WATERSHED RESTORATION, AND EMERGENCY PROTECTION WORK ASSOCIATED WITH A FLOOD EVENT.**

5–803.

(h) (1) There is a comprehensive flood management grant program within the Department.

(2) (I) Subject to the approval of the Board of Public Works, the Department may use proceeds from the State debt created to fund the comprehensive flood management grant program to pay the entire cost of watershed studies pursuant to subsection (b) of this section.

(II) The Department may provide grants to subdivisions to pay the entire cost of watershed studies when the Department delegates that responsibility pursuant to subsection (b) of this section.

(3) (I) Subject to the approval of the Board of Public Works, the Department may provide grants to subdivisions for flood control and watershed management capital projects, and for the capital costs related to design, purchase, and installation of automated flood warning projects, provided that the projects are consistent with the plans and implementation prepared and adopted in accordance with this subtitle, and provided further that each project:

[(i)] 1. Is undertaken as part of a comprehensive flood management plan prepared and adopted by the subdivision; and

[(ii)] 2. Is not inconsistent with any State or interjurisdictional flood management plan.

[(4)] (II) Grants for automated flood warnings projects shall be conditioned to require all affected local governing bodies **TO**:

[(i)] 1. [To adopt] **ADOPT** a specific and compatible response plan which has been coordinated with local emergency management authorities and reviewed and approved by the Department and the Maryland Emergency Management Agency; and

[(ii)] 2. [To provide] **PROVIDE** for financial and other commitments to properly operate and maintain the project.

(III) 1. **THE AMOUNT OF ANY GRANT MADE BY THE DEPARTMENT FOR A FLOOD CONTROL AND WATERSHED MANAGEMENT CAPITAL PROJECT THAT INVOLVES ONLY NONFEDERAL FUNDS AND MEETS THE CRITERIA OF**

**THIS SUBTITLE SHALL BE MATCHED BY A MINIMUM AMOUNT OF 25% OF PROJECT COSTS IN LOCAL GOVERNMENT OR PRIVATE FUNDS.**

**2. FOR A FLOOD CONTROL AND WATERSHED MANAGEMENT CAPITAL PROJECT THAT INVOLVES FEDERAL FUNDING AND MEETS THE CRITERIA OF THIS SUBTITLE:**

**A. THE DEPARTMENT MAY PROVIDE UP TO 50% OF THE NONFEDERAL SHARE OF THE PROJECT FUNDING; AND**

**B. LOCAL GOVERNMENT OR PRIVATE FUNDS SHALL PROVIDE NOT LESS THAN 50% OF THE NONFEDERAL SHARE OF THE PROJECT FUNDING.**

**(IV) EACH PROJECT APPLICATION FOR A GRANT UNDER THIS PARAGRAPH SHALL BE SUBMITTED TO AND REVIEWED BY THE STATE CLEARINGHOUSE OF THE DEPARTMENT OF PLANNING IN ACCORDANCE WITH ESTABLISHED CLEARINGHOUSE PROCEDURES.**

**[(5) (4) (i)]** Subject to the approval of the Board of Public Works, the Department may provide grants to subdivisions immediately after a flood for acquisition of any flood damaged owner-occupied dwelling.

(ii) Total expenditures for grants made under this paragraph may not exceed 50% of the total authorized budgeted funds in a fiscal year for grants under this subsection.

**[(6) (i)]** The amount of any grant made by the Department for a flood control and watershed management capital project which involves only nonfederal funds and meets the criteria of this subtitle shall be matched by a minimum amount of 25% of project costs in local government or private funds.

(ii) For a flood control and watershed management capital project which involves federal funding and meets the criteria of this subtitle:

1. The Department may provide up to 50% of the nonfederal share of the project funding; and

2. Local government or private funds shall provide not less than 50% of the nonfederal share of the project funding.]

**(5) (I) THE DEPARTMENT MAY AWARD GRANTS TO SUBDIVISIONS THAT HAVE INCURRED AT LEAST \$1,000,000 IN INFRASTRUCTURE DAMAGE CAUSED BY A FLOOD EVENT THAT OCCURRED ON OR AFTER JANUARY 1, 2009.**

**(II) THE TOTAL AMOUNT OF GRANTS AWARDED BY THE DEPARTMENT TO SUBDIVISIONS UNDER THIS PARAGRAPH MAY:**

**1. FOR FISCAL YEARS 2020, 2021, AND 2022, EQUAL UP TO 100% OF THE TOTAL AMOUNT OF MONEY APPROPRIATED TO THE COMPREHENSIVE FLOOD MANAGEMENT ~~GRANT~~ PROGRAM; AND**

**2. FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, EQUAL UP TO 50% OF THE TOTAL AMOUNT OF MONEY APPROPRIATED TO THE COMPREHENSIVE FLOOD MANAGEMENT ~~GRANT~~ PROGRAM.**

**~~(II)~~ (III) A GRANT AWARDED TO A SUBDIVISION UNDER THIS PARAGRAPH MAY BE:**

**1. FOR AN AMOUNT OF UP TO 50% OF THE COMBINED COST OF INFRASTRUCTURE REPAIRS, ~~DEBRIS REMOVAL~~ WATERSHED RESTORATION, AND EMERGENCY WORK ASSOCIATED WITH THE FLOOD EVENT;**

**2. USED FOR INFRASTRUCTURE REPAIRS, ~~DEBRIS REMOVAL~~ WATERSHED MANAGEMENT, OR EMERGENCY PROTECTION WORK ASSOCIATED WITH THE FLOOD EVENT; AND**

**3. USED FOR EXPENSES ASSOCIATED WITH ITEM 2 OF THIS ~~ITEM~~ SUBPARAGRAPH THAT THE SUBDIVISION HAS ALREADY INCURRED.**

**~~(III)~~ (IV) THE DEPARTMENT SHALL PRIORITIZE AWARDING GRANTS UNDER THIS PARAGRAPH TO SUBDIVISIONS IN WHICH:**

**1. INFRASTRUCTURE DAMAGE OCCURRED IN ~~A LOCALLY~~ AN AREA DESIGNATED BY THE MARYLAND HISTORICAL TRUST AS AN HISTORIC DISTRICT; OR**

**2. INFRASTRUCTURE DAMAGE CAUSED BY A FLOOD EVENT HAS OCCURRED MORE THAN ONCE WITHIN THE PREVIOUS 5 YEARS.**

**[(7)] (6) To receive a grant, the subdivision must participate in the national flood insurance program.**

**[(8)] (7) Before [making] AWARDING a grant UNDER PARAGRAPHS (2), (3), OR (4) OF THIS SUBSECTION, the Department, in cooperation with the Department of Planning, shall review the flood control and watershed management operations of the applicant subdivision to assure that the flood control and watershed management operations are in compliance with this subtitle.**

~~[(9)] (8) (I) FOR EACH FISCAL YEAR, THE FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER THE GOVERNOR SHALL MAY SHALL~~ INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION ~~OF AT LEAST \$5,000,000~~ FOR THE COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM OF AT LEAST:

1. FOR FISCAL YEAR 2021, \$3,000,000;
2. FOR FISCAL YEAR 2022, \$3,000,000; AND
3. FOR FISCAL YEAR 2023, \$2,000,000.

(II) FUNDS NOT AWARDED FROM THE COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM BY THE END OF A FISCAL YEAR:

1. SHALL REMAIN IN THE PROGRAM; AND
2. ARE NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(9) (I) The Department, in consultation with the Department of Planning, shall adopt regulations necessary for the administration of the grant program.

(II) These regulations may include:

- and priorities;
- [(i)] 1. A determination of statewide and interjurisdictional needs
  - [(ii)] 2. Standards of eligibility for applicants and projects;
  - [(iii)] 3. Criteria for recognition of tidal and nontidal areas;
  - [(iv)] 4. Engineering and economic standards and alternatives;
- and
- [(v)] 5. Procedures for filing and processing contents of applications.

[(10) Each project application shall be submitted to and reviewed by the State clearinghouse of the Department of Planning in accordance with established clearinghouse procedures.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

**Chapter 653****(House Bill 438)**

AN ACT concerning

**Charles County – Alcoholic Beverages – Golf Course Privilege**

FOR the purpose of repealing a Class GC (golf course) license in Charles County and establishing a Class GC (golf course) privilege; specifying that an owner or operator of a public or private golf course has a golf course privilege to sell alcoholic beverages under certain circumstances; establishing an annual fee for a golf course privilege; specifying that a Class GC (golf course) privilege expands certain license premises to include a certain golf course; and generally relating to alcoholic beverages in Charles County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 18–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing

Article – Alcoholic Beverages  
Section 18–1003  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 18–1101.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

18–102.

This title applies only in Charles County.

[18–1003.

(a) There is a Class GC (golf course) license.

(b) The license authorizes the license holder to sell and an individual to consume alcoholic beverages allowed under the license on the licensed premises of a publicly or privately owned golf course.]

**18-1101.1.**

**(A) THERE IS A CLASS GC (GOLF COURSE) PRIVILEGE.**

**(B) AN OWNER OR OPERATOR OF A PUBLIC OR PRIVATE GOLF COURSE HAS THE PRIVILEGE OF SELLING ALCOHOLIC BEVERAGES ON THE GOLF COURSE IF THE OWNER OR OPERATOR:**

**(1) HOLDS A CLASS B, CLASS BLX, CLASS C, CLASS D, CLASS H, OR ENTERTAINMENT FACILITY LICENSE; AND**

**(2) PAYS THE ANNUAL FEE OF \$200 FOR THE PRIVILEGE.**

**(C) THE CLASS GC (GOLF COURSE) PRIVILEGE EXPANDS THE LICENSED PREMISES TO INCLUDE THE GOLF COURSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 654**

**(House Bill 445)**

AN ACT concerning

**Prince George's County – Alcoholic Beverages – Class B–ECF/DS Beer, Wine,  
and Liquor License**

**PG 306–19**

FOR the purpose of expanding the scope of the Class B–ECF/DS beer, wine, and liquor license to authorize certain individuals to hold certain events at the Prince George's Community College Main Campus; specifying that the Board of License Commissioners for Prince George's County may issue a Class B–ECF/DS license for use only on the University of Maryland, College Park Campus or the Prince George's Community College Main Campus; authorizing a license holder to sell beer, wine,

and liquor for on-premises consumption from multiple designated outlets on the Prince George's Community College Main Campus only under certain circumstances; requiring profits from the sale of alcoholic beverages sold under the license to be deposited in a certain fund; requiring the Prince George's Community College Main Campus to report to the Prince George's County Board of License Commissioners at least a certain number of days before a certain catered function; increasing the number of Class B-ECF/DS licenses that the Board may issue; and generally relating to a Class B-ECF/DS beer, wine, and liquor license in Prince George's County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 26-102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 26-1009 and 26-1601(a)(1)(xviii)  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

### Article – Alcoholic Beverages

26-102.

This title applies only in Prince George's County.

26-1009.

(a) There is a Class B-ECF/DS (Education Conference Facility/Dining Service) beer, wine, and liquor license.

(b) The Board may issue the license to an individual who is:

(1) **(I)** authorized by the University of Maryland, College Park Campus  
 to:

[(i)] **1.** act on its behalf under the license; and

[(ii)] **2.** be subject to the penalties, conditions, and restrictions  
 under this title; and

[(2)] **(II)** a resident and registered voter of the county; **OR**

**(2) (I) AUTHORIZED BY THE PRINCE GEORGE'S COMMUNITY COLLEGE MAIN CAMPUS TO:**

**1. ACT ON ITS BEHALF UNDER THE LICENSE; AND**

**2. BE SUBJECT TO THE PENALTIES, CONDITIONS, AND RESTRICTIONS UNDER THIS TITLE; AND**

**(II) A RESIDENT AND REGISTERED VOTER OF THE COUNTY.**

**(C) THE BOARD MAY ISSUE A LICENSE FOR USE ONLY ON THE UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS OR THE PRINCE GEORGE'S COMMUNITY COLLEGE MAIN CAMPUS.**

**[(c)] (D) (1) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption from multiple designated outlets on:**

**(I) the University's campus only at University-related functions catered by the Department of Dining Services; OR**

**(II) THE COMMUNITY COLLEGE'S CAMPUS ONLY AT COMMUNITY COLLEGE-RELATED FUNCTIONS CATERED BY THE PRINCE GEORGE'S COMMUNITY COLLEGE MAIN CAMPUS.**

**(2) Beer, wine, and liquor purchased at a designated outlet are to be consumed in the confines of that outlet and may not be transported to another outlet.**

**[(d)] (E) All profits from the retail sale of beer, wine, and liquor shall be deposited in:**

**(1) the Dining Services Income Fund of the University of Maryland; OR**

**(2) A DESIGNATED AUXILIARY SERVICES FUND OF THE PRINCE GEORGE'S COMMUNITY COLLEGE MAIN CAMPUS.**

**[(e)] (F) The Board:**

**(1) may regulate the manner in which beer, wine, and liquor are dispensed under the license;**

**(2) before issuing the license, shall designate the exact campus locations for the outlets for the sale of beer, wine, and liquor;**

(3) shall maintain a map and description of the designated outlets for verification on the renewal of the license; and

(4) shall require the Department of Dining Services of the University of Maryland, College Park Campus **OR THE PRINCE GEORGE'S COMMUNITY COLLEGE MAIN CAMPUS** to report to the Board at least 5 days before a University-related **OR A COMMUNITY COLLEGE-RELATED** catered function at which beer, wine, or liquor is intended to be sold or served.

[(f)] (G) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26–2004 of this title.

[(g)] (H) The annual license fee is \$8,275.

26–1601.

(a) (1) Except as otherwise provided in this title, the number of licenses in a class issued by the Board may not exceed:

(xviii) Class B–ECF/DS beer, wine, and liquor, [1] 2;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 655

**(House Bill 447)**

AN ACT concerning

### **Frederick County – Alcoholic Beverages – Basket of Cheer**

FOR the purpose of establishing a basket of cheer permit in Frederick County; requiring the Board of License Commissioners to grant the permit at no cost to holders of certain Class C per diem licenses; providing that the permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer, consisting of certain alcoholic beverages produced in Maryland; specifying that the alcoholic beverages contained in a basket of cheer shall be for off–premises consumption; requiring a holder of a permit to obtain the alcoholic beverages contained in a basket of cheer from a holder of a retail license; prohibiting a permit holder from raffling off more than a certain number of baskets of cheer at each benefit performance; and generally relating to alcoholic beverages permits granted in Frederick County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 20–1317  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

**20–1317.**

**(A) THERE IS A BASKET OF CHEER PERMIT.**

**(B) THE BOARD SHALL GRANT THE PERMIT AT NO COST TO A HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(C) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO PROVIDE AS A PRIZE AT A BENEFIT PERFORMANCE A BASKET OF CHEER OF ALCOHOLIC BEVERAGES PRODUCED IN MARYLAND, CONSISTING OF:**

**(1) FOR A HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE, NOT MORE THAN:**

**(I) 288 OUNCES OF BEER; AND**

**(II) 2.25 LITERS OF WINE; AND**

**(2) FOR A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, NOT MORE THAN:**

**(I) 288 OUNCES OF BEER;**

(II) 2.25 LITERS OF WINE; AND

(III) 2.25 LITERS OF LIQUOR.

(D) THE ALCOHOLIC BEVERAGES CONTAINED IN A BASKET OF CHEER SHALL BE FOR OFF-PREMISES CONSUMPTION.

(E) A HOLDER OF THE PERMIT:

(1) SHALL OBTAIN THE ALCOHOLIC BEVERAGES CONTAINED IN A BASKET OF CHEER FROM A HOLDER OF A RETAIL LICENSE; AND

(2) MAY RAFFLE OFF NOT MORE THAN 10 BASKETS OF CHEER AT EACH BENEFIT PERFORMANCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 656

(Senate Bill 325)

AN ACT concerning

### Frederick County – Alcoholic Beverages – Basket of Cheer

FOR the purpose of establishing a basket of cheer permit in Frederick County; requiring the Board of License Commissioners to grant the permit at no cost to holders of certain Class C per diem licenses; providing that the permit authorizes the permit holder to provide as a prize at a benefit performance a basket of cheer, consisting of certain alcoholic beverages produced in Maryland; specifying that the alcoholic beverages contained in a basket of cheer shall be for off-premises consumption; requiring a holder of a permit to obtain the alcoholic beverages contained in a basket of cheer from a holder of a retail license; prohibiting a permit holder from raffling off more than a certain number of baskets of cheer at each benefit performance; and generally relating to alcoholic beverages permits granted in Frederick County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 20–102  
Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 20–1317

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

**20–1317.**

**(A) THERE IS A BASKET OF CHEER PERMIT.**

**(B) THE BOARD SHALL GRANT THE PERMIT AT NO COST TO A HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(C) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO PROVIDE AS A PRIZE AT A BENEFIT PERFORMANCE A BASKET OF CHEER OF ALCOHOLIC BEVERAGES PRODUCED IN MARYLAND, CONSISTING OF:**

**(1) FOR A HOLDER OF A CLASS C PER DIEM BEER AND WINE LICENSE, NOT MORE THAN:**

**(I) 288 OUNCES OF BEER; AND**

**(II) 2.25 LITERS OF WINE; AND**

**(2) FOR A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, NOT MORE THAN:**

**(I) 288 OUNCES OF BEER;**

**(II) 2.25 LITERS OF WINE; AND**

**(III) 2.25 LITERS OF LIQUOR.**

(D) THE ALCOHOLIC BEVERAGES CONTAINED IN A BASKET OF CHEER SHALL BE FOR OFF-PREMISES CONSUMPTION.

(E) A HOLDER OF THE PERMIT:

(1) SHALL OBTAIN THE ALCOHOLIC BEVERAGES CONTAINED IN A BASKET OF CHEER FROM A HOLDER OF A RETAIL LICENSE; AND

(2) MAY RAFFLE OFF NOT MORE THAN 10 BASKETS OF CHEER AT EACH BENEFIT PERFORMANCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 657

(House Bill 449)

AN ACT concerning

### **Baltimore County – Development Impact Fees – Authorization and Use of Funds**

FOR the purpose of authorizing the County Council of Baltimore County, by ordinance, to impose development impact fees to finance the capital costs of certain public works, improvements, and facilities; requiring money collected through development impact fees used to finance the capital costs of certain public works, improvements, and facilities to be used in a certain community; and generally relating to the authority of the County Council of Baltimore County to impose development impact fees.

BY adding to

Article – Local Government  
Section 20–701.1  
Annotated Code of Maryland  
(2013 Volume and 2018 Supplement)

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

### **Article – Local Government**

**20–701.1.**

**(A) BY ORDINANCE, THE COUNTY COUNCIL OF BALTIMORE COUNTY MAY IMPOSE DEVELOPMENT IMPACT FEES TO FINANCE ANY OF THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.**

**(B) ANY FUNDS COLLECTED THROUGH A DEVELOPMENT IMPACT FEE FOR THE PURPOSES IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED WITHIN THE SURROUNDING COMMUNITY OF THE CONSTRUCTION OR DEVELOPMENT FOR WHICH THE DEVELOPMENT IMPACT FEE IS IMPOSED.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 658

(Senate Bill 451)

AN ACT concerning

### **Baltimore County – Development Impact Fees – Authorization and Use of Funds**

FOR the purpose of authorizing the County Council of Baltimore County, by ordinance, to impose development impact fees to finance the capital costs of certain public works, improvements, and facilities; requiring money collected through development impact fees used to finance the capital costs of certain public works, improvements, and facilities to be used in a certain community; and generally relating to the authority of the County Council of Baltimore County to impose development impact fees.

BY adding to

Article – Local Government  
Section 20–701.1  
Annotated Code of Maryland  
(2013 Volume and 2018 Supplement)

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

### Article – Local Government

**20–701.1.**

**(A) BY ORDINANCE, THE COUNTY COUNCIL OF BALTIMORE COUNTY MAY IMPOSE DEVELOPMENT IMPACT FEES TO FINANCE ANY OF THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.**

**(B) ANY FUNDS COLLECTED THROUGH A DEVELOPMENT IMPACT FEE FOR THE PURPOSES IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED WITHIN THE SURROUNDING COMMUNITY OF THE CONSTRUCTION OR DEVELOPMENT FOR WHICH THE DEVELOPMENT IMPACT FEE IS IMPOSED.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 659**

**(House Bill 476)**

AN ACT concerning

### **Queen Anne’s County – Alcoholic Beverages – Beauty Salon and Barbershop License**

FOR the purpose of establishing a beauty salon and barbershop beer and wine license in Queen Anne’s County; authorizing the Board of License Commissioners to issue the license to a holder of certain permits; specifying that the license authorizes the license holder to sell beer or wine by the glass for on–premises consumption to a customer while the customer is provided certain services; authorizing a customer to consume only a certain amount of wine or beer during any one visit; prohibiting the license from being transferred to another location; setting the hours of sale for the license; specifying that an establishment for which the license is issued is subject to certain alcohol awareness training requirements; setting an annual license fee; and generally relating to alcoholic beverages licenses in Queen Anne’s County.

BY renumbering

Article – Alcoholic Beverages

Section 27–1001

to be Section 27–1001.1

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 27-102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 27-1001  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 27-1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 27-1001.1.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

27-102.

This title applies only in Queen Anne's County.

**27-1001.**

**(A) THERE IS A BEAUTY SALON AND BARBERSHOP BEER AND WINE LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

**(1) A BEAUTY SALON PERMIT ISSUED UNDER § 5-501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR**

**(2) A BARBERSHOP PERMIT ISSUED UNDER § 4-301 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER OR WINE BY THE GLASS FOR ON-PREMISES CONSUMPTION TO A CUSTOMER WHILE THE CUSTOMER IS PROVIDED:**

**(1) A COSMETOLOGY SERVICE UNDER § 5-101(N) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR AN ESTHETIC SERVICE UNDER § 5-101(O) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR**

**(2) A BARBERING SERVICE UNDER § 4-101(L) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

**(D) A CUSTOMER MAY CONSUME NOT MORE THAN 5 OUNCES OF WINE OR 12 OUNCES OF BEER DURING ANY ONE VISIT.**

~~(E)~~ **(E)** THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

~~(F)~~ **(F)** THE LICENSE HOLDER MAY PROVIDE BEER AND WINE DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN 9 P.M.

~~(G)~~ **(G)** AN ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE.

~~(H)~~ **(H)** THE ANNUAL LICENSE FEE IS \$100.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 660

(Senate Bill 428)

AN ACT concerning

**Queen Anne's County – Alcoholic Beverages – Beauty Salon and Barbershop License**

FOR the purpose of establishing a beauty salon and barbershop beer and wine license in Queen Anne's County; authorizing the Board of License Commissioners to issue the license to a holder of certain permits; specifying that the license authorizes the license holder to sell beer or wine by the glass for on-premises consumption to a customer while the customer is provided certain services; authorizing a customer to consume only a certain amount of wine or beer during any one visit; prohibiting the license from being transferred to another location; setting the hours of sale for the license; specifying that an establishment for which the license is issued is subject to certain alcohol awareness training requirements; setting an annual license fee; and generally relating to alcoholic beverages licenses in Queen Anne's County.

BY renumbering

Article – Alcoholic Beverages

Section 27-1001

to be Section 27-1001.1

Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 27–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 27–1001  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That Section(s) 27–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland  
be renumbered to be Section(s) 27–1001.1.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
as follows:

**Article – Alcoholic Beverages**

27–102.

This title applies only in Queen Anne’s County.

**27–1001.**

**(A) THERE IS A BEAUTY SALON AND BARBERSHOP BEER AND WINE LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

**(1) A BEAUTY SALON PERMIT ISSUED UNDER § 5–501 OF THE  
BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR**

**(2) A BARBERSHOP PERMIT ISSUED UNDER § 4–301 OF THE BUSINESS  
OCCUPATIONS AND PROFESSIONS ARTICLE.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER OR  
WINE BY THE GLASS FOR ON–PREMISES CONSUMPTION TO A CUSTOMER WHILE THE  
CUSTOMER IS PROVIDED:**

(1) A COSMETOLOGY SERVICE UNDER § 5–101(N) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR AN ESTHETIC SERVICE UNDER § 5–101(O) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR

(2) A BARBERING SERVICE UNDER § 4–101(L) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(D) A CUSTOMER MAY CONSUME NOT MORE THAN 5 OUNCES OF WINE OR 12 OUNCES OF BEER DURING ANY ONE VISIT.

~~(D)~~ (E) THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

~~(E)~~ (F) THE LICENSE HOLDER MAY PROVIDE BEER AND WINE DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN 9 P.M.

~~(F)~~ (G) AN ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4–505 OF THIS ARTICLE.

~~(G)~~ (H) THE ANNUAL LICENSE FEE IS \$100.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 661

(House Bill 520)

AN ACT concerning

### Prenatal and Infant Care Coordination – Grant Funding and Task Force

FOR the purpose of requiring the Governor to include a certain amount of funding for the Maryland Prenatal and Infant Care Coordination Services Grant Program Fund in the annual budget beginning in a certain fiscal year; establishing the Task Force on Maryland Maternal and Child Health; providing for the composition, chair, and staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the General Assembly on or before a certain date; providing for the effective dates of this Act;

providing for the termination of certain provisions of this Act; and generally relating to prenatal and infant care coordination services.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 24–1502(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 24–1502(f)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

**Article – Health – General**

24–1502.

(a) There is a Maryland Prenatal and Infant Care Coordination Services Grant Program Fund.

(f) **(1)** [Beginning in] IN fiscal year 2020 [and in each fiscal year thereafter], the Governor shall include in the annual budget \$50,000 for the Fund.

**(2) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET ~~\$5,000,000~~ \$100,000 FOR THE FUND.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on Maryland Maternal and Child Health.

(b) The Task Force consists of the following members:

(1) one representative of the Maryland Department of Health, designated by the Secretary of Health;

(2) one representative of the Maryland Department of Human Services, designated by the Secretary of Human Services;

(3) one representative of the Maryland Medical Assistance Program, designated by the Secretary of Health;

(4) one representative of the Health Services Cost Review Commission, designated by the Executive Director of the Commission; and

(5) the following members, appointed by the Secretary of Health:

(i) one representative of Johns Hopkins Children's Center;

(ii) one representative from a community-based organization focused on maternal and infant care support and currently partnered with Johns Hopkins Children's Center;

(iii) one representative of University of Maryland Children's Hospital;

(iv) one representative from a community-based organization focused on maternal and infant care support and currently partnered with University of Maryland Children's Hospital; ~~and~~

(v) three representatives of participants who qualify, are receiving or have received care coordination from targeted programs within the current care coordination system;

(vi) one representative of the Maryland Affiliate of the American College of Nurse Midwives;

(vii) one representative of the Maryland Chapter of the American Academy of Pediatrics;

(viii) one representative of the Maryland Association for the Treatment of Opioid Dependence; ~~and~~

(ix) one physician specializing in neonatology, maternal fetal medicine, or pediatric cardiology from a hospital other than the Johns Hopkins Children's Center or the University of Maryland Children's Hospital;

(x) one representative of the Maryland Patient Safety Center; and

(xi) one representative of the Maryland Section of the American College of Obstetricians and Gynecologists.

(c) The Secretary of Health shall designate the chair of the Task Force.

(d) The Maryland Department of Health, Maryland Department of Human Services, and the Health Services Cost Review Commission jointly shall provide staff for the Task Force.

(e) A member of the Task Force:

- (1) may not receive compensation as a member of the Task Force; but
- (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall study and make recommendations on:

(1) how the policies of the ~~Health Services Cost Review Commission~~ Maryland Department of Health can be used to incentivize early intervention and prevention of key adverse health outcomes, such as asthma, adverse birth outcomes, sickle cell crisis, and mental health crises; ~~and~~

(2) how State policies and payment mechanisms can:

- (i) support community-based and school-based models of care;
- (ii) ~~use the global budgets revenue system~~ encourage partnerships under the all-payer model to improve child care;
- (iii) assist in collaborations with public health care; and
- (iv) use the Core Set of Children's Health Care Quality Measures for Medicaid to monitor improvements; and

(3) programs that the Maryland Medical Assistance Program should implement.

(g) On or before November 1, 2019, the Task Force shall report its findings and recommendations to the General Assembly in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2019.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2019. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 662****(Senate Bill 406)**

AN ACT concerning

~~**Prenatal and Infant Care Coordination – Grant Funding and Task Force on  
Maryland Maternal and Child Health**~~  
***Prenatal and Infant Care Coordination – Grant Funding and Task Force***

FOR the purpose of ~~requiring the Governor to include a certain amount of funding for the Maryland Prenatal and Infant Care Coordination Services Grant Program Fund in the annual budget beginning in a certain fiscal year; requiring the Governor to include a certain amount of funding for the Maryland Prenatal and Infant Care Coordination Services Grant Program Fund in the annual budget beginning in a certain fiscal year;~~ establishing the Task Force on Maryland Maternal and Child Health; providing for the composition, chair, and staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the General Assembly on or before a certain date; ~~providing for the effective dates of this Act; providing for the effective dates of this Act;~~ providing for the termination ~~of certain provisions~~ *of certain provisions* of this Act; and generally relating to ~~prenatal and infant care coordination services the Task Force on Maryland Maternal and Child Health~~ *prenatal and infant care coordination services*.

~~BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 24-1502(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 24-1502(f)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)~~

~~*BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 24-1502(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)*~~

~~*BY repealing and reenacting, with amendments,  
Article – Health – General*~~

*Section 24-1502(f)*  
*Annotated Code of Maryland*  
*(2015 Replacement Volume and 2018 Supplement)*

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

*Article – Health – General*

24-1502.

(a) *There is a Maryland Prenatal and Infant Care Coordination Services Grant Program Fund.*

(f) (1) *[Beginning in] IN fiscal year 2020 [and in each fiscal year thereafter], the Governor shall include in the annual budget \$50,000 for the Fund.*

(2) **FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET \$100,000 FOR THE FUND.**

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~ SECTION 2. AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, ~~That the Laws of Maryland read as follows:~~

~~*Article – Health – General*~~

~~24-1502.~~

~~(a) *There is a Maryland Prenatal and Infant Care Coordination Services Grant Program Fund.*~~

~~(f) (1) *[Beginning in] IN fiscal year 2020 [and in each fiscal year thereafter], the Governor shall include in the annual budget \$50,000 for the Fund.*~~

~~(2) **FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET \$5,000,000 FOR THE FUND.**~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

(a) There is a Task Force on Maryland Maternal and Child Health.

(b) The Task Force consists of the following members:

(1) one representative of the Maryland Department of Health, designated by the Secretary of Health;

(2) one representative of the Maryland Department of Human Services, designated by the Secretary of Human Services;

(3) one representative of the Maryland Medical Assistance Program, designated by the Secretary of Health;

(4) one representative of the Health Services Cost Review Commission, designated by the Executive Director of the Commission; and

(5) the following members, appointed by the Secretary of Health:

(i) one representative of Johns Hopkins Children's Center;

(ii) one representative from a community-based organization focused on maternal and infant care support and currently partnered with Johns Hopkins Children's Center;

(iii) one representative of University of Maryland Children's Hospital;

(iv) one representative from a community-based organization focused on maternal and infant care support and currently partnered with University of Maryland Children's Hospital; ~~and~~

(v) three representatives of participants who qualify for, are receiving or have received care coordination from targeted programs within the current care coordination system;

(vi) one representative of the Maryland Affiliate of the American College of Nurse Midwives; and

(vii) one representative of the Maryland Chapter of the American Academy of Pediatrics;

(viii) one representative of the Maryland Association for the Treatment of Opioid Dependence;

(ix) one physician specializing in neonatology, maternal fetal medicine, or pediatric cardiology from a hospital other than the Johns Hopkins Children's Center or the University of Maryland Children's Hospital;

(x) one representative of the Maryland Patient Safety Center; and

(xi) one representative of the Maryland Section of the American College of Obstetricians and Gynecologists.

(c) The Secretary of Health shall designate the chair of the Task Force.

(d) The Maryland Department of Health, Maryland Department of Human Services, and the Health Services Cost Review Commission jointly shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall study and make recommendations on:

(1) how the policies of the ~~Health Services Cost Review Commission~~ *Maryland Department of Health* can be used to incentivize early intervention and prevention of key adverse health outcomes, such as asthma, adverse birth outcomes, sickle cell crisis, and mental health crises; ~~and~~

(2) how *State policies and* payment mechanisms can:

(i) support community-based and school-based models of care;

(ii) ~~use the global budgets revenue system~~ *encourage partnerships under the all-payer model* to improve child care;

(iii) assist in collaborations with public health care; and

(iv) use the Core Set of Children's Health Care Quality Measures for Medicaid to monitor improvements; *and*

(3) *programs that the Maryland Medical Assistance Program should implement.*

(g) On or before November 1, 2019, the Task Force shall report its findings and recommendations to the General Assembly in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2019.

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2019.~~

SECTION 4. ~~2.~~ 4. AND BE IT FURTHER ENACTED, That, ~~except as provided in Section 3 of this Act,~~ *except as provided in Section 3 of this Act,* this Act shall take effect July 1, 2019. ~~Section 2 of this Act~~ It Section 2 of this Act shall remain effective for a period

of 1 year and, at the end of June 30, 2020, ~~Section 2 of~~ *Section 2* of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 663**

### **(House Bill 524)**

AN ACT concerning

#### **Prevailing Wage Rates – Public Work Contracts – Suits by Employees**

FOR the purpose of authorizing certain employees to sue to recover the difference between certain prevailing wage rates and certain amounts under certain circumstances; providing that a certain determination by the Commissioner of Labor and Industry does not preclude certain employees from filing a certain action; providing for the liability of certain contractors and subcontractors under certain circumstances; and generally relating to private rights of action under the State prevailing wage law.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 17–224  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

#### **Article – State Finance and Procurement**

17–224.

(a) (1) If an employee under a public work contract is paid less than the prevailing wage rate for that employee’s classification for the work performed, the employee may file a complaint with the Commissioner.

(2) Except as otherwise provided in this section, a complaint filed under this section shall be subject to the provisions of § 17–221 of this subtitle.

(3) If the Commissioner’s investigation determines that the employer violated provisions of this subtitle, the Commissioner shall try to resolve the issue informally.

(4) (i) If the Commissioner is unable to resolve the matter informally, the Commissioner shall issue an order for a hearing in accordance with § 17–221 of this subtitle.

(ii) If, at the conclusion of a hearing ordered under subparagraph (i) of this paragraph, the Commissioner determines that the employee is entitled to restitution under this subtitle, the Commissioner shall issue an order in accordance with § 17–221 of this subtitle.

(iii) If an employer of an employee found to be entitled to restitution under subparagraph (ii) of this paragraph is no longer working under a contract with a public body, the Commissioner may order that restitution be paid directly by the employer to the employee within a reasonable period of time, as determined by the Commissioner.

(5) If an employer fails to comply with an order to pay restitution to an employee under paragraph (4)(iii) of this subsection, the Commissioner or the employee may bring a civil action to enforce the order in the circuit court in the county where the employee or employer is located.

**(B) (1) IF AN EMPLOYEE UNDER A PUBLIC WORK CONTRACT IS PAID LESS THAN THE PREVAILING WAGE RATE FOR THAT EMPLOYEE'S CLASSIFICATION FOR THE WORK PERFORMED, THE EMPLOYEE IS ENTITLED TO SUE TO RECOVER THE DIFFERENCE BETWEEN THE PREVAILING WAGE RATE AND THE AMOUNT RECEIVED BY THE EMPLOYEE.**

**(2) A DETERMINATION BY THE COMMISSIONER THAT A CONTRACTOR IS REQUIRED TO MAKE RESTITUTION UNDER SUBSECTION (A)(4) OF THIS SECTION DOES NOT PRECLUDE AN EMPLOYEE FROM FILING AN ACTION UNDER THIS SUBSECTION.**

**[(b)] (C) (1)** An action under this section is considered to be a suit for wages.

(2) A judgment in an action under this section shall have the same force and effect as any other judgment for wages.

(3) An action brought under this section for a violation of this subtitle shall be filed within 3 years from the date the affected employee knew or should have known of the violation.

**[(c)] (D) (1)** The failure of an employee to protest orally or in writing the payment of a wage that is less than the prevailing wage rate is not a bar to recovery in an action under this section.

(2) A contract or other written document in which an employee states that the employee shall be paid less than the amount required by this subtitle does not bar the recovery of any remedy required under this subtitle.

**[(d)] (E)** (1) Except as provided in paragraph (3) of this subsection, if the court in an action filed under this section finds that an employer paid an employee less than the requisite prevailing wage, the court shall award the affected employee the difference between the wage actually paid and the prevailing wage at the time that the services were rendered.

(2) (i) Subject to subparagraph (ii) of this paragraph, unpaid fringe benefit contributions owed for an employee in accordance with this section shall be paid to the appropriate benefit fund, plan, or program.

(ii) In the absence of an appropriate benefit fund, plan, or program, the amount owed for fringe benefits for an employee shall be paid directly to the employee.

(3) The court may order the payment of double damages or treble damages under this section if the court finds that the employer withheld wages or fringe benefits willfully and knowingly or with deliberate ignorance or reckless disregard of the employer's obligations under this subtitle.

(4) In an action under this section, the court shall award a prevailing plaintiff reasonable counsel fees and costs.

(5) If the court finds that an employee submitted a false or fraudulent claim in an action under this section, the court may order the employee to pay the employer reasonable counsel fees and costs.

**(6) THE CONTRACTOR AND SUBCONTRACTOR SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY VIOLATION OF THE SUBCONTRACTOR'S OBLIGATIONS UNDER THIS SECTION.**

**[(e)] (F)** (1) Subject to paragraph (2) of this subsection, an action filed in accordance with this section may be brought by one or more employees on behalf of that employee or group of employees and on behalf of other employees similarly situated.

(2) An employee may not be a party plaintiff to an action brought under this section unless that employee files written consent with the court in which the action is brought to become a party to the action.

**[(f)] (G)** (1) A person found to have made a false or fraudulent representation or omission known to be false or made with deliberate ignorance or reckless disregard for its truth or falsity regarding a material fact in connection with any prevailing wage payroll record required by § 17–220 of this subtitle is liable for a civil penalty of \$1,000 for each falsified record.

(2) The penalty shall be recoverable in a civil action filed in accordance with this section and paid to the State General Fund.

**[(g)] (H)** An employer may not discharge, threaten, or otherwise retaliate or discriminate against an employee regarding compensation or other terms and conditions of employment because that employee or an organization or other person acting on behalf of that employee:

(1) reports or makes a complaint under this subtitle or otherwise asserts the worker's rights under this section; or

(2) participates in any investigation, hearing, or inquiry held by the Commissioner under § 17–221 of this subtitle.

**[(h)] (I)** (1) A contractor or subcontractor may not retaliate or discriminate against an employee in violation of this section.

(2) If a contractor or subcontractor retaliates or discriminates against an employee in violation of this section, the affected employee may file an action in any court of competent jurisdiction within 3 years from the employee's knowledge of the action.

(3) If the court finds in favor of the employee in an action brought under this subsection, the court shall order that the contractor or subcontractor:

(i) reinstate the employee or provide the employee restitution, as appropriate;

(ii) pay the employee an amount equal to three times the amount of back wages and fringe benefits calculated from the date of the violation; and

(iii) pay reasonable counsel fees and other costs.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 664

### (House Bill 531)

AN ACT concerning

### State Personnel – Payment of State Employee Wages – Repeal of Sunset Provision

FOR the purpose of repealing the termination date for certain provisions of law requiring

the Central Payroll Bureau of the Office of the State Comptroller to establish certain pay periods and pay certain employees at certain intervals, requiring appointing authorities to report certain payroll information to the Bureau in a certain manner, requiring the Bureau and the appointing authorities to provide certain information to each employee, establishing a certain grievance procedure, and allowing certain damages; and generally relating to the payment of State employee wages.

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 2–402(c) and (d), 2–406, 2–407, and 12–402(b)(1)(ii) and (3)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Chapter 783 of the Acts of the General Assembly of 2017

Section 3

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

#### **Article – State Personnel and Pensions**

2–402.

(c) (1) In this subsection:

(i) “wage” means all compensation that is due to an employee; and

(ii) “wage” includes:

1. a bonus;
2. a commission;
3. a fringe benefit;
4. overtime wages;
5. premium pay; or
6. any other remuneration promised for service.

(2) The Central Payroll Bureau shall:

(i) establish regular pay periods; and

(ii) except as provided in paragraph (3) of this subsection, pay each

employee at least once every 2 weeks or twice each month.

(3) The Central Payroll Bureau may pay an administrative, an executive, or a professional employee less frequently than required under paragraph (2)(ii) of this subsection.

(d) Each appointing authority shall accurately and timely calculate and report to the Central Payroll Bureau the payroll information for each employee.

2-406.

(a) Each appointing authority shall provide each employee, at the time of hiring, notice of:

- (1) the employee's rate of pay;
- (2) the regular pay periods; and
- (3) the employee's leave benefits.

(b) The Central Payroll Bureau of the Office of the State Comptroller shall provide for each employee, for each pay period, a statement of the gross earnings of the employee and any deductions from the gross earnings.

2-407.

(a) If an appointing authority does not report payroll information in accordance with § 2-402 of this subtitle, the employee or the employee's exclusive representative may initiate a grievance under the grievance procedure established under Title 12, Subtitle 2 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, and notwithstanding § 12-203 of this article, a grievance under subsection (a) of this section shall be initiated within 20 days after the failure to pay occurred.

(2) If the failure to pay is not known to, or discovered by, the employee within 20 days after the failure to pay occurs, a grievance under subsection (a) of this section may be initiated no later than 6 months after the date on which the failure to pay occurred.

(c) (1) Subject to paragraphs (2) and (3) of this subsection, if a grievance is initiated in accordance with subsection (a) of this section, an employee is entitled to wages and damages unless the wage is withheld as a result of a bona fide dispute.

(2) If the grievance was filed:

- (i) in the first 3 business days of a pay period, then damages shall

start in the following regular pay period; or

(ii) after the third business day of a pay period, then the damages shall start in the second regular pay period following the pay period in which the employee was not paid the employee's full wage.

(3) The damages under paragraph (1) of this subsection:

(i) may not begin until at least 1 regular pay period has elapsed since the employee was not paid the employee's full wage due for a pay period;

(ii) shall increase per pay period by 30% of the wage that the appointing authority failed to report;

(iii) shall continue until the pay period when the appointing authority reports the missing wages and damages, if any, to the Central Payroll Bureau; and

(iv) may not exceed 3 times the amount of wage due that the appointing authority failed to report for a pay period.

12-402.

(b) (1) A decision maker at Step Two or Step Three of the grievance procedure:

(ii) on a finding that wages were withheld in violation of §§ 2-402 and 2-407 of this article, shall order the payment of damages in accordance with § 2-407(c) of this article.

(3) Subject to the limitations in Title 14, Subtitle 2 of this article, an appointing authority shall carry out a back pay order or damages order issued under this subsection.

### **Chapter 783 of the Acts of 2017**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. [It shall remain effective for a period of 2 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 665

### (House Bill 549)

AN ACT concerning

#### Alcoholic Beverages – Class 1 Distillery License – On-Site Consumption Permit

FOR the purpose of authorizing the holder of a Class 1 distillery license to sell mixed drinks made from certain liquor and *certain* other ingredients, under certain circumstances; authorizing a local licensing board to grant an on-site consumption permit to the holder of a Class 1 distillery license; ~~allowing mixed drinks sold by the permit holder to contain alcohol not produced by the holder, under certain circumstances; prohibiting the permit holder from possessing more than a certain amount of alcohol not produced by the holder;~~ prohibiting the permit holder from using more than a certain amount annually of liquor the holder produces for mixed drinks; authorizing a local licensing board to establish and charge a fee for a certain permit; requiring the holders of a certain permit to comply with certain requirements and restrictions; and generally relating to Class 1 distillery licenses.

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 2–202  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

#### Article – Alcoholic Beverages

2–202.

- (a) There is a Class 1 distillery license.
- (b) The license shall be obtained for each trade name and each distillery in the State.
- (c) A license holder may:
  - (1) establish and operate a plant for distilling, rectifying, blending, and bottling, at the location described in the license:
    - (i) brandy;
    - (ii) rum;

- (iii) whiskey;
  - (iv) alcohol; and
  - (v) neutral spirits;
- (2) sell and deliver the alcoholic beverages:
- (i) in bulk to a person in the State that is authorized to acquire them; and
  - (ii) to a person outside the State that is authorized to acquire them;
- (3) manufacture an alcoholic beverage listed in item (1) of this subsection in the name of another person or under a trade name if the other person or trade name also holds a Class 1 distillery license;
- (4) acquire alcoholic beverages from the holder of a manufacturer's license or wholesaler's license or nonresident dealer's permit for use in manufacturing; **[and]**
- (5) (i) conduct guided tours of the licensed premises;
- (ii) at no cost or for a fee, serve to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises, not more than 2 ounces of products, with each product sample consisting of not more than one-half ounce from a single product manufactured by the license holder;
  - (iii) serve samples blended with other products manufactured by the license holder or nonalcoholic ingredients; and
  - (iv) sell not more than 2.25 liters of products manufactured on the licensed premises, for off-premises consumption, and related merchandise to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises; **AND**

**(6) SUBJECT TO SUBSECTION (I) OF THIS SECTION, SELL LIQUOR MANUFACTURED BY THE LICENSE HOLDER THAT IS MIXED WITH OTHER NONALCOHOLIC INGREDIENTS.**

(d) A license holder or entity in which a license holder has a pecuniary interest may not act as a caterer of food.

(e) Subject to subsection (f) of this section, a license holder may conduct the activities specified in [subsection] SUBSECTIONS (c)(5) AND (I)(2) of this section from 10 a.m. to 10 p.m. each day.

(f) A Class 1 distillery license allows the license holder to operate 7 days a week.

(g) At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Comptroller on the form that the Comptroller provides.

(h) A holder of a caterer's license or privilege under Subtitle 5 of this title or Subtitle 12 of various titles of Division II of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

(i) **(1) A LOCAL LICENSING BOARD MAY GRANT AN ON-SITE CONSUMPTION PERMIT FOR USE AT THE LOCATION OF THE CLASS 1 DISTILLERY LICENSE TO A HOLDER OF A CLASS 1 DISTILLERY LICENSE.**

**(2) (I) THE PERMIT AUTHORIZES THE HOLDER TO SELL MIXED DRINKS MADE FROM LIQUOR THAT THE HOLDER PRODUCES THAT IS MIXED WITH OTHER NONALCOHOLIC INGREDIENTS FOR ON-PREMISES CONSUMPTION.**

~~**(II) THE MIXED DRINKS SOLD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY CONTAIN ALCOHOL THAT THE HOLDER DOES NOT PRODUCE, PROVIDED THAT:**~~

~~**1. AT LEAST 75 PERCENT OF THE ALCOHOL USED IN THE MIXED DRINKS IS PRODUCED BY THE HOLDER; AND**~~

~~**2. THE ALCOHOL THAT IS NOT PRODUCED BY THE HOLDER IS PURCHASED FROM A LICENSED RETAILER.**~~

~~**(III) THE HOLDER MAY NOT KEEP MORE THAN 10 VARIETIES OF ALCOHOL NOT PRODUCED BY THE HOLDER ON THE LICENSED PREMISES.**~~

~~**(IV)**~~ **(II) THE HOLDER MAY NOT USE MORE THAN AN AGGREGATE OF 7,750 GALLONS ANNUALLY OF LIQUOR THE HOLDER PRODUCES FOR MIXED DRINKS SOLD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**(3) A LOCAL LICENSING BOARD:**

**(I) MAY ESTABLISH AND CHARGE A PERMIT FEE; AND**

**(II) SHALL REQUIRE THE PERMIT HOLDER TO:**

**1. COMPLY WITH THE ALCOHOL AWARENESS REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE; AND**

**2. ABIDE BY ALL APPLICABLE TRADE PRACTICE RESTRICTIONS.**

**(J)** Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

**[(j)] (K)** The annual license fee is \$2,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 666**

**(House Bill 551)**

AN ACT concerning

**Alcoholic Beverages – Distilleries – Farmers’ Markets and Other Events**

FOR the purpose of removing the limit on the number of farmers’ markets at which the license holder may use a distillery off–site permit; increasing the number of certain other events at which a distillery off–site permit may be used; and generally relating to distillery off–site permits.

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 2–132.2  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

2–132.2.

- (a) There is a distillery off–site permit.
- (b) The Comptroller may grant the permit to a holder of a Class 1 distillery license or a Class 9 limited distillery license that meets the requirements of this section.
- (c) During an event listed in subsection (e) of this section, the permit holder may:

- (1) provide to a consumer not more than four liquor samples that:
  - (i) have been produced by the permit holder; and
  - (ii) do not exceed one-quarter of 1 fluid ounce for each offering; and
- (2) sell to a consumer liquor that has been produced by the permit holder for off-premises consumption.

(d) While selling liquor or providing samples of liquor at an event, the permit holder shall have present at least one individual who is certified by an approved alcohol awareness program.

(e) The permit may be used at the following events:

- (1) the Frederick County Agricultural Fair;
- (2) the Maryland State Agricultural Fair;
- (3) the Montgomery County Agricultural Fair;
- (4) the North Beach Friday Night Farmers' Market **[and four]**;

**(5)** other farmers' markets that are listed on the farmers' market directory of the Maryland Department of Agriculture;

**[(5)] (6)** a liquor festival under § 2-132.3 of this subtitle; and

**[(6)] (7)** not more than **[six] 32** other events in a year that have **AN ACTIVITY** as the major purpose **[of the event an activity]**:

- (i) that is other than the sale and promotion of alcoholic beverages; and
- (ii) for which the participation of a distillery is a subordinate activity.

(f) An applicant for a permit shall complete an application on a form that the Comptroller provides.

(g) (1) (i) The permit holder shall notify the Comptroller of the permit holder's intention to attend an event within a time period that the Comptroller determines.

(ii) The notice shall be on a form that the Comptroller provides.

(2) The Comptroller may adopt regulations to require the permit holder to notify the local licensing board for the jurisdiction where the event is being held of the permit holder's intention to attend the event.

(h) The annual permit fee is \$250.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 667**

### **(House Bill 572)**

AN ACT concerning

#### **Carroll County – Alcoholic Beverages – Class BC Beer, Wine, and Liquor License**

FOR the purpose of altering the requirement that a Class BC beer, wine, and liquor license holder provide food for consumption at certain catered events in Carroll County; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 16–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 16–903

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

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

#### **Article – Alcoholic Beverages**

16–102.

This title applies only in Carroll County.

16–903.

- (a) There is a Class BC beer, wine, and liquor license.
- (b) The Board may issue a Class BC license to an applicant that has:
- (1) a hotel or restaurant that meets the licensing requirements in § 16–902(c) of this subtitle; or
  - (2) a Class B hotel or restaurant (on– and off–sale) beer, wine, and liquor license, if the applicant surrenders the Class B license to the Board before being issued the Class BC license.
- (c) (1) The license authorizes the license holder to sell:
- (i) beer, wine, and liquor 7 days a week at a restaurant or hotel for on–premises consumption;
  - (ii) beer 7 days a week at a restaurant or hotel for off–premises consumption; and
  - (iii) beer, wine, and liquor 7 days a week at a catered event held off the restaurant or hotel premises for consumption on the premises of the event.
- (2) [The] **EITHER THE** license holder **OR THE EVENT SPONSOR** shall provide food for consumption at the catered event.
- (d) The license holder may sell beer, wine, and liquor during the hours and on the days as set out for a Class B license under § 16–2005 of this title.
- (e) The annual license fee is \$250 greater than the fee for a Class B hotel or restaurant (on– and off–sale) beer, wine, and liquor license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 668

**(Senate Bill 297)**

AN ACT concerning

**Carroll County – Alcoholic Beverages – Class BC Beer, Wine, and Liquor License**

FOR the purpose of altering the requirement that a Class BC beer, wine, and liquor license holder provide food for consumption at certain catered events in Carroll County; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 16–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 16–903  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

### **Article – Alcoholic Beverages**

16–102.

This title applies only in Carroll County.

16–903.

(a) There is a Class BC beer, wine, and liquor license.

(b) The Board may issue a Class BC license to an applicant that has:

(1) a hotel or restaurant that meets the licensing requirements in § 16–902(c) of this subtitle; or

(2) a Class B hotel or restaurant (on– and off–sale) beer, wine, and liquor license, if the applicant surrenders the Class B license to the Board before being issued the Class BC license.

(c) (1) The license authorizes the license holder to sell:

(i) beer, wine, and liquor 7 days a week at a restaurant or hotel for on–premises consumption;

(ii) beer 7 days a week at a restaurant or hotel for off–premises consumption; and

(iii) beer, wine, and liquor 7 days a week at a catered event held off

the restaurant or hotel premises for consumption on the premises of the event.

(2) [The] **EITHER THE** license holder **OR THE EVENT SPONSOR** shall provide food for consumption at the catered event.

(d) The license holder may sell beer, wine, and liquor during the hours and on the days as set out for a Class B license under § 16–2005 of this title.

(e) The annual license fee is \$250 greater than the fee for a Class B hotel or restaurant (on– and off–sale) beer, wine, and liquor license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 669

### (House Bill 576)

AN ACT concerning

#### **Carroll County – Alcoholic Beverages – Required Information on Application**

FOR the purpose of repealing certain required information in a petition of support as part of an application for an alcoholic beverages license in Carroll County; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 4–110 and 16–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 16–1401  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 16–1405.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

4–110.

The application shall also include a petition of support signed by at least 10 residents who are owners of real estate and registered voters of the precinct in which the business is to be conducted stating:

(1) the length of time each of the residents has been acquainted with the applicant or, if the applicant is a corporation, acquainted with the individuals making the application;

(2) that they have examined the application, have good reason to believe that the statements contained in the application are true, and in their judgment the applicant is a suitable person to obtain the license; and

(3) that they are familiar with the premises on which the proposed business is to be conducted and that they believe the premises are suitable for the conduct of business as a retail dealer.

16–102.

This title applies only in Carroll County.

16–1401.

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4–102 (“Applications to be filed with local licensing board”);

(2) § 4–103 (“Application on behalf of partnership”);

(3) § 4–104 (“Application on behalf of corporation or club”);

(4) § 4–105 (“Application on behalf of limited liability company”);

(5) § 4–106 (“Payment of notice expenses”);

(6) § 4–108 (“Application form required by Comptroller”);

(7) [§ 4–110 (“Required information on application — Petition of support”);

(8)] § 4–111 (“Payment of license fees”);

[(9)] (8) § 4–113 (“Refund of license fees”); and

[(10)] (9) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

(1) § 4–107 (“Criminal history records check”), subject to §§ 16–1403 and 16–1404 of this subtitle;

(2) § 4–109 (“Required information on application — In general”), subject to § 16–1405 of this subtitle; [and]

**(3) § 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”), SUBJECT TO § 16–1405.1 OF THIS SUBTITLE; AND**

[(3)] (4) § 4–112 (“Disposition of license fees”), subject to § 16–1406 of this subtitle.

#### **16–1405.1.**

**AN APPLICATION FOR A LICENSE SHALL INCLUDE A PETITION OF SUPPORT SIGNED BY AT LEAST 10 RESIDENTS WHO ARE OWNERS OF REAL ESTATE AND REGISTERED VOTERS OF THE PRECINCT IN WHICH THE BUSINESS IS TO BE CONDUCTED STATING:**

**(1) THE LENGTH OF TIME EACH OF THE RESIDENTS HAS BEEN ACQUAINTED WITH THE APPLICANT OR, IF THE APPLICANT IS A CORPORATION, ACQUAINTED WITH THE INDIVIDUALS MAKING THE APPLICATION; AND**

**(2) THAT THEY HAVE EXAMINED THE APPLICATION, HAVE GOOD REASON TO BELIEVE THAT THE STATEMENTS CONTAINED IN THE APPLICATION ARE TRUE, AND IN THEIR JUDGMENT THE APPLICANT IS A SUITABLE PERSON TO OBTAIN THE LICENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 670****(Senate Bill 298)**

AN ACT concerning

**Carroll County – Alcoholic Beverages – Required Information on Application**

FOR the purpose of repealing certain required information in a petition of support as part of an application for an alcoholic beverages license in Carroll County; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 4–110 and 16–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 16–1401  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 16–1405.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

4–110.

The application shall also include a petition of support signed by at least 10 residents who are owners of real estate and registered voters of the precinct in which the business is to be conducted stating:

(1) the length of time each of the residents has been acquainted with the applicant or, if the applicant is a corporation, acquainted with the individuals making the application;

(2) that they have examined the application, have good reason to believe that the statements contained in the application are true, and in their judgment the

applicant is a suitable person to obtain the license; and

(3) that they are familiar with the premises on which the proposed business is to be conducted and that they believe the premises are suitable for the conduct of business as a retail dealer.

16–102.

This title applies only in Carroll County.

16–1401.

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–102 (“Applications to be filed with local licensing board”);
- (2) § 4–103 (“Application on behalf of partnership”);
- (3) § 4–104 (“Application on behalf of corporation or club”);
- (4) § 4–105 (“Application on behalf of limited liability company”);
- (5) § 4–106 (“Payment of notice expenses”);
- (6) § 4–108 (“Application form required by Comptroller”);
- (7) [§ 4–110 (“Required information on application – Petition of support”);
- (8)] § 4–111 (“Payment of license fees”);
- [(9)] (8)** § 4–113 (“Refund of license fees”); and
- [(10)] (9)** § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

(1) § 4–107 (“Criminal history records check”), subject to §§ 16–1403 and 16–1404 of this subtitle;

(2) § 4–109 (“Required information on application — In general”), subject to § 16–1405 of this subtitle; **[and]**

**(3) § 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”), SUBJECT TO § 16–1405.1 OF THIS SUBTITLE; AND**

~~[(3)]~~ (4) § 4–112 (“Disposition of license fees”), subject to § 16–1406 of this subtitle.

#### **16–1405.1.**

**AN APPLICATION FOR A LICENSE SHALL INCLUDE A PETITION OF SUPPORT SIGNED BY AT LEAST 10 RESIDENTS WHO ARE OWNERS OF REAL ESTATE AND REGISTERED VOTERS OF THE PRECINCT IN WHICH THE BUSINESS IS TO BE CONDUCTED STATING:**

**(1) THE LENGTH OF TIME EACH OF THE RESIDENTS HAS BEEN ACQUAINTED WITH THE APPLICANT OR, IF THE APPLICANT IS A CORPORATION, ACQUAINTED WITH THE INDIVIDUALS MAKING THE APPLICATION; AND**

**(2) THAT THEY HAVE EXAMINED THE APPLICATION, HAVE GOOD REASON TO BELIEVE THAT THE STATEMENTS CONTAINED IN THE APPLICATION ARE TRUE, AND IN THEIR JUDGMENT THE APPLICANT IS A SUITABLE PERSON TO OBTAIN THE LICENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 671**

### **(House Bill 613)**

AN ACT concerning

#### **Carroll County – Alcoholic Beverages – Class D Beer and Wine Licenses**

FOR the purpose of limiting the sale of beer and wine by certain license holders for off–premises consumption to the discretion of the Board of License Commissioners for Carroll County; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 16–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
 Section 16–805  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

16–102.

This title applies only in Carroll County.

16–805.

(a) There is a Class D beer and wine license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license[.]:

**(1) for [on– and off–premises] ON–PREMISES consumption; AND**

**(2) FOR OFF–PREMISES CONSUMPTION AT THE DISCRETION OF THE BOARD.**

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$250.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 672**

**(Senate Bill 256)**

AN ACT concerning

**Carroll County – Alcoholic Beverages – Class D Beer and Wine Licenses**

FOR the purpose of limiting the sale of beer and wine by certain license holders for off-premises consumption to the discretion of the Board of License Commissioners for Carroll County; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 16–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 16–805  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

### **Article – Alcoholic Beverages**

16–102.

This title applies only in Carroll County.

16–805.

(a) There is a Class D beer and wine license.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license[.]:

**(1) for [on– and off–premises] ON–PREMISES consumption; AND**

**(2) FOR OFF–PREMISES CONSUMPTION AT THE DISCRETION OF THE BOARD.**

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$250.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

**Chapter 673****(House Bill 616)**

AN ACT concerning

**Montgomery County – Department of Liquor Control – Renaming****MC 2–19**

FOR the purpose of renaming the Department of Liquor Control for Montgomery County to be the Alcohol Beverage Services for Montgomery County; specifying that the Alcohol Beverage Services is the successor to the Department of Liquor Control; specifying that in certain documents the name “Department of Liquor Control” means “Alcohol Beverage Services”; providing for the continuity of certain terms of office of certain individuals; providing for the continuity of transactions and employment status affected by certain changes of nomenclature or certain statutes; providing for the continuity of certain units, properties, appropriations, credits, assets, liabilities, and obligations; requiring the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to make certain corrections in a certain manner; and generally relating to the renaming of the Department of Liquor Control for Montgomery County.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 1–309 and 25–202(c)(3); 25–301 through 25–312 to be under the amended subtitle “Subtitle 3. Alcohol Beverage Services”; and 25–402, 25–404, 25–405(d), 25–1005(c), 25–1007(d), 25–1011.1(e), 25–1201(e), 25–1302, and 25–1905

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 25–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–504

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 5–101(a)

Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 5–101(l) and (n)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

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

### **Article – Alcoholic Beverages**

1–309.

The Comptroller shall enforce the provisions of this article and provisions of the Tax – General Article relating to alcoholic beverages applicable to:

(1) the purchase or importation of alcoholic beverages by a department of liquor control [or], a liquor control board, **OR THE ALCOHOL BEVERAGE SERVICES FOR MONTGOMERY COUNTY**; and

(2) the sale of alcoholic beverages to a wholesaler or retail dealer by a department of liquor control [or], a liquor control board, **OR THE ALCOHOL BEVERAGE SERVICES FOR MONTGOMERY COUNTY**.

25–102.

This title applies only in Montgomery County.

25–202.

(c) (3) (i) Subject to the Montgomery County public ethics law and subparagraph (ii) of this paragraph, a member of the Board may be an employee of the federal, State, or local government.

(ii) A member of the Board may not be an employee of the County [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES**.

Subtitle 3. [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES**.

25–301.

(a) In this subtitle the following words have the meanings indicated.

[(b) “Department” means the County Department of Liquor Control.]

[(c)] (B) “Director” means the Director of the [Department] **SERVICES**.

[(d)] (C) “Dispensary” means a store established and maintained by the [Department] **SERVICES** for the sale of alcoholic beverages.

(D) **“SERVICES” MEANS THE COUNTY ALCOHOL BEVERAGE SERVICES.**

25–302.

There is [a Department of Liquor Control] **THE ALCOHOL BEVERAGE SERVICES** in the county government, which functions as a liquor control board.

25–303.

(a) There is a Director of the [Department] **SERVICES**, who shall be the chief administrative officer of and exercise general supervision over the [Department] **SERVICES**.

(b) The County Executive shall appoint the Director with the consent of the County Council.

(c) The County Executive shall determine the qualifications of the Director.

(d) The Director:

(1) serves at the pleasure of the County Executive; and

(2) shall devote full time to the duties of the [Department] **SERVICES**.

(e) The County Executive shall set the salary of the Director with the approval of the County Council.

25–304.

(a) (1) With the approval of the County Executive, the Director may appoint employees necessary to operate the dispensary system, set employee compensation, and require a bond for the faithful performance of employee duties.

(2) Except for the Director, each [Department] **SERVICES** employee shall be appointed and employed in accordance with regulations of the Merit System Protection Board.

(b) The Office of the County Attorney shall provide legal services to the [Department] **SERVICES**.

25–305.

(a) A member of the County Council or the County Executive may not have a direct or indirect financial interest in the sale, manufacture, blending, brewing, distilling, rectifying, or wholesaling of any alcoholic beverage purchased or sold under this article.

(b) Except as provided in subsection (c) of this section, an employee of the [Department] **SERVICES** may not:

(1) have a direct or indirect financial interest in the sale, manufacture, blending, brewing, distilling, rectifying, or wholesaling of any alcoholic beverage purchased or sold under this article;

(2) have an interest in a license;

(3) directly or indirectly solicit or receive any fee, commission, gratuity, emolument, remuneration, reward, present, or alcoholic beverage sample, and any other consideration from:

(i) a person who sells, manufactures, blends, brews, distills, rectifies, wholesales, or distributes alcoholic beverages; or

(ii) a license holder; or

(4) derive any profit or remuneration from the purchase or sale of alcoholic beverages other than the salary paid by the county for the discharge of the employee's duties.

(c) Subject to the County Public Ethics Law, the [Department] **SERVICES** may allow a [Departmental] **SERVICES** employee to be employed by a license holder if the employment directly relates to the performing arts.

(d) (1) Except as provided in subsection (e) of this section, a person listed in paragraph (2) of this subsection may not directly or indirectly offer, pay, or give a fee, reward, present, commission, gift, or sample of alcoholic beverages to an employee of the [Department] **SERVICES**, a member of the County Council, or the County Executive.

(2) This subsection applies to:

(i) a license holder or an employee of a license holder; or

(ii) a person or an agent or employee of a person engaged in the manufacture, sale, blending, brewing, distilling, rectifying, wholesaling, or distribution of alcoholic beverages.

(e) (1) This section does not prohibit a manufacturer, brewer, wholesaler, or

dealer that sells or attempts to sell alcoholic beverages to the [Department] **SERVICES** from providing samples of alcoholic beverages to the [Department] **SERVICES**.

(2) A person that provides samples of alcoholic beverages to the [Department] **SERVICES** shall obtain a receipt, signed by the Director, stating in detail the amount and a description of the samples.

(3) When received, samples of alcoholic beverages provided under this subsection shall be inventoried and sold in the same manner as other beverages that the [Department] **SERVICES** purchases.

(f) A person that violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 years or a fine not exceeding \$5,000 or both.

25–306.

(a) There is an Advisory Board in the [Department] **SERVICES**.

(b) The Advisory Board consists of the following eight members:

(1) the Director;

(2) the Director of the County Department of Police;

(3) the Chair of the Board of License Commissioners; and

(4) five members who are county residents appointed by the County Executive with the consent of the County Council.

(c) Of the members of the Advisory Board appointed under subsection (b)(4) of this section:

(1) only one shall be a holder of a Class B or a Class C beer, wine, and liquor license in the county; and

(2) only one shall be a holder of a license of any other class in the county.

(d) (1) This subsection applies to members of the Advisory Board appointed under subsection (b)(4) of this section.

(2) The term of a member is 4 years.

(3) A member appointed after a term has begun serves only for the remainder of the term.

(4) The terms of the members are staggered as required by the terms

provided for members on July 1, 2016.

(e) With the consent of the County Council, the County Executive may remove a member whom the County Executive appointed to the Advisory Board.

(f) The Advisory Board shall report at least quarterly to the County Executive on recommendations for the improvement of:

(1) the alcoholic beverages control and enforcement activities of the county;  
and

(2) the operations of the dispensary and distribution systems from the standpoint of efficiency, service provided, and convenience to the public.

(g) A member of the Advisory Board:

(1) may not receive compensation; but

(2) is entitled to necessary expenses in connection with the performance of the duties of the Advisory Board.

25–307.

(a) This section does not apply to a holder of a Class F license.

(b) (1) Except as provided in paragraphs (2) through (8) of this subsection:

(i) the **[Department] SERVICES** has a monopoly on the wholesale distribution of beer, wine, and liquor and retail distribution of off-sale liquor in the county, subject to § 1–309 of this article; and

(ii) a person may sell only alcoholic beverages that are purchased from the **[Department] SERVICES**.

(2) The holders of the following wholesaler's licenses may sell or deliver alcoholic beverages for resale to a dispensary:

(i) a Class 1 beer, wine, and liquor license;

(ii) a Class 2 wine and liquor license;

(iii) a Class 3 beer and wine license;

(iv) a Class 4 beer license; or

(v) a Class 5 wine license.

(3) The holder of a Class 6 limited wine wholesaler's license or nonresident winery permit may sell or deliver wine directly to a dispensary, restaurant, or other retail dealer in the county.

(4) The holder of a Class 7 limited beer wholesaler's license or nonresident brewery permit may sell or deliver its own beer to a dispensary, restaurant, or other retail dealer in the county.

(5) The holder of a Class 8 liquor wholesaler's license or nonresident distillery permit may sell or deliver its own liquor to a dispensary, restaurant, or other retail dealer authorized to sell liquor in the county.

(6) A holder of a direct wine shipper's permit may ship wine directly to a consumer in the county.

(7) A dispensary, restaurant, or other retail dealer in the county may purchase wine directly from a holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit.

(8) A dispensary, restaurant, or other retail dealer in the county may purchase beer directly from a holder of a Class 7 limited beer wholesaler's license or of a nonresident brewery permit.

(9) A dispensary, restaurant, or other retail dealer authorized to sell liquor in the county may purchase liquor directly from a holder of a Class 8 liquor wholesaler's license or of a nonresident distillery permit.

(10) A holder of a charity wine auction permit in the county may receive and sell wine obtained from any source listed under § 2-137 of this article.

25-308.

(a) The [Department] **SERVICES** may enter into an agreement with a holder of a per diem license to deliver beer on the effective date of the per diem license and accept returns on the same day.

(b) The agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer.

25-309.

(a) With the approval of the County Executive and subject to § 1-309 of this article, the Director may:

(1) purchase from a holder of a wholesaler's license or manufacturer's license alcoholic beverages that the [Department] **SERVICES** is authorized to sell and on which the excise tax imposed by § 5-102 of the Tax – General Article is paid;

(2) purchase from a holder of a resident or nonresident dealer's permit and import for resale alcoholic beverages that the [Department] **SERVICES** is authorized to sell, and resell the alcoholic beverages once the excise tax is paid;

(3) sell alcoholic beverages in sealed containers at prices that it determines and that are uniform in all dispensaries;

(4) refuse to sell alcoholic beverages to a person that, in the [Department's] **SERVICES'** judgment, is not suitable to purchase or consume the alcoholic beverages;

(5) restrict by any method the quantity of alcoholic beverages that may be sold to an individual consumer or license holder at or during any time;

(6) enter into a contract or adopt regulations necessary or desirable to carry out this article;

(7) sell and ship outside of the county a container or package of alcoholic beverages kept for sale in a dispensary, if not prohibited by law in the place where the shipment is consigned; and

(8) establish the hours of sale for dispensaries, outside of which a dispensary may not remain open.

(b) (1) With the approval of the County Executive, the Director, by rental, lease, purchase, or otherwise, may acquire:

(i) real or personal property determined by the Director to be necessary to operate dispensaries, stores, or warehouses; and

(ii) alcoholic beverages from any source for resale.

(2) Except for purchases of merchandise for resale, the [Department] **SERVICES** shall make all purchases through the County Office of Procurement.

25–310.

(a) With the approval of the County Executive, the Director may establish a dispensary at one or more locations that the Director determines.

(b) (1) The [Department] **SERVICES** may sell its inventory through:

(i) dispensaries selling at wholesale and retail; and

(ii) subject to subsection (c) of this section, retail outlets operated by individuals with whom the [Department] **SERVICES** contracts.

(2) Notwithstanding any other law, the Director may sell at wholesale or retail alcoholic beverages in whole cases or in individual bottles through dispensaries to a license holder in the county.

(3) The [Department] **SERVICES** may not sell alcoholic beverages at different prices to different license holders or classes of license holders.

(c) (1) The Director may not contract with a person to operate:

(i) a dispensary; or

(ii) except as provided in paragraph (2) of this subsection, a retail outlet for the sale of beer, wine, and liquor.

(2) The Director may enter into a contract with a person to operate a retail outlet for the sale of liquor for off-premises consumption if the person holds any license for off-premises consumption or for on- and off-premises consumption.

(3) The [Department] **SERVICES** shall establish criteria for contracting with retail outlets.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Beer” includes draft beer in refillable and nonrefillable containers.

(iii) “Wine” includes wine in refillable containers.

(2) A dispensary:

(i) may sell only:

1. except as provided for in subsection (e) of this section, for off-premises consumption, nonchilled beer, wine, and liquor;

2. ice;

3. bottled water; and

4. items commonly associated with the serving or consumption of alcoholic beverages, including bottle openers, corkscrews, drink mixes, and lime juice; and

(ii) may not sell snack foods or soft drinks.

(e) (1) A dispensary may sell any product in the dispensary's inventory for the purpose of:

(i) holding tastings of beer, wine, and liquor on the premises of the dispensary only;

(ii) serving, for tasting, beer, wine, and liquor; and

(iii) allowing the consumption of beer, wine, and liquor by an individual for tasting in a quantity of not more than:

1. one-half ounce from each offering of liquor;

2. 1.5 ounces from all offerings of liquor in a day;

3. 1 ounce from each offering of wine;

4. 4 ounces from all offerings of wine in a day;

5. 3 ounces from each offering of beer; and

6. 12 ounces from all offerings of beer in a day.

(2) Once opened, a bottle used for beer, wine, or liquor tasting shall be marked that it is to be used for that purpose only.

(f) The [Department] **SERVICES** may sell or deliver alcoholic beverages to a retail license holder from 6 a.m. to midnight on every day except Sunday.

(g) A manager of a dispensary, an individual who contracts to operate a retail outlet as authorized under subsection (c) of this section, or an employee of a dispensary or retail outlet who commits a prohibited act related to the sale or providing of alcoholic beverages to individuals under the age of 21 years under this article or the Criminal Law Article is subject to:

(1) any penalty authorized by law, including a civil citation issued under § 10–119 of the Criminal Law Article; and

(2) a fine and suspension or revocation of employment by the Board in the same manner as a license holder or employee of a license holder would be subject to a fine and suspension or revocation of the license for the violation.

(h) Title 4, Subtitle 2 of this article does not apply to this section.

25–311.

(a) Revenue derived from the sale of alcoholic beverages shall be:

(1) deposited in a bank located in the county in the name of Montgomery County, Maryland; and

(2) disbursed by the Director of Finance in the same manner as other county funds.

(b) (1) There is [a Liquor Control] **AN ALCOHOL BEVERAGE SERVICES** Fund in the county.

(2) The proceeds derived from the sale of alcoholic beverages shall be credited into the [Liquor Control] **ALCOHOL BEVERAGE SERVICES** Fund to maintain an adequate balance of working capital, as determined by the Director and the Director of Finance and subject to the approval of the County Executive, for the continued operation of the dispensary system.

(3) After providing adequate working capital for the [Liquor Control] **ALCOHOL BEVERAGE SERVICES** Fund, the net proceeds shall be deposited to the general fund of the county.

25-312.

The [Department] **SERVICES** shall have the immunity from liability established under § 5-504 of the Courts Article.

25-402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to the [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** from 6 a.m. to midnight on every day except Sunday.

25-404.

(a) This section applies to a Class 6 pub-brewery license in the county.

(b) Section 2-208(d) of this article does not apply in the county.

(c) A holder of the license shall enter into a written agreement with the [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** for the sale and resale of malt beverages brewed under the license.

25-405.

(d) A holder of the license shall enter into a written agreement with the [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** for the sale and resale of malt beverages brewed under the license.

25–1005.

(c) The license authorizes the license holder to sell, at retail at the place described in the license, beer, wine, and liquor:

- (1) purchased from the [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** for the county;
- (2) for on–premises consumption; and
- (3) to a member or a guest accompanied by a member.

25–1007.

(d) The license authorizes the license holder to sell beer, wine, and liquor purchased from the [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** for on–premises consumption by:

- (1) a country club member;
- (2) a member of the immediate family of a country club member;
- (3) an individual residing temporarily in the clubhouse of the country club;

or

(4) a guest of a country club member, including an individual who attends a recognized national or regional athletic event held on the premises of the license holder if:

- (i) the license holder has applied to the Board to sell alcoholic beverages to individuals attending the event;
- (ii) the application has been made at least 60 days before the date that the event is to take place; and
- (iii) the Board has approved the application.

25–1011.1.

(e) All beer and wine intended for consumption at the stadium shall be purchased from the [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** for the county.

25–1201.

(e) The license holder shall:

- (1) contract for and provide food for consumption at a catered event;
- (2) meet the same ratio of gross receipts between food and alcoholic beverage sales as a holder of a Class B beer, wine, and liquor license; and
- (3) purchase all alcoholic beverages from the [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES**.

25–1302.

A holder of a Class C per diem beer license, a Class C per diem beer and wine license, or a Class C per diem beer, wine, and liquor license may purchase alcoholic beverages from:

- (1) a County [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** warehouse;
- (2) a dispensary;
- (3) a manufacturer with a self–distribution license or permit under § 25–307 of this title; or
- (4) a retail dealer licensed to sell alcoholic beverages for off–premises consumption.

25–1905.

A license holder may sell only alcoholic beverages purchased from the [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** for the county if the holder’s license is:

- (1) a Class A, Class B, Class H, Class C, or Class D beer license;
- (2) a Class B, Class C, or Class D beer and wine license; or
- (3) a Class A–TP, Class B, or Class C beer, wine, and liquor license.

#### **Article – Courts and Judicial Proceedings**

5–504.

The [Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** for Montgomery County shall be:

- (1) Immune from all suits for damages; and
- (2) Subject to suit only for the enforcement of contracts made by the

[Department of Liquor Control] **ALCOHOL BEVERAGE SERVICES** for Montgomery County.

**Article – Tax – General**

5–101.

(a) In this title the following words have the meanings indicated.

(1) (1) “Retail dealer” means a person who buys an alcoholic beverage for sale to a consumer.

(2) “Retail dealer” includes a county department of liquor control [or], A liquor control board, **OR THE ALCOHOL BEVERAGE SERVICES FOR MONTGOMERY COUNTY** that operates a dispensary.

(n) (1) “Wholesaler” means a person who buys or imports an alcoholic beverage for sale to another person for resale.

(2) “Wholesaler” includes a county department of liquor control [or], A liquor control board, **OR THE ALCOHOL BEVERAGE SERVICES FOR MONTGOMERY COUNTY** that operates a wholesale dispensary.

**SECTION 2. AND BE IT FURTHER ENACTED,** That, as provided in this Act:

(1) the Alcohol Beverage Services for Montgomery County is the successor of the Department of Liquor Control for Montgomery County; and

(2) in every ordinance, order, rule, regulation, policy, or document created by a county official, employee, or unit, the name “Department of Liquor Control” means “Alcohol Beverage Services”.

**SECTION 3. AND BE IT FURTHER ENACTED,** That nothing in this Act affects the term of office of a member of any commission, office, agency, or other county unit. An individual who is a member of a county unit on the effective date of this Act shall remain for the balance of the term, unless the member sooner dies, resigns, or is removed under provisions of law.

**SECTION 4. AND BE IT FURTHER ENACTED,** That any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended by this Act and validly entered into or existing before the effective date of this Act and every right, duty, or interest flowing from a statute amended by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended by this Act as though the amendment had not occurred.

## SECTION 5. AND BE IT FURTHER ENACTED, That:

(1) the continuity of every commission, office, agency, or other Montgomery County unit is retained; and

(2) the personnel records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of the Montgomery County unit are continued as the personnel records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the Montgomery County unit under the laws enacted by this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor's note following the section affected.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 674****(House Bill 633)**

AN ACT concerning

**Higher Education – Legal Representation Fund for Title IX Proceedings –  
Established**

FOR the purpose of establishing the Legal Representation Fund for Title IX Proceedings as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Maryland Higher Education Commission to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Governor to include in the annual budget bill a certain minimum appropriation to the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining a certain term; and generally relating to the Legal Representation Fund for Title IX Proceedings.

BY adding to

Article – Education  
Section 11–602  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement  
Section 6–226(a)(2)(i)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)112. and 113.  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)114.  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

### **Article – Education**

#### **11–602.**

**(A) IN THIS SECTION, “FUND” MEANS THE LEGAL REPRESENTATION FUND FOR TITLE IX PROCEEDINGS.**

**(B) THERE IS A LEGAL REPRESENTATION FUND FOR TITLE IX PROCEEDINGS.**

**(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS FOR REASONABLE COSTS AND ATTORNEY’S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER § 11–601 OF THIS SUBTITLE.**

**(D) THE COMMISSION SHALL ADMINISTER THE FUND.**

**(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) ANY INVESTMENT EARNINGS OF THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY TO PAY FOR REASONABLE COSTS AND ATTORNEY'S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER § 11-601 OF THIS SUBTITLE.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

~~(J) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED TO ASSIST STUDENTS WITH REASONABLE COSTS AND ATTORNEY'S FEES FOR TITLE IX PROCEEDINGS.~~

~~(K)~~ BEGINNING IN FISCAL YEAR 2021, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST ~~\$500,000~~ \$250,000 TO THE FUND.

#### Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund;

AND

**114. THE LEGAL REPRESENTATION FUND FOR TITLE IX PROCEEDINGS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 675**

**(Senate Bill 396)**

AN ACT concerning

### **Higher Education – Legal Representation Fund for Title IX Proceedings – Established**

FOR the purpose of establishing the Legal Representation Fund for Title IX Proceedings as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Maryland Higher Education Commission to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Governor to include in the annual budget bill a certain minimum appropriation to the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining a certain term; and generally relating to the Legal Representation Fund for Title IX Proceedings.

BY adding to

Article – Education

Section 11–602

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(i)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)112. and 113.  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY adding to  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)114.  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

#### **Article – Education**

#### **11–602.**

**(A) IN THIS SECTION, “FUND” MEANS THE LEGAL REPRESENTATION FUND FOR TITLE IX PROCEEDINGS.**

**(B) THERE IS A LEGAL REPRESENTATION FUND FOR TITLE IX PROCEEDINGS.**

**(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS FOR REASONABLE COSTS AND ATTORNEY’S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER § 11–601 OF THIS SUBTITLE.**

**(D) THE COMMISSION SHALL ADMINISTER THE FUND.**

**(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

**(F) THE FUND CONSISTS OF:**

**(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

(2) ANY INVESTMENT EARNINGS OF THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY TO PAY FOR REASONABLE COSTS AND ATTORNEY'S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER § 11-601 OF THIS SUBTITLE.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

~~(J) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED TO ASSIST STUDENTS WITH REASONABLE COSTS AND ATTORNEY'S FEES FOR TITLE IX PROCEEDINGS.~~

~~(K)~~ BEGINNING IN FISCAL YEAR 2021, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST ~~\$500,000~~ \$250,000 TO THE FUND.

#### Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund;

AND

**114. THE LEGAL REPRESENTATION FUND FOR TITLE IX PROCEEDINGS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 676**

**(House Bill 637)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Licenses**

FOR the purpose of authorizing a certain transferee of a Class B–D–7 license in a certain area of the 46th legislative district in Baltimore City to apply to the Board of License Commissioners to exchange the license for a Class A–7 license under certain circumstances; establishing an Inner Harbor Park license; authorizing the Board to issue a certain number of licenses to a nonprofit organization that is operated for a certain purpose; authorizing the licensed premises to be located in certain areas; providing that the license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption at certain times; specifying an annual license fee and certain other fees for certain privileges; altering the capital investment requirement for a public market license; authorizing the holder of a public market license to designate a vendor to sell certain alcoholic beverages for on–premises consumption at a restaurant in a certain premises; requiring that the restaurant have average daily receipts from the sale of food that are at least a certain amount of the total daily receipts of the restaurant; authorizing the vendor to sell alcoholic beverages in an area exceeding a certain amount of square feet; specifying the hours and days of sale; prohibiting the privilege to sell alcoholic beverages at the restaurant from being transferred to another location; specifying that the premises of the restaurant does not count toward a certain floor space limit; altering certain license fees; *altering certain street boundaries for the Old Goucher Revitalization District; authorizing certain licenses to be transferred within the Old Goucher Revitalization District;* authorizing the Board to issue a Class B beer, wine, and liquor license for a restaurant in a certain location under certain circumstances; prohibiting the Board from issuing more than a certain number of Class B–HM (hotel–motel) licenses in a certain location; ~~making a technical change;~~ providing certain exceptions from prohibitions against certain transactions involving a certain distillery and a certain retail dealer; making technical and conforming changes; providing for the

termination of certain provisions of this Act; and generally relating to alcoholic beverages licenses in Baltimore City.

BY renumbering

Article – Alcoholic Beverages  
Section 12–1001.2  
to be Section 12–1001.3  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 12–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 12–404, 12–902.1, 12–1002.1, 12–1603(e), and 12–1604  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 12–1001.2  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 12–1001.2 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 12–1001.3.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – Alcoholic Beverages**

12–102.

This title applies only in Baltimore City.

12–902.1.

(a) There is a Class A–7 beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for off–premises consumption.

(c) (1) Subject to paragraphs (2) [and (3)] **THROUGH (4)** of this subsection, a license holder who holds a valid Class B–D–7 beer, wine, and liquor license issued on or before July 1, 2018, may apply to the Board to exchange the license for a Class A–7 license if the license holder first obtains approval by resolution of the Baltimore City Council.

(2) The Board may not issue a Class A–7 license after July 1, 2020.

(3) In the 46th legislative district, a Class B–D–7 license may be exchanged for a Class A–7 license [only if the Class B–D–7 license was issued for an establishment operating in a Planned Use Development].

**(4) IN THE 46TH LEGISLATIVE DISTRICT, THE TRANSFEREE OF A CLASS B–D–7 LICENSE THAT IS SUCCESSFULLY TRANSFERRED FROM THE 3600 BLOCK OF FLEET STREET TO THE 5600 BLOCK OF EASTERN AVENUE MAY APPLY TO THE BOARD TO EXCHANGE THE LICENSE FOR A CLASS A–7 LICENSE FOR USE AT THE EASTERN AVENUE LOCATION ON OR BEFORE JULY 1, 2021.**

(d) A holder of a Class A–7 license may sell beer, wine, and liquor on Monday through Sunday from 9 a.m. to 10 p.m.

(e) The annual license fee is \$1,500.

#### **12–1001.2.**

**(A) THERE IS AN INNER HARBOR PARK LICENSE.**

**(B) (1) THE BOARD MAY ISSUE NOT MORE THAN TWO LICENSES FOR USE BY A NONPROFIT ORGANIZATION THAT IS OPERATED TO PROMOTE AND CARE FOR THE INNER HARBOR WATERFRONT.**

**(2) THE LICENSED PREMISES MAY BE LOCATED IN RASH FIELD AND IN WEST SHORE PARK.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION MONDAY THROUGH SUNDAY, FROM ~~6~~ 8 A.M. TO ~~2~~ 11 P.M. ~~THE FOLLOWING DAY~~**

**(D) (1) THE ANNUAL LICENSE FEE IS \$1,320.**

**(2) A LICENSE HOLDER SHALL PAY, IN ADDITION TO THE ANNUAL LICENSE FEE:**

**(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

(II) **\$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

12-1002.1.

(a) There is a public market license.

(b) The Board may issue the license only to an operator of an enclosed public market that:

(1) has a capital investment of at least ~~[\$3,000,000]~~ **\$5,000,000**; and

(2) is located in an area surrounded by Charles Street on the west, East Cross Street on the north, Light Street on the east, and East Cross Street on the south, in ward 23, precinct 1 of the 46th alcoholic beverages district.

(c) [The premises for which the public market license is issued shall be separate from the premises for which a Class D (7-day) beer and wine license has been issued.

(d) Ownership of the license is transferable only to the Baltimore Public Markets Corporation.

~~[(e)](D)~~ (1) The license authorizes the license holder to sell, for on- or off-premises consumption:

(i) beer;

(ii) wine; and

(iii) liquor, when served as an ingredient in mixed drinks that may be purchased for at least \$5 each.

(2) (i) Subject to subparagraph (ii) of this paragraph **AND SUBSECTION (E)(6) OF THIS SECTION**, the license holder may designate vendors within the public market to sell alcoholic beverages that are allowed under paragraph (1) of this subsection in leasable market space covering not more than 20% of the total square footage of floor space of the licensed premises.

(ii) [An] **EXCEPT AS PROVIDED IN SUBSECTION (E)(3) OF THIS SECTION**, AN individual vendor may sell alcoholic beverages in an area covering not more than 1,000 square feet of floor space.

(3) (i) The license holder shall submit to the Board the same information about each vendor that the Board requires of an applicant for a license.

(ii) The Board shall apply to the Central Repository for a State and national criminal history records check for each vendor authorized to sell alcoholic beverages.

(iii) A vendor authorized to sell alcoholic beverages or an individual who is designated by the vendor and employed in a supervisory capacity is required to be:

1. certified by an approved alcohol awareness program; and
2. present when alcoholic beverages are consumed.

(4) (i) Subject to subparagraph (ii) of this paragraph, monthly receipts from the sale of nonalcoholic beverage items shall be at least 65% of the total monthly receipts of the market.

(ii) The only nonalcoholic beverage items that may be counted in the calculation required under subparagraph (i) of this paragraph are items sold in the public market that are not provided as part of an off-premises catering service.

**(E) (1) THE LICENSE HOLDER MAY DESIGNATE A VENDOR TO SELL ALCOHOLIC BEVERAGES ALLOWED UNDER SUBSECTION (D)(1) OF THIS SECTION FOR ON-PREMISES CONSUMPTION AT A RESTAURANT IN THE PREMISES FORMERLY OCCUPIED BY AN ESTABLISHMENT FOR WHICH A CLASS D (7-DAY) BEER AND WINE LICENSE WAS ISSUED.**

**(2) THE RESTAURANT SHALL HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT.**

**(3) THE VENDOR DESIGNATED FOR THE RESTAURANT MAY SELL ALCOHOLIC BEVERAGES IN AN AREA EXCEEDING 1,000 SQUARE FEET OF FLOOR SPACE.**

**(4) THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES AT THE RESTAURANT ARE FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY, MONDAY THROUGH SUNDAY.**

**(5) THE PRIVILEGE TO SELL ALCOHOLIC BEVERAGES AT THE RESTAURANT MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

**(6) THE PREMISES OF THE RESTAURANT DO NOT COUNT TOWARD THE LIMIT ON THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD IN THE PUBLIC MARKET UNDER SUBSECTION (D)(2)(I) OF THIS SECTION.**

(f) A license holder or vendor may not:

(1) participate in or publicize, in or outside the public market, a pub crawl authorized under § 12–1101.1 of this title; or

(2) except for an event closed to the public, including a rehearsal dinner, wedding reception, corporate function, or retirement party, allow an open bar to be operated by a vendor.

(g) [The] EXCEPT AS PROVIDED UNDER SUBSECTION (E)(4) OF THIS SECTION, THE hours of sale of alcoholic beverages for on–premises consumption are:

(1) from 11:30 a.m. to 10 p.m. Monday through Thursday;

(2) from 11:30 a.m. to 11:30 p.m. on Friday;

(3) from 9 a.m. to 11:30 p.m. on Saturday; and

(4) from 9 a.m. to 9 p.m. on Sunday.

(h) The annual license fee is:

(1) subject to item (2) of this subsection, [~~\$6,500~~] **\$7,500**; or

(2) [~~\$2,500~~] **\$3,500**, if the applicant for the license obtains and extinguishes one Class A, Class B, Class D, or Class B–D–7 license issued for use in ward 23, precinct 1 of the 46th alcoholic beverages district.

(i) The Board shall adopt regulations to carry out this section, including regulations concerning the following activities in a public market:

(1) the conduct of vendors;

(2) the conduct of license holders within the public market;

(3) the holding of events that are closed to the public; and

(4) the maintaining of a common seating area.

12–1603.

(e) (1) *In this subsection, “Old Goucher Revitalization District” means the area surrounded by Howard Street on the west, 25th Street on the north, [St. Paul Street] HARGROVE STREET on the east, and 21st Street on the south.*

(2) If an establishment has a minimum capital investment, not including land and acquisition costs, of \$50,000, the Board may issue one Class B–D–7 license for use in each of the following properties in the Old Goucher Revitalization District:

(i) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 22nd Street on the south;

(ii) a property that is surrounded by Morton Street on the west, 23rd Street on the north, Charles Street on the east, and 22nd Street on the south;

(iii) a property that is surrounded by Morton Street on the west, Ware Street on the north, [Charles Street] **LOVEGROVE STREET** on the east, and 24th Street on the south; and

(iv) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 23rd Street on the south.

(3) A Class B–D–7 license that may be issued under (c)(6) **OR (7)** of this section may be transferred within the Old Goucher Revitalization District.

12–1604.

(a) This section applies only to the 46th alcoholic beverages district, which at all times is coterminous with the 46th legislative district in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

(b) Except as provided in subsections (c) and (d) of this section, the Board may not issue a new license in the 46th alcoholic beverages district.

(c) (1) The Board may issue:

(i) a 1–day license; and

(ii) except as provided in paragraph (2) of this subsection, and subject to paragraphs (3) and (4) of this subsection, a Class B beer, wine, and liquor license for use by a restaurant if the average daily receipts from the sale of food are at least 51% of the total daily receipts of the restaurant.

(2) The Board may issue a Class B beer, wine, and liquor license:

(i) for a restaurant in ward 26, precinct 8, ward 4, precinct 1, or ward 3, precinct 3 that has:

1. seating for more than 150 individuals;
2. a minimum capital investment of \$700,000; and

3. subject to paragraph (3) of this subsection, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) for a restaurant in ward 4, precinct 1, or ward 22, precinct 1, if the restaurant has:

1. seating for more than 75 individuals;
2. a minimum capital investment of \$700,000;
3. average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant; and
4. except as provided in paragraph (5) of this subsection, no sales for off-premises consumption;

(iii) for not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004, if each restaurant has:

1. a minimum capital investment of \$700,000;
2. seating for more than 75 individuals;
3. average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant; and
4. except as provided in paragraph (5) of this subsection, no sales for off-premises consumption;

(iv) for not more than three restaurants in a business planned unit development in ward 24, precinct 5, if each restaurant:

1. has a minimum capital investment of \$700,000;
2. has seating for more than 75 individuals, but not more than 150 individuals;
3. has average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant; and
4. except as provided in paragraph (5) of this subsection, may not sell for off-premises consumption; and

(v) for a restaurant in the area that is commonly known as Port Covington, bounded on the north by Interstate 95, on the east by the South Locust Point Terminal, and on the south and west by the Patapsco River, and that has:

1. seating for more than 150 individuals;
2. a minimum capital investment of \$700,000; and
3. subject to paragraph (3) of this subsection, average daily receipts from the sale of food that are at least 60% of the total daily receipts of the restaurant.

(3) When a license is renewed, the license holder shall file with the Board a statement of average daily receipts and an affidavit of a licensed certified public accountant that verify that the license holder has met the requirement under paragraph (1)(ii) or (2)(i)3 or (v)3 of this subsection.

(4) (i) A license may not be issued under paragraph (1)(ii) of this subsection for use in an establishment that is a fast-food-style restaurant.

(ii) A license issued under paragraph (1)(ii) of this subsection may not be transferred from the location of its first issuance.

**(5) THE BOARD MAY ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR A RESTAURANT IN WARD 21, PRECINCT 4 IN THE 1400 BLOCK OF WARNER STREET THAT HAS:**

- (I) SEATING FOR MORE THAN 150 INDIVIDUALS;**
- (II) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 40% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**
- (III) NO SALES FOR OFF-PREMISES CONSUMPTION.**

**[(5)] (6)** A license specified under this subsection, including a license that does not allow sales for off-premises consumption, may include an off-sale privilege for sales of refillable containers under a refillable container license issued in accordance with § 12-1102 of this title.

(d) (1) The Board may issue a Class D beer, wine, and liquor license to an applicant who holds or has applied for a Class 9 limited distillery license.

(2) A Class D beer, wine, and liquor license issued under this subsection may be transferred only to a holder of a Class 9 limited distillery license.

(e) The Board may issue:

(1) a Class C beer, wine, and liquor license in the 200 block of Holliday Street in ward 3, precinct 3;

(2) a Class C beer, wine, and liquor license in the 200 block of South Central Avenue in ward 3, precinct 3; and

(3) subject to subsection (f) of this section, a Class D beer license for the area in ward 24, precinct 5 that is bounded by East Fort Avenue on the north, the CSX access way on the east, East McComas Street on the south, and Whetstone Way on the west.

(f) A Class D beer license may be transferred into the area specified under subsection (e)(3) of this section if originally issued for another area.

(g) Notwithstanding subsection (c)(1) and (2) of this section, the Board may not issue a Class B beer, wine, and liquor restaurant license in:

(1) the area covered by the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

(2) the area covered by the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;

(3) (i) ward 1, precinct 4 or 5;

(ii) ward 23, precinct 1; and

(iii) ward 24, precinct 5; and

(4) the area known as Pen Lucy, ward 9, precincts 1 and 2.

(h) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Board may not issue a license for:

(i) ward 1, precincts 4 and 5;

(ii) ward 23, precinct 1; or

(iii) ward 24, precinct 5.

(2) The Board may issue not more than two Class B beer, wine, and liquor licenses, so that the cumulative number of licenses issued or transferred is two, into the area of 829 through 919 E. Fort Avenue only if the Board:

(i) has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under this paragraph and seeks to renew or transfer the license.

(3) (i) The Board may issue not more than a combined total of five Class B beer, wine, and liquor licenses for use by establishments on the north side of the 900 block of East Fort Avenue and on the west side of the 1400 block of Lawrence Street.

(ii) A license issued for an establishment in these areas may not be transferred to another establishment.

**(4) THE BOARD MAY ISSUE NOT MORE THAN ONE CLASS B-HM (HOTEL-MOTEL) BEER, WINE, AND LIQUOR LICENSE TO A HOTEL IN THE 1200 BLOCK OF EAST FORT AVENUE.**

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article - Alcoholic Beverages**

12-404.

**(A) Section 2-216(b) and (d) of this article does not apply to a holder of a Class 3 winery license or Class 4 limited winery license who is issued a Class A2 light wine on-sale and off-sale license with respect to the wine manufactured or bottled on the winery premises.**

**(B) (1) THIS SUBSECTION APPLIES ONLY TO A CLASS 1 DISTILLERY AND A RETAIL DEALER LOCATED ON CONTIGUOUS PREMISES IN THE AREA COMMONLY KNOWN AS PORT COVINGTON.**

**(2) THE CLASS 1 DISTILLERY:**

**(I) MAY LEND A THING OF VALUE, MAKE A GIFT, OR OFFER A GRATUITY TO THE RETAIL DEALER; BUT**

**(II) MAY NOT LEND MONEY TO THE RETAIL DEALER.**

**(3) THE RETAIL DEALER:**

**(I) MAY ACCEPT, RECEIVE, OR MAKE USE OF A GIFT OR AN ADVERTISEMENT PROVIDED BY THE CLASS 1 DISTILLERY; BUT**

**(II) MAY NOT BECOME INDEBTED TO THE DISTILLERY EXCEPT FOR THE PURCHASE OF ALCOHOLIC BEVERAGES AND ALLIED PRODUCTS PURCHASED FOR RESALE.**

**(4) SECTION 2-216(D) OF THIS ARTICLE REGARDING ADVERTISEMENTS DOES NOT APPLY TO THE CLASS 1 DISTILLERY AND THE LICENSED RETAILER.**

SECTION ~~3~~ 4 AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. Section 3 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2022, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 677

(Senate Bill 584)

AN ACT concerning

### Baltimore City – Alcoholic Beverages – Licenses

FOR the purpose of authorizing a certain transferee of a Class B–D–7 license in a certain area of the 46th legislative district in Baltimore City to apply to the Board of License Commissioners to exchange the license for a Class A–7 license under certain circumstances; establishing an Inner Harbor Park license; authorizing the Board to issue a certain number of licenses to a nonprofit organization that is operated for a certain purpose; authorizing the licensed premises to be located in certain areas; providing that the license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption at certain times; specifying an annual license fee and certain other fees for certain privileges; altering the capital investment requirement for a public market license; authorizing the holder of a public market license to designate a vendor to sell certain alcoholic beverages for on–premises consumption at a restaurant in a certain premises; requiring that the restaurant have average daily receipts from the sale of food that are at least a certain amount of the total daily receipts of the restaurant; authorizing the vendor to sell alcoholic beverages in an area exceeding a certain amount of square feet; specifying the hours and days of sale; prohibiting the privilege to sell alcoholic beverages at the restaurant from being transferred to another location; specifying that the premises of the restaurant does not count toward a certain floor space limit; altering certain license fees; altering certain street boundaries for the Old Goucher Revitalization District; authorizing certain licenses to be transferred within the Old Goucher Revitalization District;

authorizing the Board to issue a Class B beer, wine, and liquor license for a restaurant in a certain location under certain circumstances; prohibiting the Board from issuing more than a certain number of Class B–HM (hotel–motel) licenses in a certain location; ~~making a technical change;~~ providing certain exceptions from prohibitions against certain transactions involving a certain distillery and a certain retail dealer; making technical and conforming changes; providing for the termination of certain provisions of this Act; and generally relating to alcoholic beverages licenses in Baltimore City.

BY renumbering

Article – Alcoholic Beverages  
 Section 12–1001.2  
 to be Section 12–1001.3  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
 Section 12–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
 Section 12–404, 12–902.1, 12–1002.1, 12–1603(e), and 12–1604  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
 Section 12–1001.2  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 12–1001.2 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 12–1001.3.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

12–102.

This title applies only in Baltimore City.

12-902.1.

(a) There is a Class A-7 beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for off-premises consumption.

(c) (1) Subject to paragraphs (2) [and (3)] **THROUGH (4)** of this subsection, a license holder who holds a valid Class B-D-7 beer, wine, and liquor license issued on or before July 1, 2018, may apply to the Board to exchange the license for a Class A-7 license if the license holder first obtains approval by resolution of the Baltimore City Council.

(2) The Board may not issue a Class A-7 license after July 1, 2020.

(3) In the 46th legislative district, a Class B-D-7 license may be exchanged for a Class A-7 license [only if the Class B-D-7 license was issued for an establishment operating in a Planned Use Development].

**(4) IN THE 46TH LEGISLATIVE DISTRICT, THE TRANSFEREE OF A CLASS B-D-7 LICENSE THAT IS SUCCESSFULLY TRANSFERRED FROM THE 3600 BLOCK OF FLEET STREET TO THE 5600 BLOCK OF EASTERN AVENUE MAY APPLY TO THE BOARD TO EXCHANGE THE LICENSE FOR A CLASS A-7 LICENSE FOR USE AT THE EASTERN AVENUE LOCATION ON OR BEFORE JULY 1, 2021.**

(d) A holder of a Class A-7 license may sell beer, wine, and liquor on Monday through Sunday from 9 a.m. to 10 p.m.

(e) The annual license fee is \$1,500.

12-1001.2.

**(A) THERE IS AN INNER HARBOR PARK LICENSE.**

**(B) (1) THE BOARD MAY ISSUE NOT MORE THAN TWO LICENSES FOR USE BY A NONPROFIT ORGANIZATION THAT IS OPERATED TO PROMOTE AND CARE FOR THE INNER HARBOR WATERFRONT.**

**(2) THE LICENSED PREMISES MAY BE LOCATED IN RASH FIELD AND IN WEST SHORE PARK.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION MONDAY THROUGH SUNDAY, FROM 6 8 A.M. TO 2 A.M. ~~12 MIDNIGHT THE FOLLOWING DAY~~ 11 P.M.**

**(D) (1) THE ANNUAL LICENSE FEE IS \$1,320.**

(2) A LICENSE HOLDER SHALL PAY, IN ADDITION TO THE ANNUAL LICENSE FEE:

(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

12-1002.1.

(a) There is a public market license.

(b) The Board may issue the license only to an operator of an enclosed public market that:

(1) has a capital investment of at least [\$3,000,000] \$5,000,000; and

(2) is located in an area surrounded by Charles Street on the west, East Cross Street on the north, Light Street on the east, and East Cross Street on the south, in ward 23, precinct 1 of the 46th alcoholic beverages district.

(c) [The premises for which the public market license is issued shall be separate from the premises for which a Class D (7-day) beer and wine license has been issued.

(d) Ownership of the license is transferable only to the Baltimore Public Markets Corporation.

~~(e)~~ (D) (1) The license authorizes the license holder to sell, for on- or off-premises consumption:

(i) beer;

(ii) wine; and

(iii) liquor, when served as an ingredient in mixed drinks that may be purchased for at least \$5 each.

(2) (i) Subject to subparagraph (ii) of this paragraph AND SUBSECTION (E)(6) OF THIS SECTION, the license holder may designate vendors within the public market to sell alcoholic beverages that are allowed under paragraph (1) of this subsection in leasable market space covering not more than 20% of the total square footage of floor space of the licensed premises.

(ii) [An] EXCEPT AS PROVIDED IN SUBSECTION (E)(3) OF THIS SECTION, AN individual vendor may sell alcoholic beverages in an area covering not more than 1,000 square feet of floor space.

(3) (i) The license holder shall submit to the Board the same information about each vendor that the Board requires of an applicant for a license.

(ii) The Board shall apply to the Central Repository for a State and national criminal history records check for each vendor authorized to sell alcoholic beverages.

(iii) A vendor authorized to sell alcoholic beverages or an individual who is designated by the vendor and employed in a supervisory capacity is required to be:

1. certified by an approved alcohol awareness program; and
2. present when alcoholic beverages are consumed.

(4) (i) Subject to subparagraph (ii) of this paragraph, monthly receipts from the sale of nonalcoholic beverage items shall be at least 65% of the total monthly receipts of the market.

(ii) The only nonalcoholic beverage items that may be counted in the calculation required under subparagraph (i) of this paragraph are items sold in the public market that are not provided as part of an off-premises catering service.

**(E) (1) THE LICENSE HOLDER MAY DESIGNATE A VENDOR TO SELL ALCOHOLIC BEVERAGES ALLOWED UNDER SUBSECTION (D)(1) OF THIS SECTION FOR ON-PREMISES CONSUMPTION AT A RESTAURANT IN THE PREMISES FORMERLY OCCUPIED BY AN ESTABLISHMENT FOR WHICH A CLASS D (7-DAY) BEER AND WINE LICENSE WAS ISSUED.**

**(2) THE RESTAURANT SHALL HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT.**

**(3) THE VENDOR DESIGNATED FOR THE RESTAURANT MAY SELL ALCOHOLIC BEVERAGES IN AN AREA EXCEEDING 1,000 SQUARE FEET OF FLOOR SPACE.**

**(4) THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES AT THE RESTAURANT ARE FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY, MONDAY THROUGH SUNDAY.**

(5) THE PRIVILEGE TO SELL ALCOHOLIC BEVERAGES AT THE RESTAURANT MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

(6) THE PREMISES OF THE RESTAURANT DO NOT COUNT TOWARD THE LIMIT ON THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD IN THE PUBLIC MARKET UNDER SUBSECTION (D)(2)(I) OF THIS SECTION.

(f) A license holder or vendor may not:

(1) participate in or publicize, in or outside the public market, a pub crawl authorized under § 12-1101.1 of this title; or

(2) except for an event closed to the public, including a rehearsal dinner, wedding reception, corporate function, or retirement party, allow an open bar to be operated by a vendor.

(g) [The] EXCEPT AS PROVIDED UNDER SUBSECTION (E)(4) OF THIS SECTION, THE hours of sale of alcoholic beverages for on-premises consumption are:

(1) from 11:30 a.m. to 10 p.m. Monday through Thursday;

(2) from 11:30 a.m. to 11:30 p.m. on Friday;

(3) from 9 a.m. to 11:30 p.m. on Saturday; and

(4) from 9 a.m. to 9 p.m. on Sunday.

(h) The annual license fee is:

(1) subject to item (2) of this subsection, [~~\$6,500~~] **\$7,500**; or

(2) [~~\$2,500~~] **\$3,500**, if the applicant for the license obtains and extinguishes one Class A, Class B, Class D, or Class B-D-7 license issued for use in ward 23, precinct 1 of the 46th alcoholic beverages district.

(i) The Board shall adopt regulations to carry out this section, including regulations concerning the following activities in a public market:

(1) the conduct of vendors;

(2) the conduct of license holders within the public market;

(3) the holding of events that are closed to the public; and

(4) the maintaining of a common seating area.

12-1603.

(e) (1) In this subsection, “Old Goucher Revitalization District” means the area surrounded by Howard Street on the west, 25th Street on the north, [St. Paul Street] HARGROVE STREET on the east, and 21st Street on the south.

(2) If an establishment has a minimum capital investment, not including land and acquisition costs, of \$50,000, the Board may issue one Class B–D–7 license for use in each of the following properties in the Old Goucher Revitalization District:

(i) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 22nd Street on the south;

(ii) a property that is surrounded by Morton Street on the west, 23rd Street on the north, Charles Street on the east, and 22nd Street on the south;

(iii) a property that is surrounded by Morton Street on the west, Ware Street on the north, [Charles Street] LOVEGROVE STREET on the east, and 24th Street on the south; and

(iv) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 23rd Street on the south.

(3) A Class B–D–7 license that may be issued under (c)(6) OR (7) of this section may be transferred within the Old Goucher Revitalization District.

## 12-1604.

(a) This section applies only to the 46th alcoholic beverages district, which at all times is coterminous with the 46th legislative district in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

(b) Except as provided in subsections (c) and (d) of this section, the Board may not issue a new license in the 46th alcoholic beverages district.

(c) (1) The Board may issue:

(i) a 1-day license; and

(ii) except as provided in paragraph (2) of this subsection, and subject to paragraphs (3) and (4) of this subsection, a Class B beer, wine, and liquor license for use by a restaurant if the average daily receipts from the sale of food are at least 51% of the total daily receipts of the restaurant.

(2) The Board may issue a Class B beer, wine, and liquor license:

(i) for a restaurant in ward 26, precinct 8, ward 4, precinct 1, or ward 3, precinct 3 that has:

1. seating for more than 150 individuals;
2. a minimum capital investment of \$700,000; and
3. subject to paragraph (3) of this subsection, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) for a restaurant in ward 4, precinct 1, or ward 22, precinct 1, if the restaurant has:

1. seating for more than 75 individuals;
2. a minimum capital investment of \$700,000;
3. average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant; and
4. except as provided in paragraph (5) of this subsection, no sales for off-premises consumption;

(iii) for not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004, if each restaurant has:

1. a minimum capital investment of \$700,000;
2. seating for more than 75 individuals;
3. average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant; and
4. except as provided in paragraph (5) of this subsection, no sales for off-premises consumption;

(iv) for not more than three restaurants in a business planned unit development in ward 24, precinct 5, if each restaurant:

1. has a minimum capital investment of \$700,000;
2. has seating for more than 75 individuals, but not more than 150 individuals;

3. has average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant; and

4. except as provided in paragraph (5) of this subsection, may not sell for off-premises consumption; and

(v) for a restaurant in the area that is commonly known as Port Covington, bounded on the north by Interstate 95, on the east by the South Locust Point Terminal, and on the south and west by the Patapsco River, and that has:

1. seating for more than 150 individuals;

2. a minimum capital investment of \$700,000; and

3. subject to paragraph (3) of this subsection, average daily receipts from the sale of food that are at least 60% of the total daily receipts of the restaurant.

(3) When a license is renewed, the license holder shall file with the Board a statement of average daily receipts and an affidavit of a licensed certified public accountant that verify that the license holder has met the requirement under paragraph (1)(ii) or (2)(i)3 or (v)3 of this subsection.

(4) (i) A license may not be issued under paragraph (1)(ii) of this subsection for use in an establishment that is a fast-food-style restaurant.

(ii) A license issued under paragraph (1)(ii) of this subsection may not be transferred from the location of its first issuance.

**(5) THE BOARD MAY ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR A RESTAURANT IN WARD 21, PRECINCT 4 IN THE 1400 BLOCK OF WARNER STREET THAT HAS:**

**(I) SEATING FOR MORE THAN 150 INDIVIDUALS;**

**(II) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 40% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**

**(III) NO SALES FOR OFF-PREMISES CONSUMPTION.**

**[(5)] (6)** A license specified under this subsection, including a license that does not allow sales for off-premises consumption, may include an off-sale privilege for sales of refillable containers under a refillable container license issued in accordance with § 12-1102 of this title.

(d) (1) The Board may issue a Class D beer, wine, and liquor license to an applicant who holds or has applied for a Class 9 limited distillery license.

(2) A Class D beer, wine, and liquor license issued under this subsection may be transferred only to a holder of a Class 9 limited distillery license.

(e) The Board may issue:

(1) a Class C beer, wine, and liquor license in the 200 block of Holliday Street in ward 3, precinct 3;

(2) a Class C beer, wine, and liquor license in the 200 block of South Central Avenue in ward 3, precinct 3; and

(3) subject to subsection (f) of this section, a Class D beer license for the area in ward 24, precinct 5 that is bounded by East Fort Avenue on the north, the CSX access way on the east, East McComas Street on the south, and Whetstone Way on the west.

(f) A Class D beer license may be transferred into the area specified under subsection (e)(3) of this section if originally issued for another area.

(g) Notwithstanding subsection (c)(1) and (2) of this section, the Board may not issue a Class B beer, wine, and liquor restaurant license in:

(1) the area covered by the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

(2) the area covered by the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;

(3) (i) ward 1, precinct 4 or 5;

(ii) ward 23, precinct 1; and

(iii) ward 24, precinct 5; and

(4) the area known as Pen Lucy, ward 9, precincts 1 and 2.

(h) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Board may not issue a license for:

(i) ward 1, precincts 4 and 5;

(ii) ward 23, precinct 1; or

(iii) ward 24, precinct 5.

(2) The Board may issue not more than two Class B beer, wine, and liquor licenses, so that the cumulative number of licenses issued or transferred is two, into the area of 829 through 919 E. Fort Avenue only if the Board:

(i) has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under this paragraph and seeks to renew or transfer the license.

(3) (i) The Board may issue not more than a combined total of five Class B beer, wine, and liquor licenses for use by establishments on the north side of the 900 block of East Fort Avenue and on the west side of the 1400 block of Lawrence Street.

(ii) A license issued for an establishment in these areas may not be transferred to another establishment.

**(4) THE BOARD MAY ISSUE NOT MORE THAN ONE CLASS B–HM (HOTEL–MOTEL) BEER, WINE, AND LIQUOR LICENSE TO A HOTEL IN THE 1200 BLOCK OF EAST FORT AVENUE.**

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

12–404.

**(A) Section 2–216(b) and (d) of this article does not apply to a holder of a Class 3 winery license or Class 4 limited winery license who is issued a Class A2 light wine on–sale and off–sale license with respect to the wine manufactured or bottled on the winery premises.**

**(B) (1) THIS SUBSECTION APPLIES ONLY TO A CLASS 1 DISTILLERY AND A RETAIL DEALER LOCATED ON CONTIGUOUS PREMISES IN THE AREA COMMONLY KNOWN AS PORT COVINGTON.**

**(2) THE CLASS 1 DISTILLERY:**

**(I) MAY LEND A THING OF VALUE, MAKE A GIFT, OR OFFER A GRATUITY TO THE RETAIL DEALER; BUT**

**(II) MAY NOT LEND MONEY TO THE RETAIL DEALER.**

**(3) THE RETAIL DEALER:**

**(I) MAY ACCEPT, RECEIVE, OR MAKE USE OF A GIFT OR AN ADVERTISEMENT PROVIDED BY THE CLASS 1 DISTILLERY; BUT**

**(II) MAY NOT BECOME INDEBTED TO THE DISTILLERY EXCEPT FOR THE PURCHASE OF ALCOHOLIC BEVERAGES AND ALLIED PRODUCTS PURCHASED FOR RESALE.**

**(4) SECTION 2-216(D) OF THIS ARTICLE REGARDING ADVERTISEMENTS DOES NOT APPLY TO THE CLASS 1 DISTILLERY AND THE LICENSED RETAILER.**

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. Section 3 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2022, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 678

**(House Bill 652)**

AN ACT concerning

### **Agriculture – Use of Antimicrobial Drugs – Limitations and Reporting Requirements**

FOR the purpose of clarifying a certain prohibition on administering a medically important antimicrobial drug in a regular pattern to certain cattle, swine, or poultry; exempting dairy cattle on a farm operation with a certain herd size from certain provisions of law concerning the use of medically important antimicrobial drugs; prohibiting the administration of a medically important antimicrobial drug to certain cattle, swine, or poultry unless ordered by a licensed veterinarian in a certain manner; setting certain limits on the length of time for which a medically important antimicrobial drug may be administered; requiring the Department of Agriculture to adopt certain regulations regarding the routine administration of a medically important antimicrobial drug to dairy cattle entering a dry cycle on or before a certain date; requiring a certain ~~owner~~ veterinarian to submit a copy of a certain ~~prescription~~ record or veterinary feed directive and a certain accounting to the Department of Agriculture on or before a certain date each year; requiring the Department to

include certain information in a certain annual report, on or before a certain date; requiring certain reported information to be disaggregated by county except under certain circumstances; requiring the Department to maintain certain records and information in a certain manner and for a certain amount of time; specifying that a certain penalty may be imposed per violation; ~~requiring the Department to provide written notice of the requirements of this Act to each owner that may be affected by this Act on or before a certain date; requiring the notice to be sent in a certain manner;~~ altering certain definitions; defining certain terms; and generally relating to the use of medically important antimicrobial drugs in cattle, swine, and poultry.

BY repealing and reenacting, with amendments,  
Article – Agriculture  
Section 3–1001 through 3–1005  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – Agriculture  
Section 3–1006  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

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

### Article – Agriculture

3–1001.

(a) In this subtitle the following words have the meanings indicated.

(b) **“ADMINISTERED IN A REGULAR PATTERN” MEANS USED:**

**(1) FOR MULTIPLE COURSES OF THERAPY IN THE SAME ANIMAL OR GROUP OF ANIMALS; OR**

**(2) AS STANDARD OPERATING PROCEDURE, INCLUDING:**

**(I) IN CORRESPONDENCE WITH A PARTICULAR LIFE STAGE OF AN ANIMAL, SUCH AS IN OVO, AT BIRTH OR HATCH, OR AT WEANING;**

**(II) AS AN ONGOING MANAGEMENT STRATEGY OR TOOL, SUCH AS IN CORRESPONDENCE WITH A PARTICULAR:**

**1. AGE OR WEIGHT OF AN ANIMAL;**

2. TIME OF THE WEEK, MONTH, OR YEAR; OR

3. SEASON; OR

(III) WHEN MOVING ANIMALS FROM ONE LOCATION TO ANOTHER; ~~OR~~

~~(IV) WHEN DAIRY CATTLE ENTER A DRY CYCLE.~~

(C) [“Disease control” means the use of a medically important antimicrobial drug to control the spread] **“CONTROL THE SPREAD OF DISEASE OR INFECTION” MEANS TO CONTAIN THE TRANSMISSION** of a documented disease or infection present in:

- (1) A group of animals in contact with each other; or
- (2) A barn or equivalent animal housing unit.

[(c)] (D) “Documented” means acknowledged and recorded.

(E) (1) **“ELEVATED RISK” MEANS A RISK THAT IS SIGNIFICANTLY HIGHER THAN THAT PRESENT UNDER NORMAL OR STANDARD OPERATING CONDITIONS.**

(2) **“ELEVATED RISK” DOES NOT INCLUDE A RISK TYPICALLY OR FREQUENTLY PRESENT UNDER NORMAL OR STANDARD OPERATING CONDITIONS.**

[(d)] (F) “Medically important antimicrobial drug” means any drug from a class of drug or derivative of a class of drug that is:

- (1) (i) Made from a mold or bacterium that kills or slows the growth of other microbes, specifically bacteria; and
- (ii) Used in human beings or intended for use in human beings to treat or prevent disease or infection; or

(2) Listed in:

(I) Appendix A of the federal Food and Drug Administration’s Guidance for Industry #152, including critically important, highly important, or important antimicrobial drugs; **OR**

(II) **A SUBSEQUENT GUIDANCE DOCUMENT CREATED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION THAT RANKS THE MEDICAL IMPORTANCE OF ANTIMICROBIAL DRUGS.**

**[(e)] (G)** “Medically important antimicrobial drug prescription” means an order issued by a veterinarian licensed in the State in the course of the veterinarian’s professional practice:

(1) For a medically important antimicrobial drug ~~that~~ that is:

(i) In a water-soluble powder form; and

(ii) To be added to the drinking water of cattle, swine, or poultry~~;~~;

and

(2) That provides the same or substantially similar information as the information that is required for a veterinary feed directive under Title 21, § 558.6(b)(3) and (4) of the Code of Federal Regulations.

**[(f)] (H)** “Owner” means a person that:

(1) Has an ownership interest in cattle, swine, or poultry, including a right or an option to purchase the cattle, swine, or poultry; or

(2) Is otherwise engaged in the business of obtaining live cattle, swine, or poultry under a growing agreement for the purpose of either slaughtering the cattle, swine, or poultry or selling the cattle, swine, or poultry for slaughter.

**(I) “PROPHYLAXIS” MEANS THE PREVENTION OF DISEASE OR INFECTION IN THE ABSENCE OF DOCUMENTED CLINICAL SIGNS OF DISEASE OR INFECTION.**

**(J) “TREAT A DISEASE OR INFECTION” MEANS TO RESOLVE CLINICAL SIGNS OF INFECTION OR DISEASE IN AN INFECTED ANIMAL.**

**[(g)] (K)** “Veterinary feed directive” means a written statement issued by a veterinarian licensed in the State in the course of the veterinarian’s professional practice that:

(1) Orders the use of an animal drug in or on animal feed;

(2) Authorizes an owner or a caretaker of an animal to obtain and use animal feed bearing or containing an animal drug to treat the animal; and

(3) Meets the conditions and requirements specified under Title 21, § 558.6 of the Code of Federal Regulations.

3–1002.

Except as otherwise provided in federal law or regulation, this subtitle does not apply to antimicrobial use in:

(1) Cattle on a farm operation that sells fewer than 200 cattle per year;

(2) **DAIRY CATTLE ON A FARM OPERATION WITH A HERD SIZE OF FEWER THAN ~~10~~ 300 DAIRY CATTLE;**

(3) Swine on a farm operation that sells fewer than 200 swine per year; or

~~[(3)]~~ (4) Poultry on a farm operation that sells fewer than 60,000 birds per year.

3-1003.

(a) **A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED IN FEED OR WATER TO CATTLE, SWINE, OR POULTRY UNLESS ORDERED BY A LICENSED VETERINARIAN THROUGH:**

(1) **A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION;**  
OR

(2) **A VETERINARY FEED DIRECTIVE.**

(B) (1) On or after January 1, 2018, and subject to subsection [(b)] (C) of this section, a medically important antimicrobial drug may be administered to cattle, swine, or poultry if, in the professional judgment of a licensed veterinarian, the medically important antimicrobial drug is necessary:

- (i) To treat a disease or infection;
- (ii) To control the spread of a disease or infection; or
- (iii) For a surgery or medical procedure.

(2) (I) On or after January 1, 2018, a medically important antimicrobial drug may be administered to cattle, swine, or poultry if, in the professional judgment of a licensed veterinarian, the medically important antimicrobial drug is necessary for prophylaxis to address an elevated risk of contraction of a particular disease or infection.

(II) **NOTWITHSTANDING SUBSECTION (E) OF THIS SECTION, ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG FOR THE PURPOSE OF PROPHYLAXIS MAY NOT EXCEED 21 DAYS UNLESS FEDERAL LABEL DIRECTIONS ~~MANDATE~~ REQUIRE A LONGER PERIOD OF USE.**

**[(b)] (C)** Unless administration of a medically important antimicrobial drug is consistent with subsection **[(a)(1)] (B)(1)** of this section, a medically important antimicrobial drug may not be administered in a regular pattern to cattle, swine, or poultry.

**[(c)] (D)** A medically important antimicrobial drug may not be administered to cattle, swine, or poultry solely for the purpose of:

- (1) Promoting weight gain; or
- (2) Improving feed efficiency.

**(E) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR A PERIOD LONGER THAN 21 DAYS.**

**(2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR A PERIOD LONGER THAN 21 DAYS IF THE FEDERAL LABEL DIRECTIONS FOR THE DRUG ~~MANDATE~~ REQUIRE A LONGER PERIOD OF USE.**

**(3) (I) A LICENSED VETERINARIAN MAY EXTEND ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG FOR NOT MORE THAN 21 DAYS IF, AFTER CONDUCTING AN ON-SITE VISIT, THE VETERINARIAN DETERMINES THAT THE EXTENSION IS NECESSARY TO TREAT OR CONTROL THE SPREAD OF DISEASE OR INFECTION.**

**(II) A LICENSED VETERINARIAN MAY GRANT ADDITIONAL EXTENSIONS OF NOT MORE THAN 21 DAYS, PROVIDED THAT THE VETERINARIAN CONDUCTS AN ON-SITE VISIT BEFORE EACH EXTENSION.**

**(F) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL ADOPT REGULATIONS PROHIBITING THE ROUTINE ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO DAIRY CATTLE ENTERING A DRY CYCLE EXCEPT WHEN NECESSARY BASED ON AN ASSESSMENT OF THE PRESENCE OF AN INTRAMAMMARY INFECTION.**

3-1004.

(a) Each year the Department shall collect publicly available data on the use in the State of medically important antimicrobial drugs in cattle, swine, and poultry from:

- (1) The U.S. Department of Agriculture;
- (2) The Centers for Disease Control and Prevention;

(3) The U.S. Food and Drug Administration; and

(4) Appropriate national AND STATE trade associations, organizations, and councils.

(b) ON OR BEFORE FEBRUARY 1, 2021, AND EACH FEBRUARY 1 THEREAFTER, ~~AN OWNER~~ A LICENSED VETERINARIAN SHALL SUBMIT TO THE DEPARTMENT, IN A MANNER DETERMINED BY THE DEPARTMENT:

(1) A COPY OF THE RECORD PRESCRIBING THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG ~~PRESCRIPTION~~ OR A COPY OF THE VETERINARY FEED DIRECTIVE FOR EACH MEDICALLY IMPORTANT ANTIMICROBIAL DRUG, AS LISTED IN APPENDIX A OF THE FEDERAL FOOD AND DRUG ADMINISTRATION'S GUIDANCE FOR INDUSTRY #152, ADMINISTERED IN FEED OR WATER TO CATTLE, SWINE, OR POULTRY DURING THE PREVIOUS CALENDAR YEAR; AND

(2) AN ACCOUNTING, AS PROVIDED BY THE OWNER, OF THE TOTAL NUMBER OF ANIMALS RAISED DURING THE PREVIOUS CALENDAR YEAR, CATEGORIZED BY SPECIES AND PRODUCTION CLASS.

(c) (1) On or before ~~December 1, 2019, and each December 1~~ FEBRUARY 1, 2020, AND EACH FEBRUARY 1 thereafter, the Department shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the data collected under [subsection] SUBSECTIONS (a) AND (b) of this section.

(2) ON OR BEFORE ~~DECEMBER~~ FEBRUARY 1, 2021, THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR YEAR:

(i) THE TOTAL NUMBER OF ANIMALS RAISED ON FARM OPERATIONS COVERED BY THIS SUBTITLE, CATEGORIZED BY SPECIES AND PRODUCTION CLASS;

(ii) THE SPECIFIC ANTIMICROBIAL ACTIVE INGREDIENTS AND CLASSES OF ANTIMICROBIAL ACTIVE INGREDIENTS USED;

(iii) THE TOTAL WEIGHT OF ANTIMICROBIAL ACTIVE INGREDIENTS USED;

(iv) INDICATIONS FOR WHICH VETERINARIANS PRESCRIBED MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS; AND

(V) PATTERNS OF USE FOR MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS, INCLUDING DURATION AND SEASONAL VARIATION.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE DISAGGREGATED BY COUNTY.

(II) IF THERE ARE TWO OR FEWER REPORTING FARM OPERATIONS IN A PARTICULAR COUNTY FOR ANY OF THE CATEGORIES DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT MAY REPORT THE INFORMATION FOR THAT CATEGORY ON A REGIONAL OR STATEWIDE BASIS.

(D) THE DEPARTMENT SHALL MAINTAIN ALL RECORDS AND INFORMATION RELATING TO THE ADMINISTRATION OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION:

(1) IN A MANNER THAT PROTECTS THE IDENTITY OF THE ~~FARM OPERATION THAT SUBMITTED THE INFORMATION~~ OWNER, OPERATOR, AND VETERINARIAN FOR WHOM THE INFORMATION WAS SUBMITTED; AND

(2) FOR AT LEAST 5 YEARS.

3-1005.

The Secretary may impose an administrative penalty, not exceeding \$2,000 PER VIOLATION, on a person that violates this subtitle.

3-1006.

The Department may adopt regulations to carry out this subtitle.

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) On or before November 1, 2019, the Department of Agriculture shall provide written notice of the requirements of this Act to each owner that may be affected by this Act.~~

~~(b) The notice shall be sent by first class mail to the owner's last known address.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 679****(Senate Bill 471)**

AN ACT concerning

**Agriculture – Use of Antimicrobial Drugs – Limitations and Reporting Requirements**

FOR the purpose of clarifying a certain prohibition on administering a medically important antimicrobial drug in a regular pattern to certain cattle, swine, or poultry; exempting dairy cattle on a farm operation with a certain herd size from certain provisions of law concerning the use of medically important antimicrobial drugs; prohibiting the administration of a medically important antimicrobial drug to certain cattle, swine, or poultry unless ordered by a licensed veterinarian in a certain manner; setting certain limits on the length of time for which a medically important antimicrobial drug may be administered; requiring the Department of Agriculture to adopt certain regulations regarding the routine administration of a medically important antimicrobial drug to dairy cattle entering a dry cycle on or before a certain date; requiring a certain ~~owner~~ veterinarian to submit a copy of a certain ~~prescription record~~ or veterinary feed directive and a certain accounting to the Department ~~of Agriculture~~ on or before a certain date each year; requiring the Department to include certain information in a certain annual report, on or before a certain date; requiring certain reported information to be disaggregated by county except under certain circumstances; requiring the Department to maintain certain records and information in a certain manner and for a certain amount of time; specifying that a certain penalty may be imposed per violation; ~~requiring the Department to provide written notice of the requirements of this Act to each owner that may be affected by this Act on or before a certain date; requiring the notice to be sent in a certain manner;~~ altering certain definitions; defining certain terms; and generally relating to the use of medically important antimicrobial drugs in cattle, swine, and poultry.

BY repealing and reenacting, with amendments,  
Article – Agriculture  
Section 3–1001 through 3–1005  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – Agriculture  
Section 3–1006  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

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

**Article – Agriculture**

3–1001.

(a) In this subtitle the following words have the meanings indicated.

(b) **“ADMINISTERED IN A REGULAR PATTERN” MEANS USED:**

**(1) FOR MULTIPLE COURSES OF THERAPY IN THE SAME ANIMAL OR GROUP OF ANIMALS; OR**

**(2) AS STANDARD OPERATING PROCEDURE, INCLUDING:**

**(I) IN CORRESPONDENCE WITH A PARTICULAR LIFE STAGE OF AN ANIMAL, SUCH AS IN OVO, AT BIRTH OR HATCH, OR AT WEANING;**

**(II) AS AN ONGOING MANAGEMENT STRATEGY OR TOOL, SUCH AS IN CORRESPONDENCE WITH A PARTICULAR:**

**1. AGE OR WEIGHT OF AN ANIMAL;**

**2. TIME OF THE WEEK, MONTH, OR YEAR; OR**

**3. SEASON; OR**

**(III) WHEN MOVING ANIMALS FROM ONE LOCATION TO ANOTHER; ~~OR~~**

**~~(IV) WHEN DAIRY CATTLE ENTER A DRY CYCLE.~~**

**(C) [“Disease control” means the use of a medically important antimicrobial drug to control the spread] “CONTROL THE SPREAD OF DISEASE OR INFECTION” MEANS TO CONTAIN THE TRANSMISSION of a documented disease or infection present in:**

**(1) A group of animals in contact with each other; or**

**(2) A barn or equivalent animal housing unit.**

**[(c)] (D) “Documented” means acknowledged and recorded.**

**(E) (1) “ELEVATED RISK” MEANS A RISK THAT IS SIGNIFICANTLY HIGHER THAN THAT PRESENT UNDER NORMAL OR STANDARD OPERATING CONDITIONS.**

**(2) “ELEVATED RISK” DOES NOT INCLUDE A RISK TYPICALLY OR FREQUENTLY PRESENT UNDER NORMAL OR STANDARD OPERATING CONDITIONS.**

**[(d)] (F)** “Medically important antimicrobial drug” means any drug from a class of drug or derivative of a class of drug that is:

(1) (i) Made from a mold or bacterium that kills or slows the growth of other microbes, specifically bacteria; and

(ii) Used in human beings or intended for use in human beings to treat or prevent disease or infection; or

(2) Listed in:

**(I)** Appendix A of the federal Food and Drug Administration’s Guidance for Industry #152, including critically important, highly important, or important antimicrobial drugs; **OR**

**(II) A SUBSEQUENT GUIDANCE DOCUMENT CREATED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION THAT RANKS THE MEDICAL IMPORTANCE OF ANTIMICROBIAL DRUGS.**

**[(e)] (G)** “Medically important antimicrobial drug prescription” means an order issued by a veterinarian licensed in the State in the course of the veterinarian’s professional practice:

(1) For a medically important antimicrobial drug ~~that~~ that is:

(i) In a water-soluble powder form; and

(ii) To be added to the drinking water of cattle, swine, or poultry~~;~~;

and

(2) That provides the same or substantially similar information as the information that is required for a veterinary feed directive under Title 21, § 558.6(b)(3) and (4) of the Code of Federal Regulations.

**[(f)] (H)** “Owner” means a person that:

(1) Has an ownership interest in cattle, swine, or poultry, including a right or an option to purchase the cattle, swine, or poultry; or

(2) Is otherwise engaged in the business of obtaining live cattle, swine, or poultry under a growing agreement for the purpose of either slaughtering the cattle, swine, or poultry or selling the cattle, swine, or poultry for slaughter.

**(I) “PROPHYLAXIS” MEANS THE PREVENTION OF DISEASE OR INFECTION IN THE ABSENCE OF DOCUMENTED CLINICAL SIGNS OF DISEASE OR INFECTION.**

**(J) “TREAT A DISEASE OR INFECTION” MEANS TO RESOLVE CLINICAL SIGNS OF INFECTION OR DISEASE IN AN INFECTED ANIMAL.**

**[(g)] (K)** “Veterinary feed directive” means a written statement issued by a veterinarian licensed in the State in the course of the veterinarian’s professional practice that:

- (1) Orders the use of an animal drug in or on animal feed;
- (2) Authorizes an owner or a caretaker of an animal to obtain and use animal feed bearing or containing an animal drug to treat the animal; and
- (3) Meets the conditions and requirements specified under Title 21, § 558.6 of the Code of Federal Regulations.

3–1002.

Except as otherwise provided in federal law or regulation, this subtitle does not apply to antimicrobial use in:

- (1) Cattle on a farm operation that sells fewer than 200 cattle per year;
- (2) **DAIRY CATTLE ON A FARM OPERATION WITH A HERD SIZE OF FEWER THAN ~~10~~ 300 DAIRY CATTLE;**
- (3) Swine on a farm operation that sells fewer than 200 swine per year; or
- [(3)] (4)** Poultry on a farm operation that sells fewer than 60,000 birds per year.

3–1003.

**(a) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED IN FEED OR WATER TO CATTLE, SWINE, OR POULTRY UNLESS ORDERED BY A LICENSED VETERINARIAN THROUGH:**

- (1) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION;**  
**OR**
- (2) A VETERINARY FEED DIRECTIVE.**

**(B)** (1) On or after January 1, 2018, and subject to subsection **[(b)] (C)** of this section, a medically important antimicrobial drug may be administered to cattle, swine, or

poultry if, in the professional judgment of a licensed veterinarian, the medically important antimicrobial drug is necessary:

- (i) To treat a disease or infection;
- (ii) To control the spread of a disease or infection; or
- (iii) For a surgery or medical procedure.

(2) (I) On or after January 1, 2018, a medically important antimicrobial drug may be administered to cattle, swine, or poultry if, in the professional judgment of a licensed veterinarian, the medically important antimicrobial drug is necessary for prophylaxis to address an elevated risk of contraction of a particular disease or infection.

**(II) NOTWITHSTANDING SUBSECTION (E) OF THIS SECTION, ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG FOR THE PURPOSE OF PROPHYLAXIS MAY NOT EXCEED 21 DAYS UNLESS FEDERAL LABEL DIRECTIONS ~~MANDATE~~ REQUIRE A LONGER PERIOD OF USE.**

[(b)] (C) Unless administration of a medically important antimicrobial drug is consistent with subsection [(a)(1)] (B)(1) of this section, a medically important antimicrobial drug may not be administered in a regular pattern to cattle, swine, or poultry.

[(c)] (D) A medically important antimicrobial drug may not be administered to cattle, swine, or poultry solely for the purpose of:

- (1) Promoting weight gain; or
- (2) Improving feed efficiency.

**(E) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR A PERIOD LONGER THAN 21 DAYS.**

**(2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR A PERIOD LONGER THAN 21 DAYS IF THE FEDERAL LABEL DIRECTIONS FOR THE DRUG ~~MANDATE~~ REQUIRE A LONGER PERIOD OF USE.**

**(3) (I) A LICENSED VETERINARIAN MAY EXTEND ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG FOR NOT MORE THAN 21 DAYS IF, AFTER CONDUCTING AN ON-SITE VISIT, THE VETERINARIAN DETERMINES THAT THE EXTENSION IS NECESSARY TO TREAT OR CONTROL THE SPREAD OF DISEASE OR INFECTION.**

(II) A LICENSED VETERINARIAN MAY GRANT ADDITIONAL EXTENSIONS OF NOT MORE THAN 21 DAYS, PROVIDED THAT THE VETERINARIAN CONDUCTS AN ON-SITE VISIT BEFORE EACH EXTENSION.

**(F) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL ADOPT REGULATIONS PROHIBITING THE ROUTINE ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO DAIRY CATTLE ENTERING A DRY CYCLE EXCEPT WHEN NECESSARY BASED ON AN ASSESSMENT OF THE PRESENCE OF AN INTRAMAMMARY INFECTION.**

3-1004.

(a) Each year the Department shall collect publicly available data on the use in the State of medically important antimicrobial drugs in cattle, swine, and poultry from:

- (1) The U.S. Department of Agriculture;
- (2) The Centers for Disease Control and Prevention;
- (3) The U.S. Food and Drug Administration; and
- (4) Appropriate national AND STATE trade associations, organizations, and councils.

(b) **ON OR BEFORE FEBRUARY 1, 2021, AND EACH FEBRUARY 1 THEREAFTER, ~~AN OWNER~~ A LICENSED VETERINARIAN SHALL SUBMIT TO THE DEPARTMENT, IN A MANNER DETERMINED BY THE DEPARTMENT:**

**(1) A COPY OF THE RECORD PRESCRIBING THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG ~~PRESCRIPTION~~ OR A COPY OF THE VETERINARY FEED DIRECTIVE FOR EACH MEDICALLY IMPORTANT ANTIMICROBIAL DRUG, AS LISTED IN APPENDIX A OF THE FEDERAL FOOD AND DRUG ADMINISTRATION'S GUIDANCE FOR INDUSTRY #152, ADMINISTERED IN FEED OR WATER TO CATTLE, SWINE, OR POULTRY DURING THE PREVIOUS CALENDAR YEAR; AND**

**(2) AN ACCOUNTING, AS PROVIDED BY THE OWNER, OF THE TOTAL NUMBER OF ANIMALS RAISED DURING THE PREVIOUS CALENDAR YEAR, CATEGORIZED BY SPECIES AND PRODUCTION CLASS.**

(C) (1) On or before ~~December 1, 2019, and each December 1~~ **FEBRUARY 1, 2020, AND EACH FEBRUARY 1** thereafter, the Department shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the data collected under [subsection] **SUBSECTIONS (a) AND (B)** of this section.

(2) ON OR BEFORE ~~DECEMBER~~ FEBRUARY 1, 2021, THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR YEAR:

(I) THE TOTAL NUMBER OF ANIMALS RAISED ON FARM OPERATIONS COVERED BY THIS SUBTITLE, CATEGORIZED BY SPECIES AND PRODUCTION CLASS;

(II) THE SPECIFIC ANTIMICROBIAL ACTIVE INGREDIENTS AND CLASSES OF ANTIMICROBIAL ACTIVE INGREDIENTS USED;

(III) THE TOTAL WEIGHT OF ANTIMICROBIAL ACTIVE INGREDIENTS USED;

(IV) INDICATIONS FOR WHICH VETERINARIANS PRESCRIBED MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS; AND

(V) PATTERNS OF USE FOR MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS, INCLUDING DURATION AND SEASONAL VARIATION.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE DISAGGREGATED BY COUNTY.

(II) IF THERE ARE TWO OR FEWER REPORTING FARM OPERATIONS IN A PARTICULAR COUNTY FOR ANY OF THE CATEGORIES DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT MAY REPORT THE INFORMATION FOR THAT CATEGORY ON A REGIONAL OR STATEWIDE BASIS.

(D) THE DEPARTMENT SHALL MAINTAIN ALL RECORDS AND INFORMATION RELATING TO THE ADMINISTRATION OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION:

(1) IN A MANNER THAT PROTECTS THE IDENTITY OF THE ~~FARM OPERATION THAT SUBMITTED THE INFORMATION~~ OWNER, OPERATOR, AND VETERINARIAN FOR WHOM THE INFORMATION WAS SUBMITTED; AND

(2) FOR AT LEAST 5 YEARS.

3-1005.

The Secretary may impose an administrative penalty, not exceeding \$2,000 PER VIOLATION, on a person that violates this subtitle.

3–1006.

The Department may adopt regulations to carry out this subtitle.

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) On or before November 1, 2019, the Department of Agriculture shall provide written notice of the requirements of this Act to each owner that may be affected by this Act.~~

~~(b) The notice shall be sent by first class mail to the owner's last known address.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 680

### (House Bill 657)

AN ACT concerning

#### Arts Education in Maryland Schools Alliance Grant

FOR the purpose of requiring the Governor to include in the annual State budget a certain appropriation for a certain purpose; providing that the grant is in addition to and may not supplant funds otherwise granted to the Arts Education in Maryland Schools Alliance; providing for the termination of this Act; and generally related to a grant for the Arts Education in Maryland Schools Alliance.

BY adding to

Article – Education

Section 5–221

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

#### Article – Education

**5–221.**

(A) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF AT LEAST ~~\$600,000~~ \$100,000 FOR A GRANT TO THE BOARD OF TRUSTEES OF THE ARTS EDUCATION IN MARYLAND SCHOOLS ALLIANCE FOR THE DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE OF THE ARTLOOK MAP MARYLAND PROJECT.

(B) THE GRANT SHALL BE IN ADDITION TO AND MAY NOT SUPPLANT THE FUNDS OTHERWISE GRANTED TO THE ARTS EDUCATION IN MARYLAND SCHOOLS ALLIANCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 4 years and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 681

(Senate Bill 896)

AN ACT concerning

### Arts Education in Maryland Schools Alliance Grant

FOR the purpose of requiring the Governor to include in the annual State budget a certain appropriation for a certain purpose; providing that the grant is in addition to and may not supplant funds otherwise granted to the Arts Education in Maryland Schools Alliance; providing for the termination of this Act; and generally related to a grant for the Arts Education in Maryland Schools Alliance.

BY adding to

Article – Education

Section 5–221

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

### Article – Education

5–221.

(A) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF AT LEAST ~~\$600,000~~ \$100,000 FOR A GRANT TO THE BOARD OF TRUSTEES OF THE ARTS EDUCATION IN MARYLAND SCHOOLS ALLIANCE FOR THE DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE OF THE ARTLOOK MAP MARYLAND PROJECT.

(B) THE GRANT SHALL BE IN ADDITION TO AND MAY NOT SUPPLANT THE FUNDS OTHERWISE GRANTED TO THE ARTS EDUCATION IN MARYLAND SCHOOLS ALLIANCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 4 years and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 682

(House Bill 658)

AN ACT concerning

### **Interagency Agreements – Historically Black Colleges and Universities – ~~Goals~~ Reporting Requirements**

FOR the purpose of requiring the Department of Budget and Management to ~~require certain agencies and units to establish certain goals related to interagency agreements with historically black colleges and universities; authorizing the Department to issue a certain waiver under certain circumstances; requiring the Department to~~ include certain information in certain reports to certain committees of the General Assembly on or before a certain date each year; defining certain terms; and generally relating to interagency agreements.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 3–207  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

### **Article – State Finance and Procurement**

3-207.

(a) **(1)** In this section[,"interagency"] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "HISTORICALLY BLACK COLLEGES AND UNIVERSITIES" MEANS BOWIE STATE UNIVERSITY, COPPIN STATE UNIVERSITY, MORGAN STATE UNIVERSITY, AND UNIVERSITY OF MARYLAND EASTERN SHORE.**

**(3) "INTERAGENCY agreement"** means an agreement between an agency or unit of the Executive Branch of State government and a public institution of higher education that:

**[(1)] (I)** has a duration of 3 years or more;

**[(2)] (II)** was in place during any part of the immediately preceding fiscal year; and

**[(3)] (III)** has a total value of more than \$750,000.

(b) At least once every 3 years, the Department shall review each interagency agreement to determine:

(1) whether the agreement is necessary and should continue;

(2) whether the services can be provided more cost effectively by the agency or unit or through a competitive procurement; and

(3) whether the agreement is being utilized due to the agency's or unit's inability to recruit or retain positions and, if so, whether an annual salary review should be conducted to address recruitment or retention issues.

(c) The Department shall establish a cycle to review one-third of the interagency agreements each year.

~~(d) **(1) THE DEPARTMENT SHALL REQUIRE EACH AGENCY OR UNIT THAT USES INTERAGENCY AGREEMENTS TO ESTABLISH A GOAL THAT AT LEAST 5% OF EACH AGENCY'S OR UNIT'S TOTAL ANNUAL INTERAGENCY AGREEMENT EXPENDITURES BE AWARDED TO THE STATE'S HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.**~~

~~**(2) THE DEPARTMENT MAY ISSUE A WAIVER OF THE GOAL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF AN AGENCY OR UNIT PROVIDES A REASONABLE DEMONSTRATION OF GOOD FAITH EFFORTS TO ACHIEVE THE GOAL.**~~

~~(E)~~ (1) Subject to paragraphs (2) and (3) of this subsection, on or before December 1 each year, the Department shall report a summary of the findings of the review required under subsection (b) of this section to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Department of Legislative Services, in accordance with § 2–1246 of the State Government Article.

(2) In each report required under paragraph (1) of this subsection, the Department shall provide the following information:

- (i) the interagency agreements that will continue;
- (ii) services that will be competitively procured;
- (iii) services that will be provided by the agency or unit as a result of the review;
- (iv) services that have been or will be canceled as a result of the review; and
- (v) actions taken to address recruitment or retention issues identified as a result of the review.

**(3) IN EACH REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PROVIDE INFORMATION ON INTERAGENCY AGREEMENTS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, INCLUDING:**

~~(I) DETAILED PLANS BY AGENCIES AND UNITS TO MEET THE 5% GOAL ESTABLISHED IN SUBSECTION (D)(1) OF THIS SECTION;~~

~~(II) THE TOTAL PERCENTAGE OF INTERAGENCY CONTRACTS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, BY AGENCY OR UNIT; AND~~

~~(III) THE NUMBER OF WAIVERS GRANTED UNDER SUBSECTION (D)(2) OF THIS SECTION, THE REASONS FOR THE WAIVERS, AND ANY BARRIERS TO INTERAGENCY AGREEMENTS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES; AND~~

~~(IV) (II) ANY RECOMMENDATIONS FOR REGULATORY OR STATUTORY CHANGES NECESSARY TO ENCOURAGE ATTAINMENT OF THE 5% GOAL ADDRESS BARRIERS TO INTERAGENCY AGREEMENTS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 683

(Senate Bill 755)

AN ACT concerning

### **Interagency Agreements – Historically Black Colleges and Universities – Goals Reporting Requirements**

FOR the purpose of requiring the Department of Budget and Management to ~~require certain agencies and units to establish certain goals related to interagency agreements with historically black colleges and universities; authorizing the Department to issue a certain waiver under certain circumstances; requiring the Department to~~ include certain information in certain reports to certain committees of the General Assembly on or before a certain date each year; defining certain terms; and generally relating to interagency agreements.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 3–207  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

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

#### **Article – State Finance and Procurement**

3–207.

(a) (1) In this section[,"interagency"] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“HISTORICALLY BLACK COLLEGES AND UNIVERSITIES” MEANS BOWIE STATE UNIVERSITY, COPPIN STATE UNIVERSITY, MORGAN STATE UNIVERSITY, AND UNIVERSITY OF MARYLAND EASTERN SHORE.**

(3) “INTERAGENCY agreement” means an agreement between an agency or unit of the Executive Branch of State government and a public institution of higher education that:

[(1)] (I) has a duration of 3 years or more;

[(2)] (II) was in place during any part of the immediately preceding fiscal year; and

[(3)] (III) has a total value of more than \$750,000.

(b) At least once every 3 years, the Department shall review each interagency agreement to determine:

(1) whether the agreement is necessary and should continue;

(2) whether the services can be provided more cost effectively by the agency or unit or through a competitive procurement; and

(3) whether the agreement is being utilized due to the agency’s or unit’s inability to recruit or retain positions and, if so, whether an annual salary review should be conducted to address recruitment or retention issues.

(c) The Department shall establish a cycle to review one-third of the interagency agreements each year.

(d) ~~(1) THE DEPARTMENT SHALL REQUIRE EACH AGENCY OR UNIT THAT USES INTERAGENCY AGREEMENTS TO ESTABLISH A GOAL THAT AT LEAST 5% OF EACH AGENCY’S OR UNIT’S TOTAL ANNUAL INTERAGENCY AGREEMENT EXPENDITURES BE AWARDED TO THE STATE’S HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.~~

~~(2) THE DEPARTMENT MAY ISSUE A WAIVER OF THE GOAL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF AN AGENCY OR UNIT PROVIDES A REASONABLE DEMONSTRATION OF GOOD FAITH EFFORTS TO ACHIEVE THE GOAL.~~

~~(E)~~ (1) Subject to paragraphs (2) and (3) of this subsection, on or before December 1 each year, the Department shall report a summary of the findings of the review required under subsection (b) of this section to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Department of Legislative Services, in accordance with § 2-1246 of the State Government Article.

(2) In each report required under paragraph (1) of this subsection, the Department shall provide the following information:

(i) the interagency agreements that will continue;

- (ii) services that will be competitively procured;
- (iii) services that will be provided by the agency or unit as a result of the review;
- (iv) services that have been or will be canceled as a result of the review; and
- (v) actions taken to address recruitment or retention issues identified as a result of the review.

**(3) IN EACH REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PROVIDE INFORMATION ON INTERAGENCY AGREEMENTS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, INCLUDING:**

~~(I) DETAILED PLANS BY AGENCIES AND UNITS TO MEET THE 5% GOAL ESTABLISHED IN SUBSECTION (D)(1) OF THIS SECTION;~~

~~(H) THE TOTAL PERCENTAGE OF INTERAGENCY CONTRACTS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, BY AGENCY OR UNIT; AND~~

~~(III) THE NUMBER OF WAIVERS GRANTED UNDER SUBSECTION (D)(2) OF THIS SECTION, THE REASONS FOR THE WAIVERS, AND ANY BARRIERS TO INTERAGENCY AGREEMENTS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES; AND~~

~~(IV) (II) ANY RECOMMENDATIONS FOR REGULATORY OR STATUTORY CHANGES NECESSARY TO ENCOURAGE ATTAINMENT OF THE 5% GOAL ADDRESS BARRIERS TO INTERAGENCY AGREEMENTS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

AN ACT concerning

### **Household Goods Movers Registration**

FOR the purpose of prohibiting a person from providing household goods moving services using a certain commercial motor vehicle in the State unless the person is registered as a household goods mover under this Act; requiring a person to submit to the Department of Labor, Licensing, and Regulation a certain application and a certain fee to apply for a certain registration; establishing certain requirements and procedures for the registration of household goods movers under this Act; requiring the Department to issue a certain annual registration under certain circumstances; requiring a household goods mover to pay a certain fee each year and to retain a copy of a certain registration in certain vehicles; requiring the Department to adopt certain regulations; authorizing the Department to impose a certain penalty for certain violations of this Act; defining certain terms; and generally relating to household goods moving services and the registration of household goods movers.

BY adding to

Article – Business Regulation

Section 8.5–101 through 8.5–107 to be under the new title “Title 8.5. Household Goods Movers”

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

#### **Article – Business Regulation**

#### **TITLE 8.5. HOUSEHOLD GOODS MOVERS.**

##### **8.5–101.**

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “HOUSEHOLD GOODS MOVERS” HAS THE MEANING STATED IN § 14–3101 OF THE COMMERCIAL LAW ARTICLE.

(C) “HOUSEHOLD GOODS MOVING SERVICES” HAS THE MEANING STATED IN § 14–3101 OF THE COMMERCIAL LAW ARTICLE.

##### **8.5–102.**

(A) A PERSON MAY NOT PROVIDE OR OFFER TO PROVIDE HOUSEHOLD

**GOODS MOVING SERVICES IN THE STATE USING A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN 49 C.F.R. 390.5 OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS, UNLESS THE PERSON IS REGISTERED AS A HOUSEHOLD GOODS MOVER UNDER THIS TITLE.**

**(B) THIS TITLE MAY NOT BE CONSTRUED TO REQUIRE REGISTRATION OF:**

**(1) EMPLOYEES OF A PERSON REQUIRED TO REGISTER UNDER SUBSECTION (A) OF THIS SECTION; OR**

**(2) AN EMPLOYEE OF A PERSON WHOSE GOODS ARE BEING MOVED.**

**8.5-103.**

**TO APPLY FOR REGISTRATION AS A HOUSEHOLD GOODS MOVER, AN APPLICANT SHALL:**

**(1) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM PROVIDED BY THE DEPARTMENT; AND**

**(2) PAY THE DEPARTMENT AN APPLICATION FEE ESTABLISHED BY THE DEPARTMENT.**

**8.5-104.**

**AN APPLICANT FOR REGISTRATION SHALL PROVIDE:**

**(1) THE APPLICANT'S NAME AND ALL TRADE NAMES UNDER WHICH THE APPLICANT INTENDS TO PROVIDE HOUSEHOLD GOODS MOVING SERVICES IN THE STATE;**

**(2) THE APPLICANT'S PHYSICAL ADDRESS, TELEPHONE NUMBER, AND, IF APPLICABLE, E-MAIL ADDRESS;**

**(3) (I) THE NAME OF ALL PERSONS WITH AT LEAST 25% OWNERSHIP IN THE APPLICANT'S BUSINESS; AND**

**(II) IF A PERSON IDENTIFIED UNDER ITEM (I) OF THIS ITEM HAS PREVIOUSLY APPLIED FOR REGISTRATION FOR ANOTHER ENTITY, IDENTIFICATION OF THAT PERSON AND THE DISPOSITION OF THE APPLICATION FOR THE OTHER ENTITY;**

**(4) THE APPLICANT'S FEDERAL EMPLOYEE IDENTIFICATION**

NUMBER;

(5) THE NAME OF THE APPLICANT'S REGISTERED AGENT IN THE STATE;

(6) THE APPLICANT'S U.S. DEPARTMENT OF TRANSPORTATION OR STATE DEPARTMENT OF TRANSPORTATION NUMBER;

(7) INSURANCE CARRIER AND POLICY NUMBER SHOWING LIABILITY AND CARGO COVERAGE WITH THE MINIMUM STANDARDS IN 49 C.F.R. PART 387.303; AND

(8) PROOF OF WORKERS' COMPENSATION COVERAGE FOR ALL COVERED EMPLOYEES.

**8.5–105.**

(A) A HOUSEHOLD GOODS MOVER SHALL PAY AN ANNUAL REGISTRATION FEE ESTABLISHED BY THE DEPARTMENT.

(B) ON APPROVAL OF A NEW OR RENEWAL APPLICATION, THE DEPARTMENT SHALL ASSIGN A UNIQUE REGISTRATION NUMBER AND ISSUE AN ANNUAL REGISTRATION TO THE APPLICANT.

(C) A HOUSEHOLD GOODS MOVER SHALL RETAIN A COPY OF ITS ANNUAL REGISTRATION IN EACH VEHICLE USED TO PERFORM HOUSEHOLD GOODS MOVING SERVICES.

**8.5–106.**

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS TITLE, INCLUDING REGULATIONS ESTABLISHING REQUIREMENTS AND PROCEDURES FOR THE REGISTRATION OF HOUSEHOLD GOODS MOVERS AND PROVIDING FOR THE ENFORCEMENT OF THIS TITLE.

**8.5–107.**

THE DEPARTMENT MAY IMPOSE ON A PERSON WHO VIOLATES THIS TITLE A CIVIL PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

**Chapter 685****(Senate Bill 712)**

AN ACT concerning

**Household Goods Movers Registration**

FOR the purpose of prohibiting a person from providing household goods moving services using a certain commercial motor vehicle in the State unless the person is registered as a household goods mover under this Act; requiring a person to submit to the Department of Labor, Licensing, and Regulation a certain application and a certain fee to apply for a certain registration; establishing certain requirements and procedures for the registration of household goods movers under this Act; requiring the Department to issue a certain annual registration under certain circumstances; requiring a household goods mover to pay a certain fee each year and to retain a copy of a certain registration in certain vehicles; requiring the Department to adopt certain regulations; authorizing the Department to impose a certain penalty for certain violations of this Act; defining certain terms; and generally relating to household goods moving services and the registration of household goods movers.

BY adding to

Article – Business Regulation

Section 8.5–101 through 8.5–107 to be under the new title “Title 8.5. Household Goods Movers”

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

**Article – Business Regulation****TITLE 8.5. HOUSEHOLD GOODS MOVERS.****8.5–101.**

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “HOUSEHOLD GOODS MOVERS” HAS THE MEANING STATED IN § 14–3101 OF THE COMMERCIAL LAW ARTICLE.

(C) “HOUSEHOLD GOODS MOVING SERVICES” HAS THE MEANING STATED IN § 14–3101 OF THE COMMERCIAL LAW ARTICLE.

**8.5–102.**

(A) A PERSON MAY NOT PROVIDE OR OFFER TO PROVIDE HOUSEHOLD GOODS MOVING SERVICES IN THE STATE USING A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN 49 C.F.R. 390.5 OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS, UNLESS THE PERSON IS REGISTERED AS A HOUSEHOLD GOODS MOVER UNDER THIS TITLE.

(B) THIS TITLE MAY NOT BE CONSTRUED TO REQUIRE REGISTRATION OF:

(1) EMPLOYEES OF A PERSON REQUIRED TO REGISTER UNDER SUBSECTION (A) OF THIS SECTION; OR

(2) AN EMPLOYEE OF A PERSON WHOSE GOODS ARE BEING MOVED.

**8.5–103.**

TO APPLY FOR REGISTRATION AS A HOUSEHOLD GOODS MOVER, AN APPLICANT SHALL:

(1) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM PROVIDED BY THE DEPARTMENT; AND

(2) PAY THE DEPARTMENT AN APPLICATION FEE ESTABLISHED BY THE DEPARTMENT.

**8.5–104.**

AN APPLICANT FOR REGISTRATION SHALL PROVIDE:

(1) THE APPLICANT'S NAME AND ALL TRADE NAMES UNDER WHICH THE APPLICANT INTENDS TO PROVIDE HOUSEHOLD GOODS MOVING SERVICES IN THE STATE;

(2) THE APPLICANT'S PHYSICAL ADDRESS, TELEPHONE NUMBER, AND, IF APPLICABLE, E-MAIL ADDRESS;

(3) (I) THE NAME OF ALL PERSONS WITH AT LEAST 25% OWNERSHIP IN THE APPLICANT'S BUSINESS; AND

(II) IF A PERSON IDENTIFIED UNDER ITEM (I) OF THIS ITEM HAS PREVIOUSLY APPLIED FOR REGISTRATION FOR ANOTHER ENTITY, IDENTIFICATION

OF THAT PERSON AND THE DISPOSITION OF THE APPLICATION FOR THE OTHER ENTITY;

(4) THE APPLICANT'S FEDERAL EMPLOYEE IDENTIFICATION NUMBER;

(5) THE NAME OF THE APPLICANT'S REGISTERED AGENT IN THE STATE;

(6) THE APPLICANT'S U.S. DEPARTMENT OF TRANSPORTATION OR STATE DEPARTMENT OF TRANSPORTATION NUMBER;

(7) INSURANCE CARRIER AND POLICY NUMBER SHOWING LIABILITY AND CARGO COVERAGE WITH THE MINIMUM STANDARDS IN 49 C.F.R. PART 387.303; AND

(8) PROOF OF WORKERS' COMPENSATION COVERAGE FOR ALL COVERED EMPLOYEES.

#### 8.5-105.

(A) A HOUSEHOLD GOODS MOVER SHALL PAY AN ANNUAL REGISTRATION FEE ESTABLISHED BY THE DEPARTMENT.

(B) ON APPROVAL OF A NEW OR RENEWAL APPLICATION, THE DEPARTMENT SHALL ASSIGN A UNIQUE REGISTRATION NUMBER AND ISSUE AN ANNUAL REGISTRATION TO THE APPLICANT.

(C) A HOUSEHOLD GOODS MOVER SHALL RETAIN A COPY OF ITS ANNUAL REGISTRATION IN EACH VEHICLE USED TO PERFORM HOUSEHOLD GOODS MOVING SERVICES.

#### 8.5-106.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS TITLE, INCLUDING REGULATIONS ESTABLISHING REQUIREMENTS AND PROCEDURES FOR THE REGISTRATION OF HOUSEHOLD GOODS MOVERS AND PROVIDING FOR THE ENFORCEMENT OF THIS TITLE.

#### 8.5-107.

THE DEPARTMENT MAY IMPOSE ON A PERSON WHO VIOLATES THIS TITLE A CIVIL PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 686

(House Bill 680)

AN ACT concerning

~~**Responsible Workforce Development Percentage Price Preference Act**~~  
~~**State Procurement – State Funded Construction Projects – Payment of**~~  
~~**Employee Health Care Expenses**~~

FOR the purpose of requiring the Board of Public Works to adopt regulations to require certain ~~units to establish a certain responsible workforce development percentage price preference; requiring a procurement officer to apply a certain responsible workforce development percentage price preference if a certain certification is submitted or if the bidder is a minority business enterprise; requiring certain responsible bidders and subcontractors to certify on a certain form that certain health care expenses were at least a certain percentage of certain wages paid for during a certain period of time before the submission of a certain bid; bidders, contractors, and subcontractors to pay certain employee health care expenses; requiring the Department of General Services and the Department of Transportation, by regulation, to establish certain procedures to certify that a bidder, contractor, or subcontractor pays certain employee health care expenses; establishing the methods by which a bidder, contractor, or subcontractor demonstrates the payment of certain employee health care expenses; authorizing a bidder, contractor, or subcontractor to demonstrate the payment of employee health care expenses in a certain manner on or before a certain date; requiring the Department of General Services and the Department of Transportation to collaborate with the Department of Labor, Licensing, and Regulation to develop a certain form; authorizing a procurement officer to require a responsible bidder or subcontractor to submit certain records under certain circumstances; prohibiting a certain responsible workforce development percentage price preference from being applied under certain circumstances; requiring certain health care expenses paid by a certain bidder or subcontractor to be at least a certain percentage of certain wages paid during a certain period of time after the award of a certain contract; authorizing a procurement officer to void a certain contract under certain circumstances; requiring a certain bidder or subcontractor that fails to comply with a certain provision of law to pay a certain unit a certain amount; authorizing a procurement officer to void a contract under certain circumstances; prohibiting a certain person or entity from providing certain false information; establishing certain civil penalties~~

under certain circumstances; authorizing certain action to be brought by certain persons; requiring the Board to collect certain information and report to certain committees of the General Assembly; defining certain terms; providing for the application of this Act; and generally relating to ~~percentage price preferences and procurement~~ procurement and the payment of employee health care expenses.

BY adding to

Article – State Finance and Procurement

Section ~~14-701 through 14-705~~ 17-801 through 17-804 to be under the new subtitle

~~“Subtitle 7. Responsible Workforce Development Percentage Price Preference”~~

“Subtitle 8. Responsible Payment of Employee Health Care Expenses”

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

### Preamble

WHEREAS, The Maryland General Assembly finds that the State and the State’s political subdivisions incur substantial direct and indirect expenses when employers do not pay for employee health care expenses ~~and that it makes economic sense for State agencies to offer a bid preference to contractors that pay for employee health care expenses for employees in Maryland;~~ now, therefore,

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

### Article – State Finance and Procurement

~~SUBTITLE 7. RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE.~~

SUBTITLE 8. RESPONSIBLE PAYMENT OF EMPLOYEE HEALTH CARE EXPENSES.

~~14-701. 17-801.~~

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “AGGREGATE EMPLOYEE HEALTH CARE EXPENSES” MEANS ALL EMPLOYEE HEALTH CARE EXPENSES PAID BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR.

(C) (1) “AGGREGATE SOCIAL SECURITY WAGES” MEANS ALL WAGES PAID BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR TO AN EMPLOYEE FOR THE PERIOD OF TIME IN WHICH THE WAGES ARE PAID.

(2) “AGGREGATE SOCIAL SECURITY WAGES” DOES NOT INCLUDE WAGES THAT ARE ABOVE THE FEDERAL SOCIAL SECURITY CONTRIBUTION AND BENEFIT BASE.

(D) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A RESPONSIBLE BIDDER, CONTRACTOR, OR SUBCONTRACTOR TO WORK ON OR AT THE SITE OF A STATE-FUNDED CONSTRUCTION PROJECT ~~IN THE STATE BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR.~~

(E) (1) “EMPLOYEE HEALTH CARE EXPENSES” MEANS ANY COSTS FOR HEALTH CARE SERVICES THAT ARE PAID BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR TO AN EMPLOYEE, UNLESS THE EMPLOYEE HAS COVERAGE UNDER ANOTHER PLAN.

(2) “EMPLOYEE HEALTH CARE EXPENSES” INCLUDES:

(I) CONTRIBUTIONS MADE ON BEHALF OF AN EMPLOYEE TO PROVIDE CREDIBLE HEALTH CARE COVERAGE IN THE FORM OF ANY GROUP POLICY, CONTRACT, OR PROGRAM THAT IS WRITTEN OR ADMINISTERED BY A DISABILITY INSURER, HEALTH CARE SERVICE PLAN, FRATERNAL BENEFITS SOCIETY, SELF-INSURED EMPLOYER PLAN, OR ANY OTHER ENTITY, IN THIS STATE OR ELSEWHERE, THAT ARRANGES OR PROVIDES MEDICAL, HOSPITAL, AND SURGICAL COVERAGE NOT DESIGNATED TO SUPPLEMENT OTHER PRIVATE OR GOVERNMENTAL PLANS;

(II) CONTRIBUTIONS MADE ON BEHALF OF AN EMPLOYEE TO A HEALTH SAVINGS ACCOUNT AS DEFINED UNDER § 223 OF THE INTERNAL REVENUE CODE OR TO ANY OTHER ACCOUNT HAVING A SUBSTANTIALLY EQUIVALENT PURPOSE OR EFFECT WITHOUT REGARD TO WHETHER THE CONTRIBUTIONS QUALIFY FOR A TAX DEDUCTION OR ARE EXCLUDABLE FROM EMPLOYEE INCOME;

~~(H)~~ (III) REIMBURSEMENTS TO AN EMPLOYEE FOR EXPENSES INCURRED IN THE PURCHASE OF HEALTH CARE SERVICES;

~~(H)~~ (IV) PAYMENTS TO A THIRD PARTY FOR THE PURPOSE OF PROVIDING HEALTH CARE SERVICES FOR AN EMPLOYEE;

~~(IV)~~ (V) PAYMENTS UNDER A COLLECTIVE BARGAINING AGREEMENT FOR THE PURPOSE OF PROVIDING HEALTH CARE SERVICES FOR AN EMPLOYEE; AND

~~(V)~~ (VI) COSTS INCURRED IN THE DIRECT DELIVERY OF HEALTH CARE SERVICES TO AN EMPLOYEE.

(F) "HEALTH CARE SERVICES" MEANS MEDICAL CARE, SERVICES, OR GOODS THAT:

(1) QUALIFY AS A TAX DEDUCTIBLE EXPENSE UNDER § 213 OF THE INTERNAL REVENUE CODE; OR

(2) HAVE A SUBSTANTIALLY EQUIVALENT PURPOSE TO MEDICAL CARE, SERVICES, OR GOODS THAT QUALIFY AS A TAX DEDUCTIBLE EXPENSE UNDER § 213 OF THE INTERNAL REVENUE CODE.

~~(C) "RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE" MEANS THE PERCENT BY WHICH A RESPONSIVE BID SUBMITTED BY A RESPONSIBLE BIDDER THAT MEETS THE REQUIREMENTS UNDER § 14-703(A) OF THIS SUBTITLE MAY EXCEED THE LOWEST RESPONSIVE BID SUBMITTED BY A RESPONSIVE BIDDER THAT DOES NOT MEET THE REQUIREMENTS UNDER § 14-703(A) OF THIS SUBTITLE.~~

~~(H)~~ (G) "SUBCONTRACTOR" MEANS A PERSON LISTED ON A RESPONSIVE BID TO PROVIDE GOODS OR SERVICES UNDER A PORTION OF A CONTRACT WITH THE STATE.

~~14-702.~~ 17-802.

(A) ~~THE SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL ADOPT REGULATIONS THAT REQUIRE EACH UNIT TO ESTABLISH A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE OF AT LEAST 4%. ALL BIDDERS, CONTRACTORS, AND SUBCONTRACTORS TO PAY EMPLOYEE HEALTH CARE EXPENSES AS REQUIRED BY THIS SUBTITLE.~~

(B) THIS SUBTITLE DOES NOT APPLY TO:

(1) A MINORITY BUSINESS ENTERPRISE, AS DEFINED UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE; OR

(2) A SMALL BUSINESS WITH 30 OR FEWER EMPLOYEES.

~~14-703.~~ 17-803.

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PROCUREMENT OFFICER SHALL APPLY A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE TO A RESPONSIVE BID IF:~~

~~(1) THE RESPONSIBLE BIDDER AND EACH SUBCONTRACTOR SUBMIT TO THE PROCUREMENT OFFICER THE CERTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION; OR~~

~~(2) THE RESPONSIBLE BIDDER IS A MINORITY BUSINESS ENTERPRISE UNDER § 14-301 OF THIS TITLE.~~

~~(B) A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE SHALL BE APPLIED TO A RESPONSIVE BID UNDER SUBSECTION (A)(1) OF THIS SECTION IF THE RESPONSIBLE BIDDER AND EACH SUBCONTRACTOR CERTIFIES ON A FORM REQUIRED BY THE DEPARTMENT OF GENERAL SERVICES THAT THE AGGREGATE EMPLOYEE HEALTH CARE EXPENSES PAID BY THE BIDDER OR SUBCONTRACTOR WERE AT LEAST 10% OF THE AGGREGATE SOCIAL SECURITY WAGES PAID BY THE BIDDER OR SUBCONTRACTOR DURING:~~

~~(1) THE 12-MONTH PERIOD IMMEDIATELY BEFORE THE SUBMISSION OF THE BID; OR~~

~~(2) IF THE BIDDER OR SUBCONTRACTOR DID NOT HAVE AN EMPLOYEE IN THE STATE FOR THE ENTIRE 12-MONTH PERIOD IMMEDIATELY BEFORE SUBMISSION OF THE BID, FOR THE PERIOD OF TIME BETWEEN 3 MONTHS AND 12 MONTHS IMMEDIATELY BEFORE SUBMISSION OF THE BID IN WHICH THE BIDDER OR SUBCONTRACTOR HAD AN EMPLOYEE IN THE STATE.~~

(A) BY REGULATION, THE DEPARTMENT OF GENERAL SERVICES AND THE DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH PROCEDURES FOR EACH BIDDER, CONTRACTOR, OR SUBCONTRACTOR THAT PERFORMS WORK ON A STATE-FUNDED CONSTRUCTION PROJECT TO CERTIFY THAT THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR PAYS EMPLOYEE HEALTH CARE EXPENSES IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A BIDDER, CONTRACTOR, OR SUBCONTRACTOR SHALL DEMONSTRATE THE PAYMENT OF EMPLOYEE HEALTH CARE EXPENSES BY SUBMITTING CERTIFICATION OR A VALID CONTRACT TO THE DEPARTMENT OF GENERAL SERVICES OR THE DEPARTMENT OF TRANSPORTATION EVIDENCING THAT, WITH RESPECT TO THE EMPLOYEES WHO WILL WORK ON OR AT THE SITE OF THE PROJECT:

(1) THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR PAYS AGGREGATE EMPLOYEE HEALTH CARE EXPENSES OF AT LEAST 5% OF THE AGGREGATE SOCIAL SECURITY WAGES PAID BY THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR; OR

(II) THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR PAYS 50% OR MORE OF THE REQUIRED PREMIUM NECESSARY TO OBTAIN COVERAGE BY A CREDIBLE HEALTH CARE INSURANCE PLAN.

(2) BEFORE JULY 1, 2020, A BIDDER, CONTRACTOR, OR SUBCONTRACTOR MAY DEMONSTRATE PAYMENT OF EMPLOYEE HEALTH CARE EXPENSES BY SUBMITTING CERTIFICATION OR A VALID CONTRACT TO THE DEPARTMENT OF GENERAL SERVICES OR THE DEPARTMENT OF TRANSPORTATION EVIDENCING, WITH RESPECT TO THE EMPLOYEES WHO WILL WORK ON OR AT THE SITE OF THE PROJECT, THAT:

(I) UNDER A CONTRACT WITH A CREDIBLE HEALTH CARE INSURANCE PLAN OR THROUGH A COLLECTIVE BARGAINING AGREEMENT, THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR PAYS SOME PORTION OF EMPLOYEE HEALTH CARE EXPENSES; AND

(II) THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR WILL MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION ON RENEWAL OF THE CONTRACT OR COLLECTIVE BARGAINING AGREEMENT.

(C) THE DEPARTMENT OF GENERAL SERVICES AND THE DEPARTMENT OF TRANSPORTATION SHALL COLLABORATE WITH THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO DEVELOP THE FORM REQUIRED FOR CERTIFICATION UNDER SUBSECTION (B) OF THIS SECTION.

(D) A PROCUREMENT OFFICER MAY REQUIRE A RESPONSIBLE BIDDER OR SUBCONTRACTOR TO SUBMIT RECORDS TO THE PROCUREMENT OFFICER THAT ARE SUFFICIENT TO SUPPORT THE CERTIFICATION THAT THE BIDDER OR SUBCONTRACTOR SUBMITTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

~~(E) A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE MAY NOT BE APPLIED TO A BID SUBMITTED BY A BIDDER OR SUBCONTRACTOR THAT MEETS THE REQUIREMENTS UNDER SUBSECTION (A)(1) OF THIS SECTION IF:~~

~~(1) A BIDDER OR SUBCONTRACTOR FAILS TO SUBMIT THE RECORDS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION WITHIN A REASONABLE PERIOD OF TIME; OR~~

~~(2) A BIDDER OR SUBCONTRACTOR HAS NOT EMPLOYED AN INDIVIDUAL IN THE STATE FOR AT LEAST 3 MONTHS IMMEDIATELY BEFORE THE SUBMISSION OF THE BID.~~

(E) IF A RESPONSIBLE BIDDER THAT IS AWARDED A CONTRACT TO WORK ON A STATE-FUNDED CONSTRUCTION PROJECT FAILS TO SUBMIT RECORDS REQUIRED UNDER THIS SECTION WITHIN A REASONABLE PERIOD OF TIME, THE PROCUREMENT OFFICER MAY VOID THE CONTRACT.

~~14-704.~~

~~(A) FOR AT LEAST 1 YEAR AFTER THE AWARD OF A CONTRACT FOR A RESPONSIVE BID TO WHICH A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE WAS APPLIED UNDER § 14-703(A)(1) OF THIS SUBTITLE, THE AGGREGATE EMPLOYEE HEALTH CARE EXPENSES PAID BY THE RESPONSIBLE BIDDER AWARDED THE CONTRACT AND EACH SUBCONTRACTOR SHALL BE AT LEAST 10% OF THE AGGREGATE SOCIAL SECURITY WAGES PAID BY THE BIDDER OR SUBCONTRACTOR.~~

~~(B) A PROCUREMENT OFFICER MAY REQUIRE THE RESPONSIBLE BIDDER AWARDED A CONTRACT OR SUBCONTRACTOR TO SUBMIT RECORDS TO THE PROCUREMENT OFFICER THAT ARE SUFFICIENT TO SHOW COMPLIANCE WITH SUBSECTION (A) OF THIS SECTION.~~

~~(C) (1) IF THE RESPONSIBLE BIDDER AWARDED A CONTRACT OR SUBCONTRACTOR FAILS TO SUBMIT THE RECORDS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION WITHIN A REASONABLE PERIOD OF TIME, THE PROCUREMENT OFFICER MAY VOID THE CONTRACT.~~

~~(2) IF THE RESPONSIBLE BIDDER AWARDED A CONTRACT OR SUBCONTRACTOR OTHERWISE FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION, THE BIDDER OR SUBCONTRACTOR SHALL PAY THE UNIT THAT AWARDED THE CONTRACT AN AMOUNT EQUAL TO TWICE THE AMOUNT THAT THE BIDDER OR SUBCONTRACTOR WOULD HAVE PAID FOR HEALTH CARE EXPENSES IF THE BIDDER OR SUBCONTRACTOR HAD COMPLIED WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.~~

~~14-705, 17-804.~~

(A) A PERSON OR AN ENTITY MAY NOT PROVIDE FALSE INFORMATION UNDER THIS SUBTITLE.

(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN \$2,500 AND NOT EXCEEDING \$25,000 FOR EACH VIOLATION.

(C) AN ACTION FOR A CIVIL PENALTY UNDER THIS SECTION MAY BE BROUGHT BY:

- (1) THE UNIT THAT AWARDED THE CONTRACT, IN ITS OWN NAME;
- (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR
- (3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Board of Public Works shall collect the following information for all construction-related, competitive sealed bids for projects for a period of 3 years following the enactment of this Act:

(1) whether the bidding company and any subcontractor provides employee health care coverage or family health care coverage on projects that require a prevailing wage;

(2) for the year preceding the bid, what the percentage of total Social Security wages was, as well as the total amount spent on employee health care;

(3) what percentage of total health insurance coverage costs are paid by the insurance company, versus an employee, what the type and scope of the coverage are, and what the average percentage of the monthly premium paid by the bidder or subcontractor is; and

(4) what the average percentage of monthly premium paid by the bidder's employee or subcontractor's employee was, and the average per employee deductible for each health care plan offered.

(b) The Board of Public Works shall direct any relevant agency to include in any request for construction-related, competitive sealed bids the information required under subsection (a) of this section.

(c) On or before August 1, 2020, 2021, and 2022, the Board of Public Works shall report the information collected under this section for the previous fiscal year to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 687****(Senate Bill 433)**

AN ACT concerning

**Responsible Workforce Development Percentage Price Preference Act**  
**State Procurement – State Funded Construction Projects – Payment of**  
**Employee Health Care Expenses**

FOR the purpose of requiring the Board of Public Works to adopt regulations to require certain ~~units to establish a certain responsible workforce development percentage price preference; requiring a procurement officer to apply a certain responsible workforce development percentage price preference if a certain certification is submitted or if the bidder is a minority business enterprise; requiring certain responsible bidders and subcontractors to certify on a certain form that certain health care expenses were at least a certain percentage of certain wages paid for during a certain period of time before the submission of a certain bid; bidders, contractors, and subcontractors to pay certain employee health care expenses; requiring the Department of General Services, by regulation, to establish certain procedures to certify that a bidder, contractor, or subcontractor pays certain employee health care expenses; establishing the methods by which a bidder, contractor, or subcontractor demonstrates the payment of certain employee health care expenses; authorizing a bidder, contractor, or subcontractor to demonstrate the payment of employee health care expenses in a certain manner on or before a certain date; requiring the Department of General Services *and the Department of Transportation* to collaborate with the Department of Labor, Licensing, and Regulation to develop a certain form; authorizing a procurement officer to require a responsible bidder or subcontractor to submit certain records under certain circumstances; ~~prohibiting a certain responsible workforce development percentage price preference from being applied under certain circumstances; requiring certain health care expenses paid by a certain bidder or subcontractor to be at least a certain percentage of certain wages paid during a certain period of time after the award of a certain contract; authorizing a procurement officer to void a certain contract under certain circumstances; requiring a certain bidder or subcontractor that fails to comply with a certain provision of law to pay a certain unit a certain amount; authorizing a procurement officer to void a contract under certain circumstances; prohibiting a certain person or entity from providing certain false information; establishing certain civil penalties under certain circumstances; authorizing certain action to be brought by certain persons; requiring the Board to collect certain information and report to certain committees of the General Assembly; defining certain terms; providing for the application of this Act; and generally relating to ~~percentage price preferences and procurement~~ procurement and the payment of employee health care expenses.~~~~

BY adding to

Article – State Finance and Procurement

Section ~~14-701 through 14-705~~ 17-801 through 17-804 to be under the new subtitle  
~~“Subtitle 7. Responsible Workforce Development Percentage Price Preference”~~  
~~“Subtitle 8. Responsible Payment of Employee Health Care Expenses”~~

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

### Preamble

WHEREAS, The Maryland General Assembly finds that the State and the State’s political subdivisions incur substantial direct and indirect expenses when employers do not pay for employee health care expenses ~~and that it makes economic sense for State agencies to offer a bid preference to contractors that pay for employee health care expenses for employees in Maryland;~~ now, therefore,

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

### Article – State Finance and Procurement

#### ~~SUBTITLE 7. RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE.~~

#### SUBTITLE 8. RESPONSIBLE PAYMENT OF EMPLOYEE HEALTH CARE EXPENSES.

#### ~~14-701.~~ 17-801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “AGGREGATE EMPLOYEE HEALTH CARE EXPENSES” MEANS ALL EMPLOYEE HEALTH CARE EXPENSES PAID BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR.

(C) (1) “AGGREGATE SOCIAL SECURITY WAGES” MEANS ALL WAGES PAID BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR TO AN EMPLOYEE FOR THE PERIOD OF TIME IN WHICH THE WAGES ARE PAID.

(2) “AGGREGATE SOCIAL SECURITY WAGES” DOES NOT INCLUDE WAGES THAT ARE ABOVE THE FEDERAL SOCIAL SECURITY CONTRIBUTION AND BENEFIT BASE.

(D) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A RESPONSIBLE BIDDER, CONTRACTOR, OR SUBCONTRACTOR TO WORK ON OR AT THE SITE OF A STATE-FUNDED CONSTRUCTION PROJECT ~~IN THE STATE BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR.~~

(E) (1) **“EMPLOYEE HEALTH CARE EXPENSES” MEANS ANY COSTS FOR HEALTH CARE SERVICES THAT ARE PAID BY A RESPONSIBLE BIDDER OR SUBCONTRACTOR TO AN EMPLOYEE, UNLESS THE EMPLOYEE HAS COVERAGE UNDER ANOTHER PLAN.**

(2) **“EMPLOYEE HEALTH CARE EXPENSES” INCLUDES:**

(I) **CONTRIBUTIONS MADE ON BEHALF OF AN EMPLOYEE TO PROVIDE CREDIBLE HEALTH CARE COVERAGE IN THE FORM OF ANY GROUP POLICY, CONTRACT, OR PROGRAM THAT IS WRITTEN OR ADMINISTERED BY A DISABILITY INSURER, HEALTH CARE SERVICE PLAN, FRATERNAL BENEFITS SOCIETY, SELF-INSURED EMPLOYER PLAN, OR ANY OTHER ENTITY, IN THIS STATE OR ELSEWHERE, THAT ARRANGES OR PROVIDES MEDICAL, HOSPITAL, AND SURGICAL COVERAGE NOT DESIGNATED TO SUPPLEMENT OTHER PRIVATE OR GOVERNMENTAL PLANS;**

(II) **CONTRIBUTIONS MADE ON BEHALF OF AN EMPLOYEE TO A HEALTH SAVINGS ACCOUNT AS DEFINED UNDER § 223 OF THE INTERNAL REVENUE CODE OR TO ANY OTHER ACCOUNT HAVING A SUBSTANTIALLY EQUIVALENT PURPOSE OR EFFECT WITHOUT REGARD TO WHETHER THE CONTRIBUTIONS QUALIFY FOR A TAX DEDUCTION OR ARE EXCLUDABLE FROM EMPLOYEE INCOME;**

~~(III)~~ (III) **REIMBURSEMENTS TO AN EMPLOYEE FOR EXPENSES INCURRED IN THE PURCHASE OF HEALTH CARE SERVICES;**

~~(IV)~~ (IV) **PAYMENTS TO A THIRD PARTY FOR THE PURPOSE OF PROVIDING HEALTH CARE SERVICES FOR AN EMPLOYEE;**

~~(V)~~ (V) **PAYMENTS UNDER A COLLECTIVE BARGAINING AGREEMENT FOR THE PURPOSE OF PROVIDING HEALTH CARE SERVICES FOR AN EMPLOYEE; AND**

~~(VI)~~ (VI) **COSTS INCURRED IN THE DIRECT DELIVERY OF HEALTH CARE SERVICES TO AN EMPLOYEE.**

(F) **“HEALTH CARE SERVICES” MEANS MEDICAL CARE, SERVICES, OR GOODS THAT:**

(1) **QUALIFY AS A TAX DEDUCTIBLE EXPENSE UNDER § 213 OF THE INTERNAL REVENUE CODE; OR**

(2) **HAVE A SUBSTANTIALLY EQUIVALENT PURPOSE TO MEDICAL CARE, SERVICES, OR GOODS THAT QUALIFY AS A TAX DEDUCTIBLE EXPENSE UNDER § 213 OF THE INTERNAL REVENUE CODE.**

~~(G) “RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE” MEANS THE PERCENT BY WHICH A RESPONSIVE BID SUBMITTED BY A RESPONSIBLE BIDDER THAT MEETS THE REQUIREMENTS UNDER § 14-703(A) OF THIS SUBTITLE MAY EXCEED THE LOWEST RESPONSIVE BID SUBMITTED BY A RESPONSIVE BIDDER THAT DOES NOT MEET THE REQUIREMENTS UNDER § 14-703(A) OF THIS SUBTITLE.~~

~~(H)~~ (G) “SUBCONTRACTOR” MEANS A PERSON LISTED ON A RESPONSIVE BID TO PROVIDE GOODS OR SERVICES UNDER A PORTION OF A CONTRACT WITH THE STATE.

~~14-702. 17-802.~~

(A) ~~THE SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL ADOPT REGULATIONS THAT REQUIRE EACH UNIT TO ESTABLISH A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE OF AT LEAST 4%. ALL BIDDERS, CONTRACTORS, AND SUBCONTRACTORS TO PAY EMPLOYEE HEALTH CARE EXPENSES AS REQUIRED BY THIS SUBTITLE.~~

(B) THIS SUBTITLE DOES NOT APPLY TO:

(1) A MINORITY BUSINESS ENTERPRISE, AS DEFINED UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE; OR

(2) A SMALL BUSINESS WITH 30 OR FEWER EMPLOYEES.

~~14-703. 17-803.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PROCUREMENT OFFICER SHALL APPLY A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE TO A RESPONSIVE BID IF:~~

~~(1) THE RESPONSIBLE BIDDER AND EACH SUBCONTRACTOR SUBMIT TO THE PROCUREMENT OFFICER THE CERTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION; OR~~

~~(2) THE RESPONSIBLE BIDDER IS A MINORITY BUSINESS ENTERPRISE UNDER § 14-301 OF THIS TITLE.~~

~~(B) A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE SHALL BE APPLIED TO A RESPONSIVE BID UNDER SUBSECTION (A)(1) OF THIS SECTION IF THE RESPONSIBLE BIDDER AND EACH SUBCONTRACTOR CERTIFIES ON A FORM REQUIRED BY THE DEPARTMENT OF GENERAL SERVICES~~

~~THAT THE AGGREGATE EMPLOYEE HEALTH CARE EXPENSES PAID BY THE BIDDER OR SUBCONTRACTOR WERE AT LEAST 10% OF THE AGGREGATE SOCIAL SECURITY WAGES PAID BY THE BIDDER OR SUBCONTRACTOR DURING:~~

~~(1) THE 12 MONTH PERIOD IMMEDIATELY BEFORE THE SUBMISSION OF THE BID; OR~~

~~(2) IF THE BIDDER OR SUBCONTRACTOR DID NOT HAVE AN EMPLOYEE IN THE STATE FOR THE ENTIRE 12 MONTH PERIOD IMMEDIATELY BEFORE SUBMISSION OF THE BID, FOR THE PERIOD OF TIME BETWEEN 3 MONTHS AND 12 MONTHS IMMEDIATELY BEFORE SUBMISSION OF THE BID IN WHICH THE BIDDER OR SUBCONTRACTOR HAD AN EMPLOYEE IN THE STATE.~~

(A) BY REGULATION, THE DEPARTMENT OF GENERAL SERVICES AND THE DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH PROCEDURES FOR EACH BIDDER, CONTRACTOR, OR SUBCONTRACTOR THAT PERFORMS WORK ON A STATE-FUNDED CONSTRUCTION PROJECT TO CERTIFY THAT THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR PAYS EMPLOYEE HEALTH CARE EXPENSES IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A BIDDER, CONTRACTOR, OR SUBCONTRACTOR SHALL DEMONSTRATE THE PAYMENT OF EMPLOYEE HEALTH CARE EXPENSES BY SUBMITTING CERTIFICATION OR A VALID CONTRACT TO THE DEPARTMENT OF GENERAL SERVICES OR THE DEPARTMENT OF TRANSPORTATION EVIDENCING THAT, WITH RESPECT TO THE EMPLOYEES WHO WILL WORK ON OR AT THE SITE OF THE PROJECT:

(I) THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR PAYS AGGREGATE EMPLOYEE HEALTH CARE EXPENSES OF AT LEAST 5% OF THE AGGREGATE SOCIAL SECURITY WAGES PAID BY THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR; OR

(II) THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR PAYS 50% OR MORE OF THE REQUIRED PREMIUM NECESSARY TO OBTAIN COVERAGE BY A CREDIBLE HEALTH CARE INSURANCE PLAN.

(2) BEFORE JULY 1, 2020, A BIDDER, CONTRACTOR, OR SUBCONTRACTOR MAY DEMONSTRATE PAYMENT OF EMPLOYEE HEALTH CARE EXPENSES BY SUBMITTING CERTIFICATION OR A VALID CONTRACT TO THE DEPARTMENT OF GENERAL SERVICES OR THE DEPARTMENT OF TRANSPORTATION EVIDENCING, WITH RESPECT TO THE EMPLOYEES WHO WILL WORK ON OR AT THE SITE OF THE PROJECT, THAT:

(I) UNDER A CONTRACT WITH A CREDIBLE HEALTH CARE INSURANCE PLAN OR THROUGH A COLLECTIVE BARGAINING AGREEMENT, THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR PAYS SOME PORTION OF EMPLOYEE HEALTH CARE EXPENSES; AND

(II) THE BIDDER, CONTRACTOR, OR SUBCONTRACTOR WILL MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION ON RENEWAL OF THE CONTRACT OR COLLECTIVE BARGAINING AGREEMENT.

(C) THE DEPARTMENT OF GENERAL SERVICES AND THE DEPARTMENT OF TRANSPORTATION SHALL COLLABORATE WITH THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO DEVELOP THE FORM REQUIRED FOR CERTIFICATION UNDER SUBSECTION (B) OF THIS SECTION.

(D) A PROCUREMENT OFFICER MAY REQUIRE A RESPONSIBLE BIDDER OR SUBCONTRACTOR TO SUBMIT RECORDS TO THE PROCUREMENT OFFICER THAT ARE SUFFICIENT TO SUPPORT THE CERTIFICATION THAT THE BIDDER OR SUBCONTRACTOR SUBMITTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

~~(E) A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE MAY NOT BE APPLIED TO A BID SUBMITTED BY A BIDDER OR SUBCONTRACTOR THAT MEETS THE REQUIREMENTS UNDER SUBSECTION (A)(1) OF THIS SECTION IF:~~

~~(1) A BIDDER OR SUBCONTRACTOR FAILS TO SUBMIT THE RECORDS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION WITHIN A REASONABLE PERIOD OF TIME; OR~~

~~(2) A BIDDER OR SUBCONTRACTOR HAS NOT EMPLOYED AN INDIVIDUAL IN THE STATE FOR AT LEAST 3 MONTHS IMMEDIATELY BEFORE THE SUBMISSION OF THE BID.~~

(E) IF A RESPONSIBLE BIDDER THAT IS AWARDED A CONTRACT TO WORK ON A STATE-FUNDED CONSTRUCTION PROJECT FAILS TO SUBMIT RECORDS REQUIRED UNDER THIS SECTION WITHIN A REASONABLE PERIOD OF TIME, THE PROCUREMENT OFFICER MAY VOID THE CONTRACT.

~~14-704.~~

~~(A) FOR AT LEAST 1 YEAR AFTER THE AWARD OF A CONTRACT FOR A RESPONSIVE BID TO WHICH A RESPONSIBLE WORKFORCE DEVELOPMENT PERCENTAGE PRICE PREFERENCE WAS APPLIED UNDER § 14-703(A)(1) OF THIS SUBTITLE, THE AGGREGATE EMPLOYEE HEALTH CARE EXPENSES PAID BY THE~~

~~RESPONSIBLE BIDDER AWARDED THE CONTRACT AND EACH SUBCONTRACTOR SHALL BE AT LEAST 10% OF THE AGGREGATE SOCIAL SECURITY WAGES PAID BY THE BIDDER OR SUBCONTRACTOR.~~

~~(B) A PROCUREMENT OFFICER MAY REQUIRE THE RESPONSIBLE BIDDER AWARDED A CONTRACT OR SUBCONTRACTOR TO SUBMIT RECORDS TO THE PROCUREMENT OFFICER THAT ARE SUFFICIENT TO SHOW COMPLIANCE WITH SUBSECTION (A) OF THIS SECTION.~~

~~(C) (1) IF THE RESPONSIBLE BIDDER AWARDED A CONTRACT OR SUBCONTRACTOR FAILS TO SUBMIT THE RECORDS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION WITHIN A REASONABLE PERIOD OF TIME, THE PROCUREMENT OFFICER MAY VOID THE CONTRACT.~~

~~(2) IF THE RESPONSIBLE BIDDER AWARDED A CONTRACT OR SUBCONTRACTOR OTHERWISE FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION, THE BIDDER OR SUBCONTRACTOR SHALL PAY THE UNIT THAT AWARDED THE CONTRACT AN AMOUNT EQUAL TO TWICE THE AMOUNT THAT THE BIDDER OR SUBCONTRACTOR WOULD HAVE PAID FOR HEALTH CARE EXPENSES IF THE BIDDER OR SUBCONTRACTOR HAD COMPLIED WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.~~

~~14-705, 17-804.~~

(A) A PERSON OR AN ENTITY MAY NOT PROVIDE FALSE INFORMATION UNDER THIS SUBTITLE.

(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN \$2,500 AND NOT EXCEEDING \$25,000 FOR EACH VIOLATION.

(C) AN ACTION FOR A CIVIL PENALTY UNDER THIS SECTION MAY BE BROUGHT BY:

- (1) THE UNIT THAT AWARDED THE CONTRACT, IN ITS OWN NAME;
- (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR
- (3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Board of Public Works shall collect the following information for all construction-related, competitive sealed bids for projects for a period of 3 years following the enactment of this Act:

(1) whether the bidding company and any subcontractor provides employee health care coverage or family health care coverage on projects that require a prevailing wage;

(2) for the year preceding the bid, what the percentage of total Social Security wages was, as well as the total amount spent on employee health care;

(3) what percentage of total health insurance coverage costs are paid by the insurance company, versus an employee, what the type and scope of the coverage are, and what the average percentage of the monthly premium paid by the bidder or subcontractor is; and

(4) what the average percentage of monthly premium paid by the bidder's employee or subcontractor's employee was, and the average per employee deductible for each health care plan offered.

(b) The Board of Public Works shall direct any relevant agency to include in any request for construction-related, competitive sealed bids the information required under subsection (a) of this section.

(c) On or before August 1, 2020, 2021, and 2022, the Board of Public Works shall report the information collected under this section for the previous fiscal year to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 688

**(House Bill 704)**

AN ACT concerning

### **Maryland Longitudinal Data System – Student Data and Governing Board**

FOR the purpose of altering the types of records included in and excluded from the definition of “student data” for purposes of the Maryland Longitudinal Data System;

adding the Department of Juvenile Services to the entities required to provide data sets to the Maryland Longitudinal Data System; adding the Secretary of Juvenile Services or a certain designee to the governing board of the Maryland Longitudinal Data System Center; altering the type of data certain entities are required to transfer to the Maryland Longitudinal Data System; and generally relating to the Maryland Longitudinal Data System.

BY repealing and reenacting, without amendments,

Article – Education

Section 24–701(a) and (b) and 24–704(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 24–701(f), 24–703(f), 24–704(b), and 24–707(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

### Article – Education

24–701.

(a) In this subtitle the following words have the meanings indicated.

(b) “Center” means the Maryland Longitudinal Data System Center.

(f) (1) “Student data” means data relating to **OR IMPACTING** student performance.

(2) “Student data” includes:

(i) State and national assessments;

(ii) Course-taking and completion;

(iii) Grade point average;

(iv) Remediation;

(v) Retention;

(vi) Degree, diploma, or credential attainment;

(vii) Enrollment; [and]

(viii) Demographic data;

**(IX) JUVENILE DELINQUENCY RECORDS; AND**

**(X) ~~DISCIPLINE~~ ELEMENTARY AND SECONDARY SCHOOL DISCIPLINARY RECORDS.**

(3) “Student data” does not include:

(i) [Juvenile delinquency records;

(ii)] Criminal and CINA records; **AND**

**[(iii)] (II)** Medical and health records[; and

(iv) Discipline records].

24–703.

(f) The Center shall perform the following functions and duties:

(1) Serve as a central repository of student data and workforce data in the Maryland Longitudinal Data System, including data sets provided by:

(i) The State Department of Education;

(ii) Local education agencies;

(iii) The Maryland Higher Education Commission;

(iv) Institutions of higher education; [and]

(v) The Department of Labor, Licensing, and Regulation; **AND**

**(VI) THE DEPARTMENT OF ~~JUVENILE~~ JUVENILE SERVICES;**

(2) Oversee and maintain the warehouse of the Maryland Longitudinal Data System data sets;

(3) Ensure routine and ongoing compliance with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies, including:

(i) The required use of de-identified data in data research and reporting;

- (ii) The required disposition of information that is no longer needed;
  - (iii) Providing data security, including the capacity for audit trails;
  - (iv) Providing for performance of regular audits for compliance with data privacy and security standards; and
  - (v) Implementing guidelines and policies that prevent the reporting of other potentially identifying data;
- (4) Conduct research using timely and accurate student data and workforce data to improve the State's education system and guide decision making by State and local governments, educational agencies, institutions, teachers, and other education professionals;
- (5) Conduct research relating to:
- (i) The impact of State and federal education programs;
  - (ii) The performance of educator preparation programs; and
  - (iii) Best practices regarding classroom instruction, education programs and curriculum, and segment alignment;
- (6) Fulfill information and data requests to facilitate State and federal education reporting with existing State agencies as appropriate; and
- (7) Fulfill approved public information requests.

24–704.

- (a) There is a Governing Board of the Center.
- (b) The Governing Board shall include the following members:
  - (1) The Secretary of Higher Education, or the Secretary's designee;
  - (2) The Chancellor of the University System of Maryland, or the Chancellor's designee;
  - (3) The President of Morgan State University, or the President's designee;
  - (4) The State Superintendent of Schools, or the Superintendent's designee;
  - (5) **THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;**

[(5)] (6) The Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;

[(6)] (7) A representative of local superintendents of schools, appointed by the Governor with the advice and consent of the Senate;

[(7)] (8) The Executive Director of the Maryland Association of Community Colleges, or the Executive Director's designee;

[(8)] (9) The President of the Maryland Independent College and University Association, or the President's designee; and

[(9)] (10) Four members of the public, appointed by the Governor with the advice and consent of the Senate.

24–707.

(a) Local education agencies, community colleges, public senior higher education institutions, and State agencies shall:

(1) Make every effort to comply with the data requirements and implementation schedule for the Maryland Longitudinal Data System as set forth by the Governing Board; and

(2) Transfer [student–level and transcript–level] STUDENT data and workforce data to the Maryland Longitudinal Data System in accordance with the data security and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 689

### (House Bill 723)

AN ACT concerning

#### Garrett County – Alcoholic Beverages – Revisions

FOR the purpose of reclassifying a draft beer license to be a draft beer permit in Garrett County; altering a certain hearing requirement for the issuance of a certain license

in Garrett County; authorizing certain license holders to cater functions on their premises; repealing a prohibition of the issuance of certain licenses in Garrett County to applicants who had not met certain standards; repealing a prohibition of the issuance of certain licenses in Garrett County to a person that holds an out-of-state alcoholic beverages license; making certain conforming changes; and generally relating to alcoholic beverage licensing in Garrett County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 21–102 and 21–1309(a)  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 21–1103, 21–1104, 21–1309(b), 21–1310, 21–1501(b), and 21–1803  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing

Article – Alcoholic Beverages  
Section 21–1502 and 21–1504  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY renumbering

Article – Alcoholic Beverages  
Section 21–1503, 21–1505, 21–1506, and 21–1507, respectively  
to be Section 21–1502, 21–1503, 21–1504, and 21–1505, respectively  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

### **Article – Alcoholic Beverages**

21–102.

This title applies only in Garrett County.

21–1103.

(a) There is a draft beer [license] **PERMIT**.

(b) To sell draft beer, a license holder of an establishment for which a license to sell beer has been issued shall obtain a draft beer [license] **PERMIT** from the Board.

(c) (1) Except as provided in paragraph (2) of this subsection, the [license] PERMIT fees are:

(i) \$75 for the issuing fee; and

(ii) \$75 for the annual fee.

(2) A holder of a Class B–resort license shall pay:

(i) \$150 for the annual fee for two facilities;

(ii) \$75 for the annual fee for each additional facility; and

(iii) an issuing fee for each new draft beer [license] PERMIT in an amount equal to the annual fee.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

21–1104.

(a) The Board may issue a refillable container permit for draft beer to a holder of a draft beer [license] PERMIT who also holds any other license except a Class A license or a Class C license.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

21–1309.

(a) The Board may issue a Class C multiple day beer license, beer and wine license, and beer, wine, and liquor license to a club for the following fees and license types:

(1) \$50 for a 2–day license;

(2) \$150 for a 6–day license; and

(3) \$300 for a 12–day license.

(b) The Board is not required to hold a hearing before issuing a license under this section if[

(1)] a license holder anticipates attendance of fewer than 500 individuals at an event[; and

(2) the Board has approved a license for the license holder in the prior year].

21–1310.

(a) The Board may issue a multiple event license to a club that qualifies for a Class C multiple day license.

(b) The Board may not issue more than one multiple event license to a club in a license year.

(c) (1) The Board shall publish a notice for application for the license one time at least 7 days before a license hearing.

(2) A license holder shall notify the Board in writing at least 7 days before an event for which the license is to be used.

(d) The club for which a multiple event license is issued shall ensure that at least one server who is certified by an approved alcohol awareness program is on the premises when alcoholic beverages are served.

**(E) THE CLUB FOR WHICH A MULTIPLE EVENT LICENSE IS ISSUED MAY CATER FUNCTIONS ON THEIR PREMISES.**

**[(e)] (F)** The fee for a Class C multiple event license is:

(1) \$125 for not more than 5 events per year;

(2) \$250 for not more than 12 events per year;

(3) \$375 for not more than 18 events per year; and

(4) \$500 for not more than 24 events per year.

21–1501.

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

(1) § 4–202 (“Authority of local licensing boards”), subject to [§§ 21–1502 through 21–1504] **§ 21–1502** of this subtitle;

(2) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to [§ 21–1505] **§ 21–1503** of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to [§ 21–1505] **§ 21–1503** of this subtitle;

(4) § 4–209 (“Hearing”), subject to § 21–1309 of this subtitle; and

(5) § 4–213 (“Replacement licenses”), subject to [§ 21–1506] **§ 21–1504** of this subtitle.

[21–1502.

The Board may not issue a license to an applicant who has not had an established business for at least 1 year before the application date.]

[21–1504.

The Board may not issue a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.]

21–1803.

[Notwithstanding § 21–1504 of this title, the] **THE** Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 21–1503, 21–1505, 21–1506, and 21–1507, respectively, of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 21–1502, 21–1503, 21–1504, and 21–1505, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 690

(Senate Bill 547)

AN ACT concerning

**Garrett County – Alcoholic Beverages – Revisions**

FOR the purpose of reclassifying a draft beer license to be a draft beer permit in Garrett County; altering a certain hearing requirement for the issuance of a certain license in Garrett County; authorizing certain license holders to cater functions on their premises; repealing a prohibition of the issuance of certain licenses in Garrett County to applicants who had not met certain standards; repealing a prohibition of the issuance of certain licenses in Garrett County to a person that holds an out-of-state alcoholic beverages license; making certain conforming changes; and generally relating to alcoholic beverage licensing in Garrett County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 21–102 and 21–1309(a)  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 21–1103, 21–1104, 21–1309(b), 21–1310, 21–1501(b), and 21–1803  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing

Article – Alcoholic Beverages  
Section 21–1502 and 21–1504  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY renumbering

Article – Alcoholic Beverages  
Section 21–1503, 21–1505, 21–1506, and 21–1507, respectively  
to be Section 21–1502, 21–1503, 21–1504, and 21–1505, respectively  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

### **Article – Alcoholic Beverages**

21–102.

This title applies only in Garrett County.

21–1103.

(a) There is a draft beer [license] **PERMIT**.

(b) To sell draft beer, a license holder of an establishment for which a license to sell beer has been issued shall obtain a draft beer [license] **PERMIT** from the Board.

(c) (1) Except as provided in paragraph (2) of this subsection, the [license] **PERMIT** fees are:

(i) \$75 for the issuing fee; and

(ii) \$75 for the annual fee.

(2) A holder of a Class B–resort license shall pay:

(i) \$150 for the annual fee for two facilities;

(ii) \$75 for the annual fee for each additional facility; and

(iii) an issuing fee for each new draft beer [license] **PERMIT** in an amount equal to the annual fee.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

21–1104.

(a) The Board may issue a refillable container permit for draft beer to a holder of a draft beer [license] **PERMIT** who also holds any other license except a Class A license or a Class C license.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

21–1309.

(a) The Board may issue a Class C multiple day beer license, beer and wine license, and beer, wine, and liquor license to a club for the following fees and license types:

(1) \$50 for a 2–day license;

(2) \$150 for a 6–day license; and

(3) \$300 for a 12–day license.

(b) The Board is not required to hold a hearing before issuing a license under this section if[

- (1)] a license holder anticipates attendance of fewer than 500 individuals at an event[; and
- (2) the Board has approved a license for the license holder in the prior year].

21-1310.

(a) The Board may issue a multiple event license to a club that qualifies for a Class C multiple day license.

(b) The Board may not issue more than one multiple event license to a club in a license year.

(c) (1) The Board shall publish a notice for application for the license one time at least 7 days before a license hearing.

(2) A license holder shall notify the Board in writing at least 7 days before an event for which the license is to be used.

(d) The club for which a multiple event license is issued shall ensure that at least one server who is certified by an approved alcohol awareness program is on the premises when alcoholic beverages are served.

**(E) THE CLUB FOR WHICH A MULTIPLE EVENT LICENSE IS ISSUED MAY CATER FUNCTIONS ON THEIR PREMISES.**

[(e)] **(F)** The fee for a Class C multiple event license is:

- (1) \$125 for not more than 5 events per year;
- (2) \$250 for not more than 12 events per year;
- (3) \$375 for not more than 18 events per year; and
- (4) \$500 for not more than 24 events per year.

21-1501.

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

(1) § 4-202 (“Authority of local licensing boards”), subject to [§§ 21-1502 through 21-1504] **§ 21-1502** of this subtitle;

(2) § 4-203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to [§ 21-1505] § 21-1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4-204 (“Prohibition against issuing multiple licenses for same premises”), subject to [§ 21-1505] § 21-1503 of this subtitle;

(4) § 4-209 (“Hearing”), subject to § 21-1309 of this subtitle; and

(5) § 4-213 (“Replacement licenses”), subject to [§ 21-1506] § 21-1504 of this subtitle.

[21-1502.

The Board may not issue a license to an applicant who has not had an established business for at least 1 year before the application date.]

[21-1504.

The Board may not issue a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license.]

21-1803.

[Notwithstanding § 21-1504 of this title, the] **THE** Board may renew a Class A or Class D beer license, beer and wine license, or beer, wine, and liquor license originally issued to a holder of an out-of-state alcoholic beverages license.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 21-1503, 21-1505, 21-1506, and 21-1507, respectively, of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 21-1502, 21-1503, 21-1504, and 21-1505, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 691

(House Bill 725)

AN ACT concerning

### Public Schools – Student Discipline – Restorative Approaches

FOR the purpose of requiring the State Board of Education to provide technical assistance and training to county boards of education regarding the use of restorative approaches under certain circumstances; ~~requiring a school principal to implement certain procedures before suspending or expelling a student; authorizing a principal to suspend or expel a student before implementing certain procedures under certain circumstances; requiring a principal or a school administrator to promptly call certain individuals if a student is suspended or expelled; requiring certain conferences~~ regulations to incorporate the use of restorative approaches; ~~requiring each county board of education to develop a multiyear plan for the adoption, implementation, and continued monitoring of restorative approaches to student discipline; providing for the contents of a certain plan;~~ requiring certain regulations to state the purpose of certain disciplinary actions; requiring the State Department of Education to submit a certain annual report to the Governor and the General Assembly on or before a certain date; requiring a certain report to be disaggregated in a certain manner; defining ~~certain terms~~ a certain term; and generally relating to restorative approaches to student discipline.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section ~~7-305 and~~ 7-306  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2018 Supplement)

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

#### Article – Education

~~7-305.~~

~~(A) IN THIS SECTION, “RESTORATIVE APPROACHES” HAS THE MEANING STATED IN § 7-306 OF THIS SUBTITLE.~~

~~(A-1) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE A PRINCIPAL MAY SUSPEND A STUDENT OR REQUEST AN EXPULSION OF A STUDENT UNDER SUBSECTION (A-2) OR (C) OF THIS SECTION, THE PRINCIPAL SHALL DEMONSTRATE THAT RESTORATIVE APPROACHES, REHABILITATIVE, SPECIAL EDUCATION, OR OTHER SUPPORTIVE SERVICE INTERVENTIONS WERE IMPLEMENTED.~~

~~(2) A PRINCIPAL MAY SUSPEND A STUDENT FOR UP TO 10 DAYS UNDER SUBSECTION (A-2) OF THIS SECTION OR MAY REQUEST A SUSPENSION OF~~

~~MORE THAN 10 DAYS OR AN EXPULSION UNDER SUBSECTION (C) OF THIS SECTION IF:~~

~~(I) THE STUDENT'S PRESENCE IN THE SCHOOL POSES AN IMMINENT THREAT OF SERIOUS HARM TO OTHER STUDENTS OR STAFF; AND~~

~~(II) THE CIRCUMSTANCES REQUIRE THE IMMEDIATE REMOVAL OF THE STUDENT.~~

~~(3) THE PRINCIPAL OR A SCHOOL ADMINISTRATOR PROMPTLY SHALL CONTACT THE PARENT OR GUARDIAN OF A STUDENT SUSPENDED OR EXPELLED UNDER THIS SUBSECTION.~~

~~(4) ANY CONFERENCE THAT OCCURS BEFORE OR AFTER A SUSPENSION OR EXPULSION UNDER THIS SUBSECTION SHALL INCORPORATE THE USE OF RESTORATIVE APPROACHES.~~

~~[(a)] (A-2) (1) Except as provided in subsection (b) of this section and § 7-305.1 of this subtitle, in accordance with the rules and regulations of the county board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal AFTER IMPLEMENTATION OF RESTORATIVE APPROACHES, REHABILITATIVE, SPECIAL EDUCATION, OR OTHER SUPPORTIVE SERVICE INTERVENTIONS FOR STUDENT DISCIPLINE IN ACCORDANCE WITH SUBSECTION (A-1) OF THIS SECTION.~~

~~(2) The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.~~

~~(3) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with § 7-310 of this subtitle.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection, a student may not be suspended or expelled from school solely for attendance-related offenses.~~

~~(2) Paragraph (1) of this subsection does not apply to in-school suspensions for attendance-related offenses.~~

~~(e) Except as provided in § 7-305.1 of this subtitle, AND SUBJECT TO SUBSECTION (A-1) OF THIS SECTION, at the request of a principal, a county superintendent may suspend a student for more than 10 school days or expel the student.~~

~~(d) (1) If a principal finds that a suspension of more than 10 school days or expulsion is warranted, the principal immediately shall report the matter in writing to the county superintendent.~~

~~(2) The county superintendent or the county superintendent's designated representative promptly shall make a thorough investigation of the matter.~~

~~(3) If after the investigation the county superintendent finds that a longer suspension or expulsion is warranted, the county superintendent or the county superintendent's designated representative promptly shall arrange a conference with the student and his parent or guardian.~~

~~(4) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with § 7-310 of this subtitle.~~

~~(5) If after the conference the county superintendent or the county superintendent's designated representative finds that a suspension of more than 10 school days or expulsion is warranted, the student or the student's parent or guardian may:~~

~~(i) Appeal to the county board within 10 days after the determination;~~

~~(ii) Be heard before the county board, its designated committee, or a hearing examiner, in accordance with the procedures established under § 6-203 of this article; and~~

~~(iii) Bring counsel and witnesses to the hearing.~~

~~(6) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.~~

~~(7) The appeal to the county board does not stay the decision of the county superintendent.~~

~~(8) The decision of the county board is final.~~

~~(e) (1) Any student expelled or suspended from school:~~

~~(i) Shall remain away from the school premises during those hours each school day when the school the student attends is in session; and~~

~~(ii) May not participate in school sponsored activities.~~

~~(2) The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by his parent or guardian.~~

~~(3) Any person who violates paragraph (1) or (2) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation.~~

~~(4) (i) If a student has been suspended or expelled, the principal or a designee of the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student's parent or guardian.~~

~~(ii) If the disruptive behavior results in action less than suspension, the principal or a designee of the principal shall confer with the teacher who referred the student to the principal prior to returning the student to that teacher's classroom.~~

~~(III) ANY CONFERENCE HELD UNDER THIS PARAGRAPH SHALL INCLUDE OPTIONS FOR THE STUDENT, THE TEACHER, AND OTHER INVOLVED PARTIES TO PARTICIPATE IN RESTORATIVE APPROACHES.~~

~~(5) A county superintendent may deny attendance to any student who is currently expelled from another school system for a length of time equal to that expulsion.~~

~~(6) A school system shall forward information to another school system relating to the discipline of a student, including information on an expulsion of the student, on receipt of the request for information.~~

~~(f) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. § 921.~~

~~(2) Except as provided in paragraph (3) of this subsection, if the county superintendent or the superintendent's designated representative finds that a student has brought a firearm onto school property, the student shall be expelled for a minimum of 1 year.~~

~~(3) The county superintendent may specify, on a case by case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board, for a student who has brought a firearm onto school property.~~

~~(4) The State Board shall adopt regulations to implement this subsection.~~

~~(g) (1) The discipline of a child with a disability, including the suspension, expulsion, or interim alternative placement of the child for disciplinary reasons, shall be conducted in conformance with the requirements of the Individuals with Disabilities Education Act of the United States Code.~~

~~(2) If a child with a disability is being considered for suspension or expulsion, the child or the child's parent or guardian shall be given a community resources list attached to the procedural safeguards notice required by regulation of the State Board.~~

~~(h) (1) This subsection does not apply if the student is referred to the Department of Juvenile Services.~~

~~(2) If a student violates a State or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the student, the student's parent or guardian and any other appropriate person, the principal shall require the student or the student's parent to make restitution.~~

~~(3) The restitution may be in the form of monetary restitution not to exceed the lesser of the fair market value of the property or \$2,500, or the student's assignment to a school work project, or both.~~

7-306.

**(A) (1) IN THIS SECTION, "RESTORATIVE APPROACHES" MEANS A RELATIONSHIP-FOCUSED STUDENT DISCIPLINE MODEL THAT:**

**(I) IS ~~PRIMARYLY~~ PREVENTIVE AND PROACTIVE ~~AND PREVENTIVE~~;**

**(II) EMPHASIZES BUILDING STRONG RELATIONSHIPS AND SETTING CLEAR BEHAVIORAL EXPECTATIONS THAT CONTRIBUTE TO THE WELL-BEING OF THE SCHOOL COMMUNITY;**

**(III) IN RESPONSE TO BEHAVIOR THAT VIOLATES THE CLEAR BEHAVIORAL EXPECTATIONS THAT CONTRIBUTE TO THE WELL-BEING OF THE SCHOOL COMMUNITY, FOCUSES ON ACCOUNTABILITY FOR ANY HARM DONE BY THE PROBLEM BEHAVIOR; AND**

**(IV) ADDRESSES WAYS TO REPAIR THE RELATIONSHIPS AFFECTED BY THE PROBLEM BEHAVIOR WITH THE VOLUNTARY PARTICIPATION OF AN INDIVIDUAL WHO WAS HARMED.**

**(2) "RESTORATIVE APPROACHES" MAY INCLUDE:**

**(I) CONFLICT RESOLUTION;**

**(II) MEDIATION;**

- (III) PEER MEDIATION;
- (IV) CIRCLE PROCESSES;
- (V) RESTORATIVE CONFERENCES;
- (VI) SOCIAL EMOTIONAL LEARNING;
- (VII) TRAUMA-INFORMED CARE;
- (VIII) POSITIVE BEHAVIORAL INTERVENTION SUPPORTS; AND
- (IX) REHABILITATION.

[(a)] (B) Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.

[(b)] (C) The State Board shall:

(1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards; ~~and~~

**(2) ON REQUEST, PROVIDE TECHNICAL ASSISTANCE AND TRAINING TO COUNTY BOARDS REGARDING THE USE OF RESTORATIVE APPROACHES; AND**

~~(2)~~ (3) Assist each county board with the implementation of the guidelines.

[(c)] (D) (1) Subject to the provisions of subsections [(a)] (B) and [(b)] (C) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:

(i) Shall provide for educational and behavioral interventions, **RESTORATIVE APPROACHES**, counseling, and student and parent conferencing; [and]

(ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate; **AND**

(III) SHALL STATE THAT THE PRIMARY PURPOSE OF ANY DISCIPLINARY MEASURE IS REHABILITATIVE, RESTORATIVE, AND EDUCATIONAL.

~~(E) (1) EACH COUNTY BOARD SHALL DEVELOP A MULTIYEAR PLAN FOR THE ADOPTION, IMPLEMENTATION, AND CONTINUED MONITORING OF THE USE OF RESTORATIVE APPROACHES FOR STUDENT DISCIPLINE.~~

~~(2) THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:~~

~~(i) A LIST OF THE SPECIFIC RESTORATIVE APPROACHES AVAILABLE IN THE COUNTY;~~

~~(ii) METHODS USED BY THE COUNTY BOARD TO COMMUNICATE THE PLAN TO:~~

~~1. ALL FACULTY AND STAFF IN THE COUNTY; AND~~

~~2. ALL STUDENTS AND PARENTS IN THE COUNTY;~~

~~(iii) GUIDELINES FOR INCORPORATING THE USE OF RESTORATIVE APPROACHES FOR STUDENT BEHAVIOR DURING A CONFERENCE HELD UNDER § 7-305 OF THIS SUBTITLE; AND~~

~~(iv) A PROFESSIONAL DEVELOPMENT PLAN FOR TRAINING ALL APPROPRIATE FACULTY AND STAFF ON THE RESTORATIVE APPROACHES USED IN THE LOCAL SCHOOL SYSTEM.~~

[(d)] ~~(E)~~ (1) ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, A STUDENT DISCIPLINE DATA REPORT THAT INCLUDES A DESCRIPTION OF THE USES OF RESTORATIVE APPROACHES IN THE STATE AND A REVIEW OF DISCIPLINARY PRACTICES AND POLICIES IN THE STATE.

(2) The Department shall disaggregate the information in any student discipline data report prepared by the Department by race, ethnicity, gender, disability status, eligibility for free or reduced price meals or an equivalent measure of socioeconomic status, ~~and~~ English language proficiency, AND TYPE OF DISCIPLINE for:

- (i) The State;
- (ii) Each local school system; and
- (iii) Each public school.

~~(2)~~ **(3)** Special education–related data in any report prepared under ~~paragraph (1) of this subsection~~ shall be disaggregated by race, ethnicity, and gender.

~~[(e)]~~ ~~(G)~~ **(F)** (1) In this subsection, “alternative school discipline practice” means a discipline practice used in a public school that is not an in–school suspension or an out–of–school suspension.

(2) The Department shall collect data on alternative school discipline practices in public schools for each local school system, including:

(i) The types of alternative school discipline practices that are used in a local school system; and

(ii) The type of misconduct for which an alternative discipline practice is used.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 692

**(House Bill 768)**

AN ACT concerning

### **Health – Prescription Drug Affordability Board**

FOR the purpose of establishing the Prescription Drug Affordability Board as an independent unit of State government; providing that the exercise by the Board of its authority under this Act is an essential governmental function; providing for the purpose of the Board; providing for the membership, terms, compensation, and chair of the Board; requiring certain conflicts of interest to be disclosed and considered when appointing members to the Board; specifying the terms of the initial members and alternate members of the Board; requiring the chair of the Board to hire certain staff and develop a certain budget and plan to be submitted to the Board for approval; requiring that the staff of the Board receive a certain salary; requiring the Board to meet in a certain manner and with a certain frequency with certain exceptions; requiring the Board to provide certain public notice of each Board meeting and to make certain materials available to the public in a certain manner; requiring the Board to provide the public with the opportunity to provide certain comments; authorizing the Board to allow expert testimony under certain circumstances; requiring the Board to access certain information for prescription drug products in a

certain manner; requiring certain actions by the Board to be made in open session; providing that a majority of the members of the Board constitutes a quorum; requiring members of the Board to recuse themselves from certain decisions under certain circumstances; authorizing the Board to adopt certain regulations and enter into certain contracts; providing that certain third parties may not use certain information except under certain circumstances; providing for the application of certain procurement law to the Board; establishing the Prescription Drug Affordability Stakeholder Council; providing for the purpose of the Stakeholder Council; providing for the membership of the Stakeholder Council; specifying the terms of the initial members of the Stakeholder Council; requiring the Board to appoint certain chairs for the Stakeholder Council; prohibiting a member of the Stakeholder Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the disclosure of certain conflicts of interest within a certain time frame and in a certain manner; prohibiting certain persons from accepting certain gifts or donations; providing for the construction of certain provisions of this Act; requiring the Board in consultation with the Stakeholder Council to make certain determinations and adopt certain regulations ~~conduct a certain study and submit a certain report to certain committees of the General Assembly on or before a certain date; requiring the Board to collect and review certain information, identify certain states, and initiate a certain process on or before a certain date; requiring the Board, in consultation with the Stakeholder Council, to adopt certain regulations; requiring the Board to use certain information to identify certain prescription drug products with certain costs; requiring the Board to determine in a certain manner whether to conduct a certain review for certain identified products; requiring the Board to request certain information from a manufacturer certain entities under certain circumstances; providing that information to conduct a certain cost review includes certain documents and research; providing that failure of a manufacturer certain entities to provide the Board with certain information does not affect certain Board authority; requiring that a certain review determine if certain utilization of a prescription drug product has led or will lead to certain challenges; requiring the Board to consider certain factors in making a certain determination on whether a certain drug product has led or will lead to certain challenges; authorizing the Board to consider certain additional factors if the Board is unable to make a certain determination; requiring the Board to recommend or establish set certain upper payment limits after considering certain factors; requiring the Board to work with certain stakeholders to identify certain methodologies and establish certain data sources on or before a certain date; providing for the application of certain provisions of this Act; requiring the Board to consider certain information and recommend and publicize certain upper payment limits on or before a certain date; requiring the Board to establish set certain upper payment limits for certain prescription drug products on or after a certain date; prohibiting certain materials from being made available to the public; authorizing only certain Board members and staff to access certain information; providing that certain provisions of law regarding trade secrets apply to certain information obtained under certain provisions of this Act; requiring the Board to draft a certain plan of action under certain circumstances; requiring that certain criteria include consideration of certain factors; requiring that a certain process prohibit the~~

*application of upper payment limits to certain prescription drug products, and require the Board to monitor certain prescriptions drug products and reconsider or suspend certain upper payment limits; requiring the Board, under certain circumstances, to submit a certain plan to the Legislative Policy Committee of the General Assembly for its approval on or before a certain date; providing that the Committee has a certain number of days to approve a certain plan; requiring the Board to submit a certain plan to the Governor and the Attorney General if the Committee does not approve the plan; providing that the Governor and the Attorney General have a certain number of days to approve a certain plan; prohibiting the Board from setting upper payment limits unless a certain plan receives certain approval; authorizing the Board to set upper payment limits for certain prescription drug products on or after a certain date; requiring that certain information be subject to public inspection to the extent allowed under certain provisions of law; requiring the Board to monitor the availability of certain prescription drug products and reconsider upper payment limits under certain circumstances; prohibiting upper payment limits from applying to a prescription drug product while the prescription drug product is on a certain federal list; providing that certain information and data is considered *to be a trade secret and confidential and proprietary information* and is not subject to disclosure under certain provisions of law; authorizing the Office of the Attorney General to pursue certain remedies; authorizing certain appeals and judicial review of certain Board decisions; ~~establishing the Prescription Drug Affordability Fund; requiring the Board to be funded by a certain assessment; requiring the Board to assess and collect certain fees; requiring the State Treasurer to hold the Fund separately, and the Comptroller to account for the Fund; providing that the Fund is not subject to certain provisions of law but is subject to certain audit by the Office of Legislative Audits;~~ requiring the Board to determine a certain funding source and submit a certain recommendation to certain committees of the General Assembly on or before a certain date; requiring the Board to be funded in a certain manner; requiring the Board to submit certain reports to certain committees of the General Assembly and to the General Assembly on or before certain dates; ~~requiring the Health Services Cost Review Commission, in consultation with the Maryland Health Care Commission, to submit a certain report to the General Assembly on or before a certain date;~~ requiring the State Designated Health Information Exchange Board jointly to conduct a study with the Board on providing certain data and report certain findings and recommendations to the General Assembly on or before a certain date; defining certain terms; *providing for the application of this Act; subjecting certain provisions of this Act to a certain contingency; providing for the termination of certain provisions of this Act under certain circumstances;* making the provisions of this Act severable; and generally relating to the Prescription Drug Affordability Board.*

BY adding to

Article – Health – General

Section 21-2C-01 through ~~21-2C-11~~ ~~21-2C-14~~ 21-2C-15 to be under the new subtitle “Subtitle 2C. Prescription Drug Affordability Board”

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,  
Article — State Finance and Procurement  
Section 6 — 226(a)(2)(i)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article — State Finance and Procurement  
Section 6 — 226(a)(2)(ii) 112. and 113.  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)~~

~~BY adding to  
Article — State Finance and Procurement  
Section 6 — 226(a)(2)(ii) 114.  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)~~

#### Preamble

WHEREAS, Prescription medications are important to the health and safety of Maryland residents; and

WHEREAS, Maryland has achieved success in regulating costs within the health care industry, including through the Health Services Cost Review Commission, which has saved Maryland over \$45 billion and ensured continued access to high quality care for Maryland residents; and

WHEREAS, Many prescription drugs have become increasingly unaffordable for Maryland residents, employers, and State and local governments because parts of the prescription drug market exert monopoly and oligopoly pressure, creating unmanageable costs for consumers across wide market segments, leading to a rising, unsustainable strain on State and commercial health plan budgets and lowering equitable access to life-sustaining medications for Maryland residents; and

WHEREAS, Other sectors across widely varying industries, such as research universities, academic and safety net hospitals, public utilities, and telecommunications, often receive public funds and State protections and are regulated routinely to ensure affordability but still maintain their ability to innovate and provide accessible products to many consumers; and

WHEREAS, State and federal agencies have a long history of health care rate setting including for name brand pharmaceuticals, biologics, and generic drugs to manage health care costs; and

WHEREAS, All public and private health care programs, including Medicaid and State employee benefit programs, set payment rates for generic and patient-protected drugs; and

WHEREAS, State Medicaid, State employee health benefit programs, and private health insurers set prescription drug payment rates that drive negotiations and financial transactions through the supply chain, which may be out of State; and

WHEREAS, Maryland taxpayers support the pharmacy benefit for almost one-third of State residents; now, therefore,

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

**Article – Health – General**

**SUBTITLE 2C. PRESCRIPTION DRUG AFFORDABILITY BOARD.**

**21-2C-01.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BIOLOGIC” MEANS A DRUG THAT IS PRODUCED OR DISTRIBUTED IN ACCORDANCE WITH A BIOLOGICS LICENSE APPLICATION APPROVED UNDER 42 C.F.R. § 447.502.

(C) “BIOSIMILAR” MEANS A DRUG THAT IS PRODUCED OR DISTRIBUTED IN ACCORDANCE WITH A BIOLOGICS LICENSE APPLICATION APPROVED UNDER 42 U.S.C. § 262(k)(3).

(D) “BOARD” MEANS THE PRESCRIPTION DRUG AFFORDABILITY BOARD.

(E) (1) “BRAND NAME DRUG” MEANS A DRUG THAT IS PRODUCED OR DISTRIBUTED IN ACCORDANCE WITH AN ORIGINAL NEW DRUG APPLICATION APPROVED UNDER 21 U.S.C. § 355(C).

(2) “BRAND NAME DRUG” DOES NOT INCLUDE AN AUTHORIZED GENERIC AS DEFINED BY 42 C.F.R. § 447.502.

(F) “GENERIC DRUG” MEANS:

(1) A RETAIL DRUG THAT IS MARKETED OR DISTRIBUTED IN ACCORDANCE WITH AN ABBREVIATED NEW DRUG APPLICATION, APPROVED UNDER 21 U.S.C. § 355(J);

(2) AN AUTHORIZED GENERIC AS DEFINED BY 42 C.F.R. § 447.502; OR

(3) A DRUG THAT ENTERED THE MARKET BEFORE 1962 THAT WAS NOT ORIGINALLY MARKETED UNDER A NEW DRUG APPLICATION.

(G) “MANUFACTURER” MEANS AN ENTITY THAT:

(1) (I) ENGAGES IN THE MANUFACTURE OF A PRESCRIPTION DRUG PRODUCT; OR

(II) ENTERS INTO A LEASE WITH ANOTHER MANUFACTURER TO MARKET AND DISTRIBUTE A PRESCRIPTION DRUG PRODUCT UNDER THE ENTITY’S OWN NAME; AND

(2) SETS OR CHANGES THE WHOLESALE ACQUISITION COST OF THE PRESCRIPTION DRUG PRODUCT IT MANUFACTURES OR MARKETS.

(H) “PRESCRIPTION DRUG PRODUCT” MEANS A BRAND NAME DRUG, A GENERIC DRUG, A BIOLOGIC, OR A BIOSIMILAR.

(I) “STAKEHOLDER COUNCIL” MEANS THE PRESCRIPTION DRUG AFFORDABILITY STAKEHOLDER COUNCIL.

21-2C-02.

(A) (1) THERE IS A PRESCRIPTION DRUG AFFORDABILITY BOARD.

(2) (I) THE BOARD IS A BODY POLITIC AND CORPORATE AND IS AN INSTRUMENTALITY OF THE STATE.

(II) THE BOARD IS AN INDEPENDENT UNIT OF STATE GOVERNMENT.

(III) THE EXERCISE BY THE BOARD OF ITS AUTHORITY UNDER THIS SUBTITLE IS AN ESSENTIAL GOVERNMENTAL FUNCTION.

(B) THE PURPOSE OF THE BOARD IS TO PROTECT STATE RESIDENTS, STATE AND LOCAL GOVERNMENTS, COMMERCIAL HEALTH PLANS, HEALTH CARE PROVIDERS, PHARMACIES LICENSED IN THE STATE, AND OTHER STAKEHOLDERS WITHIN THE HEALTH CARE SYSTEM FROM THE HIGH COSTS OF PRESCRIPTION DRUG PRODUCTS.

21-2C-03.

(A) (1) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS, WHO MUST HAVE EXPERTISE IN HEALTH CARE ECONOMICS OR CLINICAL MEDICINE:

- (I) ONE MEMBER APPOINTED BY THE GOVERNOR;
  - (II) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;
  - (III) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;
  - (IV) ONE MEMBER APPOINTED BY THE ATTORNEY GENERAL;
- AND
- (V) ONE MEMBER APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES, WHO SHALL SERVE AS CHAIR OF THE BOARD.

(2) THE BOARD SHALL HAVE THE FOLLOWING ALTERNATE MEMBERS, WHO MUST HAVE EXPERTISE IN HEALTH CARE ECONOMICS OR CLINICAL MEDICINE AND WHO SHALL BE DESIGNATED BY THE BOARD CHAIR TO PARTICIPATE IN DELIBERATIONS OF THE BOARD WHEN A MEMBER IS RECUSED:

- (I) ONE ALTERNATE MEMBER APPOINTED BY THE GOVERNOR;
- (II) ONE ALTERNATE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE; AND
- (III) ONE ALTERNATE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES.

(3) AT LEAST ONE MEMBER OF THE BOARD SHALL HAVE EXPERTISE IN:

- (I) THE 340B PROGRAM UNDER THE FEDERAL PUBLIC HEALTH SERVICE ACT;
- (II) THE STATE'S ALL-PAYER MODEL CONTRACT;
- (III) HOW THE PROGRAM AND CONTRACT INTERACT; AND
- (IV) HOW DECISIONS MADE BY THE BOARD WILL AFFECT THE MODEL AND CONTRACT.

~~(3)~~ (4) A MEMBER OR AN ALTERNATE MEMBER MAY NOT BE AN EMPLOYEE OF, A BOARD MEMBER OF, OR A CONSULTANT TO A MANUFACTURER, PHARMACY BENEFITS MANAGER, HEALTH INSURANCE CARRIER, HEALTH MAINTENANCE ORGANIZATION, MANAGED CARE ORGANIZATION, OR WHOLESALE DISTRIBUTOR OR RELATED TRADE ASSOCIATION ~~FOR MANUFACTURERS.~~

~~(4)~~ (5) ANY CONFLICT OF INTEREST, INCLUDING WHETHER THE INDIVIDUAL HAS AN ASSOCIATION, INCLUDING A FINANCIAL OR PERSONAL ASSOCIATION, THAT HAS THE POTENTIAL TO BIAS OR HAS THE APPEARANCE OF BIASING AN INDIVIDUAL'S DECISION IN MATTERS RELATED TO THE BOARD OR THE CONDUCT OF THE BOARD'S ACTIVITIES, SHALL BE CONSIDERED AND DISCLOSED WHEN APPOINTING MEMBERS AND ALTERNATE MEMBERS TO THE BOARD.

~~(5)~~ (6) TO THE EXTENT PRACTICABLE AND CONSISTENT WITH FEDERAL AND STATE LAW, THE MEMBERSHIP OF THE BOARD SHALL REFLECT THE RACIAL, ETHNIC, AND GENDER DIVERSITY OF THE STATE.

(B) (1) THE TERM OF A MEMBER OR AN ALTERNATE MEMBER IS 5 YEARS.

(2) THE TERMS OF THE MEMBERS AND ALTERNATE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2019.

(C) (1) THE CHAIR SHALL HIRE AN EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND STAFF FOR THE BOARD.

(2) THE CHAIR SHALL DEVELOP A 5-YEAR BUDGET AND STAFFING PLAN AND SUBMIT IT TO THE BOARD FOR APPROVAL.

~~(2)~~ (3) STAFF OF THE BOARD SHALL RECEIVE A SALARY AS PROVIDED IN THE BUDGET OF THE BOARD.

(D) A MEMBER OF THE BOARD:

(1) MAY RECEIVE COMPENSATION AS A MEMBER OF THE BOARD IN ACCORDANCE WITH THE STATE BUDGET; AND

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(E) (1) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (IV) OF THIS PARAGRAPH, THE BOARD SHALL MEET IN OPEN SESSION AT LEAST ONCE EVERY 6 WEEKS ~~TO REVIEW PRESCRIPTION DRUG PRODUCT INFORMATION.~~

(II) ~~THE~~ AT THE CHAIR'S DISCRETION, THE CHAIR MAY CANCEL OR POSTPONE A MEETING ~~IF THERE ARE NO PRESCRIPTION DRUG PRODUCTS TO REVIEW.~~

(III) THE FOLLOWING ACTIONS BY THE BOARD SHALL BE MADE IN OPEN SESSION:

1. THE STUDY REQUIRED UNDER § 21-2C-07;

~~1. 2.~~ DELIBERATIONS ON WHETHER TO SUBJECT A PRESCRIPTION DRUG PRODUCT TO A COST REVIEW UNDER ~~§ 21-2C-07(D)~~ § 21-2C-08(D) OF THIS SUBTITLE;

~~2. 3.~~ ANY VOTE ON WHETHER TO IMPOSE AN UPPER PAYMENT LIMIT ON PURCHASES AND PAYOR REIMBURSEMENTS OF PRESCRIPTION DRUG PRODUCTS IN THE STATE; AND

~~3. 4.~~ ANY DECISION BY THE BOARD.

(IV) NOTWITHSTANDING THE OPEN MEETINGS ACT, THE BOARD MAY MEET IN CLOSED SESSION TO DISCUSS TRADE SECRETS OR CONFIDENTIAL AND PROPRIETARY DATA AND INFORMATION.

(2) THE BOARD SHALL PROVIDE PUBLIC NOTICE OF EACH BOARD MEETING AT LEAST 2 WEEKS IN ADVANCE OF THE MEETING.

(3) (I) MATERIALS FOR EACH BOARD MEETING SHALL BE MADE AVAILABLE TO THE PUBLIC AT LEAST 1 WEEK IN ADVANCE OF THE MEETING.

(II) MATERIALS CONTAINING TRADE SECRETS OR CONFIDENTIAL AND PROPRIETARY DATA OR INFORMATION THAT IS NOT OTHERWISE AVAILABLE TO THE PUBLIC MAY NOT BE MADE AVAILABLE TO THE PUBLIC.

(4) THE BOARD SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT AT EACH OPEN MEETING OF THE BOARD.

(5) THE BOARD SHALL PROVIDE THE PUBLIC WITH THE OPPORTUNITY TO PROVIDE WRITTEN COMMENTS ON PENDING DECISIONS OF THE BOARD.

(6) THE BOARD MAY ALLOW EXPERT TESTIMONY AT BOARD MEETINGS, INCLUDING WHEN THE BOARD MEETS IN CLOSED SESSION.

**(7) TO THE EXTENT PRACTICABLE, THE BOARD SHALL ACCESS PRICING INFORMATION FOR PRESCRIPTION DRUG PRODUCTS BY:**

**(I) ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH ANOTHER STATE TO WHICH MANUFACTURERS ALREADY REPORT PRICING INFORMATION; AND**

**(II) ACCESSING OTHER AVAILABLE PRICING INFORMATION.**

**(8) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTES A QUORUM.**

**(9) (I) MEMBERS OF THE BOARD SHALL RECUSE THEMSELVES FROM DECISIONS RELATED TO A PRESCRIPTION DRUG PRODUCT IF THE MEMBER, OR AN IMMEDIATE FAMILY MEMBER OF THE MEMBER, HAS RECEIVED OR COULD RECEIVE ANY OF THE FOLLOWING:**

**1. A DIRECT FINANCIAL BENEFIT OF ANY AMOUNT DERIVING FROM THE RESULT OR FINDING OF A STUDY OR DETERMINATION BY OR FOR THE BOARD; OR**

**2. A FINANCIAL BENEFIT FROM ANY PERSON THAT OWNS, MANUFACTURES, OR PROVIDES PRESCRIPTION DRUG PRODUCTS, SERVICES, OR ITEMS TO BE STUDIED BY THE BOARD THAT IN THE AGGREGATE EXCEEDS \$5,000 PER YEAR.**

**(II) FOR THE PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, A FINANCIAL BENEFIT INCLUDES HONORARIA, FEES, STOCK, THE VALUE OF THE MEMBER'S OR IMMEDIATE FAMILY MEMBER'S STOCK HOLDINGS, AND ANY DIRECT FINANCIAL BENEFIT DERIVING FROM THE FINDING OF A REVIEW CONDUCTED UNDER THIS SUBTITLE.**

**(F) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE BOARD MAY:**

**(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE; AND**

**(2) ENTER INTO A CONTRACT WITH A QUALIFIED, INDEPENDENT THIRD PARTY FOR ANY SERVICE NECESSARY TO CARRY OUT THE POWERS AND DUTIES OF THE BOARD.**

**(G) UNLESS PERMISSION IS GRANTED BY THE BOARD, A THIRD PARTY HIRED BY THE BOARD IN ACCORDANCE WITH SUBSECTION (F)(2) OF THIS SECTION**

MAY NOT RELEASE, PUBLISH, OR OTHERWISE USE ANY INFORMATION TO WHICH THE THIRD PARTY HAS ACCESS UNDER ITS CONTRACT.

(H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY PROCUREMENT FOR SERVICES TO BE PERFORMED OR FOR SUPPLIES TO BE DELIVERED TO THE BOARD IS NOT SUBJECT TO DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE BOARD IS SUBJECT TO THE FOLLOWING PROVISIONS OF THE STATE FINANCE AND PROCUREMENT ARTICLE:

(I) TITLE 3A, SUBTITLE 3 (INFORMATION PROCESSING), TO THE EXTENT THAT THE SECRETARY OF INFORMATION TECHNOLOGY DETERMINES THAT AN INFORMATION TECHNOLOGY PROJECT OF THE ~~EXCHANGE~~ BOARD IS A MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT;

(II) TITLE 12, SUBTITLE 4 (POLICIES AND PROCEDURES FOR EXEMPT UNITS); AND

(III) TITLE 14, SUBTITLE 3 (MINORITY BUSINESS PARTICIPATION).

21-2C-04.

(A) THERE IS A PRESCRIPTION DRUG AFFORDABILITY STAKEHOLDER COUNCIL.

(B) THE PURPOSE OF THE STAKEHOLDER COUNCIL IS TO PROVIDE STAKEHOLDER INPUT TO ASSIST THE BOARD IN MAKING DECISIONS AS REQUIRED UNDER THIS SUBTITLE.

(C) (1) THE STAKEHOLDER COUNCIL CONSISTS OF ~~24~~ ~~25~~ 26 MEMBERS APPOINTED IN ACCORDANCE WITH THIS SUBSECTION.

(2) THE SPEAKER OF THE HOUSE OF DELEGATES SHALL APPOINT:

(I) ONE REPRESENTATIVE OF GENERIC DRUG CORPORATIONS;

(II) ONE REPRESENTATIVE OF NONPROFIT INSURANCE CARRIERS;

~~(III)~~ (III) ONE REPRESENTATIVE OF A STATEWIDE HEALTH CARE ADVOCACY COALITION;

~~(II)~~ (IV) ONE REPRESENTATIVE OF A STATEWIDE ADVOCACY ORGANIZATION FOR SENIORS;

~~(III)~~ (V) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION FOR DIVERSE COMMUNITIES;

~~(IV)~~ (VI) ONE REPRESENTATIVE OF A LABOR UNION;

~~(V)~~ (VII) ~~TWO~~ ONE HEALTH SERVICES ~~RESEARCHERS~~ RESEARCHER SPECIALIZING IN PRESCRIPTION DRUGS; AND

~~(VI)~~ (VIII) ONE PUBLIC MEMBER AT THE DISCRETION OF THE SPEAKER OF THE HOUSE OF DELEGATES.

(3) THE PRESIDENT OF THE SENATE SHALL APPOINT:

(I) ONE REPRESENTATIVE OF BRAND NAME DRUG CORPORATIONS;

~~(I)~~ (II) ONE REPRESENTATIVE OF ~~DOCTORS~~ PHYSICIANS;

~~(II)~~ (III) ONE REPRESENTATIVE OF NURSES;

~~(III)~~ (IV) ONE REPRESENTATIVE OF HOSPITALS;

(V) ONE REPRESENTATIVE OF DENTISTS;

~~(IV)~~ ~~(V)~~ (VI) ONE REPRESENTATIVE OF ~~HEALTH INSURERS~~ MANAGED CARE ORGANIZATIONS;

~~(V)~~ ~~(VI)~~ (VII) ONE REPRESENTATIVE OF THE DEPARTMENT OF BUDGET AND MANAGEMENT;

~~(VI)~~ ~~(VII)~~ (VIII) ONE CLINICAL RESEARCHER; AND

~~(VII)~~ ~~(VIII)~~ (IX) ONE PUBLIC MEMBER AT THE DISCRETION OF THE PRESIDENT OF THE SENATE.

(4) THE GOVERNOR SHALL APPOINT:

(I) ONE REPRESENTATIVE OF BRAND NAME DRUG CORPORATIONS;

(II) ONE REPRESENTATIVE OF GENERIC DRUG CORPORATIONS;

**(III) ONE REPRESENTATIVE OF BIOTECHNOLOGY COMPANIES;**

**(IV) ONE REPRESENTATIVE OF FOR PROFIT HEALTH INSURANCE CARRIERS;**

**~~(III)~~ (V) ONE REPRESENTATIVE OF EMPLOYERS;**

**~~(IV)~~ (VI) ONE REPRESENTATIVE OF PHARMACY BENEFITS MANAGERS;**

**~~(V)~~ (VII) ONE REPRESENTATIVE OF PHARMACISTS;**

**~~(VI)~~ (VIII) ONE PHARMACOLOGIST; AND**

**~~(VII)~~ (IX) ONE PUBLIC MEMBER AT THE DISCRETION OF THE GOVERNOR.**

**(5) ~~THE~~ COLLECTIVELY, THE MEMBERS OF THE STAKEHOLDER COUNCIL SHALL HAVE KNOWLEDGE ~~IN ONE OR MORE~~ OF THE FOLLOWING:**

**(I) THE PHARMACEUTICAL BUSINESS MODEL;**

**(II) SUPPLY CHAIN BUSINESS MODELS;**

**(III) THE PRACTICE OF MEDICINE OR CLINICAL TRAINING;**

**(IV) CONSUMER OR PATIENT PERSPECTIVES;**

**(V) HEALTH CARE COSTS TRENDS AND DRIVERS;**

**(VI) CLINICAL AND HEALTH SERVICES RESEARCH; OR**

**(VII) THE STATE'S HEALTH CARE MARKETPLACE.**

**(6) TO THE EXTENT PRACTICABLE AND CONSISTENT WITH FEDERAL AND STATE LAW, THE MEMBERSHIP OF THE STAKEHOLDER COUNCIL SHALL REFLECT THE RACIAL, ETHNIC, AND GENDER DIVERSITY OF THE STATE.**

**(7) FROM AMONG THE MEMBERSHIP OF THE STAKEHOLDER COUNCIL, THE BOARD CHAIR SHALL APPOINT TWO MEMBERS TO BE COCHAIRS OF THE STAKEHOLDER COUNCIL.**

**(D) (1) THE TERM OF A MEMBER IS 3 YEARS.**

**(2) THE INITIAL MEMBERS OF THE STAKEHOLDER COUNCIL SHALL SERVE STAGGERED TERMS AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2019.**

**(E) A MEMBER OF THE STAKEHOLDER COUNCIL:**

**(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE STAKEHOLDER COUNCIL; BUT**

**(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

**21-2C-05.**

**(A) (1) A CONFLICT OF INTEREST SHALL BE DISCLOSED:**

**(I) BY THE BOARD WHEN HIRING BOARD STAFF;**

**(II) BY THE APPOINTING AUTHORITY WHEN APPOINTING MEMBERS AND ALTERNATE MEMBERS TO THE BOARD AND MEMBERS TO THE STAKEHOLDER COUNCIL; AND**

**(III) BY THE BOARD, WHEN A MEMBER OF THE BOARD IS RECUSED IN ANY FINAL DECISION RESULTING FROM A REVIEW OF A PRESCRIPTION DRUG PRODUCT.**

**(2) A CONFLICT OF INTEREST SHALL BE DISCLOSED:**

**(I) IN ADVANCE OF THE FIRST OPEN MEETING AFTER THE CONFLICT IS IDENTIFIED; OR**

**(II) WITHIN 5 DAYS AFTER THE CONFLICT IS IDENTIFIED.**

**(B) (1) A CONFLICT OF INTEREST DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE POSTED ON THE WEBSITE OF THE BOARD UNLESS THE CHAIR OF THE BOARD RECUSES THE MEMBER FROM ANY FINAL DECISION RESULTING FROM A REVIEW OF A PRESCRIPTION DRUG PRODUCT.**

**(2) A POSTING UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE TYPE, NATURE, AND MAGNITUDE OF THE INTERESTS OF THE MEMBER INVOLVED.**

**21-2C-06.**

MEMBERS AND ALTERNATE MEMBERS OF THE BOARD, BOARD STAFF, AND THIRD-PARTY CONTRACTORS MAY NOT ACCEPT ANY GIFT OR DONATION OF SERVICES OR PROPERTY THAT INDICATES A POTENTIAL CONFLICT OF INTEREST OR HAS THE APPEARANCE OF BIASING THE WORK OF THE BOARD.

21-2C-07.

ON OR BEFORE DECEMBER 31, 2020, THE BOARD, IN CONSULTATION WITH THE STAKEHOLDER COUNCIL, SHALL:

(1) STUDY:

(I) THE ENTIRE PHARMACEUTICAL DISTRIBUTION AND PAYMENT SYSTEM IN THE STATE; AND

(II) POLICY OPTIONS BEING USED IN OTHER STATES AND COUNTRIES TO LOWER THE LIST PRICE OF PHARMACEUTICALS, INCLUDING:

1. SETTING UPPER PAYMENT LIMITS;

2. USING A REVERSE AUCTION MARKETPLACE; AND

3. IMPLEMENTING A BULK PURCHASING PROCESS; AND

(2) REPORT ITS FINDINGS AND RECOMMENDATIONS, INCLUDING FINDINGS FOR EACH OPTION STUDIED UNDER ITEM (1)(II) OF THIS SECTION AND ANY LEGISLATION REQUIRED TO IMPLEMENT THE RECOMMENDATIONS, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

21-2C-08.

~~(A) ON OR BEFORE DECEMBER 31, 2020, THE BOARD, IN CONSULTATION WITH THE STAKEHOLDER COUNCIL, SHALL DETERMINE:~~

~~(1) WHAT DATA IS NECESSARY TO CARRY OUT ITS DUTIES UNDER THIS SUBTITLE AND HOW TO ACCESS THE DATA; AND~~

~~(2) (I) HOW DRUG SHORTAGES IMPACT THE COST OF PRESCRIPTION DRUG PRODUCTS;~~

~~(II) DIFFERENT CAUSES OF DRUG SHORTAGES; AND~~

~~(III) WHETHER UPPER PAYMENT LIMITS WOULD BE APPROPRIATE IN ADDRESSING COSTS IN THE EVENT OF A DRUG SHORTAGE OR WHETHER UPPER PAYMENT LIMITS WOULD EXACERBATE A DRUG SHORTAGE.~~

~~(B) ON OR BEFORE DECEMBER 31, 2020, THE BOARD SHALL:~~

~~(1) COLLECT AND REVIEW PUBLICLY AVAILABLE INFORMATION REGARDING PRESCRIPTION DRUG PRODUCT MANUFACTURERS, HEALTH INSURANCE CARRIERS, HEALTH MAINTENANCE ORGANIZATIONS, MANAGED CARE ORGANIZATIONS, WHOLESALE DISTRIBUTORS, AND PHARMACY BENEFITS MANAGERS; AND~~

~~(1) (2) (I) IDENTIFY STATES THAT REQUIRE REPORTING ON THE COST OF PRESCRIPTION DRUG PRODUCTS; AND~~

~~(2) (II) INITIATE A PROCESS OF ENTERING INTO MEMORANDA OF UNDERSTANDING WITH THE STATES IDENTIFIED UNDER ITEM (1) (I) OF THIS SUBSECTION ITEM TO AID IN THE COLLECTION OF TRANSPARENCY DATA FOR PRESCRIPTION DRUG PRODUCTS.~~

~~(C) (B) BASED ON THE DETERMINATIONS MADE UNDER SUBSECTION (A) OF THIS SECTION AND THE DATA OBTAINED FROM STATES IDENTIFIED UNDER SUBSECTION (B) OF THIS SECTION, INFORMATION COLLECTED UNDER SUBSECTION (A)(1) OF THIS SECTION AND OBTAINED THROUGH MEMORANDA OF UNDERSTANDING UNDER SUBSECTION (A)(2) OF THIS SECTION, THE BOARD, IN CONSULTATION WITH THE STAKEHOLDER COUNCIL, SHALL ADOPT REGULATIONS TO:~~

~~(1) ESTABLISH METHODS FOR COLLECTING ADDITIONAL DATA NECESSARY TO CARRY OUT ITS DUTIES UNDER THIS SECTION; SUBTITLE; AND~~

~~(2) IDENTIFY CIRCUMSTANCES UNDER WHICH THE COST OF A PRESCRIPTION DRUG PRODUCT MAY CREATE OR HAS CREATED AFFORDABILITY CHALLENGES FOR THE STATE HEALTH CARE SYSTEM AND PATIENTS; AND.~~

~~(3) ESTABLISH CRITERIA THE BOARD WILL USE TO SET AN UPPER PAYMENT LIMIT FOR A PRESCRIPTION DRUG PRODUCT AFTER CONSIDERING THE FACTORS IDENTIFIED UNDER § 21-2C-08(E) OF THIS SUBTITLE.~~

~~21-2C-08.~~

~~(A) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A MANUFACTURER FROM MARKETING A PRESCRIPTION DRUG PRODUCT APPROVED BY THE UNITED~~

~~STATES FOOD AND DRUG ADMINISTRATION WHILE THE PRODUCT IS UNDER REVIEW BY THE BOARD.~~

~~(B)~~ (C) THE BOARD SHALL USE THE INFORMATION COLLECTED UNDER SUBSECTION (A)(1) OF THIS SECTION AND OBTAINED THROUGH MEMORANDA OF UNDERSTANDING UNDER SUBSECTION (A)(2) OF THIS SECTION TO IDENTIFY PRESCRIPTION DRUG PRODUCTS THAT ARE:

(1) BRAND NAME DRUGS OR BIOLOGICS THAT, AS ADJUSTED ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX, HAVE:

(I) A LAUNCH WHOLESAL ACQUISITION COST OF \$30,000 OR MORE PER YEAR OR COURSE OF TREATMENT; OR

(II) A WHOLESAL ACQUISITION COST INCREASE OF \$3,000 OR MORE IN ANY 12-MONTH PERIOD, OR COURSE OF TREATMENT IF LESS THAN 12 MONTHS;

(2) BIOSIMILAR DRUGS THAT HAVE A LAUNCH WHOLESAL ACQUISITION COST THAT IS NOT AT LEAST 15% LOWER THAN THE REFERENCED BRAND BIOLOGIC AT THE TIME THE BIOSIMILARS ARE LAUNCHED;

(3) GENERIC DRUGS THAT, AS ADJUSTED ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX, HAVE A WHOLESAL ACQUISITION COST:

(I) OF \$100 OR MORE FOR:

1. A 30-DAY SUPPLY LASTING A PATIENT FOR A PERIOD OF 30 CONSECUTIVE DAYS BASED ON THE RECOMMENDED DOSAGE APPROVED FOR LABELING BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION;

2. A SUPPLY LASTING A PATIENT FOR FEWER THAN 30 DAYS BASED ON THE RECOMMENDED DOSAGE APPROVED FOR LABELING BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION; OR

3. ONE UNIT OF THE DRUG IF THE LABELING APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION DOES NOT RECOMMEND A FINITE DOSAGE; AND

(II) THAT INCREASED BY 200% OR MORE DURING THE IMMEDIATELY PRECEDING 12-MONTH PERIOD, AS DETERMINED BY THE DIFFERENCE BETWEEN THE RESULTING WHOLESAL ACQUISITION COST AND THE

AVERAGE OF THE WHOLESALE ACQUISITION COST REPORTED OVER THE IMMEDIATELY PRECEDING 12 MONTHS; AND

(4) OTHER PRESCRIPTION DRUG PRODUCTS THAT MAY CREATE AFFORDABILITY CHALLENGES FOR THE STATE HEALTH CARE SYSTEM AND PATIENTS, IN CONSULTATION WITH THE STAKEHOLDER COUNCIL.

21-2C-09.

~~(C)~~ (A) (1) AFTER IDENTIFYING PRESCRIPTION DRUG PRODUCTS AS REQUIRED BY ~~SUBSECTION (B) OF THIS SECTION~~ § 21-2C-08 OF THIS SUBTITLE, THE BOARD SHALL DETERMINE WHETHER TO CONDUCT A COST REVIEW AS DESCRIBED IN SUBSECTION ~~(D)~~ (B) OF THIS SECTION FOR EACH IDENTIFIED PRESCRIPTION DRUG PRODUCT BY:

(I) SEEKING STAKEHOLDER COUNCIL INPUT ABOUT THE PRESCRIPTION DRUG PRODUCT; AND

(II) CONSIDERING THE AVERAGE COST SHARE OF THE PRESCRIPTION DRUG PRODUCT.

(2) (I) TO THE EXTENT THERE IS NO PUBLICLY AVAILABLE INFORMATION TO CONDUCT A COST REVIEW AS DESCRIBED IN SUBSECTION ~~(D)~~ (B) OF THIS SECTION, THE BOARD SHALL REQUEST THE INFORMATION FROM ~~THE~~:

1. THE MANUFACTURER OF THE PRESCRIPTION DRUG PRODUCT; AND

2. AS APPROPRIATE, A WHOLESALER DISTRIBUTOR, PHARMACY BENEFITS MANAGER, HEALTH INSURANCE CARRIER, HEALTH MAINTENANCE ORGANIZATION, OR MANAGED CARE ORGANIZATION WITH RELEVANT INFORMATION ON SETTING THE COST OF ~~A~~ THE PRESCRIPTION DRUG PRODUCT IN THE STATE.

(II) THE INFORMATION TO CONDUCT A COST REVIEW MAY INCLUDE ANY DOCUMENT AND RESEARCH RELATED TO THE MANUFACTURER'S SELECTION OF THE INTRODUCTORY PRICE OR PRICE INCREASE OF THE PRESCRIPTION DRUG PRODUCT, INCLUDING LIFE CYCLE MANAGEMENT, NET AVERAGE PRICE IN THE STATE, MARKET COMPETITION AND CONTEXT, PROJECTED REVENUE, AND THE ESTIMATED VALUE OR COST-EFFECTIVENESS OF THE PRESCRIPTION DRUG PRODUCT.

(III) FAILURE OF A MANUFACTURER, WHOLESALER DISTRIBUTOR, PHARMACY BENEFITS MANAGER, HEALTH INSURANCE CARRIER, HEALTH

MAINTENANCE ORGANIZATION, OR MANAGED CARE ORGANIZATION TO PROVIDE THE BOARD WITH THE INFORMATION REQUESTED UNDER THIS PARAGRAPH DOES NOT AFFECT THE AUTHORITY OF THE BOARD TO CONDUCT A REVIEW AS DESCRIBED IN SUBSECTION ~~(D)~~ (B) OF THIS SECTION OR ESTABLISH AN UPPER PAYMENT LIMIT AS AUTHORIZED UNDER SUBSECTION (E) OF THIS SECTION.

~~(D)~~ (B) (1) IF THE BOARD CONDUCTS A REVIEW OF THE COST OF A PRESCRIPTION DRUG PRODUCT, THE REVIEW SHALL DETERMINE WHETHER USE OF THE PRESCRIPTION DRUG PRODUCT THAT IS FULLY CONSISTENT WITH THE LABELING APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION OR STANDARD MEDICAL PRACTICE HAS LED OR WILL LEAD TO AFFORDABILITY CHALLENGES FOR THE STATE HEALTH CARE SYSTEM OR HIGH OUT-OF-POCKET COSTS FOR PATIENTS.

(2) TO THE EXTENT PRACTICABLE, IN DETERMINING WHETHER A PRESCRIPTION DRUG PRODUCT IDENTIFIED UNDER ~~SUBSECTION (B) OF THIS SECTION~~ § 21-2C-08 OF THIS SUBTITLE HAS LED OR WILL LEAD TO AN AFFORDABILITY CHALLENGE, THE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:

(I) THE WHOLESALE ACQUISITION COST AND ANY OTHER RELEVANT PRESCRIPTION DRUG COST INDEX FOR THE PRESCRIPTION DRUG PRODUCT SOLD IN THE STATE;

(II) THE AVERAGE MONETARY PRICE CONCESSION, DISCOUNT, OR REBATE THE MANUFACTURER PROVIDES TO HEALTH PLANS IN THE STATE OR IS EXPECTED TO PROVIDE TO HEALTH PLANS IN THE STATE AS REPORTED BY MANUFACTURERS AND HEALTH PLANS, EXPRESSED AS A PERCENT OF THE WHOLESALE ACQUISITION COST FOR THE PRESCRIPTION DRUG PRODUCT UNDER REVIEW;

(III) THE TOTAL AMOUNT OF THE PRICE CONCESSION, DISCOUNT, OR REBATE THE MANUFACTURER PROVIDES TO EACH PHARMACY BENEFITS MANAGER OPERATING IN THE STATE FOR THE PRESCRIPTION DRUG PRODUCT UNDER REVIEW, AS REPORTED BY MANUFACTURERS AND PHARMACY BENEFITS MANAGERS, EXPRESSED AS A PERCENT OF THE WHOLESALE ACQUISITION COSTS;

(IV) THE PRICE AT WHICH THERAPEUTIC ALTERNATIVES HAVE BEEN SOLD IN THE STATE;

(V) THE AVERAGE MONETARY CONCESSION, DISCOUNT, OR REBATE THE MANUFACTURER PROVIDES OR IS EXPECTED TO PROVIDE TO HEALTH

**PLAN PAYORS AND PHARMACY BENEFITS MANAGERS IN THE STATE FOR THERAPEUTIC ALTERNATIVES;**

**(VI) THE COSTS TO HEALTH PLANS BASED ON PATIENT ACCESS CONSISTENT WITH UNITED STATES FOOD AND DRUG ADMINISTRATION LABELED INDICATIONS;**

**(VII) THE IMPACT ON PATIENT ACCESS RESULTING FROM THE COST OF THE PRESCRIPTION DRUG PRODUCT RELATIVE TO INSURANCE BENEFIT DESIGN;**

**(VIII) THE CURRENT OR EXPECTED DOLLAR VALUE OF DRUG-SPECIFIC PATIENT ACCESS PROGRAMS THAT ARE SUPPORTED BY THE MANUFACTURER;**

**(IX) THE RELATIVE FINANCIAL IMPACTS TO HEALTH, MEDICAL, OR SOCIAL SERVICES COSTS AS CAN BE QUANTIFIED AND COMPARED TO BASELINE EFFECTS OF EXISTING THERAPEUTIC ALTERNATIVES;**

**(X) THE AVERAGE PATIENT COPAY OR OTHER COST-SHARING FOR THE PRESCRIPTION DRUG PRODUCT IN THE STATE; AND**

**(XI) ANY OTHER FACTORS AS DETERMINED BY THE BOARD IN REGULATIONS ADOPTED BY THE BOARD.**

**(3) IF THE BOARD IS UNABLE TO DETERMINE WHETHER A PRESCRIPTION DRUG PRODUCT WILL PRODUCE OR HAS PRODUCED CHALLENGES TO THE AFFORDABILITY OF THE DRUG FOR THE STATE HEALTH CARE SYSTEM, USING THE FACTORS LISTED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY CONSIDER THE FOLLOWING FACTORS:**

**(I) THE MANUFACTURER'S RESEARCH AND DEVELOPMENT COSTS, AS INDICATED ON THE MANUFACTURER'S FEDERAL TAX FILING OR INFORMATION FILED WITH THE FEDERAL SECURITIES AND EXCHANGE COMMISSION FOR THE MOST RECENT TAX YEAR IN PROPORTION TO THE MANUFACTURER'S SALES IN THE STATE;**

**(II) THE PORTION OF DIRECT-TO-CONSUMER MARKETING COSTS ELIGIBLE FOR FAVORABLE FEDERAL TAX TREATMENT IN THE MOST RECENT TAX YEAR THAT ARE SPECIFIC TO THE PRESCRIPTION DRUG PRODUCT UNDER REVIEW AND THAT ARE MULTIPLIED BY THE RATIO OF TOTAL MANUFACTURER IN-STATE SALES TO TOTAL MANUFACTURER SALES IN THE UNITED STATES FOR THE PRODUCT UNDER REVIEW;**

(III) GROSS AND NET MANUFACTURER ~~AND~~, PHARMACY BENEFITS MANAGER, AND WHOLESALE DISTRIBUTOR REVENUES FOR THE PRESCRIPTION DRUG PRODUCT UNDER REVIEW FOR THE MOST RECENT TAX YEAR;

(IV) ANY ADDITIONAL FACTORS PROPOSED BY THE MANUFACTURER AND APPROPRIATE HEALTH INSURANCE CARRIERS, HEALTH MAINTENANCE ORGANIZATIONS, MANAGED CARE ORGANIZATIONS, WHOLESALE DISTRIBUTORS, AND PHARMACY BENEFITS MANAGERS THAT THE BOARD CONSIDERS RELEVANT; AND

(V) ANY ADDITIONAL FACTORS AS ESTABLISHED BY THE BOARD IN REGULATIONS.

~~(E) (1) IF THE BOARD FINDS THAT THE SPENDING ON A PRESCRIPTION DRUG PRODUCT REVIEWED UNDER THIS SECTION HAS LED OR WILL LEAD TO AN AFFORDABILITY CHALLENGE, THE BOARD SHALL RECOMMEND OR ESTABLISH SET AN UPPER PAYMENT LIMIT UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION § 21-2C-09 OF THIS SUBTITLE AFTER CONSIDERING:~~

~~(I) (1) THE COST OF ADMINISTERING THE DRUG;~~

~~(II) (2) THE COST OF DELIVERING THE DRUG TO CONSUMERS; AND~~

~~(III) (3) OTHER RELEVANT ADMINISTRATIVE COSTS RELATED TO THE DRUG; AND~~

~~(IV) IF APPLICABLE, ANY METHODOLOGIES OR DATA SOURCES IDENTIFIED UNDER PARAGRAPH (2)(1) OF THIS SUBSECTION.~~

~~(2) ON OR BEFORE DECEMBER 31, 2023, THE BOARD SHALL WORK WITH PAYORS, PURCHASERS, CONSUMERS, AND OTHER STAKEHOLDERS TO:~~

~~(I) REFINE METHODOLOGIES BY WHICH TO SET UPPER PAYMENT LIMITS FOR PRESCRIPTION DRUG PRODUCTS; AND~~

~~(II) ESTABLISH DATA SOURCES FOR CONDUCTING ANALYSIS OF THE NEED FOR UPPER PAYMENT LIMITS FOR SPECIFIC DRUGS, INCLUDING MEMORANDA OF UNDERSTANDING WITH STATES THAT REQUIRE RELEVANT MANUFACTURER REPORTING.~~

~~(3) ON OR BEFORE DECEMBER 31, 2023, THE BOARD SHALL:~~

~~(I) CONSIDER ALL OF THE INFORMATION THE BOARD RECEIVES UNDER THIS SECTION; AND~~

~~(H) RECOMMEND AND PUBLICIZE AN UPPER PAYMENT LIMIT THAT APPLIES TO ALL PURCHASES AND PAYOR REIMBURSEMENTS OF THE PRESCRIPTION DRUG PRODUCT IN THE STATE.~~

~~(4) BEGINNING JANUARY 1, 2024, THE BOARD SHALL:~~

~~(I) FOR A PRESCRIPTION DRUG PRODUCT FOR WHICH THE BOARD RECOMMENDED AN UPPER PAYMENT LIMIT UNDER PARAGRAPH (3)(H) OF THIS SUBSECTION:~~

~~1. CONSIDER ANY ADDITIONAL METHODOLOGIES OR DATA SOURCES THAT HAVE BEEN IDENTIFIED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION; AND~~

~~2. DETERMINE WHETHER TO ESTABLISH AN UPPER PAYMENT LIMIT THAT APPLIES TO ALL PURCHASES AND PAYOR REIMBURSEMENTS OF THE PRESCRIPTION DRUG PRODUCT IN THE STATE; AND~~

~~(H) FOR ANY OTHER PRESCRIPTION DRUG PRODUCT THE BOARD REVIEWS UNDER THIS SECTION AND DETERMINES CREATES AFFORDABILITY CHALLENGES FOR THE STATE HEALTH CARE SYSTEM AND PATIENTS:~~

~~1. CONSIDER ALL OF THE INFORMATION THE BOARD RECEIVES UNDER THIS SECTION; AND~~

~~2. ESTABLISH AN UPPER PAYMENT LIMIT THAT APPLIES TO ALL PURCHASES AND PAYOR REIMBURSEMENTS OF THE PRESCRIPTION DRUG PRODUCT IN THE STATE.~~

~~(5) A RECOMMENDATION FOR AN UPPER PAYMENT LIMIT MADE UNDER PARAGRAPH (3)(H) OF THIS SUBSECTION MAY NOT BE ENFORCED UNLESS IT IS ESTABLISHED UNDER PARAGRAPH (4)(I) OF THIS SUBSECTION.~~

~~(F) ANY INFORMATION SUBMITTED TO THE BOARD IN ACCORDANCE WITH THIS SECTION SHALL BE SUBJECT TO PUBLIC INSPECTION ONLY TO THE EXTENT ALLOWED UNDER THE PUBLIC INFORMATION ACT.~~

~~21-2C-09.~~

~~(A) THE UPPER PAYMENT LIMITS SET UNDER THIS SECTION DO NOT APPLY TO THE MARYLAND MEDICAL ASSISTANCE PROGRAM.~~

(C) ON OR BEFORE DECEMBER 31, 2020, AND EACH DECEMBER 31 THEREAFTER, THE BOARD SHALL SUBMIT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT THAT INCLUDES:

(1) PRICE TRENDS FOR PRESCRIPTION DRUG PRODUCTS;

(2) THE NUMBER OF PRESCRIPTION DRUG PRODUCTS THAT WERE SUBJECT TO BOARD REVIEW AND THE RESULTS OF THE REVIEW; AND

(3) ANY RECOMMENDATIONS THE BOARD MAY HAVE ON FURTHER LEGISLATION NEEDED TO MAKE PRESCRIPTION DRUG PRODUCTS MORE AFFORDABLE IN THE STATE.

21-2C-10.

(A) ALL INFORMATION AND DATA OBTAINED BY THE BOARD UNDER THIS SUBTITLE, THAT IS NOT OTHERWISE PUBLICLY AVAILABLE:

(1) IS CONSIDERED TO BE A TRADE SECRET AND CONFIDENTIAL AND PROPRIETARY INFORMATION; AND

(2) IS NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT.

(B) ONLY BOARD MEMBERS AND STAFF MAY ACCESS TRADE SECRETS AND CONFIDENTIAL AND PROPRIETARY DATA AND INFORMATION OBTAINED UNDER THIS SUBTITLE THAT IS NOT OTHERWISE PUBLICLY AVAILABLE.

(C) THE PROVISIONS OF TITLE 11, SUBTITLE 12 OF THE COMMERCIAL LAW ARTICLE SHALL APPLY TO ANY TRADE SECRETS AND CONFIDENTIAL AND PROPRIETARY DATA AND INFORMATION OBTAINED UNDER THIS SUBTITLE THAT IS NOT OTHERWISE PUBLICLY AVAILABLE.

21-2C-11.

(A) ON OR BEFORE DECEMBER 31, 2020, THE BOARD SHALL DETERMINE A FUNDING SOURCE FOR THE BOARD.

(B) IN DETERMINING A FUNDING SOURCE, THE BOARD SHALL CONSIDER:

(1) ASSESSING AND COLLECTING A FEE ON MANUFACTURERS, PHARMACY BENEFITS MANAGERS, HEALTH INSURANCE CARRIERS, WHOLESALE DISTRIBUTORS, OR OTHER ENTITIES;

(2) USING REBATES THE STATE OR LOCAL GOVERNMENT RECEIVES FROM MANUFACTURERS; AND

(3) ANY OTHER METHOD IT DETERMINES APPROPRIATE FOR FUNDING THE BOARD.

(C) ON OR BEFORE DECEMBER 31, 2020, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE BOARD SHALL REPORT BACK TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE WITH A RECOMMENDATION ON LEGISLATION NECESSARY TO ESTABLISH A FUNDING SOURCE FOR THE BOARD.

(D) THE BOARD SHALL BE ESTABLISHED USING GENERAL FUNDS, WHICH SHALL BE REPAID TO THE STATE WITH THE FUNDS FROM THE FUNDING SOURCE DETERMINED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION.

21-2C-12.

THE OFFICE OF THE ATTORNEY GENERAL MAY PURSUE ANY AVAILABLE REMEDY UNDER STATE LAW WHEN ENFORCING THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

21-2C-13.

(A) IF, UNDER § 21-2C-07 OF THIS SUBTITLE, THE BOARD FINDS THAT IT IS IN THE BEST INTEREST OF THE STATE TO ESTABLISH A PROCESS FOR SETTING UPPER PAYMENT LIMITS FOR PRESCRIPTION DRUG PRODUCTS THAT IT DETERMINES HAVE LED OR WILL LEAD TO AN AFFORDABILITY CHALLENGE, THE BOARD, IN CONJUNCTION WITH THE STAKEHOLDER COUNCIL, SHALL DRAFT A PLAN OF ACTION FOR IMPLEMENTING THE PROCESS THAT INCLUDES THE CRITERIA THE BOARD SHALL USE TO SET UPPER PAYMENT LIMITS.

(B) THE CRITERIA FOR SETTING UPPER PAYMENT LIMITS SHALL INCLUDE CONSIDERATION OF:

(1) THE COST OF ADMINISTERING THE PRESCRIPTION DRUG PRODUCT;

(2) THE COST OF DELIVERING THE PRESCRIPTION DRUG PRODUCT TO CONSUMERS; AND

(3) OTHER RELEVANT ADMINISTRATIVE COSTS RELATED TO THE PRESCRIPTION DRUG PRODUCT.

(C) THE PROCESS FOR SETTING UPPER PAYMENT LIMITS SHALL:

(1) PROHIBIT THE APPLICATION OF AN UPPER PAYMENT LIMIT FOR A PRESCRIPTION DRUG PRODUCT THAT IS ON THE FEDERAL FOOD AND DRUG ADMINISTRATION PRESCRIPTION DRUG SHORTAGE LIST; AND

(2) REQUIRE THE BOARD TO:

(I) MONITOR THE AVAILABILITY OF ANY PRESCRIPTION DRUG PRODUCT FOR WHICH IT SETS AN UPPER PAYMENT LIMIT; AND

(II) IF THERE BECOMES A SHORTAGE OF THE PRESCRIPTION DRUG PRODUCT IN THE STATE, RECONSIDER OR SUSPEND THE UPPER PAYMENT LIMIT.

(D) (1) IF A PLAN OF ACTION IS DRAFTED UNDER SUBSECTION (A) OF THIS SECTION, ON OR BEFORE JULY 1, 2021, THE BOARD SHALL SUBMIT THE PLAN OF ACTION TO THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, FOR ITS APPROVAL.

(2) THE LEGISLATIVE POLICY COMMITTEE SHALL HAVE 45 DAYS TO APPROVE THE PLAN OF ACTION.

(3) IF THE LEGISLATIVE POLICY COMMITTEE DOES NOT APPROVE THE PLAN OF ACTION, THE BOARD SHALL SUBMIT THE PLAN TO THE GOVERNOR AND THE ATTORNEY GENERAL FOR APPROVAL.

(4) THE GOVERNOR AND THE ATTORNEY GENERAL SHALL HAVE 45 DAYS TO APPROVE THE PLAN OF ACTION.

(5) THE BOARD MAY NOT SET UPPER PAYMENT LIMITS UNLESS THE PLAN IS APPROVED, IN ACCORDANCE WITH THIS SUBSECTION, BY:

(I) THE LEGISLATIVE POLICY COMMITTEE; OR

- (II) 1. THE GOVERNOR; AND  
 2. THE ATTORNEY GENERAL.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

21-2C-13.

~~(B)~~ (A) ON OR AFTER ~~JULY 1, 2021~~ JANUARY 1, 2022, THE BOARD SHALL MAY SET UPPER PAYMENT LIMITS FOR PRESCRIPTION DRUG PRODUCTS THAT ARE:

(1) PURCHASED OR PAID FOR BY A UNIT OF STATE OR LOCAL GOVERNMENT OR AN ORGANIZATION ON BEHALF OF A UNIT OF STATE OR LOCAL GOVERNMENT, INCLUDING:

(I) STATE OR COUNTY CORRECTIONAL FACILITIES;

(II) STATE HOSPITALS; AND

(III) HEALTH CLINICS AT STATE INSTITUTIONS OF HIGHER EDUCATION; OR

(2) PAID FOR THROUGH A HEALTH BENEFIT PLAN ON BEHALF OF A UNIT OF STATE OR LOCAL GOVERNMENT, INCLUDING A COUNTY, BICOUNTY, OR MUNICIPAL EMPLOYEE HEALTH BENEFIT PLAN; OR

(3) PURCHASED FOR OR PAID FOR BY THE MARYLAND STATE MEDICAL ASSISTANCE PROGRAM.

~~(C)~~ (B) THE UPPER PAYMENT LIMITS SET UNDER SUBSECTION ~~(B)~~ (A) OF THIS SECTION SHALL:

(1) BE FOR PRESCRIPTION DRUG PRODUCTS THAT HAVE LED OR WILL LEAD TO AN AFFORDABILITY CHALLENGE; AND

(2) BE SET IN ACCORDANCE WITH THE CRITERIA ESTABLISHED ~~IN REGULATIONS UNDER § 21-2C-07(C)(3) OF THIS SUBTITLE~~ IN REGULATIONS ADOPTED BY THE BOARD.

~~(D)~~ (C) (1) THE BOARD SHALL:

(I) MONITOR THE AVAILABILITY OF ANY PRESCRIPTION DRUG PRODUCT FOR WHICH IT SETS AN UPPER PAYMENT LIMIT; AND

(II) IF THERE BECOMES A SHORTAGE OF THE PRESCRIPTION DRUG PRODUCT IN THE STATE, RECONSIDER WHETHER THE UPPER PAYMENT LIMIT SHOULD BE SUSPENDED OR ALTERED.

(2) AN UPPER PAYMENT LIMIT SET UNDER SUBSECTION ~~(B)~~ (A) OF THIS SECTION MAY NOT BE APPLIED TO A PRESCRIPTION DRUG PRODUCT WHILE THE PRESCRIPTION DRUG PRODUCT IS ON THE FEDERAL FOOD AND DRUG ADMINISTRATION PRESCRIPTION DRUG SHORTAGE LIST.

~~21-2C-10.~~

~~ALL INFORMATION AND DATA COLLECTED BY THE BOARD DURING A REVIEW UNDER THIS SUBTITLE:~~

~~(1) IS CONSIDERED TO BE CONFIDENTIAL AND PROPRIETARY INFORMATION; AND~~

~~(2) IS NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT.~~

~~21-2C-08. 21-2C-11.~~

~~THE OFFICE OF THE ATTORNEY GENERAL MAY PURSUE ANY AVAILABLE REMEDY UNDER STATE LAW WHEN ENFORCING THIS SUBTITLE.~~

~~21-2C-09. 21-2C-12. 21-2C-14.~~

(A) A PERSON AGGRIEVED BY A DECISION OF THE BOARD MAY REQUEST AN APPEAL OF THE DECISION WITHIN 30 DAYS AFTER THE FINDING OF THE BOARD.

(B) THE BOARD SHALL HEAR THE APPEAL AND MAKE A FINAL DECISION WITHIN 60 DAYS AFTER THE APPEAL IS REQUESTED.

(C) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD MAY PETITION FOR JUDICIAL REVIEW AS PROVIDED BY THE ADMINISTRATIVE PROCEDURE ACT.

~~21-2C-10. 21-2C-13.~~

~~(A) IN THIS SECTION, "FUND" MEANS THE PRESCRIPTION DRUG AFFORDABILITY FUND.~~

~~(B) (1) THERE IS A PRESCRIPTION DRUG AFFORDABILITY FUND.~~

~~(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE BOARD SHALL BE FUNDED BY AN ASSESSMENT ON ALL MANUFACTURERS.~~

~~(2) THE BOARD SHALL ASSESS AND COLLECT FEES FROM MANUFACTURERS AS PROVIDED FOR IN THIS SECTION.~~

~~(3) THE BOARD SHALL ASSESS EACH MANUFACTURER ON THE MANUFACTURER'S RELATIVE SHARE OF GROSS REVENUE FROM DRUG SALES IN THE STATE.~~

~~(4) EACH YEAR, A MANUFACTURER ASSESSED UNDER THIS SECTION SHALL PAY A FEE TO THE BOARD.~~

~~(5) THE BOARD SHALL PAY ALL FUNDS COLLECTED FROM THE ASSESSMENT INTO THE FUND.~~

~~(6) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~(7) THE FUND SHALL BE USED ONLY TO PROVIDE FUNDING FOR THE BOARD AND FOR THE PURPOSES AUTHORIZED UNDER THIS SUBTITLE INCLUDING ANY COSTS EXPENDED BY ANY STATE AGENCY TO IMPLEMENT THIS SUBTITLE.~~

~~(8) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS.~~

~~(9) ANY INVESTMENT EARNINGS SHALL BE RETAINED TO THE CREDIT OF THE FUND.~~

~~(10) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED FOR UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

~~(11) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND FROM RECEIVING FUNDS FROM ANY OTHER SOURCE.~~

~~(A) (1) ON OR BEFORE DECEMBER 31, 2020, THE BOARD SHALL DETERMINE A FUNDING SOURCE FOR THE BOARD.~~

~~(2) IN DETERMINING A FUNDING SOURCE, THE BOARD SHALL CONSIDER:~~

~~(I) ASSESSING AND COLLECTING A FEE ON MANUFACTURERS, PHARMACY BENEFIT MANAGERS, HEALTH INSURANCE CARRIERS, OR OTHER ENTITIES;~~

~~(II) USING REBATES THE STATE OR LOCAL GOVERNMENT RECEIVES FROM MANUFACTURERS; AND~~

~~(III) ANY OTHER METHOD IT DETERMINES APPROPRIATE FOR FUNDING THE BOARD.~~

~~(3) ON OR BEFORE DECEMBER 31, 2020, THE BOARD SHALL REPORT BACK TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE WITH A RECOMMENDATION ON LEGISLATION NECESSARY TO ESTABLISH A FUNDING SOURCE FOR THE BOARD.~~

~~(D) (B) THE BOARD SHALL BE ESTABLISHED USING GENERAL FUNDS, WHICH SHALL BE REPAID TO THE STATE WITH THE ASSESSMENTS REQUIRED UNDER THIS SECTION FUNDS FROM THE FUNDING SOURCE DETERMINED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION.~~

~~21-2C-11. 21-2C-14.~~

~~ON OR BEFORE DECEMBER 31, 2021, AND EACH YEAR DECEMBER 31 THEREAFTER, THE BOARD SHALL SUBMIT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT THAT INCLUDES:~~

~~(1) PRICE TRENDS FOR PRESCRIPTION DRUG PRODUCTS;~~

~~(2) THE NUMBER OF PRESCRIPTION DRUG PRODUCTS THAT WERE SUBJECT TO BOARD REVIEW, INCLUDING THE RESULTS OF THE REVIEW AND THE NUMBER AND DISPOSITION OF APPEALS AND JUDICIAL REVIEWS OF BOARD DECISIONS; AND~~

~~(3) ANY RECOMMENDATIONS THE BOARD MAY HAVE ON FURTHER LEGISLATION NEEDED TO MAKE PRESCRIPTION DRUG PRODUCTS MORE AFFORDABLE IN THE STATE.~~

~~21-2C-15.~~

ON OR BEFORE DECEMBER 1, 2023, THE BOARD, IN CONSULTATION WITH THE STAKEHOLDER COUNCIL, SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE LEGALITY, OBSTACLES, AND BENEFITS OF SETTING UPPER PAYMENT LIMITS ON ALL PURCHASES AND PAYOR REIMBURSEMENTS OF PRESCRIPTION DRUG PRODUCTS IN THE STATE; AND

(2) RECOMMENDATIONS REGARDING WHETHER THE GENERAL ASSEMBLY SHOULD PASS LEGISLATION TO EXPAND THE AUTHORITY OF THE BOARD TO SET UPPER PAYMENT LIMITS TO ALL PURCHASES AND PAYOR REIMBURSEMENTS OF PRESCRIPTION DRUG PRODUCTS IN THE STATE.

~~Article – State Finance and Procurement~~

~~6-226.~~

~~(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.~~

~~(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:~~

~~112. the Pretrial Services Program Grant Fund; [and]~~

~~113. the Veteran Employment and Transition Success Fund;~~

~~AND~~

~~114. THE PRESCRIPTION DRUG AFFORDABILITY FUND.~~

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That:

(a) The terms of the initial members and alternate members of the Prescription Drug Affordability Board shall expire as follows:

- (1) one member and one alternate member in 2022;
- (2) two members and one alternate member in 2023; and

(3) two members, including the chair of the Board, and one alternate member in 2024.

(b) The terms of the initial members of the Prescription Drug Affordability Stakeholder Council shall expire as follows:

- (1) ~~seven~~ eight members in 2022;
- (2) ~~seven~~ ~~eight~~ nine members in 2023; and
- (3) ~~seven~~ nine members in 2024.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That, on or before June 1, 2020, the Prescription Drug Affordability Board shall:

(1) conduct a study of the operation of the generic drug market in the United States that includes a review of physician-administered drugs and considers:

- (i) the prices of generic drugs on a year-over-year basis;
- (ii) the degree to which generic drug prices affect yearly insurance premium changes;
- (iii) annual changes in insurance cost-sharing for generic drugs;
- (iv) the potential for and history of drug shortages;
- (v) the degree to which generic drug prices affect yearly State Medicaid spending; and
- (vi) any other relevant study questions; and

(2) report its findings to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That, on or before January 1, 2023, the ~~Health Services Cost Review Commission~~ Prescription Drug Affordability Board established under § 21-2C-02 of the Health – General Article, as enacted by Section 1 of this Act, in consultation with the Prescription Drug Affordability Stakeholder Council established under § 21-2C-04 of the Health – General Article, as enacted by Section 1 of this Act, the ~~Health Services Cost Review Commission~~, and the Maryland Health Care Commission, shall:

(1) monitor and assess the impact of ~~upper payment limits and~~ policy actions, including, if applicable, upper payment limits, by the Prescription Drug Affordability Board on:

- (i) prescription drug affordability and access to hospital services in the State;
- (ii) the ability of hospitals and other providers to obtain drugs from manufacturers and suppliers at costs consistent with ~~the upper payment limits established~~ *policy actions, including, if applicable, upper payment limits*, by the Board; and
- (iii) the ability of the State to meet the requirements of the All-Payer Model Contract; and
- (2) report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.

~~SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2023, the Prescription Drug Affordability Board established under § 21-2C-02 of the Health – General Article, as enacted by Section 1 of this Act, in consultation with the Prescription Drug Affordability Stakeholder Council established under § 21-2C-04 of the Health – General Article, as enacted by Section 1 of this Act, shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on:~~

- ~~(1) the legality, obstacles, and benefits of setting upper payment limits on all purchases and payor reimbursements of prescription drug products in the State; and~~
- ~~(2) recommendations regarding whether the General Assembly should pass legislation to expand the authority of the Board to set upper payment limits to all purchases and payor reimbursements of prescription drug products in the State.~~

~~SECTION 6. 7. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the State Designated Health Information Exchange and the Prescription Drug Affordability Board established under § 21-2C-02 of the Health – General Article, as enacted by Section 1 of this Act, jointly shall:~~

- ~~(1) study how the Information Exchange can provide de-identified provider and patient data to the Board; and~~
- ~~(2) report their findings and recommendations, including any necessary statutory changes, to the General Assembly, in accordance with § 2-1246 of the State Government Article.~~

~~SECTION 5. 7. 8. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.~~

SECTION 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect contingent on receipt by the Prescription Drug Affordability Board established under § 21-2C-02 of the Health – General Article, as enacted by Section 1 of this Act of approval by the Legislative Policy Committee of the General Assembly or the Governor and the Attorney General of the plan of action for implementing a process for setting upper payment limits in accordance with § 21-2C-13 of the Health – General Article, as enacted by Section 2 of this Act. The Board, within 5 days after receiving approval from the Legislative Policy Committee or the Governor and the Attorney General, shall forward evidence of the approval to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401. If the Board receives approval for the plan of action on or before January 1, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect and Section 3 of this Act shall take effect on the date evidence of the approval is received by the Department of Legislative Services in accordance with this section. If the Board does not receive approval of the plan of action on or before January 1, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect and Section 3 of this Act shall be null and void.

SECTION ~~6~~ ~~8~~ 10. AND BE IT FURTHER ENACTED, That, subject to Section 9 of this Act, this Act shall take effect ~~October~~ July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 693

(House Bill 770)

AN ACT concerning

### Anne Arundel County – Alcoholic Beverages Licenses – Multiple License Interests

FOR the purpose of authorizing an individual to have an interest in more than one license of any of certain classes of license issued by the Board of License Commissioners for Anne Arundel County, regardless of the manner in which that interest is held or controlled, except by franchise or chain store operation; and generally relating to alcoholic beverages licenses issued in Anne Arundel County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 11-102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 11–1505  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

11–102.

This title applies only in Anne Arundel County.

11–1505.

(A) [Unless] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, UNLESS** expressly authorized by this article, a person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, franchise operation, chain store operation, or any other direct or indirect manner.

(B) ~~AN EXCEPT FOR AN INTEREST HELD OR CONTROLLED BY FRANCHISE OPERATION OR CHAIN STORE OPERATION, AN INDIVIDUAL MAY HAVE AN INTEREST IN MORE THAN ONE CLASS B LICENSE, CLASS H LICENSE, OR CLASS BLX LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR INTERLOCKING STOCK OWNERSHIP, FRANCHISE OPERATION, CHAIN STORE OPERATION, OR ANY OTHER DIRECT OR INDIRECT MANNER.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 694**

**(House Bill 790)**

AN ACT concerning

**Equal Pay for Equal Work – Enforcement – Civil Penalties**

**(Equal Pay Remedies and Enforcement Act)**

FOR the purpose of ~~requiring~~ authorizing, under certain circumstances, the Commissioner of Labor and Industry or a court to require a certain employer to pay a certain civil penalty for ~~a violation of~~ violating the Equal Pay for Equal Work Law; ~~authorizing the Commissioner or a court to order certain additional civil penalties or certain relief under certain circumstances;~~ requiring that a certain penalty be paid to the General Fund for a certain purpose; and generally relating to enforcement of the Equal Pay for Equal Work Law.

BY repealing and reenacting, with amendments,  
 Article – Labor and Employment  
 Section 3–308  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)

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

**Article – Labor and Employment**

3–308.

(a) An employer may not:

- (1) willfully violate any provision of this subtitle;
- (2) hinder, delay, or otherwise interfere with the Commissioner or an authorized representative of the Commissioner in the enforcement of this subtitle;
- (3) refuse entry to the Commissioner or an authorized representative of the Commissioner into a place of employment that the Commissioner is authorized under this subtitle to inspect; or
- (4) discharge or otherwise discriminate against an employee because the employee:
  - (i) makes a complaint to the employer, the Commissioner, or another person;
  - (ii) brings an action under this subtitle or a proceeding that relates to the subject of this subtitle or causes the action or proceeding to be brought; or
  - (iii) has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(b) An employee may not:

(1) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;

(2) in bad faith, bring an action under this subtitle;

(3) in bad faith, bring a proceeding that relates to the subject of this subtitle; or

(4) in bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(c) The Commissioner may bring an action for injunctive relief and damages against a person who violates subsection (a)(1) or (4) or subsection (b)(1), (3), or (4) of this section.

(d) **(1)** An employer who violates any provision of subsection (a)(2) or (3) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$300.

**(2) (I) IF AN EMPLOYER IS FOUND TO HAVE VIOLATED THIS SUBTITLE TWO OR MORE TIMES WITHIN A 3-YEAR PERIOD, THE COMMISSIONER OR A COURT SHALL MAY REQUIRE THE EMPLOYER TO PAY A CIVIL PENALTY EQUAL TO 10% OF THE AMOUNT OF DAMAGES OWED BY THE EMPLOYER.**

~~**(II) THE COMMISSIONER OR A COURT MAY ORDER ADDITIONAL CIVIL PENALTIES AND ANY OTHER APPROPRIATE RELIEF FOR VIOLATIONS OF THIS SUBTITLE.**~~

~~**(III) EACH CIVIL PENALTY ASSESSED UNDER THIS PARAGRAPH SHALL BE PAID TO THE GENERAL FUND OF THE STATE TO OFFSET THE COST OF ENFORCING THIS SUBTITLE.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 695

(House Bill 801)

AN ACT concerning

**Maryland Stadium Authority – Baltimore Convention Facility – Renovation**

FOR the purpose of ~~authorizing the Maryland Stadium Authority to provide for the renovation of the Baltimore Convention facility; altering the authority of the Board of Public Works to approve the issuance of certain bonds related to the Baltimore Convention facility without receiving authorization from the General Assembly; altering the requirement that the Authority, with certain exceptions, comply with certain requirements to finance certain activities; altering the contents required in a certain deed, lease, or written agreement with Baltimore City; altering the definition of “Baltimore Convention site”; providing that an agreement entered into between Baltimore City and the Authority in accordance with the provisions of this Act shall supersede certain prior agreements~~ requiring the Maryland Stadium Authority and Baltimore City to enter into an agreement on certain elements of the expansion or renovation of the Baltimore Convention facility; specifying that the agreement include certain provisions; and generally relating to the Maryland Stadium Authority and the Baltimore Convention facility.

BY repealing and reenacting, without amendments,  
 Article – Economic Development  
 Section 10–601(a) ~~and 10–628(a)~~  
 Annotated Code of Maryland  
 (2018 Replacement Volume)

BY repealing and reenacting, with amendments,  
 Article – Economic Development  
 Section 10–601(l), ~~10–628(c), and 10–640~~  
 Annotated Code of Maryland  
 (2018 Replacement Volume)

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

### **Article – Economic Development**

10–601.

(a) In this subtitle the following words have the meanings indicated.

(l) “Baltimore Convention site” means [the site of the Baltimore Convention Center located in Baltimore City at the address generally known as 1 West Pratt Street, identified in the State Department of Assessments and Taxation Real Property database as tax identification number Ward 22, Section 01, Block 0682, Lots 001 and 001A] **ALL PROPERTIES WITHIN THE AREA BOUNDED BY THE 200 AND 300 BLOCKS OF SOUTH CHARLES STREET ON THE EAST, THE 100 AND 200 BLOCKS OF CONWAY STREET ON THE SOUTH, THE 200 AND 300 BLOCKS OF SOUTH HOWARD STREET ON THE WEST, AND THE 100 AND 200 BLOCKS OF WEST PRATT STREET ON THE NORTH.**

~~10-628.~~

~~(a) Except as provided in subsections (b) and (c) of this section and subject to the prior approval of the Board of Public Works, the Authority may issue bonds at any time for any corporate purpose of the Authority, including the establishment of reserves and the payment of interest.~~

~~(e) (1) Unless authorized by the General Assembly, the Board of Public Works may not approve an issuance by the Authority of bonds, whether taxable or tax exempt, that constitute tax supported debt or nontax supported debt if, after issuance, there would be outstanding and unpaid more than the following face amounts of the bonds for the purpose of financing acquisition, construction, renovation, and related expenses for construction management, professional fees, and contingencies in connection with:~~

~~(i) the Baltimore Convention facility — ~~[\$55,000,000]~~  
**\$600,000,000;**~~

~~(ii) the Hippodrome Performing Arts facility — \$20,250,000;~~

~~(iii) the Montgomery County Conference facility — \$23,185,000;~~

~~(iv) the Ocean City Convention facility — \$17,340,000; and~~

~~(v) Baltimore City public school facilities — \$1,100,000,000.~~

~~(2) (i) The limitation under paragraph (1)(i) of this subsection applies to the aggregate principal amount of bonds outstanding as of June 30 of any year.~~

~~(ii) Refunded bonds may not be included in the determination of an outstanding aggregate amount under this paragraph.~~

~~10-640.~~

~~(a) Except as allowed by § 10-639 of this subtitle, to finance site acquisition ~~[and]~~, construction, **AND RENOVATION**, the Authority shall comply with this section.~~

~~(b) The Authority shall provide to the fiscal committees of the General Assembly, at least 45 days before seeking approval of the Board of Public Works for each bond issue or other borrowing, a comprehensive financing plan for the relevant segment of the facility, including the effect of the financing plan on financing options for other segments of the facility.~~

~~(c) The Authority shall obtain the approval of the Board of Public Works of the proposed bond issue and the financing plan.~~

~~(d) The Authority shall secure a lease or other written agreement with Baltimore City, as approved by the Board of Public Works, under which:~~

~~(1) Baltimore City agrees to pay \$50,000,000 for the capital costs of the expansion of the Baltimore Convention Center not later than the date of the Authority's bond issuance as authorized under § 10-628 of this subtitle;~~

~~(2) Baltimore City and the Authority each own a 50% leasehold interest as tenants in common in the improvements comprising the existing Baltimore Convention Center and the Baltimore Convention Center expansion for the duration of any bonds issued as authorized under § 10-628 of this subtitle; and~~

~~(3) Baltimore City and the Authority agree not to sell, assign, mortgage, pledge, or encumber the Baltimore Convention facility, or any leasehold interest in the facility, without the prior consent of the other, except for liens in favor of their respective bondholders.~~

~~(c) The Authority shall secure a deed, lease, or written agreement with Baltimore City, as approved by the Board of Public Works, authorizing the Authority to:~~

~~(1) design and construct, or contract for the design [and], construction, OR RENOVATION of, the Baltimore Convention facility; and~~

~~(2) pledge the Baltimore Convention facility and the Baltimore Convention site or the leasehold interest in the facility as security for the Authority's bonds.~~

~~(f) The Authority shall secure a written agreement with Baltimore City, as approved by the Board of Public Works:~~

~~(1) in which Baltimore City agrees to:~~

~~(i) operate the Baltimore Convention facility in a manner that maximizes the facility's economic return; and~~

~~(ii) maintain and repair the facility so as to keep it in first class operating condition; and~~

~~(2) that includes provisions that:~~

~~(i) protect the respective investment of the Authority, the State, and Baltimore City in the Baltimore Convention facility;~~

~~(ii) require:~~

~~1. for the period beginning on the completion of the expanded and renovated Baltimore Convention facility and ending on December 31, 2020:~~

~~A. the Authority to contribute two thirds and Baltimore City to contribute one third to annual operating deficits; and~~

~~B. the Authority and Baltimore City each to contribute \$200,000 each year to a capital improvement reserve fund; and~~

~~2. Baltimore City to be solely responsible for all operating deficits and capital improvements:~~

~~A. before the completion of the expanded and renovated Baltimore Convention facility; and~~

~~B. after December 31, 2020; and~~

~~(iii) provide for remedies on default, including the right of the Authority or the State, if a material default by Baltimore City is not corrected after a reasonable notice and cure period, to:~~

~~1. immediately assume responsibility for maintenance and repairs of the Baltimore Convention facility; and~~

~~2. offset the costs of the maintenance and repairs against other amounts owed by the Authority or the State to Baltimore City, whether under the operating agreement with Baltimore City or otherwise.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That an agreement entered into between Baltimore City and the Maryland Stadium Authority in accordance with the provisions of this Act shall supersede any prior agreements between Baltimore City and the Maryland Stadium Authority required under Title 10, Subtitle 6 of the Economic Development Article;~~

(a) The Maryland Stadium Authority and Baltimore City shall promptly enter into a written agreement to begin in fiscal year 2020 the planning and design of the expansion or renovation of the Baltimore Convention facility.

(b) The written agreement under subsection (a) of this section shall include a provision allocating the costs for planning and design as follows:

(1) for the Authority, two-thirds of the cost; and

(2) for Baltimore City, one-third of the cost.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 696****(House Bill 805)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Continuing Care Facility for the Aged License**

FOR the purpose of specifying that a continuing care facility for the aged license in Harford County is issued to the officers of the facility, rather than for the use of the facility; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 22–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 22–1002  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

22–102.

This title applies only in Harford County.

22–1002.

(a) There is a Class CCFA (continuing care facility for the aged) beer, wine, and liquor license.

(b) The Board may issue the license [for the use] **TO THE OFFICERS** of a continuing care facility for the aged that:

(1) provides continuing care as defined under § 10–401 of the Human Services Article;

(2) is licensed as a related institution under Title 19, Subtitle 3 of the Health – General Article;

(3) is certified by the Department of Aging; and

(4) is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code.

(c) The license authorizes the license holder to sell beer, wine, and liquor on the licensed premises for on-premises consumption.

(d) The license holder may sell beer, wine, and liquor for on-premises consumption during the hours and days as set out for a Class C beer, wine, and liquor license under § 22-2004 of this title.

(e) The annual license fee is \$5,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 697

### (House Bill 822)

AN ACT concerning

#### **University System of Maryland – Regular Employees – Grievance Procedures and Disciplinary Actions**

FOR the purpose of authorizing a constituent institution of the University System of Maryland to remove, suspend, or demote a certain regular full-time or part-time employee who is not on probation only in accordance with certain provisions of law; ~~requiring a constituent institution and an exclusive representative to negotiate a certain item under certain circumstances;~~ making conforming changes; repealing obsolete language; altering a certain definition; and generally relating to grievance procedures and disciplinary actions for certain regular employees of the University System of Maryland.

BY repealing and reenacting, with amendments,

Article – Education

Section 12-111; and 13-201 and 13-207(a) to be under the amended subtitle

“Subtitle 2. University of Maryland Regular Employee Grievance Procedures”

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 13–205.1

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

**Article – Education**

12–111.

(a) Except as otherwise provided by law, appointments of the University System of Maryland are not subject to or controlled by the provisions of the State Personnel and Pensions Article that govern the State Personnel Management System.

(b) In accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general policies and guidelines governing the appointment, compensation, advancement, tenure, and termination of all [classified] **REGULAR FULL–TIME AND PART–TIME** personnel.

(c) The policies established under subsection (b) of this section shall include consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed.

Subtitle 2. University of Maryland [Classified] **REGULAR** Employee Grievance  
Procedures.

13–201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Day” means, except as otherwise provided, a working day, Monday through Friday, regardless of work schedule, weekend work, or midweek days off.

(c) **(1)** “Grievance” means any cause of complaint arising between a [classified employee or associate staff] **REGULAR FULL–TIME OR PART–TIME** employee and [his employer] **THE UNIVERSITY** on a matter concerning discipline, alleged discrimination, promotion, assignment, or interpretation or application of [University] rules or departmental procedures over which the [University] management has control. [However, if the complaint pertains to the general level of wages, wage patterns, fringe benefits, or to other broad areas of financial management and staffing, it is not a grievable issue.]

**(2) “GRIEVANCE” DOES NOT INCLUDE:**

(I) COMPLAINTS ON THE GENERAL LEVEL OF WAGES, WAGE PATTERNS, FRINGE BENEFITS, OR OTHER BROAD AREAS OF FINANCIAL MANAGEMENT AND STAFFING; OR

(II) ~~ANY CAUSE OF COMPLAINT BY FACULTY EMPLOYEES, DEANS, PROVOSTS, OR ADMINISTRATORS~~ ANY EMPLOYEE WHO IS NOT REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(d) “University”, unless the context requires otherwise, means a constituent institution of the University System of Maryland.

### 13-205.1.

(A) THIS SECTION APPLIES ONLY TO A REGULAR FULL-TIME OR PART-TIME EMPLOYEE WHO IS REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(B) ~~(1)~~ THE UNIVERSITY MAY REMOVE, SUSPEND, OR DEMOTE A REGULAR FULL-TIME OR PART-TIME EMPLOYEE WHO IS NOT ON PROBATION ONLY:

~~(1)~~ (1) FOR CAUSE;

~~(2)~~ (2) ON WRITTEN CHARGES; AND

~~(3)~~ (3) IN ACCORDANCE WITH THIS SUBTITLE.

~~(2) (1) FOR EMPLOYEES WHO ARE REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE THE UNIVERSITY AND THE EXCLUSIVE REPRESENTATIVE SHALL NEGOTIATE WHAT CONSTITUTES CAUSE UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(1) FOR AN EMPLOYEE WHO IS NOT REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SHALL REMOVE, SUSPEND, OR DEMOTE THE EMPLOYEE ONLY IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT APPLY TO STATE EMPLOYEES IN THE SKILLED AND PROFESSIONAL SERVICES.~~

~~(3) (C)~~ THE UNIVERSITY MAY NOT REMOVE, SUSPEND, OR DEMOTE A REGULAR FULL-TIME OR PART-TIME EMPLOYEE FOR ANY REASON PROHIBITED BY § 2-302 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(a) The defense of sovereign immunity may not be available to the University, unless otherwise specifically provided by the laws of Maryland, in any administrative, arbitration, or judicial proceeding held pursuant to this section, or the personnel policies, rules, and regulations for [classified] **REGULAR FULL-TIME AND PART-TIME** employees of the University System of Maryland involving any type of employee grievance or hearing, including, but not limited to charges for removal, disciplinary suspensions, involuntary demotions, or reclassifications.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 698

(Senate Bill 711)

AN ACT concerning

### University System of Maryland – Regular Employees – Grievance Procedures and Disciplinary Actions

FOR the purpose of authorizing a constituent institution of the University System of Maryland to remove, suspend, or demote a certain regular full-time or part-time employee who is not on probation only in accordance with certain provisions of law; ~~requiring a constituent institution and an exclusive representative to negotiate a certain item under certain circumstances;~~ making conforming changes; repealing obsolete language; altering a certain definition; and generally relating to grievance procedures and disciplinary actions for certain regular employees of the University System of Maryland.

BY repealing and reenacting, with amendments,

Article – Education

Section 12–111; and 13–201 and 13–207(a) to be under the amended subtitle  
“Subtitle 2. University of Maryland Regular Employee Grievance Procedures”

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 13–205.1

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

**Article – Education**

12–111.

(a) Except as otherwise provided by law, appointments of the University System of Maryland are not subject to or controlled by the provisions of the State Personnel and Pensions Article that govern the State Personnel Management System.

(b) In accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general policies and guidelines governing the appointment, compensation, advancement, tenure, and termination of all [classified] **REGULAR FULL–TIME AND PART–TIME** personnel.

(c) The policies established under subsection (b) of this section shall include consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed.

Subtitle 2. University of Maryland [Classified] **REGULAR** Employee Grievance  
Procedures.

13–201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Day” means, except as otherwise provided, a working day, Monday through Friday, regardless of work schedule, weekend work, or midweek days off.

(c) **(1)** “Grievance” means any cause of complaint arising between a [classified employee or associate staff] **REGULAR FULL–TIME OR PART–TIME** employee and [his employer] **THE UNIVERSITY** on a matter concerning discipline, alleged discrimination, promotion, assignment, or interpretation or application of ~~the~~ [University] rules or departmental procedures over which the ~~the~~ [University] management has control. [However, if the complaint pertains to the general level of wages, wage patterns, fringe benefits, or to other broad areas of financial management and staffing, it is not a grievable issue.]

**(2) “GRIEVANCE” DOES NOT INCLUDE:**

**(I) COMPLAINTS ON THE GENERAL LEVEL OF WAGES, WAGE PATTERNS, FRINGE BENEFITS, OR OTHER BROAD AREAS OF FINANCIAL MANAGEMENT AND STAFFING; OR**

**(II) ANY CAUSE OF COMPLAINT BY ~~FACULTY EMPLOYEES, DEANS, PROVOSTS, OR ADMINISTRATORS~~ ANY EMPLOYEE WHO IS NOT**

**REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

(d) “University”, unless the context requires otherwise, means a constituent institution of the University System of Maryland.

**13-205.1.**

**(A) THIS SECTION APPLIES ONLY TO A REGULAR FULL-TIME OR PART-TIME EMPLOYEE WHO IS REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

**(B) ~~(1)~~ THE UNIVERSITY MAY REMOVE, SUSPEND, OR DEMOTE A REGULAR FULL-TIME OR PART-TIME EMPLOYEE WHO IS NOT ON PROBATION ONLY:**

~~(1)~~ **(1) FOR CAUSE;**

~~(2)~~ **(2) ON WRITTEN CHARGES; AND**

~~(3)~~ **(3) IN ACCORDANCE WITH THIS SUBTITLE.**

~~(2) (1) FOR EMPLOYEES WHO ARE REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE UNIVERSITY AND THE EXCLUSIVE REPRESENTATIVE SHALL NEGOTIATE WHAT CONSTITUTES CAUSE UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(2) (2) FOR AN EMPLOYEE WHO IS NOT REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SHALL REMOVE, SUSPEND, OR DEMOTE THE EMPLOYEE ONLY IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT APPLY TO STATE EMPLOYEES IN THE SKILLED AND PROFESSIONAL SERVICES.~~

~~(3) (C) THE UNIVERSITY MAY NOT REMOVE, SUSPEND, OR DEMOTE A REGULAR FULL-TIME OR PART-TIME EMPLOYEE FOR ANY REASON PROHIBITED BY § 2-302 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.~~

**13-207.**

(a) The defense of sovereign immunity may not be available to the University, unless otherwise specifically provided by the laws of Maryland, in any administrative, arbitration, or judicial proceeding held pursuant to this section, or the personnel policies, rules, and regulations for [classified] **REGULAR FULL-TIME AND PART-TIME** employees of the University System of Maryland involving any type of employee grievance or hearing,

including, but not limited to charges for removal, disciplinary suspensions, involuntary demotions, or reclassifications.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 699

(House Bill 866)

AN ACT concerning

### **Allegany County – Alcoholic Beverages – ~~Arts and Entertainment District~~ License Licenses**

FOR the purpose of establishing a Class L beer, wine, and liquor license in Allegany County; authorizing the Board of License Commissioners to issue the license to a holder of a manufacturer's license; specifying that the license authorizes the license holder to sell or provide samples of certain beer, wine, and liquor for on-premises consumption under certain circumstances; providing for the hours of sale and an annual license fee; establishing the ~~Class C~~ Class D (on-sale) beer and wine Arts and Entertainment District license in Allegany County; authorizing the Board of ~~License Commissioners~~ to issue the license to a for-profit festival promoter; establishing that the license authorizes the holder to exercise the privileges of the license at an entertainment event that is held in an arts and entertainment district in the county; establishing certain privileges for the license related to the purchase, transport, and consumption of beer and wine within the approved event area; requiring an applicant for a license to submit an application under oath on the form that the Board provides; establishing that certain provisions of law governing the application for, and issuance and denial of, alcoholic beverages licenses in the county do not apply to the license; requiring the license holder to distribute a wristband to certain individuals at the entertainment event; prohibiting the license holder from serving beer or wine to an individual who does not wear a wristband; establishing certain penalties for certain violations of this Act; authorizing a license holder to hold another alcoholic beverages license of a different class or nature; establishing a certain maximum duration for the license; limiting the number of licenses that may be issued to an individual festival promoter in a calendar year; establishing a certain license fee; and generally relating to the Class L beer, wine, and liquor license and the ~~Class C~~ Class D beer and wine Arts and Entertainment District license in Allegany County.

BY renumbering

Article – Alcoholic Beverages

Section 9–1304  
 to be Section 9–1304.1  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 9–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY adding to  
 Article – Alcoholic Beverages  
 Section 9–905 and 9–1304  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That Section(s) 9–1304 of Article – Alcoholic Beverages of the Annotated Code of Maryland  
 be renumbered to be Section(s) 9–1304.1.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 as follows:

**Article – Alcoholic Beverages**

9–102.

This title applies only in Allegany County.

**9–905.**

**(A) THERE IS A CLASS L BEER, WINE, AND LIQUOR LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF A MANUFACTURER’S LICENSE.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER, FOR ON–PREMISES CONSUMPTION, TO:**

**(1) SELL BEER, WINE, AND LIQUOR PRODUCED BY THE HOLDER OR ANOTHER HOLDER OF A MANUFACTURER’S LICENSE; AND**

**(2) PROVIDE A SAMPLE OF THE BEER, WINE, OR LIQUOR THAT IS AUTHORIZED UNDER ITEM (1) OF THIS SUBSECTION AT NO COST.**

**(D) THE HOURS OF SALE FOR A CLASS L BEER, WINE, AND LIQUOR LICENSE ARE THE SAME AS THOSE FOR THE UNDERLYING MANUFACTURER'S LICENSE.**

**(E) THE ANNUAL LICENSE FEE IS \$250.**

9-1304.

**(A) THERE IS A ~~CLASS C~~ CLASS D (ON-SALE) BEER AND WINE ARTS AND ENTERTAINMENT DISTRICT LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO A FOR-PROFIT FESTIVAL PROMOTER.**

**(C) (1) THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THE LICENSE AT AN ENTERTAINMENT EVENT THAT IS HELD IN AN ARTS AND ENTERTAINMENT DISTRICT IN THE COUNTY.**

**(2) DURING THE EVENT FOR WHICH THE LICENSE IS ISSUED, AN INDIVIDUAL, WITHIN THE APPROVED EVENT AREA IN THE ARTS AND ENTERTAINMENT DISTRICT AND WITH A DESIGNATED CONTAINER UNIQUE TO THE EVENT, MAY:**

**(I) PURCHASE BEER OR WINE FROM THE LICENSE HOLDER, OR PURCHASE BEER OR WINE FROM, AND CONSUME ON THE PREMISES OF, ANY OTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE APPROVED EVENT AREA;**

**(II) TRANSPORT THE BEER OR WINE IN THE DESIGNATED CONTAINER TO THE PREMISES OF ANOTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE APPROVED EVENT AREA; AND**

**(III) CONSUME THE BEER OR WINE WITHIN THE APPROVED EVENT AREA, INCLUDING THE PREMISES OF ANY LICENSE HOLDER WITH ON-SALE PRIVILEGES.**

**(D) (1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION UNDER OATH ON THE FORM THAT THE BOARD PROVIDES.**

**(2) SUBTITLES 14 AND 15 OF THIS TITLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.**

**(E) (1) THE LICENSE HOLDER:**

(I) AT THE ENTERTAINMENT EVENT FOR WHICH THE LICENSE IS ISSUED SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND

(II) MAY NOT SERVE BEER OR WINE TO AN INDIVIDUAL WHO DOES NOT WEAR A WRISTBAND.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, A FINE OF \$250; AND

(II) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$1,000 AND DENIAL OF FURTHER APPLICATIONS FOR A ~~CLASS C~~ CLASS D (ON-SALE) BEER AND WINE ARTS AND ENTERTAINMENT DISTRICT LICENSE.

(F) THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) THE LICENSE:

(1) MAY BE USED FOR A MAXIMUM OF 3 CONSECUTIVE DAYS; AND

(2) MAY NOT BE ISSUED TO AN INDIVIDUAL FOR-PROFIT FESTIVAL PROMOTER MORE THAN ONCE IN A CALENDAR YEAR.

(H) THE LICENSE FEE IS \$500 PER DAY.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 700

(Senate Bill 667)

AN ACT concerning

**Allegany County – Alcoholic Beverages – ~~Arts and Entertainment District~~  
License Licenses**

FOR the purpose of establishing a Class L beer, wine, and liquor license in Allegany County; authorizing the Board of License Commissioners to issue the license to a

holder of a manufacturer's license; specifying that the license authorizes the license holder to sell or provide samples of certain beer, wine, and liquor for on-premises consumption under certain circumstances; providing for the hours of sale and an annual license fee; establishing the ~~Class C~~ Class D (on-sale) beer and wine Arts and Entertainment District license in Allegany County; authorizing the Board of ~~License Commissioners~~ to issue the license to a for-profit festival promoter; establishing that the license authorizes the holder to exercise the privileges of the license at an entertainment event that is held in an arts and entertainment district in the county; establishing certain privileges for the license related to the purchase, transport, and consumption of beer and wine within the approved event area; requiring an applicant for a license to submit an application under oath on the form that the Board provides; establishing that certain provisions of law governing the application for, and issuance and denial of, alcoholic beverages licenses in the county do not apply to the license; requiring the license holder to distribute a wristband to certain individuals at the entertainment event; prohibiting the license holder from serving beer or wine to an individual who does not wear a wristband; establishing certain penalties for certain violations of this Act; authorizing a license holder to hold another alcoholic beverages license of a different class or nature; establishing a certain maximum duration for the license; limiting the number of licenses that may be issued to an individual festival promoter in a calendar year; establishing a certain license fee; and generally relating to the Class L beer, wine, and liquor license and the ~~Class C~~ Class D beer and wine Arts and Entertainment District license in Allegany County.

BY renumbering

Article – Alcoholic Beverages  
Section 9–1304  
to be Section 9–1304.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 9–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 9–905 and 9–1304  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–1304 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 9–1304.1.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

9–102.

This title applies only in Allegany County.

**9–905.**

**(A) THERE IS A CLASS L BEER, WINE, AND LIQUOR LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF A MANUFACTURER’S LICENSE.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER, FOR ON–PREMISES CONSUMPTION, TO:**

**(1) SELL BEER, WINE, AND LIQUOR PRODUCED BY THE HOLDER OR ANOTHER HOLDER OF A MANUFACTURER’S LICENSE; AND**

**(2) PROVIDE A SAMPLE OF THE BEER, WINE, OR LIQUOR THAT IS AUTHORIZED UNDER ITEM (1) OF THIS SUBSECTION AT NO COST.**

**(D) THE HOURS OF SALE FOR A CLASS L BEER, WINE, AND LIQUOR LICENSE ARE THE SAME AS THOSE FOR THE UNDERLYING MANUFACTURER’S LICENSE.**

**(E) THE ANNUAL LICENSE FEE IS \$250.**

9–1304.

**(A) THERE IS A ~~CLASS C~~ CLASS D (ON–SALE) BEER AND WINE ARTS AND ENTERTAINMENT DISTRICT LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO A FOR–PROFIT FESTIVAL PROMOTER.**

**(C) (1) THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THE LICENSE AT AN ENTERTAINMENT EVENT THAT IS HELD IN AN ARTS AND ENTERTAINMENT DISTRICT IN THE COUNTY.**

**(2) DURING THE EVENT FOR WHICH THE LICENSE IS ISSUED, AN INDIVIDUAL, WITHIN THE APPROVED EVENT AREA IN THE ARTS AND**

ENTERTAINMENT DISTRICT AND WITH A DESIGNATED CONTAINER UNIQUE TO THE EVENT, MAY:

(I) PURCHASE BEER OR WINE FROM THE LICENSE HOLDER, OR PURCHASE BEER OR WINE FROM, AND CONSUME ON THE PREMISES OF, ANY OTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE APPROVED EVENT AREA;

(II) TRANSPORT THE BEER OR WINE IN THE DESIGNATED CONTAINER TO THE PREMISES OF ANOTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE APPROVED EVENT AREA; AND

(III) CONSUME THE BEER OR WINE WITHIN THE APPROVED EVENT AREA, INCLUDING THE PREMISES OF ANY LICENSE HOLDER WITH ON-SALE PRIVILEGES.

(D) (1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION UNDER OATH ON THE FORM THAT THE BOARD PROVIDES.

(2) SUBTITLES 14 AND 15 OF THIS TITLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.

(E) (1) THE LICENSE HOLDER:

(I) AT THE ENTERTAINMENT EVENT FOR WHICH THE LICENSE IS ISSUED SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND

(II) MAY NOT SERVE BEER OR WINE TO AN INDIVIDUAL WHO DOES NOT WEAR A WRISTBAND.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, A FINE OF \$250; AND

(II) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$1,000 AND DENIAL OF FURTHER APPLICATIONS FOR A ~~CLASS C~~ CLASS D (ON-SALE) BEER AND WINE ARTS AND ENTERTAINMENT DISTRICT LICENSE.

(F) THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) THE LICENSE:

(1) MAY BE USED FOR A MAXIMUM OF 3 CONSECUTIVE DAYS; AND

**(2) MAY NOT BE ISSUED TO AN INDIVIDUAL FOR-PROFIT FESTIVAL PROMOTER MORE THAN ONCE IN A CALENDAR YEAR.**

**(H) THE LICENSE FEE IS \$500 PER DAY.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 701**

**(House Bill 869)**

AN ACT concerning

### **Howard County – Alcoholic Beverages – Marketplace License**

**Ho. Co. 06–19**

FOR the purpose of establishing a marketplace license in Howard County; authorizing the Board of License Commissioners to issue the license to certain individuals; specifying the scope, hours of sale, and fees for the license; authorizing the license holder to sell beer, wine, and liquor within the marketplace under certain conditions; authorizing a license holder to obtain a refillable container permit and a nonrefillable container permit under certain conditions; specifying certain standards to be met by the marketplace; requiring an applicant for a marketplace license to include a certain list with an application submitted to the Board of License Commissioners of Howard County; prohibiting a certain license holder from exercising the privileges of the license on a certain day when a ticketed public event is held that meets certain conditions, except under certain circumstances; defining a certain term; and generally relating to alcoholic beverages in Howard County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 23–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 23–1004.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

23–102.

This title applies only in Howard County.

**23–1004.1.**

**(A) IN THIS SECTION, “MARKETPLACE” MEANS A PREMISES THAT:**

**(1) ACCOMMODATES THE PUBLIC; AND**

**(2) IS EQUIPPED WITH FIVE OR MORE OUTLETS FOR PREPARING AND SERVING REGULAR MEALS THAT MAY BE CONSUMED BY PATRONS IN A COMMON SEATING AREA OR ANYWHERE ELSE ON THE PREMISES.**

**(B) THERE IS A MARKETPLACE LICENSE.**

**(C) THE BOARD MAY ISSUE A MARKETPLACE LICENSE ONLY TO INDIVIDUALS ON BEHALF OF THE PERSON, FIRM, OR CORPORATION THAT OWNS, MANAGES, OR LEASES THE MARKETPLACE.**

**(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR THROUGH VENDORS OR AGENTS FROM ONE OR MORE OUTLETS WITHIN THE MARKETPLACE BY THE DRINK OR BY THE BOTTLE FOR ON–PREMISES CONSUMPTION.**

**(2) A LICENSE HOLDER MAY OBTAIN:**

**(I) A REFILLABLE CONTAINER PERMIT UNDER § 23–1102 OF THIS TITLE TO SELL DRAFT BEER FOR OFF–PREMISES CONSUMPTION; AND**

**(II) A NONREFILLABLE CONTAINER PERMIT UNDER § 23–1104 OF THIS TITLE TO SELL DRAFT BEER FOR OFF–PREMISES CONSUMPTION.**

**(E) THE MARKETPLACE SHALL HAVE:**

**(1) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE COST OF LAND AND BUILDINGS, OF \$1,000,000 FOR MARKETPLACE FACILITIES;**

(2) A MINIMUM SEATING CAPACITY OF 75 INDIVIDUALS;

(3) A MINIMUM CAPACITY OF 200 INDIVIDUALS AND A MAXIMUM CAPACITY OF 500 INDIVIDUALS, AS DETERMINED BY THE COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES; AND

(4) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE MARKETPLACE.

(F) AN APPLICANT FOR A MARKETPLACE LICENSE SHALL INCLUDE WITH AN APPLICATION SUBMITTED TO THE BOARD A LIST OF THE NAMES OF EACH VENDOR OR AGENT FROM THE OUTLETS WITHIN THE MARKETPLACE THAT WILL BE AUTHORIZED TO SELL BEER, WINE, AND LIQUOR UNDER THE LICENSE.

(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE HOURS OF SALE FOR THE LICENSE ARE THE SAME AS THE HOURS OF SALE FOR CLASS B BEER, WINE, AND LIQUOR LICENSES UNDER § 23-2004(B) OF THIS TITLE.

(2) (I) THE LICENSE HOLDER MAY NOT EXERCISE THE PRIVILEGES OF THE LICENSE ON A DAY WHEN A TICKETED PUBLIC EVENT IS HELD:

1. ON A PROPERTY ADJACENT TO THE LICENSED PREMISES, IF THE ADJACENT PROPERTY HAS A CAPACITY OF AT LEAST 4,000 INDIVIDUALS; OR

2. ON THE SAME PROPERTY AS THE LICENSED PREMISES BUT UNDER A DIFFERENT LICENSE, IF THE PROPERTY HAS A CAPACITY OF AT LEAST 4,000 INDIVIDUALS.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE ON A DAY WHEN A TICKETED PUBLIC EVENT IS HELD IF THE LICENSE HOLDER OBTAINS THE WRITTEN PERMISSION OF THE PROMOTER OR PRODUCER OF THE EVENT BEFORE THE EVENT TAKES PLACE.

(H) (1) THE ANNUAL LICENSE FEE IS \$6,000.

(2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE HOLDER SHALL PAY ANNUALLY:

(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

(II) **\$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 702

(House Bill 874)

AN ACT concerning

### **Criminal Procedure – Postconviction Review – State’s Motion to Vacate**

FOR the purpose of authorizing a court to vacate a certain probation before judgment or judgment of conviction under certain circumstances; establishing the requirements for a certain motion; requiring the State to notify a certain defendant of the filing of a certain motion in a certain manner; authorizing the defendant to file a response to a certain motion within a certain time period; requiring that a certain victim or victim’s representative be notified of a certain hearing; providing that a victim or victim’s representative has the right to attend a certain hearing; requiring the court to hold a hearing on a certain motion under certain circumstances; authorizing the court to dismiss a certain motion without a hearing under certain circumstances; authorizing the court to take certain actions in ruling on a certain motion; requiring the court to state the reasons for a certain ruling in a certain manner; establishing that the State has the burden of proof in a certain proceeding; authorizing certain parties to take an appeal from a certain order; and generally relating to postconviction review.

BY adding to

Article – Criminal Procedure  
Section ~~8-303~~ 8-301.1  
Annotated Code of Maryland  
(2018 Replacement Volume)

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

### **Article – Criminal Procedure**

~~8-303.~~ 8-301.1.

(A) ON A MOTION OF THE STATE, AT ANY TIME AFTER THE ENTRY OF A PROBATION BEFORE JUDGMENT OR JUDGMENT OF CONVICTION IN A CRIMINAL CASE, THE COURT WITH JURISDICTION OVER THE CASE MAY VACATE THE PROBATION BEFORE JUDGMENT OR CONVICTION ON THE GROUND THAT:

~~(1) THE DEFENDANT RECEIVED A PROBATION BEFORE JUDGMENT FOR OR WAS CONVICTED OF A CRIME AND THE ACT ON WHICH THE PROBATION BEFORE JUDGMENT OR CONVICTION WAS BASED IS NO LONGER A CRIME;~~

~~(2) THE DEFENDANT RECEIVED A PROBATION BEFORE JUDGMENT FOR OR WAS CONVICTED OF POSSESSION OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE;~~

~~(3) THE DEFENDANT RECEIVED A PROBATION BEFORE JUDGMENT FOR OR WAS CONVICTED OF AN OFFENSE RELATING TO DRUG PARAPHERNALIA FOR MARIJUANA UNDER § 5-619 OF THE CRIMINAL LAW ARTICLE;~~

~~(4)~~(1) (I) THERE IS NEWLY DISCOVERED EVIDENCE THAT:

~~(H)~~ 1. COULD NOT HAVE BEEN DISCOVERED BY DUE DILIGENCE IN TIME TO MOVE FOR A NEW TRIAL UNDER MARYLAND RULE 4-331(C); AND

~~(H)~~ 2. CREATES A SUBSTANTIAL OR SIGNIFICANT ~~POSSIBILITY~~ PROBABILITY THAT THE RESULT WOULD HAVE BEEN DIFFERENT, ~~AS THAT STANDARD HAS BEEN JUDICIALLY DETERMINED;~~ OR

(II) THE STATE'S ATTORNEY RECEIVED NEW INFORMATION AFTER THE ENTRY OF A PROBATION BEFORE JUDGMENT OR JUDGMENT OF CONVICTION THAT CALLS INTO QUESTION THE INTEGRITY OF THE PROBATION BEFORE JUDGMENT OR CONVICTION; AND

~~(5) THE INTEREST OF JUSTICE AND FAIRNESS JUSTIFIES VACATING THE PROBATION BEFORE JUDGMENT OR CONVICTION.~~

(2) THE STATE PRESENTS INFORMATION THAT:

~~(I) JUSTIFIES VACATING THE CONVICTION OR PROBATION BEFORE JUDGMENT IN THE INTEREST OF JUSTICE AND FAIRNESS; OR~~

~~(II) CALLS INTO QUESTION THE INTEGRITY OF THE CONVICTION OR PROBATION BEFORE JUDGMENT THE INTEREST OF JUSTICE AND FAIRNESS JUSTIFIES VACATING THE PROBATION BEFORE JUDGMENT OR CONVICTION.~~

**(B) A MOTION FILED UNDER THIS SECTION SHALL:**

- (1) BE IN WRITING;**
- (2) STATE IN DETAIL THE GROUNDS ON WHICH THE MOTION IS BASED;**
- (3) WHERE APPLICABLE, DESCRIBE THE NEWLY DISCOVERED EVIDENCE; AND**
- (4) CONTAIN OR BE ACCOMPANIED BY A REQUEST FOR A HEARING ~~IF A HEARING IS SOUGHT.~~**

**(C) (1) THE STATE SHALL NOTIFY THE DEFENDANT IN WRITING OF THE FILING OF A MOTION UNDER THIS SECTION.**

**(2) THE DEFENDANT MAY FILE A RESPONSE TO THE MOTION WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE REQUIRED UNDER THIS SUBSECTION OR WITHIN THE PERIOD OF TIME THAT THE COURT ORDERS.**

**(D) (1) BEFORE A HEARING ON A MOTION FILED UNDER THIS SECTION, THE VICTIM OR VICTIM'S REPRESENTATIVE SHALL BE NOTIFIED, AS PROVIDED UNDER § 11-104 OR § 11-503 OF THIS ARTICLE.**

**(2) A VICTIM OR VICTIM'S REPRESENTATIVE HAS THE RIGHT TO ATTEND A HEARING ON A MOTION FILED UNDER THIS SECTION, AS PROVIDED UNDER § 11-102 OF THIS ARTICLE.**

**(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON A MOTION FILED UNDER THIS SECTION IF THE MOTION SATISFIES THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION ~~AND A HEARING WAS REQUESTED.~~**

**(2) THE COURT MAY DISMISS A MOTION WITHOUT A HEARING IF THE COURT FINDS THAT THE MOTION FAILS TO ASSERT GROUNDS ON WHICH RELIEF MAY BE GRANTED.**

**(F) (1) IN RULING ON A MOTION FILED UNDER THIS SECTION, THE COURT, AS THE COURT CONSIDERS APPROPRIATE, MAY:**

**(I) VACATE THE CONVICTION OR PROBATION BEFORE JUDGMENT AND DISCHARGE THE DEFENDANT; OR**

**(II) DENY THE MOTION.**

**(2) THE COURT SHALL STATE THE REASONS FOR A RULING UNDER THIS SECTION ON THE RECORD.**

**(G) THE STATE IN A PROCEEDING UNDER THIS SECTION HAS THE BURDEN OF PROOF.**

**(H) AN APPEAL MAY BE TAKEN BY EITHER PARTY FROM AN ORDER ENTERED UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 703

### (House Bill 878)

AN ACT concerning

#### **Election Law – Campaign Finance Reports – Late Fees and Certificates of Nomination**

FOR the purpose of altering the fees that are due for failure to file a campaign finance report, an affidavit, or an amended campaign finance report; altering the maximum fee payable for a campaign finance report, an affidavit, or an amended campaign finance report; prohibiting an individual from being issued a certificate of nomination if, on or before a certain date, the individual has failed to file a campaign finance report, an affidavit, or an amended campaign finance report or pay a certain late filing fee; requiring the State Board of Elections to send a certain notice by a certain date to certain candidates; requiring that a vacancy in nomination that occurs as a result of this Act be filled in a certain manner; making conforming changes; and generally relating to sanctions for failure to file campaign finance reports.

BY repealing and reenacting, without amendments,  
 Article – Election Law  
 Section 5–705(a)  
 Annotated Code of Maryland  
 (2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Election Law  
 Section 5–705(b)(1) and (2) and 13–331

Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

BY adding to

Article – Election Law

Section 13–332.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

### Article – Election Law

5–705.

(a) A certificate of nomination that entitles a candidate for public office to have the candidate's name listed on the general election ballot and submitted to the voters at the general election shall be issued in accordance with this section.

(b) (1) **[The] SUBJECT TO § 13–332.1 OF THIS ARTICLE, THE** State Board shall issue a certificate of nomination to each candidate who files a certificate of candidacy with the State Board and who qualifies for the nomination.

(2) **[The] SUBJECT TO § 13–332.1 OF THIS ARTICLE, THE** local board with which a candidate files a certificate of candidacy shall issue a certificate of nomination to each candidate who qualifies for the nomination.

13–331.

(a) In accordance with subsection (b) of this section, the State Board shall assess **[a] late filing [fee] FEES** for a failure to file a campaign finance report, an affidavit, or an amended campaign finance report, as specified in § 13–327 of this subtitle.

(b) (1) The **[fee is \$10] STATE BOARD SHALL ASSESS THE FEES IN THE FOLLOWING AMOUNTS** for each day or part of a day that a campaign finance report, an affidavit, or an amended campaign finance report is overdue:

**(I) \$20 FOR EACH OF THE FIRST 7 DAYS;**

**(II) \$35 FOR EACH OF THE FOLLOWING 7 DAYS; AND**

**(III) \$50 FOR EACH DAY THEREAFTER.**

**[(2) An additional fee of \$10 is due for each of the first 6 days that a preelection campaign finance report under § 13–309 of this subtitle is overdue.]**

**[(3)] (2)** The maximum fee payable for a campaign finance report, an affidavit, or an amended campaign finance report is **[\$500] ~~\$1,500~~ \$1,000**.

(c) (1) The State Board shall accept an overdue campaign finance report, affidavit, or amended campaign finance report that is submitted without payment of the late filing fee, but the campaign finance report, affidavit, or amended campaign finance report is not considered filed until the fee has been paid.

(2) After an overdue campaign finance report, affidavit, or amended campaign finance report is received under paragraph (1) of this subsection no further late filing fee shall be incurred.

(d) (1) Subject to paragraph (2) of this subsection, a late filing fee shall be paid by the campaign finance entity.

(2) If the campaign finance entity has insufficient funds with which to pay a late filing fee in a timely manner, the late filing fee is the joint and several liability of the responsible officers.

### **13-332.1.**

**(A) ~~AN A INDIVIDUAL~~ CANDIDATE MAY NOT BE ISSUED A CERTIFICATE OF NOMINATION UNDER § 5-705 OF THIS ARTICLE IF, ON OR BEFORE THE DEADLINE FOR DECLINING THE NOMINATION SPECIFIED UNDER § 5-801(B) OF THIS ARTICLE, THE ~~INDIVIDUAL~~ CANDIDATE HAS FAILED TO:**

**(1) FILE A CAMPAIGN FINANCE REPORT, AN AFFIDAVIT, OR AN AMENDED CAMPAIGN FINANCE REPORT THAT IS DUE UNDER THIS SUBTITLE FROM, OR ON BEHALF OF, THAT ~~INDIVIDUAL~~ CANDIDATE; OR**

**(2) PAY A LATE FILING FEE THAT IS DUE UNDER § 13-331 OF THIS SUBTITLE.**

**(B) NOT LATER THAN 20 DAYS BEFORE THE DEADLINE FOR DECLINING THE NOMINATION SPECIFIED UNDER § 5-801(B) OF THIS ARTICLE, THE STATE BOARD SHALL SEND A WRITTEN NOTICE TO EACH CANDIDATE WHO WAS SUCCESSFUL IN THE PRIMARY ELECTION AND HAS FAILED TO FILE A CAMPAIGN FINANCE REPORT OR AN AFFIDAVIT OR PAY A LATE FILING FEE THAT THE CANDIDATE WILL BE DEEMED TO HAVE DECLINED THE NOMINATION IF THE CANDIDATE DOES NOT RECTIFY THE FAILURE ON OR BEFORE THE DEADLINE FOR DECLINING THE NOMINATION SPECIFIED UNDER § 5-801(B) OF THIS ARTICLE.**

~~(B)~~ (C) A VACANCY IN NOMINATION THAT OCCURS AS A RESULT OF SUBSECTION (A) OF THIS SECTION SHALL BE FILLED IN ACCORDANCE WITH TITLE 5, SUBTITLE 10 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 704

(House Bill 884)

AN ACT concerning

### Sales and Use Tax – ~~Limited Residential Lodging~~ Short-Term Rentals

FOR the purpose of requiring certain ~~hosting short-term rental~~ hosting short-term rental platforms to collect the sales and use tax on the sale of the right to occupy certain ~~lodging accommodations short-term rentals~~; ~~requiring that the sales and use tax be stated and shown in a certain manner for certain retail sales or sales for use; prohibiting a hosting platform from collecting certain fees unless the sales and use tax is collected in a certain manner~~; defining certain terms; making conforming changes; and generally relating to requiring certain ~~hosting short-term rental~~ hosting short-term rental platforms to collect the sales and use tax on the right to occupy certain ~~lodging accommodations short-term rentals~~.

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 11-101(a), (a-1), ~~(a-2)~~, (a-3), (h)(1), ~~and (k)(1)~~ and (l)(1) and 11-102(a)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section ~~11-101(a-2)~~ 11-101(k)(1), (l)(5) and (6), and (o), ~~11-302~~, and 11-403

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY adding to

Article – Tax – General

Section 11-101(a-4), ~~(e-2), (e-3), and (e-4)~~ (j-1), (j-2), and (j-3)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

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

**Article – Tax – General**

11-101.

(a) In this title the following words have the meanings indicated.

(a-1) “Accommodation” means a right to occupy a room or lodgings as a transient guest.

(a-2) (1) “Accommodations intermediary” means a person, other than an accommodations provider, who facilitates the sale or use of an accommodation and charges a buyer the taxable price for the accommodation.

~~(2) “ACCOMMODATIONS INTERMEDIARY” INCLUDES A HOSTING PLATFORM.~~

~~(3)~~ (2) For purposes of this subsection, a person shall be considered to facilitate the sale or use of an accommodation if the person brokers, coordinates, or in any other way arranges for the sale or use of an accommodation by a buyer.

(a-3) “Accommodations provider” means a person that owns, operates, or manages an accommodation and makes the accommodation available for sale or use to a buyer.

(A-4) “BOOKING TRANSACTION” MEANS ANY TRANSACTION IN WHICH THERE IS A RETAIL SALE OF AN ACCOMMODATION.

~~(C-2) “HOSTING PLATFORM” MEANS AN INTERNET-BASED DIGITAL ENTITY THAT:~~

~~(1) ADVERTISES THE AVAILABILITY OF LIMITED RESIDENTIAL LODGING UNITS FOR RENT; AND~~

~~(2) RECEIVES COMPENSATION FOR FACILITATING RESERVATIONS OR PROCESSING BOOKING TRANSACTIONS ON BEHALF OF THE OWNER, OPERATOR, OR MANAGER OF A LIMITED RESIDENTIAL LODGING UNIT.~~

~~(C-3) “LIMITED RESIDENTIAL LODGING” MEANS THE TEMPORARY USE OF A LIMITED RESIDENTIAL LODGING UNIT TO PROVIDE ACCOMMODATION TO TRANSIENT GUESTS FOR LODGING PURPOSES IN EXCHANGE FOR CONSIDERATION.~~

~~(C-4) (1) “LIMITED RESIDENTIAL LODGING UNIT” MEANS A RESIDENTIAL DWELLING UNIT OR A PORTION OF THE UNIT USED FOR LIMITED RESIDENTIAL LODGING.~~

~~(2) “LIMITED RESIDENTIAL LODGING UNIT” INCLUDES A SINGLE FAMILY HOUSE OR DWELLING, A MULTIFAMILY HOUSE OR DWELLING, AN APARTMENT, A CONDOMINIUM, OR A COOPERATIVE.~~

- (h) (1) “Retail sale” means the sale of:
- (i) tangible personal property; or
  - (ii) a taxable service.

(J-1) “SHORT-TERM RENTAL” MEANS THE TEMPORARY USE OF A SHORT-TERM RENTAL UNIT TO PROVIDE ACCOMMODATION TO TRANSIENT GUESTS FOR LODGING PURPOSES IN EXCHANGE FOR CONSIDERATION.

(J-2) “SHORT-TERM RENTAL PLATFORM” MEANS AN INTERNET-BASED DIGITAL ENTITY THAT:

(1) ADVERTISES THE AVAILABILITY OF SHORT-TERM RENTAL UNITS FOR RENT; AND

(2) RECEIVES COMPENSATION FOR FACILITATING RESERVATIONS OR PROCESSING BOOKING TRANSACTIONS ON BEHALF OF THE OWNER, OPERATOR, OR MANAGER OF A SHORT-TERM RENTAL UNIT.

(J-3) (1) “SHORT-TERM RENTAL UNIT” MEANS A RESIDENTIAL DWELLING UNIT OR A PORTION OF THE UNIT USED FOR SHORT-TERM RENTALS.

(2) “SHORT-TERM RENTAL UNIT” INCLUDES A SINGLE-FAMILY HOUSE OR DWELLING, A MULTIFAMILY HOUSE OR DWELLING, AN APARTMENT, A CONDOMINIUM, OR A COOPERATIVE.

- (k) (1) “Tangible personal property” means:
- (i) corporeal personal property of any nature; ~~or~~
  - (ii) an accommodation; **OR**
- (III) A SHORT-TERM RENTAL.**

(l) (1) “Taxable price” means the value, in money, of the consideration of any kind that is paid, delivered, payable, or deliverable by a buyer to a vendor in the

consummation and complete performance of a sale without deduction for any expense or cost, including the cost of:

- (i) any labor or service rendered;
- (ii) any material used; or
- (iii) any property sold.

(5) “Taxable price” includes, for the sale or use of an accommodation facilitated by an accommodations intermediary **OR A SHORT-TERM RENTAL PLATFORM**, the full amount of the consideration paid by a buyer for the sale or use of an accommodation, but not including any tax that is remitted to a taxing authority.

(6) “Taxable price” does not include, for the sale or use of an accommodation facilitated by an accommodations intermediary **OR A SHORT-TERM RENTAL PLATFORM**, a commission paid by an accommodations provider to a person after facilitating the sale or use of an accommodation.

(o) (1) “Vendor” means a person who:

- (i) engages in the business of an out-of-state vendor, as defined in § 11-701 of this title;
- (ii) engages in the business of a retail vendor, as defined in § 11-701 of this title;
- (iii) holds a special license issued under § 11-707 of this title; [or]
- (iv) is an accommodations intermediary; **OR**
- (v) **IS A ~~HOSTING~~ SHORT-TERM RENTAL PLATFORM.**

(2) “Vendor” includes, for an out-of-state vendor, a salesman, representative, peddler, or canvasser whom the Comptroller, for the efficient administration of this title, elects to treat as an agent jointly responsible with the dealer, distributor, employer, or supervisor:

- (i) under whom the agent operates; or
- (ii) from whom the agent obtains the tangible personal property or taxable service for sale.

11-102.

(a) Except as otherwise provided in this title, a tax is imposed on:

- (1) a retail sale in the State; and
- (2) a use, in the State, of tangible personal property or a taxable service.

~~11-302.~~

~~(A) For each retail sale or sale for use other than a sale under § 11-405, § 11-406, or § 11-410 of this title, the sales and use tax shall be:~~

- ~~(1) stated separately from the sale price; and~~
- ~~(2) shown separately from the sale price on any record of a sale:~~
  - ~~(i) at the time of the sale;~~
  - ~~(ii) when the vendor issues evidence of the sale; or~~
  - ~~(iii) when the vendor uses evidence of the sale.~~

~~(B) FOR EACH RETAIL SALE OR SALE FOR USE OF AN ACCOMMODATION, THE SALES AND USE TAX SHALL BE:~~

- ~~(1) STATED SEPARATELY FROM THE SALE PRICE;~~
- ~~(2) SHOWN SEPARATELY FROM THE SALE PRICE ON ANY RECORD OF SALE; AND~~
- ~~(3) STATED SEPARATELY FROM ANY FEES OR CHARGES IMPOSED BY AN ACCOMMODATIONS INTERMEDIARY THAT ARE NOT IMPOSED BY OR PAYABLE TO AN ACCOMMODATIONS PROVIDER FOR THE USE OF AN ACCOMMODATION:~~
  - ~~(I) AT THE TIME OF THE SALE;~~
  - ~~(II) WHEN THE VENDOR ISSUES EVIDENCE OF THE SALE; OR~~
  - ~~(III) WHEN THE VENDOR USES EVIDENCE OF THE SALE.~~

11-403.

(a) IN THIS SECTION, “SALE” INCLUDES A BOOKING TRANSACTION MADE THROUGH A HOSTING SHORT-TERM RENTAL PLATFORM.

(B) Except as otherwise provided in this subtitle, a vendor shall collect the applicable sales and use tax from the buyer:

(1) at the time that the sale is made, regardless of when the taxable price is paid;

(2) if the tax is based on a credit or installment sale, at the time that the Comptroller requires by regulation; or

(3) if a sale for use is not taxable when the sale is made, at the time that the use becomes taxable.

**[(b)] (C)** Except as otherwise provided in this title, unless a buyer is otherwise required by regulation to pay the sales and use tax directly to the Comptroller, the buyer shall pay the sales and use tax to the vendor at the time required under subsection **[(a)] (B)** of this section.

**[(c)] (D)** A vendor shall refund to a buyer the proportionate amount of sales and use tax that the buyer has paid if:

(1) (i) a sale is rescinded or canceled; or

(ii) the property sold is returned to the vendor; and

(2) the purchase price is wholly or partially repaid or credited.

~~**(E) A HOSTING PLATFORM MAY NOT COLLECT A FEE FROM THE BUYER OF AN ACCOMMODATION OR AN ACCOMMODATION PROVIDER AS PART OF A BOOKING TRANSACTION UNLESS THE SALES AND USE TAX IS COLLECTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 705

**(House Bill 923)**

AN ACT concerning

### **Task Force to Study Transportation Access**

FOR the purpose of establishing the Task Force to Study Transportation Access; stating the purpose of the Task Force; providing for the composition, chair, and staffing of the Task Force; authorizing the Task Force to establish subcommittees; prohibiting

a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its interim and final findings and recommendations to the Governor and the General Assembly on or before a certain date; defining certain terms; providing for the termination of this Act; and generally relating to the Task Force to Study Transportation Access.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

- (a)
  - (1) In this section the following words have the meanings indicated.
  - (2) “MTA” means the Maryland Transit Administration.
  - (3) “Task Force” means the Task Force to Study Transportation Access.
  - (4) “WMATA” means the Washington Metropolitan Area Transit Authority.
- (b) There is a Task Force to Study Transportation Access.
- (c) The purpose of the Task Force is to study and make recommendations, for individuals and families in Maryland without access to public transportation or the ability to use personal motor vehicles, to improve access to:
  - (1) employment;
  - (2) training and education opportunities;
  - (3) health and rehabilitation services, including nonemergency medical services; and
  - (4) other social services.
- (d) The Task Force consists of the following members:
  - (1) one member of the Senate of Maryland, appointed by the President of the Senate;
  - (2) one member of the House of Delegates, appointed by the Speaker of the House;
  - (3) one representative of CASH Campaign of Maryland, selected by CASH Campaign of Maryland;

(4) one representative of the Center for Mobility Equity, selected by the Center for Mobility Equity;

(5) one representative of the Central Maryland Transportation Alliance, selected by the Central Maryland Transportation Alliance;

(6) one representative of Delmarva Community Services, Inc., selected by Delmarva Community Services, Inc.;

(7) one representative of the Job Opportunities Task Force, selected by the Job Opportunities Task Force;

(8) one representative of Maryland Nonprofits, selected by Maryland Nonprofits;

(9) one representative of the Maryland Rural Development Corporation, selected by the Maryland Rural Development Corporation;

(10) one representative of Preservation Maryland who is involved with the Smart Growth Maryland Campaign, selected by Preservation Maryland;

(11) one representative of The Arc Maryland, selected by The Arc Maryland;

(12) one representative of the Transportation Association of Maryland, Inc., selected by the Transportation Association of Maryland, Inc.;

(13) one representative of Vehicles for Change, selected by Vehicles for Change; ~~and~~

(14) one representative of a privately operated ride-sharing service, appointed by the Secretary of Transportation; ~~and~~

(15) one representative of the Greater Baltimore Committee, selected by the Greater Baltimore Committee;

(16) one representative of the Maryland Chamber of Commerce, selected by the Maryland Chamber of Commerce;

(17) one representative of the Greater Washington Board of Trade, selected by the Greater Washington Board of Trade; and

(18) the following ex officio members:

(i) the Secretary of Health, or the Secretary's designee;

(ii) the Secretary of Human Services, or the Secretary's designee;

(iii) the Secretary of Transportation, or the Secretary's designee; and

(iv) one representative of the Governor's Workforce Development Board, appointed by the Governor.

(e) The President of the Senate and the Speaker of the House shall jointly select the chair of the Task Force.

(f) The Department of Transportation shall provide staff for the Task Force.

(g) The Task Force may establish subcommittees as necessary to fulfill its duties.

(h) A member or an ex officio member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(i) The Task Force shall:

~~(1) review existing transportation needs assessments;~~

~~(2) reach out to public and private providers of health services, education services, training and workforce services, and social services for input and information;~~

~~(3) examine barriers to accessing transportation, including disparity in transportation access across zip codes;~~

~~(4) study transportation services currently available at the local, regional, and State level, including routes and schedules for MTA, WMATA, and locally operated transit systems in the State;~~

~~(5) review current transportation planning efforts and pilot projects, including alternative solutions being used by local service providers or employers;~~

~~(6) explore opportunities to expand services through coordination, collaboration, or the sharing of current transportation services or assets;~~

~~(7) review reports or studies of innovative or promising transit solutions in other states or regions for potential new approaches in Maryland;~~

~~(8) review and summarize findings of current and projected unmet transportation access needs across the State;~~

~~(9) make recommendations to optimize the use and coordination of existing transportation systems, services, and assets, including recommended extensions of existing~~

~~routes or schedules for MTA, WMATA, locally operated transit systems, and private vehicle services; and~~

~~(10) make recommendations regarding the need for additional resources, planning, or systems to address current or projected needs.~~

(1) review information, findings, and recommendations from available recent and current human services transportation plans, pilot projects, and reports; and

(2) make and report findings and recommendations for policies or actions to improve transportation access in accordance with the purpose of the Task Force described under subsection (c) of this Act.

(j) (1) On or before June 30, 2020, the Task Force shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) On or before December 1, 2021, the Task Force shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 3 years and, at the end of June 30, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 706

**(House Bill 959)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – License Renewals and Adult Entertainment**

FOR the purpose of authorizing the Board of License Commissioners for Baltimore City, when determining whether a license should be renewed and, if so, whether any conditions should be attached, to consider the performance of a license holder for a certain period immediately before the date of the renewal application; prohibiting the Board of License Commissioners for Baltimore City or a certain license holder in the City from allowing an individual under a certain age to enter a certain establishment of a license holder that offers certain adult entertainment, unless the individual is an employee, an agent, or a contractor of the establishment or is an

*active duty member of the armed forces of the United States*; and generally relating to alcoholic beverages licenses and adult entertainment in Baltimore City.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 12–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 12–1804.1  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 12–2102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

### **Article – Alcoholic Beverages**

12–102.

This title applies only in Baltimore City.

12–1804.1.

**WHEN DETERMINING WHETHER A LICENSE SHOULD BE RENEWED AND, IF SO, WHETHER ANY CONDITIONS SHOULD BE ATTACHED, THE BOARD MAY CONSIDER THE PERFORMANCE OF THE LICENSE HOLDER FOR THE 4–YEAR PERIOD IMMEDIATELY BEFORE THE DATE OF THE RENEWAL APPLICATION.**

12–2102.

(a) In this section, “adult entertainment” means:

(1) the employment or use of an individual in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

(2) the employment or use of the services of a hostess or other individual to mingle with the patrons while the hostess or other individual is unclothed or in attire, costume, or clothing described in item (1) of this subsection;

(3) the encouragement of or allowing an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of any other individual;  
or

(4) allowing an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair;

(5) with respect to entertainment provided:

(i) allowing an individual to perform an act of or act that simulates:

1. sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

2. the caressing or fondling of the breast, buttocks, anus, or genitals; or

3. the display of the pubic hair, anus, vulva, or genitals;

(ii) subject to item (i) of this item, allowing an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

(iii) allowing an individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (i) of this item; or

(6) show a motion picture, still picture, electronic reproduction, or other visual reproduction depicting:

(i) an act or simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

(ii) an individual being caressed or fondled on the breast, buttocks, anus, or genitals;

(iii) a scene in which an individual displays the vulva, anus, or genitals; or

(iv) a scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this subsection.

(b) [This] EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, THIS section does not apply to a license holder that:

(1) offered adult entertainment as of May 31, 1993, or the transferee of the license for the same premises if the transferee continues to offer adult entertainment; or

(2) operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances, when the performances presented express matters of serious literary, artistic, scientific, or political value.

(c) The Board may not authorize and a license holder may not allow:

(1) adult entertainment on the licensed premises or on adjacent property over which the license holder has ownership or control; OR

(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO ENTER AN ESTABLISHMENT OF A LICENSE HOLDER SPECIFIED UNDER SUBSECTION (B)(1) OF THIS SECTION, UNLESS THE INDIVIDUAL IS:

(I) AN EMPLOYEE, AN AGENT, OR A CONTRACTOR OF THE ESTABLISHMENT; OR

(II) AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES.

(d) The Mayor and City Council may authorize the Board to enforce the laws and regulations of the City that govern adult entertainment business licenses.

(e) On finding that a violation of this section has occurred, the Board shall revoke or suspend the license or impose a fine or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 707

(House Bill 960)

AN ACT concerning

Baltimore City – Alcoholic Beverages – ~~Local~~ Licenses – Prohibited Transfers

FOR the purpose of prohibiting ~~a local licensing board~~ the Board of License Commissioners for Baltimore City from transferring a license to another person ~~if the transferor has until the resolution of~~ certain pending criminal charges filed against the transferor or disciplinary matters before the ~~local licensing board,~~ Board concerning the transferor; altering the grounds for which a license holder or certain party may make a certain request to the Board to extend the life of a license; authorizing the Board to grant an extension that prolongs the life of a license beyond a certain period of time under certain circumstances; exempting a license the transfer of which is prohibited under this Act from a certain provision of law concerning the period of expiration of a license; and generally relating to prohibited transfers of ~~local~~ alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
 Section ~~4-302(a)~~ 12-102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
 Section ~~4-303.1~~ 12-1705.1  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
 Section 12-2202  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

### Article – Alcoholic Beverages

12-102.

This title applies only in Baltimore City.

~~4-302.~~

~~(a) Subject to subsection (b) of this section, a license holder or a receiver or trustee for the benefit of creditors, may:~~

~~(1) transfer the license holder's place of business to some other location; or~~

~~(2) transfer the license and the license holder's inventory to another person.~~

~~4-303.1. 12-1705.1.~~

~~A LOCAL LICENSING BOARD~~ **THE BOARD** MAY NOT ALLOW THE TRANSFER OF A LICENSE TO ANOTHER PERSON ~~IF THE TRANSFEROR HAS~~ UNTIL THE RESOLUTION OF:

**(1) ANY PENDING CRIMINAL ~~CHARGES~~ CHARGE FILED AGAINST THE TRANSFEROR THAT DIRECTLY RELATES TO THE OPERATION OF THE LICENSED PREMISES; OR**

**(2) ANY DISCIPLINARY ~~MATTERS~~ MATTER BEFORE THE ~~LOCAL LICENSING BOARD THAT ARISE OUT OF AN INCIDENT OR A CIRCUMSTANCE INVOLVING THE LICENSE OR LICENSED PREMISES~~ BOARD CONCERNING THE TRANSFEROR.**

12-2202.

(a) A license expires 180 days after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

(1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;

(2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending; or

(3) a written request for a hardship extension under subsection (b) of this section is filed within the 180-day period.

(b) (1) The license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship, INCLUDING THE PENDENCY OF A CRIMINAL CHARGE FILED AGAINST A TRANSFEROR THAT DIRECTLY RELATES TO THE OPERATION OF THE LICENSED PREMISES OR A DISCIPLINARY MATTER BEFORE THE BOARD CONCERNING THE TRANSFEROR.

(2) The Board may grant the extension if the Board finds after a hearing that existing hardship caused the closing or stopping of business operations.

(3) [An] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, AN extension may not prolong the life of the license beyond 360 days after

the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held.

**(4) THE BOARD MAY GRANT AN EXTENSION UNDER THIS SUBSECTION THAT PROLONGS THE LIFE OF A LICENSE BEYOND 360 DAYS IF A TRANSFER OF THE LICENSE IS PROHIBITED UNDER § 12-1705.1 OF THIS TITLE.**

**(c) (1) THIS SUBSECTION DOES NOT APPLY TO A LICENSE THE TRANSFER OF WHICH IS PROHIBITED UNDER § 12-1705.1 OF THIS TITLE.**

**(2) The period for which a license may be considered unexpired:**

(i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and

(ii) may be suspended only by filing an application or request under subsection (a) of this section.

**[(2)] (3) The expiration period resumes on the last to occur of the following events:**

(i) final action of the Board granting or denying a request for a hardship extension under subsection (b) of this section;

(ii) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;

(iii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a) or (b) of this section has been granted; or

(iv) dismissal of a petition for judicial review of the Board's action.

**[(3)] (4) If an application or request described in subsection (a) or (b) of this section is withdrawn:**

(i) the period for automatic expiration of the license may not be suspended; and

(ii) the application or request shall be considered as if it had not been filed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

**Chapter 708****(House Bill 982)**

AN ACT concerning

**St. Mary's County – Alcoholic Beverages – Class C Per Diem Licenses**

FOR the purpose of authorizing in St. Mary's County a Class C per diem license holder to hold another license of a different class or nature; and generally relating to alcoholic beverages licenses in St. Mary's County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 28–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 28–1309  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

28–102.

This title applies only in St. Mary's County.

28–1309.

- (a) There is:
- (1) a Class C per diem beer license;
  - (2) a Class C per diem beer and wine license; and
  - (3) a Class C per diem beer, wine, and liquor license.
- (b) The Board may:
- (1) issue a license to a:

(i) religious, fraternal, civic, veterans', or charitable organization, association, club, or society; or

(ii) hospital supporting organization; and

(2) impose conditions on the license.

(c) The period for which a license under this section may be issued is:

(1) for a Class C per diem beer license, not longer than 10 days;

(2) for a Class C per diem beer and wine license, 1 day; and

(3) for a Class C per diem beer, wine, and liquor license, 1 day.

(d) A license holder may purchase the alcoholic beverages to be sold under the license from a retail dealer.

**(E) THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 709

**(House Bill 997)**

AN ACT concerning

### **Cecil County – Special Taxing Districts – Internet Service**

FOR the purpose of authorizing Cecil County, for the purpose of providing Internet service, to exercise certain authority in the entirety of the unincorporated area of the county, establish a special taxing district if property owners in the proposed district petition the county in a certain manner, impose ad valorem or special taxes, and issue bonds in accordance with certain provisions of law; and generally relating to authorizing special taxing districts in Cecil County for the purpose of providing Internet service.

BY repealing and reenacting, without amendments,  
 Article – Local Government  
 Section 21–503(c)

Annotated Code of Maryland  
(2013 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 21–520  
Annotated Code of Maryland  
(2013 Volume and 2018 Supplement)

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

### Article – Local Government

21–503.

(c) (1) Notwithstanding any other provision of law, a county may establish a special taxing district, issue bonds, or impose an ad valorem or special tax under this subtitle only if a request to the county is made by both:

(i) the owners of at least two-thirds of the assessed valuation of the real property located in the special taxing district; and

(ii) at least two-thirds of the owners of the real property located in the special taxing district.

(2) For purposes of paragraph (1)(ii) of this subsection:

(i) multiple owners of a single parcel are treated as a single owner;  
and

(ii) a single owner of multiple parcels is treated as one owner.

21–520.

(a) **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,** Cecil County may exercise the authority granted under this subtitle only in a designated growth area as defined in the county comprehensive plan.

(b) (1) The governing body of Cecil County shall hold at least one public hearing on a bill establishing a special taxing district.

(2) At the public hearing, the governing body may consider the following elements of a proposed development that would receive the proceeds of a bond:

(i) development design standards;

(ii) the use of transfer of development rights or other methods of increasing the density of development;

(iii) design and use of open space; and

(iv) availability and design of recreational and educational facilities.

(c) A law enacted by Cecil County under this subtitle shall require that adequate debt service reserve funds be maintained.

(d) [Notwithstanding] **EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION AND NOTWITHSTANDING § 21-503(c)** of this subtitle, before Cecil County may establish a special taxing district, all of the owners of real property in the proposed special taxing district shall petition the county to establish the special taxing district.

**(E) FOR THE PURPOSE OF PROVIDING INTERNET SERVICE, CECIL COUNTY MAY:**

**(1) EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE IN THE ENTIRETY OF THE UNINCORPORATED AREA OF THE COUNTY;**

**(2) ESTABLISH A SPECIAL TAXING DISTRICT IF PROPERTY OWNERS IN THE PROPOSED SPECIAL TAXING DISTRICT PETITION THE COUNTY IN ACCORDANCE WITH § 21-503(C) OF THIS SUBTITLE; AND**

**(3) IMPOSE AD VALOREM OR SPECIAL TAXES AND ISSUE BONDS UNDER THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 710

**(Senate Bill 259)**

AN ACT concerning

### **Cecil County – Special Taxing Districts – ~~Broadband~~ Internet Service**

FOR the purpose of authorizing Cecil County, for the purpose of providing ~~broadband~~ Internet service, to exercise certain authority in the entirety of the unincorporated area of the county, establish a special taxing district if property owners in the

proposed district petition the county in a certain manner, impose ad valorem or special taxes, and issue bonds in accordance with certain provisions of law; and generally relating to authorizing special taxing districts in Cecil County for the purpose of providing ~~broadband~~ Internet service.

BY repealing and reenacting, without amendments,  
Article – Local Government  
Section 21–503(c)  
Annotated Code of Maryland  
(2013 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 21–520  
Annotated Code of Maryland  
(2013 Volume and 2018 Supplement)

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

#### Article – Local Government

21–503.

(c) (1) Notwithstanding any other provision of law, a county may establish a special taxing district, issue bonds, or impose an ad valorem or special tax under this subtitle only if a request to the county is made by both:

(i) the owners of at least two–thirds of the assessed valuation of the real property located in the special taxing district; and

(ii) at least two–thirds of the owners of the real property located in the special taxing district.

(2) For purposes of paragraph (1)(ii) of this subsection:

(i) multiple owners of a single parcel are treated as a single owner;  
and

(ii) a single owner of multiple parcels is treated as one owner.

21–520.

(a) **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,** Cecil County may exercise the authority granted under this subtitle only in a designated growth area as defined in the county comprehensive plan.

(b) (1) The governing body of Cecil County shall hold at least one public hearing on a bill establishing a special taxing district.

(2) At the public hearing, the governing body may consider the following elements of a proposed development that would receive the proceeds of a bond:

(i) development design standards;

(ii) the use of transfer of development rights or other methods of increasing the density of development;

(iii) design and use of open space; and

(iv) availability and design of recreational and educational facilities.

(c) A law enacted by Cecil County under this subtitle shall require that adequate debt service reserve funds be maintained.

(d) [Notwithstanding] **EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION AND NOTWITHSTANDING § 21–503(c)** of this subtitle, before Cecil County may establish a special taxing district, all of the owners of real property in the proposed special taxing district shall petition the county to establish the special taxing district.

**(E) FOR THE PURPOSE OF PROVIDING ~~BROADBAND~~ INTERNET SERVICE, CECIL COUNTY MAY:**

**(1) EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE IN THE ENTIRETY OF THE UNINCORPORATED AREA OF THE COUNTY;**

**(2) ESTABLISH A SPECIAL TAXING DISTRICT IF PROPERTY OWNERS IN THE PROPOSED SPECIAL TAXING DISTRICT PETITION THE COUNTY IN ACCORDANCE WITH § 21–503(C) OF THIS SUBTITLE; AND**

**(3) IMPOSE AD VALOREM OR SPECIAL TAXES AND ISSUE BONDS UNDER THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

AN ACT concerning

**Election Law – Coordinated Expenditures and Donations – Investigation**

FOR the purpose of authorizing the State Administrator of Elections or the State Administrator’s designee, rather than the State Board of Elections, to investigate a potential violation of certain provisions of law prohibiting certain coordinated expenditures and donations; requiring the State Administrator or the State Administrator’s designee, rather than the State Board, to take certain actions in the course of a certain investigation; authorizing the State Administrator or the State Administrator’s designee, in furtherance of a certain investigation, to issue a subpoena for the attendance of a witness to testify or the production of records; requiring that a subpoena be served in accordance with the Maryland Rules; requiring the State Administrator to make a certain finding in order for a certain subpoena to be issued; requiring that a certain filing be sealed on filing; authorizing a certain circuit court to compel compliance with a subpoena under certain circumstances; and generally relating to investigations of prohibited coordinated expenditures and donations.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 13–249  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

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

**Article – Election Law**

13–249.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Candidate” has the meaning stated in § 1–101 of this article.

(ii) For purposes of this section, “candidate” includes a candidate, an authorized candidate campaign committee, a slate committee, and agents of a candidate, an authorized candidate campaign committee, or a slate committee.

(3) “Communication” includes social media interactions with a candidate.

(4) (i) “Coordinated expenditure” means a disbursement or an action to cause a disbursement that:

1. promotes the success or defeat of a candidate or a political party at an election; and

2. is made in cooperation, consultation, understanding, agreement, or concert with, or at the request or suggestion of, the candidate or political party that is the beneficiary of the disbursement.

(ii) “Coordinated expenditure” includes a disbursement for any communication that republishes or disseminates, in whole or in part, a video, a photograph, audio footage, a written graphic, or any other form of campaign material prepared by the candidate or political party that is the beneficiary of the disbursement.

(iii) “Coordinated expenditure” does not include a disbursement for any communication that is not a public communication.

(5) “Coordinated spender” means a person that makes a disbursement to promote the success or defeat of a candidate or political party at an election and for which one of the following applies:

(i) during the election cycle, the person was directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of, the candidate or political party that is the beneficiary of the disbursement, including during the time before the individual became a candidate; or

(ii) during the election cycle, the person is established, financed, directed, or managed by a member of the immediate family of the candidate who is the beneficiary of the disbursement, or the person or an agent of the person has had substantive discussions about the candidate’s campaign with a member of the immediate family of the candidate who is the beneficiary of the disbursement.

(6) “Disbursement” includes a deposit of money or a gift, a subscription, an advance, or other thing of value.

(7) “Donation” means a gift or transfer, or promise of gift or transfer, of money or other thing of value to a person.

(8) “Immediate family” has the meaning stated in § 9004(e) of the Internal Revenue Code of 1986.

(9) (i) “Person” includes an individual, a partnership, a political committee, an association, a corporation, a labor organization, and any other organization or group of persons.

(ii) “Person” does not include a political committee that exclusively accepts contributions that are subject to the limits under § 13–226 of this subtitle.

(10) (i) “Political party” has the meaning stated in § 1–101 of this article.

(ii) For purposes of this section, “political party” includes a political party, a central committee, a legislative party caucus committee, and agents of a political party, central committee, or legislative party caucus committee.

(11) (i) “Professional services” means any paid services in support of a political campaign, including advertising, message, strategy, policy, polling, communications development, allocation of campaign resources, fund-raising, and campaign operations.

(ii) “Professional services” does not include accounting, legal, print, or mail services.

(12) “Public communication” has the meaning stated in § 13–306 of this title.

(b) (1) A person may not:

(i) make a coordinated expenditure in excess of the limits established under § 13–226 of this subtitle; or

(ii) make a donation to a person for the purpose of furthering a coordinated expenditure in excess of the limits under § 13–226 of this subtitle.

(2) A candidate or political party may not, directly or indirectly, be the beneficiary of a coordinated expenditure in excess of the limits under § 13–226 of this subtitle.

(c) A person may not be considered to have made a coordinated expenditure solely on the grounds that the person or the person’s agent engaged in discussions or communications with a candidate regarding a position on a legislative or policy matter, provided that there is no communication between the person and the candidate regarding the candidate’s campaign advertising, message, strategy, polling, allocation of campaign resources, fund-raising, or other campaign activities.

(d) A person that makes a disbursement to promote the success or defeat of a candidate or political party at an election is presumed to have made a coordinated expenditure if:

(1) the person is a coordinated spender with respect to the candidate or political party that is the beneficiary of the disbursement;

(2) during the 18-month period preceding the disbursement, the person employs or retains a responsible officer of a political committee affiliated with the candidate or political party that is the beneficiary of the disbursement;

(3) during the 18-month period preceding the disbursement, the person employs or retains a strategic political campaign, media, or fund-raising advisor or consultant of the candidate or political party that is the beneficiary of the disbursement; or

(4) (i) during the 18-month period preceding the disbursement, the person has retained the professional services of a vendor, an advisor, or a consultant that, during the election cycle, has provided professional services to the candidate or political party that is the beneficiary of the disbursement; and

(ii) the vendor, advisor, or consultant has not established a firewall to restrict the sharing of strategic campaign information between individuals who are employed by or who are agents of the person and the candidate or political party that is the beneficiary of the disbursement.

(e) A person may rebut the presumption under subsection (d) of this section by presenting sufficient contrary evidence and obtaining a declaratory ruling from the State Board before making a disbursement to promote the success or defeat of a candidate or political party at an election.

(f) (1) A person that willfully and knowingly violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) 300% of the amount by which the coordinated expenditure made by the person exceeded the applicable contribution limit under § 13-226 of this subtitle; or

(ii) 300% of the amount of the donation made to a person for the purpose of furthering a coordinated expenditure in excess of the limits prescribed under § 13-226 of this subtitle.

(2) A candidate or political party that willfully and knowingly violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding 300% of the amount by which the coordinated expenditure of which the candidate or political party was the beneficiary exceeded the applicable contribution limit under § 13-226 of this subtitle.

(g) (1) The State [Board] **ADMINISTRATOR OR THE STATE ADMINISTRATOR'S DESIGNEE** may investigate a potential violation of this section.

(2) The State [Board] **ADMINISTRATOR OR THE STATE ADMINISTRATOR'S DESIGNEE** shall:

(i) notify a person, candidate, or political party that is subject to an investigation under this subsection of the circumstances that gave rise to the investigation; and

(ii) provide the person, candidate, or political party ample opportunity to be heard at a public meeting of the State Board.

**(3) (I) IN FURTHERANCE OF AN INVESTIGATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE ADMINISTRATOR OR THE STATE ADMINISTRATOR’S DESIGNEE MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF RECORDS.**

**(II) A SUBPOENA ISSUED UNDER THIS PARAGRAPH SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES.**

**(III) IN ORDER FOR A SUBPOENA TO BE ISSUED UNDER THIS PARAGRAPH, THE STATE ADMINISTRATOR SHALL MAKE A FINDING THAT THE SUBPOENA IS NECESSARY TO AND IN FURTHERANCE OF AN INVESTIGATION BEING CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(IV) ANY FILING SUBMITTED TO A COURT WITH RESPECT TO A SUBPOENA UNDER THIS PARAGRAPH SHALL BE SEALED ON FILING.**

**~~(III)~~ (V) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS PARAGRAPH, ON PETITION OF THE STATE ADMINISTRATOR, A CIRCUIT COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.**

**[(3)] (4) At the conclusion of the investigation and following the hearing under paragraph (2)(ii) of this subsection, the State Board shall issue a public report of its findings and may:**

**(i) impose a civil penalty as provided in paragraph [(4)] (5) of this subsection if the State Board determines that a person, candidate, or political party has unintentionally violated this section; or**

**(ii) refer the matter for further investigation by the State Prosecutor if the State Board has reasonable cause to believe that a person, candidate, or political party has willfully and knowingly violated this section.**

**[(4)] (5) A civil penalty under paragraph [(3)(i)] (4)(I) of this subsection:**

**(i) shall be assessed in the manner specified in § 13–604.1 of this title; and**

**(ii) may not exceed:**

**1. 100% of the amount by which the coordinated expenditure made by the person exceeded the applicable contribution limit under § 13–226 of this subtitle;**

2. 100% of the amount of the donation made to a person for the purpose of furthering a coordinated expenditure in excess of the limits prescribed under § 13–226 of this subtitle; or

3. 100% of the amount by which the coordinated expenditure of which the candidate or political party was the beneficiary exceeded the applicable contribution limit under § 13–226 of this subtitle.

(h) (1) Except as provided in paragraph (2) of this subsection, a fine or penalty imposed under this section shall be paid by the person that committed the violation or by a political committee of the candidate or political party that committed the violation.

(2) Subject to paragraph (3) of this subsection, a fine or penalty under this section is the joint and several liability of the candidate or a director, a manager, an officer, or any other individual exercising direction or control over the activities of the person, authorized candidate campaign committee, or political party if the penalty is not paid by the person or by a political committee of the candidate or political party before the expiration of the 1-year period that begins on the later of:

(i) the date the fine or penalty was imposed; or

(ii) the date of the final judgment following any judicial review of the imposition of the fine or penalty.

(3) A candidate may not be jointly and severally liable for a fine or penalty under this section unless a court or the State Board finds that the candidate engaged in conduct that constitutes coordination with a person under this section.

(i) A fine or penalty imposed under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

(j) The State Board may adopt regulations as necessary to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 712

(Senate Bill 123)

AN ACT concerning

**Election Law – Coordinated Expenditures and Donations – Investigation**

FOR the purpose of authorizing the State Administrator of Elections or the State Administrator’s designee, rather than the State Board of Elections, to investigate a potential violation of certain provisions of law prohibiting certain coordinated expenditures and donations; requiring the State Administrator or the State Administrator’s designee, rather than the State Board, to take certain actions in the course of a certain investigation; authorizing the State Administrator or the State Administrator’s designee, in furtherance of a certain investigation, to issue a subpoena for the attendance of a witness to testify or the production of records; requiring that a subpoena be served in accordance with the Maryland Rules; requiring the State Administrator to make a certain finding in order for a certain subpoena to be issued; requiring that a certain filing be sealed on filing; authorizing a certain circuit court to compel compliance with a subpoena under certain circumstances; and generally relating to investigations of prohibited coordinated expenditures and donations.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 13–249  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

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

**Article – Election Law**

13–249.

- (a) (1) In this section the following words have the meanings indicated.
- (2) (i) “Candidate” has the meaning stated in § 1–101 of this article.
- (ii) For purposes of this section, “candidate” includes a candidate, an authorized candidate campaign committee, a slate committee, and agents of a candidate, an authorized candidate campaign committee, or a slate committee.
- (3) “Communication” includes social media interactions with a candidate.
- (4) (i) “Coordinated expenditure” means a disbursement or an action to cause a disbursement that:
1. promotes the success or defeat of a candidate or a political party at an election; and

2. is made in cooperation, consultation, understanding, agreement, or concert with, or at the request or suggestion of, the candidate or political party that is the beneficiary of the disbursement.

(ii) “Coordinated expenditure” includes a disbursement for any communication that republishes or disseminates, in whole or in part, a video, a photograph, audio footage, a written graphic, or any other form of campaign material prepared by the candidate or political party that is the beneficiary of the disbursement.

(iii) “Coordinated expenditure” does not include a disbursement for any communication that is not a public communication.

(5) “Coordinated spender” means a person that makes a disbursement to promote the success or defeat of a candidate or political party at an election and for which one of the following applies:

(i) during the election cycle, the person was directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of, the candidate or political party that is the beneficiary of the disbursement, including during the time before the individual became a candidate; or

(ii) during the election cycle, the person is established, financed, directed, or managed by a member of the immediate family of the candidate who is the beneficiary of the disbursement, or the person or an agent of the person has had substantive discussions about the candidate’s campaign with a member of the immediate family of the candidate who is the beneficiary of the disbursement.

(6) “Disbursement” includes a deposit of money or a gift, a subscription, an advance, or other thing of value.

(7) “Donation” means a gift or transfer, or promise of gift or transfer, of money or other thing of value to a person.

(8) “Immediate family” has the meaning stated in § 9004(e) of the Internal Revenue Code of 1986.

(9) (i) “Person” includes an individual, a partnership, a political committee, an association, a corporation, a labor organization, and any other organization or group of persons.

(ii) “Person” does not include a political committee that exclusively accepts contributions that are subject to the limits under § 13–226 of this subtitle.

(10) (i) “Political party” has the meaning stated in § 1–101 of this article.

(ii) For purposes of this section, “political party” includes a political party, a central committee, a legislative party caucus committee, and agents of a political party, central committee, or legislative party caucus committee.

(11) (i) “Professional services” means any paid services in support of a political campaign, including advertising, message, strategy, policy, polling, communications development, allocation of campaign resources, fund-raising, and campaign operations.

(ii) “Professional services” does not include accounting, legal, print, or mail services.

(12) “Public communication” has the meaning stated in § 13–306 of this title.

(b) (1) A person may not:

(i) make a coordinated expenditure in excess of the limits established under § 13–226 of this subtitle; or

(ii) make a donation to a person for the purpose of furthering a coordinated expenditure in excess of the limits under § 13–226 of this subtitle.

(2) A candidate or political party may not, directly or indirectly, be the beneficiary of a coordinated expenditure in excess of the limits under § 13–226 of this subtitle.

(c) A person may not be considered to have made a coordinated expenditure solely on the grounds that the person or the person’s agent engaged in discussions or communications with a candidate regarding a position on a legislative or policy matter, provided that there is no communication between the person and the candidate regarding the candidate’s campaign advertising, message, strategy, polling, allocation of campaign resources, fund-raising, or other campaign activities.

(d) A person that makes a disbursement to promote the success or defeat of a candidate or political party at an election is presumed to have made a coordinated expenditure if:

(1) the person is a coordinated spender with respect to the candidate or political party that is the beneficiary of the disbursement;

(2) during the 18-month period preceding the disbursement, the person employs or retains a responsible officer of a political committee affiliated with the candidate or political party that is the beneficiary of the disbursement;

(3) during the 18-month period preceding the disbursement, the person employs or retains a strategic political campaign, media, or fund-raising advisor or consultant of the candidate or political party that is the beneficiary of the disbursement; or

(4) (i) during the 18-month period preceding the disbursement, the person has retained the professional services of a vendor, an advisor, or a consultant that, during the election cycle, has provided professional services to the candidate or political party that is the beneficiary of the disbursement; and

(ii) the vendor, advisor, or consultant has not established a firewall to restrict the sharing of strategic campaign information between individuals who are employed by or who are agents of the person and the candidate or political party that is the beneficiary of the disbursement.

(e) A person may rebut the presumption under subsection (d) of this section by presenting sufficient contrary evidence and obtaining a declaratory ruling from the State Board before making a disbursement to promote the success or defeat of a candidate or political party at an election.

(f) (1) A person that willfully and knowingly violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) 300% of the amount by which the coordinated expenditure made by the person exceeded the applicable contribution limit under § 13–226 of this subtitle; or

(ii) 300% of the amount of the donation made to a person for the purpose of furthering a coordinated expenditure in excess of the limits prescribed under § 13–226 of this subtitle.

(2) A candidate or political party that willfully and knowingly violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding 300% of the amount by which the coordinated expenditure of which the candidate or political party was the beneficiary exceeded the applicable contribution limit under § 13–226 of this subtitle.

(g) (1) The State [Board] **ADMINISTRATOR OR THE STATE ADMINISTRATOR'S DESIGNEE** may investigate a potential violation of this section.

(2) The State [Board] **ADMINISTRATOR OR THE STATE ADMINISTRATOR'S DESIGNEE** shall:

(i) notify a person, candidate, or political party that is subject to an investigation under this subsection of the circumstances that gave rise to the investigation; and

(ii) provide the person, candidate, or political party ample opportunity to be heard at a public meeting of the State Board.

(3) (I) IN FURTHERANCE OF AN INVESTIGATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE ADMINISTRATOR OR THE STATE ADMINISTRATOR'S DESIGNEE MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF RECORDS.

(II) A SUBPOENA ISSUED UNDER THIS PARAGRAPH SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES.

(III) IN ORDER FOR A SUBPOENA TO BE ISSUED UNDER THIS PARAGRAPH, THE STATE ADMINISTRATOR SHALL MAKE A FINDING THAT THE SUBPOENA IS NECESSARY TO AND IN FURTHERANCE OF AN INVESTIGATION BEING CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(IV) ANY FILING SUBMITTED TO A COURT WITH RESPECT TO A SUBPOENA UNDER THIS PARAGRAPH SHALL BE SEALED ON FILING.

~~(III)~~ (V) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS PARAGRAPH, ON PETITION OF THE STATE ADMINISTRATOR, A CIRCUIT COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

[(3)] (4) At the conclusion of the investigation and following the hearing under paragraph (2)(ii) of this subsection, the State Board shall issue a public report of its findings and may:

(i) impose a civil penalty as provided in paragraph [(4)] (5) of this subsection if the State Board determines that a person, candidate, or political party has unintentionally violated this section; or

(ii) refer the matter for further investigation by the State Prosecutor if the State Board has reasonable cause to believe that a person, candidate, or political party has willfully and knowingly violated this section.

[(4)] (5) A civil penalty under paragraph [(3)(i)] (4)(I) of this subsection:

(i) shall be assessed in the manner specified in § 13–604.1 of this title; and

(ii) may not exceed:

1. 100% of the amount by which the coordinated expenditure made by the person exceeded the applicable contribution limit under § 13–226 of this subtitle;

2. 100% of the amount of the donation made to a person for the purpose of furthering a coordinated expenditure in excess of the limits prescribed under § 13–226 of this subtitle; or

3. 100% of the amount by which the coordinated expenditure of which the candidate or political party was the beneficiary exceeded the applicable contribution limit under § 13–226 of this subtitle.

(h) (1) Except as provided in paragraph (2) of this subsection, a fine or penalty imposed under this section shall be paid by the person that committed the violation or by a political committee of the candidate or political party that committed the violation.

(2) Subject to paragraph (3) of this subsection, a fine or penalty under this section is the joint and several liability of the candidate or a director, a manager, an officer, or any other individual exercising direction or control over the activities of the person, authorized candidate campaign committee, or political party if the penalty is not paid by the person or by a political committee of the candidate or political party before the expiration of the 1-year period that begins on the later of:

(i) the date the fine or penalty was imposed; or

(ii) the date of the final judgment following any judicial review of the imposition of the fine or penalty.

(3) A candidate may not be jointly and severally liable for a fine or penalty under this section unless a court or the State Board finds that the candidate engaged in conduct that constitutes coordination with a person under this section.

(i) A fine or penalty imposed under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.

(j) The State Board may adopt regulations as necessary to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 713

(House Bill 1045)

AN ACT concerning

**Land Use – Comprehensive Plans – Housing Element**

FOR the purpose of requiring the planning commissions for certain local jurisdictions to include a housing element in the comprehensive plan for their respective jurisdictions; ~~requiring the housing element in certain comprehensive plans to include a plan to address certain issues;~~ providing for the contents of the housing element in certain comprehensive plans; providing for the application of this Act; providing for a delayed effective date; defining certain terms; and generally relating to the requirement of a housing element in comprehensive plans.

BY repealing and reenacting, with amendments,  
Article – Land Use  
Section 1–406 and 3–102  
Annotated Code of Maryland  
(2012 Volume and 2018 Supplement)

BY adding to  
Article – Land Use  
Section 1–407.1 and 3–114  
Annotated Code of Maryland  
(2012 Volume and 2018 Supplement)

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

**Article – Land Use**

1–406.

(a) (1) The planning commission for a charter county shall include in the comprehensive or general plan the visions under § 1–201 of this title and the following elements:

- (i) a development regulations element;
- (ii) **A HOUSING ELEMENT;**
- (**III**) a sensitive areas element;
- [(iii)] (IV)** a transportation element; and
- [(iv)] (V)** a water resources element.

(2) If current geological information is available, the plan shall include a mineral resources element.

(b) The planning commission for a charter county may include in the plan a priority preservation area element developed in accordance with § 2-518 of the Agriculture Article.

**1-407.1.**

~~**THE HOUSING ELEMENT SHALL INCLUDE A PLAN TO ADDRESS:**~~

~~**(1) THE NEED FOR AFFORDABLE HOUSING WITHIN THE LOCAL JURISDICTION, INCLUDING LOW AND MODERATE INCOME HOUSING; AND**~~

~~**(2) IF APPLICABLE, THE IMPACTS OF GENTRIFICATION.**~~

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “AREA MEDIAN INCOME” HAS THE MEANING STATED IN § 4-1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

**(3) “LOW-INCOME HOUSING” MEANS HOUSING THAT IS AFFORDABLE FOR A HOUSEHOLD WITH AN AGGREGATE ANNUAL INCOME THAT IS BELOW 60% OF THE AREA MEDIAN INCOME.**

**(4) “WORKFORCE HOUSING” HAS THE MEANING STATED IN § 4-1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

**(B) A HOUSING ELEMENT MAY INCLUDE GOALS, OBJECTIVES, POLICIES, PLANS, AND STANDARDS.**

**(C) A HOUSING ELEMENT SHALL ADDRESS THE NEED FOR AFFORDABLE HOUSING WITHIN THE COUNTY, INCLUDING:**

**(1) WORKFORCE HOUSING; AND**

**(2) LOW-INCOME HOUSING.**

**3-102.**

(a) (1) The planning commission for a local jurisdiction shall include in the comprehensive plan the following elements:

(i) a community facilities element;

(ii) an area of critical State concern element;

- (iii) a goals and objectives element;
- (iv) **A HOUSING ELEMENT;**
- (V)** a land use element;
- [(v)] (VI)** a development regulations element;
- [(vi)] (VII)** a sensitive areas element;
- [(vii)] (VIII)** a transportation element; and
- [(viii)] (IX)** a water resources element.

(2) If current geological information is available, the plan shall include a mineral resources element.

(3) The plan for a municipal corporation that exercises zoning authority shall include a municipal growth element.

(4) The plan for a county that is located on the tidal waters of the State shall include a fisheries element.

(b) (1) The planning commission for a local jurisdiction may include in the plan additional elements to advance the purposes of the plan.

(2) The additional elements may include:

- (i) community renewal elements;
- (ii) conservation elements;
- (iii) flood control elements;
- (iv) [housing elements;
- (v)]** natural resources elements;

**[(vi)] (V)** pollution control elements;

**[(vii)] (VI)** the general location and extent of public utilities; and

**[(viii)] (VII)** a priority preservation area element developed in accordance with § 2–518 of the Agriculture Article.

~~THE HOUSING ELEMENT SHALL INCLUDE A PLAN TO ADDRESS:~~

~~(1) THE NEED FOR AFFORDABLE HOUSING WITHIN THE LOCAL JURISDICTION, INCLUDING LOW AND MODERATE INCOME HOUSING; AND~~

~~(2) IF APPLICABLE, THE IMPACTS OF GENTRIFICATION.~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "AREA MEDIAN INCOME" HAS THE MEANING STATED IN § 4-1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(3) "LOW-INCOME HOUSING" MEANS HOUSING THAT IS AFFORDABLE FOR A HOUSEHOLD WITH AN AGGREGATE ANNUAL INCOME THAT IS BELOW 60% OF THE AREA MEDIAN INCOME.

(4) "WORKFORCE HOUSING" HAS THE MEANING STATED IN § 4-1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(B) A HOUSING ELEMENT MAY INCLUDE GOALS, OBJECTIVES, POLICIES, PLANS, AND STANDARDS.

(C) A HOUSING ELEMENT SHALL ADDRESS THE NEED FOR AFFORDABLE HOUSING WITHIN THE LOCAL JURISDICTION, INCLUDING:

(1) WORKFORCE HOUSING; AND

(2) LOW-INCOME HOUSING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any comprehensive or general plan adopted or enacted before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2019.~~ June 1, 2020.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 714****(Senate Bill 917)**

AN ACT concerning

**Land Use – Comprehensive Plans – Housing Element**

FOR the purpose of requiring the planning commissions for certain local jurisdictions to include a housing element in the comprehensive plan for their respective jurisdictions; ~~requiring the housing element in certain comprehensive plans to include a plan to address certain issues;~~ providing for the contents of the housing element in certain comprehensive plans; providing for the application of this Act; providing for a delayed effective date; defining certain terms; and generally relating to the requirement of a housing element in comprehensive plans.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 1–406 and 3–102

Annotated Code of Maryland

(2012 Volume and 2018 Supplement)

BY adding to

Article – Land Use

Section 1–407.1 and 3–114

Annotated Code of Maryland

(2012 Volume and 2018 Supplement)

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

**Article – Land Use**

1–406.

(a) (1) The planning commission for a charter county shall include in the comprehensive or general plan the visions under § 1–201 of this title and the following elements:

(i) a development regulations element;

(ii) **A HOUSING ELEMENT;**

**(III)** a sensitive areas element;

**[(iii)] (IV)** a transportation element; and

[(iv)] (v) a water resources element.

(2) If current geological information is available, the plan shall include a mineral resources element.

(b) The planning commission for a charter county may include in the plan a priority preservation area element developed in accordance with § 2–518 of the Agriculture Article.

### 1–407.1.

~~THE HOUSING ELEMENT SHALL INCLUDE A PLAN TO ADDRESS:~~

~~(1) THE NEED FOR AFFORDABLE HOUSING WITHIN THE LOCAL JURISDICTION, INCLUDING LOW AND MODERATE INCOME HOUSING; AND~~

~~(2) IF APPLICABLE, THE IMPACTS OF GENTRIFICATION.~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AREA MEDIAN INCOME” HAS THE MEANING STATED IN § 4–1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(3) “LOW-INCOME HOUSING” MEANS HOUSING THAT IS AFFORDABLE FOR A HOUSEHOLD WITH AN AGGREGATE ANNUAL INCOME THAT IS BELOW 60% OF THE AREA MEDIAN INCOME.

(4) “WORKFORCE HOUSING” HAS THE MEANING STATED IN § 4–1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(B) A HOUSING ELEMENT MAY INCLUDE GOALS, OBJECTIVES, POLICIES, PLANS, AND STANDARDS.

(C) A HOUSING ELEMENT SHALL ADDRESS THE NEED FOR AFFORDABLE HOUSING WITHIN THE COUNTY, INCLUDING:

(1) WORKFORCE HOUSING; AND

(2) LOW-INCOME HOUSING.

### 3–102.

(a) (1) The planning commission for a local jurisdiction shall include in the comprehensive plan the following elements:

- (i) a community facilities element;
- (ii) an area of critical State concern element;
- (iii) a goals and objectives element;
- (iv) **A HOUSING ELEMENT;**
- (V)** a land use element;
- [(v)] (VI)** a development regulations element;
- [(vi)] (VII)** a sensitive areas element;
- [(vii)] (VIII)** a transportation element; and
- [(viii)] (IX)** a water resources element.

(2) If current geological information is available, the plan shall include a mineral resources element.

(3) The plan for a municipal corporation that exercises zoning authority shall include a municipal growth element.

(4) The plan for a county that is located on the tidal waters of the State shall include a fisheries element.

(b) (1) The planning commission for a local jurisdiction may include in the plan additional elements to advance the purposes of the plan.

(2) The additional elements may include:

- (i) community renewal elements;
- (ii) conservation elements;
- (iii) flood control elements;
- (iv) [housing elements;
- (v)]** natural resources elements;
- [(vi)] (V)** pollution control elements;
- [(vii)] (VI)** the general location and extent of public utilities; and

[(viii)] (VII) a priority preservation area element developed in accordance with § 2-518 of the Agriculture Article.

3-114.

~~THE HOUSING ELEMENT SHALL INCLUDE A PLAN TO ADDRESS:~~

~~(1) THE NEED FOR AFFORDABLE HOUSING WITHIN THE LOCAL JURISDICTION, INCLUDING LOW AND MODERATE INCOME HOUSING; AND~~

~~(2) IF APPLICABLE, THE IMPACTS OF GENTRIFICATION.~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AREA MEDIAN INCOME” HAS THE MEANING STATED IN § 4-1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(3) “LOW-INCOME HOUSING” MEANS HOUSING THAT IS AFFORDABLE FOR A HOUSEHOLD WITH AN AGGREGATE ANNUAL INCOME THAT IS BELOW 60% OF THE AREA MEDIAN INCOME.

(4) “WORKFORCE HOUSING” HAS THE MEANING STATED IN § 4-1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(B) A HOUSING ELEMENT MAY INCLUDE GOALS, OBJECTIVES, POLICIES, PLANS, AND STANDARDS.

(C) A HOUSING ELEMENT SHALL ADDRESS THE NEED FOR AFFORDABLE HOUSING WITHIN THE LOCAL JURISDICTION, INCLUDING:

(1) WORKFORCE HOUSING; AND

(2) LOW-INCOME HOUSING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any comprehensive or general plan adopted or enacted before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2019~~ June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

**Chapter 715****(House Bill 1077)**

AN ACT concerning

**Talbot County – Alcoholic Beverages – Election Days**

FOR the purpose of repealing certain provisions regarding a prohibition on the sale or provision of alcoholic beverages within an election district or precinct of Talbot County on the day of a certain election during the hours when the polls are open; and generally relating to alcoholic beverages in Talbot County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 30–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing

Article – Alcoholic Beverages  
Section 30–2005  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

30–102.

This title applies only in Talbot County.

[30–2005.

(a) (1) Except as provided in paragraph (2) of this subsection, a license holder under this subtitle or other person may not, directly or indirectly, sell or provide any alcoholic beverage within an election district or precinct of the county on the day of a general, special, or primary election during the hours when the polls are open.

(2) A license holder who is a restaurant owner may exercise the privileges conferred by the license for on–premises consumption on the day of an election.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each offense.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 716**

### **(Senate Bill 920)**

AN ACT concerning

#### **Talbot County – Alcoholic Beverages – Election Days**

FOR the purpose of repealing certain provisions regarding a prohibition on the sale or provision of alcoholic beverages within an election district or precinct of Talbot County on the day of a certain election during the hours when the polls are open; and generally relating to alcoholic beverages in Talbot County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 30–102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing

Article – Alcoholic Beverages

Section 30–2005

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

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

#### **Article – Alcoholic Beverages**

30–102.

This title applies only in Talbot County.

[30–2005.

(a) (1) Except as provided in paragraph (2) of this subsection, a license holder under this subtitle or other person may not, directly or indirectly, sell or provide any alcoholic beverage within an election district or precinct of the county on the day of a

general, special, or primary election during the hours when the polls are open.

(2) A license holder who is a restaurant owner may exercise the privileges conferred by the license for on-premises consumption on the day of an election.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each offense.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 717

### (House Bill 1095)

AN ACT concerning

#### **Talbot County – Alcoholic Beverages – Substitute Member for Board of License Commissioners**

FOR the purpose of authorizing the Governor to appoint a substitute member to the Talbot County Board of License Commissioners; requiring the substitute member to serve on the Board under certain circumstances; establishing the powers and duties of the substitute member when serving on the Board; and generally relating to a substitute member of the Talbot County Board of License Commissioners.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 30–102 and 30–201  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 30–202  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

#### **Article – Alcoholic Beverages**

30-102.

This title applies only in Talbot County.

30-201.

There is a Board of License Commissioners for Talbot County.

30-202.

(a) (1) The Governor shall appoint three **REGULAR** members **AND ONE SUBSTITUTE MEMBER** to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) Each member of the Board shall be:

(1) a resident and voter of the county; and

(2) an individual of high character and integrity and of recognized business capacity.

(c) **(1) THE SUBSTITUTE MEMBER SHALL SERVE:**

**(I) WHEN A REGULAR MEMBER IS ABSENT, RECUSED, OR INCAPACITATED FOR ANY REASON; OR**

**(II) IF A VACANCY OCCURS.**

**(2) A SUBSTITUTE MEMBER:**

**(I) SHALL SERVE UNTIL THE REGULAR MEMBER'S ABSENCE, RECUSAL, OR INCAPACITY ENDS OR THE VACANCY IS FILLED; AND**

**(II) HAS ALL THE POWERS AND DUTIES OF A REGULAR MEMBER WHEN SERVING ON THE BOARD.**

**(D) (1)** The term of a member is 6 years.

(2) The terms of the members are staggered as required by the terms

provided for members of the Board on July 1, 2016.

**[(d)](E)** (1) The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves for the remainder of the term and until a successor is appointed and qualifies.

**[(e)](F)** (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 718

**(Senate Bill 943)**

AN ACT concerning

**Talbot County – Alcoholic Beverages – Substitute Member for Board of License Commissioners**

FOR the purpose of authorizing the Governor to appoint a substitute member to the Talbot County Board of License Commissioners; requiring the substitute member to serve on the Board under certain circumstances; establishing the powers and duties of the substitute member when serving on the Board; and generally relating to a substitute member of the Talbot County Board of License Commissioners.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 30–102 and 30–201  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 30–202  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

30–102.

This title applies only in Talbot County.

30–201.

There is a Board of License Commissioners for Talbot County.

30–202.

(a) (1) The Governor shall appoint three **REGULAR** members **AND ONE SUBSTITUTE MEMBER** to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the Governor alone.

(b) Each member of the Board shall be:

(1) a resident and voter of the county; and

(2) an individual of high character and integrity and of recognized business capacity.

(c) **(1) THE SUBSTITUTE MEMBER SHALL SERVE:**

**(I) WHEN A REGULAR MEMBER IS ABSENT, RECUSED, OR INCAPACITATED FOR ANY REASON; OR**

**(II) IF A VACANCY OCCURS.**

**(2) A SUBSTITUTE MEMBER:**

**(I) SHALL SERVE UNTIL THE REGULAR MEMBER'S ABSENCE, RECUSAL, OR INCAPACITY ENDS OR THE VACANCY IS FILLED; AND**

**(II) HAS ALL THE POWERS AND DUTIES OF A REGULAR MEMBER WHEN SERVING ON THE BOARD.**

**(D) (1)** The term of a member is 6 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

**[(d)](E) (1)** The Governor shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves for the remainder of the term and until a successor is appointed and qualifies.

**[(e)](F) (1)** The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 719**

**(House Bill 1100)**

AN ACT concerning

**State Board of Waterworks and Waste Systems Operators – Fee Setting, Sunset Extension, and Program Evaluation**

FOR the purpose of requiring the State Board of Waterworks and Waste Systems Operators to set certain fees so as to produce funds sufficient to cover certain costs of regulating waterworks, wastewater works, and industrial wastewater works in accordance with certain provisions of law; continuing the Board in accordance with the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; and generally relating to the State Board of Waterworks and Waste Systems Operators.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 12–206 and 12–602  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(55)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

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

### Article – Environment

12–206.

(a) (1) The Board [may] **SHALL** set reasonable fees for the issuance and renewal of certificates and its other services.

(2) The fees [charged may] **SHALL** be set so as to produce funds [to approximate the cost of maintaining the Board] **SUFFICIENT TO COVER THE ACTUAL DIRECT AND INDIRECT COSTS OF REGULATING WATERWORKS, WASTEWATER WORKS, AND INDUSTRIAL WASTEWATER WORKS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.**

(b) In accordance with the State budget, the Board may pay expenses incurred in

carrying out the provisions of this title.

(c) The Board shall pay all funds collected under this section into the General Fund of this State.

12–602.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, and except for the rules and regulations adopted by the Secretary, this title shall terminate and be of no effect after July 1, [2021] **2031**.

### Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(55) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of the Environment Article: [2018] **2028**); and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 720

(Senate Bill 585)

AN ACT concerning

**State Board of Waterworks and Waste Systems Operators – Fee Setting, Sunset Extension, and Program Evaluation**

FOR the purpose of requiring the State Board of Waterworks and Waste Systems Operators

to set certain fees so as to produce funds sufficient to cover certain costs of regulating waterworks, wastewater works, and industrial wastewater works in accordance with certain provisions of law; continuing the Board in accordance with the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; and generally relating to the State Board of Waterworks and Waste Systems Operators.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 12–206 and 12–602  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(55)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

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

#### Article – Environment

12–206.

(a) (1) The Board [may] **SHALL** set reasonable fees for the issuance and renewal of certificates and its other services.

(2) The fees [charged may] **SHALL** be set so as to produce funds [to approximate the cost of maintaining the Board] **SUFFICIENT TO COVER THE ACTUAL DIRECT AND INDIRECT COSTS OF REGULATING WATERWORKS, WASTEWATER WORKS, AND INDUSTRIAL WASTEWATER WORKS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.**

(b) In accordance with the State budget, the Board may pay expenses incurred in carrying out the provisions of this title.

(c) The Board shall pay all funds collected under this section into the General Fund of this State.

12–602.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, and except for the rules and regulations adopted by the Secretary, this title shall terminate and be of no effect after July 1, [2021] 2031.

### Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(55) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of the Environment Article: [2018] 2028); and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 721

(House Bill 1105)

AN ACT concerning

### Investor-Owned Electric Companies – Acquisition of Substantial Influence – Prohibition

FOR the purpose of prohibiting certain acquisitions of influence over an investor-owned electric company if a person would become an affiliate of each investor-owned

electric company in the State as a result of the acquisition; defining certain terms; and generally relating to acquisitions and investor-owned electric companies.

BY adding to

Article – Public Utilities

Section 6–106

Annotated Code of Maryland

(2010 Replacement Volume and 2018 Supplement)

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

**Article – Public Utilities**

**6–106.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “AFFILIATE” HAS THE MEANING STATED IN § 7–501 OF THIS ARTICLE.**

**(3) “INVESTOR–OWNED ELECTRIC COMPANY” MEANS AN ELECTRIC COMPANY THAT IS NOT A MUNICIPAL ELECTRIC UTILITY OR AN ELECTRIC COOPERATIVE.**

**(B) FOR PURPOSES OF THIS SECTION, A PERSON IS CONSIDERED TO HAVE ACQUIRED, DIRECTLY OR INDIRECTLY, THE POWER TO EXERCISE SUBSTANTIAL INFLUENCE OVER THE POLICIES OR ACTIONS OF AN INVESTOR–OWNED ELECTRIC COMPANY IF THE PERSON:**

**(1) AFTER ANY ACQUISITION OF VOTING INTERESTS, DIRECTLY OR INDIRECTLY OWNS, CONTROLS, OR HAS THE RIGHT TO VOTE, OR DIRECT THE VOTING OF, AT LEAST 20% OF THE VOTING INTERESTS OF THE INVESTOR–OWNED ELECTRIC COMPANY OR AN ENTITY THAT OWNS OR CONTROLS THE INVESTOR–OWNED ELECTRIC COMPANY;**

**(2) HAS THE RIGHT TO DESIGNATE AT LEAST 20% OF THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF THE INVESTOR–OWNED ELECTRIC COMPANY OR AN ENTITY THAT OWNS OR CONTROLS THE INVESTOR–OWNED ELECTRIC COMPANY; OR**

**(3) IS FOUND BY THE COMMISSION, DIRECTLY OR INDIRECTLY, OR THROUGH ONE OR MORE INTERMEDIARIES, TO HAVE SUBSTANTIAL INFLUENCE**

OVER THE POLICIES OR ACTIONS OF AN INVESTOR–OWNED ELECTRIC COMPANY.

(C) A PERSON MAY NOT ACQUIRE, DIRECTLY OR INDIRECTLY, THE POWER TO EXERCISE SUBSTANTIAL INFLUENCE OVER THE POLICIES OR ACTIONS OF AN INVESTOR–OWNED ELECTRIC COMPANY IF THE PERSON WOULD BECOME AN AFFILIATE OF EACH INVESTOR–OWNED ELECTRIC COMPANY IN THE STATE AS A RESULT OF THE ACQUISITION.

(D) THE COMMISSION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 722

(House Bill 1114)

AN ACT concerning

### State Board of Well Drillers – Fee Setting, Sunset Extension, and Program Evaluation

FOR the purpose of requiring the State Board of Well Drillers to set certain fees in a manner that will provide funds sufficient to cover the actual direct and indirect costs of regulating the well drilling industry; continuing the Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; and generally relating to the State Board of Well Drillers.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 13–207 and 13–602  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(56)

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

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

### Article – Environment

13–207.

(a) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD:**

(1) [The Board shall] **SHALL** set reasonable fees necessary to carry out its responsibilities under this title[.]; **AND**

(2) [The Board may] **MAY** set fees for the issuance and renewal of licenses according to class of license.

(b) **THE FEES ESTABLISHED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION SHALL BE SET IN A MANNER THAT WILL PRODUCE FUNDS SUFFICIENT TO COVER THE ACTUAL DIRECT AND INDIRECT COSTS OF REGULATING THE WELL DRILLING INDUSTRY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.**

(c) The Board shall pay any fee collected under this title into the General Fund of the State.

13–602.

Subject to the Program Evaluation Act, the provisions of this title and all rules and regulations adopted under this title creating the State Board of Well Drillers and relating to the regulation of well drillers are of no effect and may not be enforced after July 1, [2021] **2031.**

### Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit

to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(56) Well Drillers, State Board of (§ 13–201 of the Environment Article: [2018] **2028**).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 723

(Senate Bill 671)

AN ACT concerning

### **State Board of Well Drillers – Fee Setting, Sunset Extension, and Program Evaluation**

FOR the purpose of requiring the State Board of Well Drillers to set certain fees in a manner that will provide funds sufficient to cover the actual direct and indirect costs of regulating the well drilling industry; continuing the Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; and generally relating to the State Board of Well Drillers.

BY repealing and reenacting, with amendments,

Article – Environment

Section 13–207 and 13–602

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 8–403(b)(56)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

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

**Article – Environment**

13–207.

(a) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD:**

(1) [The Board shall] **SHALL** set reasonable fees necessary to carry out its responsibilities under this title[.]; **AND**

(2) [The Board may] **MAY** set fees for the issuance and renewal of licenses according to class of license.

(b) **THE FEES ESTABLISHED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION SHALL BE SET IN A MANNER THAT WILL PRODUCE FUNDS SUFFICIENT TO COVER THE ACTUAL DIRECT AND INDIRECT COSTS OF REGULATING THE WELL DRILLING INDUSTRY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.**

(c) The Board shall pay any fee collected under this title into the General Fund of the State.

13–602.

Subject to the Program Evaluation Act, the provisions of this title and all rules and regulations adopted under this title creating the State Board of Well Drillers and relating to the regulation of well drillers are of no effect and may not be enforced after July 1, [2021] **2031.**

**Article – State Government**

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(56) Well Drillers, State Board of (§ 13–201 of the Environment Article: [2018] **2028**).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 724

(House Bill 1160)

AN ACT concerning

### Public Health – Breathe Easy East Baltimore Pilot Program

FOR the purpose of ~~requiring the director of the Asthma Control Program in the Maryland Department of Health to establish the Breathe Easy Pilot Program in cooperation and consultation with certain entities~~ establishing the Breathe Easy East Baltimore Pilot Program in the Baltimore City Health Department; providing for the purpose of the Pilot Program; requiring the ~~director~~ Baltimore City Health Department, in consultation with a certain entity, to select, on or before a certain date, certain households to participate in the Pilot Program, to provide certain households with certain asthma remediation services, and to study certain information; authorizing the ~~director~~ Baltimore City Health Department to include in the Pilot Program, at the discretion of the ~~director~~ Baltimore City Health Department, the implementation of certain policies ~~in the Baltimore City Health Department~~ and the development of a certain referral process or certain integrated partnerships through which certain households may access certain programs or services; requiring the ~~director~~ Baltimore City Health Department to attempt to access certain federal funds; requiring the ~~director~~ Baltimore City Health Department to submit a certain report to the Governor and General Assembly on or before a certain date; defining certain terms; requiring, for a certain fiscal year, the Governor to include in the State budget certain funding; providing for the termination of this Act; and generally relating to the Breathe Easy East Baltimore Pilot Program.

~~BY repealing and reenacting, without amendments,  
Article – Health – General~~

~~Section 13-1701 through 13-1703~~  
~~Annotated Code of Maryland~~  
~~(2015 Replacement Volume and 2018 Supplement)~~

BY adding to

Article – Health – General  
 Section ~~13-1707~~ 13-17A-01 to be under the new subtitle “Subtitle 17A. Breathe Easy East Baltimore Pilot Program”  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

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

**Article – Health – General**

~~13-1701.~~

~~In this subtitle, “Program” means the Asthma Control Program.~~

~~13-1702.~~

~~There is an Asthma Control Program in the Department.~~

~~13-1703.~~

~~(a) The Secretary shall appoint a director for the Program.~~

~~(b) The director may establish advisory councils, task forces, committees, and work groups to the extent necessary to implement the Program.~~

**SUBTITLE 17A. BREATHE EASY EAST BALTIMORE PILOT PROGRAM.**

~~13-1707.~~ 13-17A-01.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(2) “DIRECTOR” MEANS THE DIRECTOR FOR THE PROGRAM.~~

~~(3)~~ (2) “ELIGIBLE HOUSEHOLD” MEANS A HOUSEHOLD LOCATED IN EAST BALTIMORE CITY THAT:

(I) HAS A HOUSEHOLD INCOME OF NOT MORE THAN 150% OF THE FEDERAL POVERTY LEVEL; AND

(II) INCLUDES AN INDIVIDUAL WHO IS UNDER THE AGE OF 14 YEARS.

~~(4)~~ (3) “PILOT PROGRAM” MEANS THE BREATHE EASY EAST BALTIMORE PILOT PROGRAM.

(B) (1) ~~IN COOPERATION WITH THE BALTIMORE CITY HEALTH DEPARTMENT AND IN CONSULTATION WITH THE GREEN AND HEALTHY HOMES INITIATIVE, THE DIRECTOR SHALL ESTABLISH THE BREATHE EASY PILOT PROGRAM~~ THERE IS A BREATHE EASY EAST BALTIMORE PILOT PROGRAM IN THE BALTIMORE CITY HEALTH DEPARTMENT.

(2) THE PURPOSE OF THE PILOT PROGRAM IS TO PROVIDE AND STUDY THE EFFECTS OF ASTHMA REMEDIATION SERVICES ON ELIGIBLE HOUSEHOLDS.

(3) ASTHMA REMEDIATION SERVICES PROVIDED BY THE PILOT PROGRAM MAY INCLUDE CLEANING, EDUCATION, STRUCTURAL INTERVENTIONS, AND ANY OTHER SERVICES THE ~~DIRECTOR~~ BALTIMORE CITY HEALTH DEPARTMENT, IN CONSULTATION WITH THE GREEN AND HEALTHY HOMES INITIATIVE, DETERMINES TO BE NECESSARY.

(C) THE ~~DIRECTOR~~ BALTIMORE CITY HEALTH DEPARTMENT, IN CONSULTATION WITH THE GREEN AND HEALTHY HOMES INITIATIVE, SHALL:

(1) ON OR BEFORE JULY 1, 2020, SELECT ELIGIBLE HOUSEHOLDS TO PARTICIPATE IN THE PILOT PROGRAM;

(2) PROVIDE PARTICIPATING ELIGIBLE HOUSEHOLDS WITH ASTHMA REMEDIATION SERVICES; AND

(3) STUDY THE EFFECT THAT ASTHMA REMEDIATION SERVICES HAVE ON THE WELL-BEING OF MEMBERS OF PARTICIPATING ELIGIBLE HOUSEHOLDS BY MEASURING, RELATIVE TO INDIVIDUALS WHO DO NOT RECEIVE ASTHMA REMEDIATION SERVICES:

(I) HEALTH OUTCOMES;

(II) ECONOMIC OUTCOMES; AND

(III) EDUCATIONAL OUTCOMES FOR CHILDREN.

(D) IN ADDITION TO THE ITEMS LISTED IN SUBSECTION (C) OF THIS SECTION, THE ~~DIRECTOR~~ BALTIMORE CITY HEALTH DEPARTMENT MAY INCLUDE IN

**THE PILOT PROGRAM, AT THE DISCRETION OF THE ~~DIRECTOR~~ BALTIMORE CITY HEALTH DEPARTMENT:**

**(1) IMPLEMENTATION OF POLICIES AND PROCEDURES ~~IN THE BALTIMORE CITY HEALTH DEPARTMENT~~ TO ENCOURAGE PARTICIPATION IN THE PILOT PROGRAM; AND**

**(2) DEVELOPMENT OF A ~~BALTIMORE CITY HEALTH DEPARTMENT~~ REFERRAL PROCESS OR INTEGRATED PARTNERSHIPS WITH OTHER LOCAL OR STATE AGENCIES THROUGH WHICH ELIGIBLE HOUSEHOLDS MAY ACCESS PROGRAMS AND SERVICES THAT TARGET IMPROVED HEALTH.**

**(E) IN ADDITION TO ANY OTHER FUNDS AVAILABLE FOR THE PILOT PROGRAM, THE ~~DIRECTOR~~ BALTIMORE CITY HEALTH DEPARTMENT SHALL ATTEMPT TO ACCESS ANY FEDERAL FUNDS RELATED TO ASTHMA REMEDIATION SERVICES FOR HOUSEHOLDS.**

**(F) (1) ON OR BEFORE DECEMBER 1, ~~2023~~ 2024, THE ~~DIRECTOR~~ BALTIMORE CITY HEALTH DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE PILOT PROGRAM.**

**(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:**

**(I) THE NUMBER OF ELIGIBLE HOUSEHOLDS PARTICIPATING IN THE PILOT PROGRAM;**

**(II) INFORMATION REGARDING HOW THE PILOT PROGRAM HAS AFFECTED THE HEALTH, ECONOMIC, AND EDUCATIONAL WELL-BEING OF THE MEMBERS OF PARTICIPATING ELIGIBLE HOUSEHOLDS; AND**

**(III) A RECOMMENDATION ON WHETHER THE PILOT PROGRAM SHOULD BE EXTENDED OR EXPANDED.**

SECTION 2. AND BE IT FURTHER ENACTED, That, for fiscal year 2021, the Governor shall include in the State budget an appropriation of ~~\$500,000~~ \$100,000 to the Baltimore City Health Department for the administration of the Breathe Easy East Baltimore Pilot Program established under ~~§ 13-1707~~ § 13-17A-01 of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of ~~5~~ 6 years and, at the end of June 30, ~~2024~~ 2025, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 725**

**(House Bill 1166)**

AN ACT concerning

**Howard County – Authority to Impose Fees for Use of Disposable Bags**

**Ho. Co. 04–19**

FOR the purpose of authorizing Howard County to impose, by law, a fee on certain retail establishments for the use of disposable bags as part of a retail sale of products; limiting the amount of a certain fee; requiring the county to use certain revenue only for certain purposes; defining certain terms; and generally relating to the authority for Howard County to impose a fee for the use of disposable bags.

BY adding to

Article – Local Government

Section 13–1001 to be under the new subtitle “Subtitle 10. Miscellaneous Provisions”

Annotated Code of Maryland

(2013 Volume and 2018 Supplement)

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

**Article – Local Government**

**SUBTITLE 10. MISCELLANEOUS PROVISIONS.**

**13–1001.**

**(A) THIS SECTION APPLIES ONLY IN HOWARD COUNTY.**

**(B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) (I) “DISPOSABLE BAG” MEANS A PLASTIC BAG PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF SALE.**

**(II) “DISPOSABLE BAG” DOES NOT INCLUDE:**

1. A DURABLE PLASTIC BAG WITH HANDLES THAT IS AT LEAST 2.25 MILS THICK AND IS DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE;

2. A BAG USED TO:

A. PACKAGE BULK ITEMS, INCLUDING FRUIT, VEGETABLES, NUTS, GRAINS, CANDY, OR SMALL HARDWARE ITEMS;

B. CONTAIN OR WRAP FROZEN FOODS, MEAT, OR FISH, WHETHER PREPACKAGED OR NOT;

C. CONTAIN OR WRAP FLOWERS, POTTED PLANTS, OR OTHER DAMP ITEMS;

D. CONTAIN UNWRAPPED PREPARED FOODS OR BAKERY GOODS; OR

E. CONTAIN A NEWSPAPER OR DRY CLEANING;

3. A BAG PROVIDED BY A PHARMACIST TO CONTAIN PRESCRIPTION DRUGS; OR

4. PLASTIC BAGS SOLD IN PACKAGES CONTAINING MULTIPLE PLASTIC BAGS INTENDED FOR USE AS GARBAGE, PET WASTE, OR YARD WASTE BAGS.

(3) "STORE" MEANS A RETAIL ESTABLISHMENT THAT PROVIDES DISPOSABLE BAGS TO CUSTOMERS AS A RESULT OF THE SALE OF A PRODUCT.

(C) (1) THE COUNTY MAY IMPOSE, BY LAW, A FEE ON A STORE FOR THE USE OF DISPOSABLE BAGS AS A PART OF A RETAIL SALE OF PRODUCTS.

(2) THE FEE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 5 CENTS FOR EACH DISPOSABLE BAG USED.

(D) THE COUNTY MAY ONLY USE THE REVENUE FROM A FEE IMPOSED UNDER SUBSECTION (C) OF THIS SECTION FOR:

(1) AN ENVIRONMENTAL PURPOSE, INCLUDING THE ESTABLISHMENT OF A PROGRAM TO PROVIDE REUSABLE BAGS TO INDIVIDUALS IN THE COUNTY; OR

(2) THE IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT OF THE FEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 726**

**(House Bill 1167)**

AN ACT concerning

### **Labor and Employment – Apprenticeship Career Training Pilot Program for Formerly Incarcerated Individuals – Establishment**

FOR the purpose of establishing the Apprenticeship Career Training Pilot Program for Formerly Incarcerated Individuals; establishing the purposes and method for administering the Program; requiring the Department of Labor, Licensing, and Regulation to administer the Program; establishing certain standards under which certain employers may be eligible to receive certain grants; requiring the Department to adopt certain regulations; specifying the method for awarding certain grants to certain eligible employers and determining the amount of the grant for each eligible employer; requiring the Governor to include a certain appropriation in the proposed budget for certain fiscal years for certain purposes; defining a certain term; and generally relating to the Apprenticeship Career Training Pilot Program for Formerly Incarcerated Individuals.

BY adding to

Article – Labor and Employment

Section 11–603

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

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

#### **Article – Labor and Employment**

#### **11–603.**

**(A) IN THIS SECTION, “PROGRAM” MEANS THE APPRENTICESHIP CAREER TRAINING PILOT PROGRAM FOR FORMERLY INCARCERATED INDIVIDUALS.**

**(B) THERE IS AN APPRENTICESHIP CAREER TRAINING PILOT PROGRAM**

**FOR FORMERLY INCARCERATED INDIVIDUALS IN THE DEPARTMENT.****(C) THE PURPOSES OF THE PROGRAM ARE:**

**(1) TO DEVELOP A WELL-TRAINED, PRODUCTIVE CONSTRUCTION WORKFORCE WHICH MEETS THE NEEDS OF THE STATE'S ECONOMY;**

**(2) TO ENCOURAGE EMPLOYERS TO HIRE FORMERLY INCARCERATED INDIVIDUALS IN THE CONSTRUCTION INDUSTRY; AND**

**(3) TO HELP EMPLOYERS OFFSET ADDITIONAL COSTS, IF ANY, ASSOCIATED WITH HIRING APPRENTICES.**

**(D) (1) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM AND PROVIDE GRANTS ON A COMPETITIVE BASIS TO EMPLOYERS THAT MEET THE REQUIREMENTS UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) AN EMPLOYER IS ELIGIBLE TO RECEIVE A GRANT IF THE EMPLOYER EMPLOYS ONE OR MORE FORMERLY INCARCERATED APPRENTICES WHO:**

**(I) HAVE BEEN EMPLOYED BY THE EMPLOYER FOR AT LEAST 7 MONTHS;**

**(II) ARE ENGAGED IN A BUILDING OR CONSTRUCTION TRADE;**

**(III) ARE ENROLLED IN THE FIRST YEAR OF AN APPRENTICESHIP PROGRAM REGISTERED WITH THE DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING UNDER § 11-405(B) OF THIS TITLE; AND**

**(IV) LIVE IN BALTIMORE CITY OR DORCHESTER COUNTY.**

**(E) (1) AS PROVIDED IN THE STATE BUDGET, THE PROGRAM SHALL AWARD GRANTS TO ELIGIBLE EMPLOYERS.**

**(2) FOR FISCAL YEARS 2021, 2022, AND 2023, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF AT LEAST \$100,000 FOR THE PROGRAM TO:**

**(I) PROVIDE GRANTS TO ELIGIBLE EMPLOYERS; AND**

**(II) COVER ADMINISTRATIVE COSTS.**

**(F) THE AMOUNT OF A GRANT AWARDED BY THE PROGRAM UNDER**

SUBSECTION (E) OF THIS SECTION SHALL BE BASED ON THE NUMBER OF APPRENTICES THAT AN ELIGIBLE EMPLOYER EMPLOYS WHO MEET THE DESCRIPTION IN SUBSECTION (D)(2) OF THIS SECTION.

(G) A GRANT SHALL CONSIST OF A MAXIMUM OF \$1,000 FOR EACH APPRENTICE THAT AN ELIGIBLE EMPLOYER EMPLOYS WHO MEET THE DESCRIPTION IN SUBSECTION (D)(2) OF THIS SECTION.

(H) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS TO:

- (1) DEVELOP REQUIREMENTS FOR GRANT APPLICATIONS;
- (2) DEVELOP A PROCESS FOR REVIEWING GRANT APPLICATIONS AND AWARDING GRANTS TO ELIGIBLE EMPLOYERS; AND
- (3) DETERMINE A CAP FOR THE MAXIMUM AMOUNT OF A GRANT THAT AN ELIGIBLE EMPLOYER MAY RECEIVE EACH YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 727

(House Bill 1183)

AN ACT concerning

### Public Health – Treatment for the Prevention of HIV – Consent by Minors

FOR the purpose of providing that a minor has the same capacity as an adult to consent to treatment for the prevention of human immunodeficiency virus (HIV); and generally relating to consent to medical treatment by minors.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 20–102  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

**Article – Health – General**

20–102.

(a) A minor has the same capacity as an adult to consent to medical or dental treatment if the minor:

(1) Is married;

(2) Is the parent of a child; or

(3) (i) Is living separate and apart from the minor's parent, parents, or guardian, whether with or without consent of the minor's parent, parents, or guardian; and

(ii) Is self-supporting, regardless of the source of the minor's income.

(b) A minor has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

(c) A minor has the same capacity as an adult to consent to:

(1) Treatment for or advice about drug abuse;

(2) Treatment for or advice about alcoholism;

(3) Treatment for or advice about venereal disease;

(4) Treatment for or advice about pregnancy;

(5) Treatment for or advice about contraception other than sterilization;

(6) Physical examination and treatment of injuries from an alleged rape or sexual offense;

(7) Physical examination to obtain evidence of an alleged rape or sexual offense; [and]

(8) Initial medical screening and physical examination on and after admission of the minor into a detention center; **AND**

**(9) TREATMENT FOR THE PREVENTION OF HUMAN IMMUNODEFICIENCY VIRUS (HIV).**

(c–1) The capacity of a minor to consent to treatment for drug abuse or alcoholism

under subsection (c)(1) or (2) of this section does not include the capacity to refuse treatment for drug abuse or alcoholism in an inpatient or intensive outpatient alcohol or drug abuse treatment program certified under Title 8 of this article for which a parent or guardian has given consent.

(d) A minor has the same capacity as an adult to consent to psychological treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

(e) A licensed health care practitioner who treats a minor is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the minor did not have capacity to consent under this section.

(f) Without the consent of or over the express objection of a minor, a licensed health care practitioner may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by the minor or provided to the minor under this section, except information about an abortion.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 728

(Senate Bill 251)

AN ACT concerning

### **Public Health – Treatment for the Prevention of HIV – Consent by Minors**

FOR the purpose of providing that a minor has the same capacity as an adult to consent to treatment for the prevention of human immunodeficiency virus (HIV); ~~prohibiting a licensed health care practitioner from giving certain information about treatment needed by a minor or provided to a minor to certain individuals under certain circumstances;~~ and generally relating to consent to medical treatment by minors.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 20–102  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

**Article – Health – General**

20–102.

(a) A minor has the same capacity as an adult to consent to medical or dental treatment if the minor:

(1) Is married;

(2) Is the parent of a child; or

(3) (i) Is living separate and apart from the minor's parent, parents, or guardian, whether with or without consent of the minor's parent, parents, or guardian; and

(ii) Is self-supporting, regardless of the source of the minor's income.

(b) A minor has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

(c) A minor has the same capacity as an adult to consent to:

(1) Treatment for or advice about drug abuse;

(2) Treatment for or advice about alcoholism;

(3) Treatment for or advice about venereal disease;

(4) Treatment for or advice about pregnancy;

(5) Treatment for or advice about contraception other than sterilization;

(6) Physical examination and treatment of injuries from an alleged rape or sexual offense;

(7) Physical examination to obtain evidence of an alleged rape or sexual offense; [and]

(8) Initial medical screening and physical examination on and after admission of the minor into a detention center; AND

**(9) TREATMENT FOR THE PREVENTION OF HUMAN IMMUNODEFICIENCY VIRUS (HIV).**

(c-1) The capacity of a minor to consent to treatment for drug abuse or alcoholism under subsection (c)(1) or (2) of this section does not include the capacity to refuse treatment for drug abuse or alcoholism in an inpatient or intensive outpatient alcohol or drug abuse treatment program certified under Title 8 of this article for which a parent or guardian has given consent.

(d) A minor has the same capacity as an adult to consent to psychological treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

(e) A licensed health care practitioner who treats a minor is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the minor did not have capacity to consent under this section.

(f) Without the consent of or over the express objection of a minor, a licensed health care practitioner may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by the minor or provided to the minor under this section, except information about ~~an~~

~~(1) AN abortion; OR~~

~~(2) TREATMENT FOR THE PREVENTION OF HUMAN IMMUNODEFICIENCY VIRUS (HIV).~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 729

(House Bill 1206)

AN ACT concerning

### Maryland Longitudinal Data System Center – Data Matching

FOR the purpose of requiring each county board of education to convert certain student information into census tract and block numbers in a certain manner; requiring the State Department of Education to collect certain information from each county board; requiring the Department to provide certain information to the Maryland Longitudinal Data System Center; ~~providing a certain exception to the prohibition that the Center may not release or sell certain information;~~ requiring the Center and the Comptroller to jointly develop a certain protocol for the transfer and matching of

certain information to produce certain aggregated information; requiring the Center and the Comptroller to jointly develop certain data privacy and security standards for the Comptroller to utilize for a certain protocol; requiring the Comptroller to comply with data privacy and security standards in a certain manner; requiring the Center to develop a certain protocol for county boards and the Department to convert and collect certain information; requiring the Governor to include a certain amount in the annual State budget in certain fiscal years; requiring the Comptroller to match certain information and produce certain aggregated data on average wage or salary earnings from certain individuals; defining certain terms; and generally relating to data matching by the Maryland Longitudinal Data System Center.

BY adding to

Article – Education

Section 4–113.1, 24–703.2, and 24–703.3

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section ~~24–703(a) and (f)~~ 24–703(a), (f), and (g)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Education~~

~~Section 24–703(g)~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2018 Supplement)~~

BY adding to

Article – State Government

Section 4–112

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

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

### Article – Education

#### 4–113.1.

(A) EACH COUNTY BOARD SHALL CONVERT A STUDENT’S HOME ADDRESS AND GEOLOCATION INFORMATION INTO CENSUS TRACT AND BLOCK NUMBERS IN A MANNER AND FORMAT THAT ARE CONSISTENT WITH THE PROTOCOL DEVELOPED BY

**THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER UNDER § 24–703.3 OF THIS ARTICLE.**

**(B) THE DEPARTMENT SHALL COLLECT FROM EACH COUNTY BOARD CENSUS TRACT AND BLOCK NUMBER INFORMATION FOR EACH STUDENT IN THE COUNTY.**

**(C) THE DEPARTMENT SHALL PROVIDE THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER WITH THE CENSUS TRACT AND BLOCK NUMBER INFORMATION COLLECTED UNDER THIS SECTION TO AID THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER’S GOAL UNDER § 24–702 OF THIS ARTICLE OF LINKING STUDENT DATA AND WORKFORCE DATA.**

24–703.

(a) There is a Maryland Longitudinal Data System Center.

(f) The Center shall perform the following functions and duties:

(1) Serve as a central repository of student data and workforce data in the Maryland Longitudinal Data System, including data sets provided by:

(i) The State Department of Education;

(ii) Local education agencies;

(iii) The Maryland Higher Education Commission;

(iv) Institutions of higher education; and

(v) The Department of Labor, Licensing, and Regulation;

(2) Oversee and maintain the warehouse of the Maryland Longitudinal Data System data sets;

(3) Ensure routine and ongoing compliance with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies, including:

(i) The required use of de-identified data in data research and reporting;

(ii) The required disposition of information that is no longer needed;

(iii) Providing data security, including the capacity for audit trails;

(iv) Providing for performance of regular audits for compliance with data privacy and security standards; and

(v) Implementing guidelines and policies that prevent the reporting of other potentially identifying data;

(4) Conduct research using timely and accurate student data and workforce data to improve the State's education system and guide decision making by State and local governments, educational agencies, institutions, teachers, and other education professionals;

(5) Conduct research relating to:

(i) The impact of State and federal education programs;

(ii) The performance of educator preparation programs; and

(iii) Best practices regarding classroom instruction, education programs and curriculum, and segment alignment;

(6) Fulfill information and data requests to facilitate State and federal education reporting with existing State agencies as appropriate; and

(7) Fulfill approved public information requests.

(g) (1) Direct access to data in the Maryland Longitudinal Data System shall be restricted to authorized staff of the Center.

(2) The Center may only use de-identified data in the analysis, research, and reporting conducted by the Center.

(3) The Center may only use aggregate data in the release of data in reports and in response to data requests.

(4) Data that may be identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the Center.

(5) ~~{The} EXCEPT AS PROVIDED IN § 24-703.2 OF THIS SUBTITLE, THE~~ Center may not release or sell information that may not be disclosed under the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies.

#### **24-703.2.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “AGGREGATED DATA” MEANS DE-IDENTIFIED DATA THAT IS SUMMARIZED BY TYPE OF PROGRAM OF STUDY OR EDUCATIONAL INSTITUTION.

(3) “STUDENT INFORMATION” MEANS:

(I) STUDENT SOCIAL SECURITY NUMBER;

(II) PROGRAM OF STUDY;

(III) ENROLLMENT; AND

(IV) NAME OF EDUCATIONAL INSTITUTION.

(4) “TAX INFORMATION” MEANS INCOME TAX RECORDS, WAGE INFORMATION, AND OTHER DATA STORED BY THE COMPTROLLER.

(B) (1) THE CENTER AND THE COMPTROLLER JOINTLY SHALL DEVELOP A PROTOCOL FOR RESEARCH PURPOSES FOR THE:

(I) CENTER TO SEND STUDENT INFORMATION TO THE COMPTROLLER;

(II) COMPTROLLER TO MATCH STUDENT INFORMATION TO TAX INFORMATION; AND

(III) COMPTROLLER TO PRODUCE AGGREGATED DATA FROM THE MATCHED INFORMATION ON THE AVERAGE AMOUNT OF WAGE OR SALARY EARNINGS FROM SELF-EMPLOYMENT OR OTHER SOURCES OF INCOME FOR INDIVIDUALS WITHIN EACH EDUCATIONAL INSTITUTION OR PROGRAM OF STUDY.

(2) THE COMPTROLLER MAY NOT PRODUCE ANY AGGREGATED DATA THAT MAY BE IDENTIFIABLE BASED ON THE SIZE OR UNIQUENESS OF THE POPULATION UNDER CONSIDERATION.

(C) THE CENTER AND THE COMPTROLLER JOINTLY SHALL DEVELOP DATA HANDLING AND SECURITY STANDARDS FOR THE COMPTROLLER TO UTILIZE FOR THE PROTOCOL, INCLUDING:

(1) DATA RETENTION AND DISPOSITION POLICIES;

(2) AUTHORIZED ACCESS AND AUTHENTICATION FOR AUTHORIZED ACCESS POLICIES;

(3) PRIVACY COMPLIANCE STANDARDS; AND

**(4) BREACH NOTIFICATION AND PROCEDURES.**

**(D) THE COMPTROLLER SHALL COMPLY WITH ANY DATA PRIVACY AND SECURITY STANDARDS IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES.**

**24-703.3.**

**(A) THE CENTER SHALL DEVELOP A PROTOCOL THAT IS FULLY ALIGNED WITH THE CENTER'S DATA SETS AND SECURITY STANDARDS FOR:**

**(1) A COUNTY BOARD TO CONVERT A STUDENT'S HOME ADDRESS AND GEOLOCATION INFORMATION INTO CENSUS TRACT AND BLOCK NUMBERS; AND**

**(2) THE DEPARTMENT TO COLLECT THE CENSUS TRACT AND BLOCK NUMBER INFORMATION FROM A COUNTY BOARD AND PROVIDE THE INFORMATION TO THE CENTER.**

**(B) FOR FISCAL YEARS 2021 AND 2022, THE GOVERNOR SHALL APPROPRIATE IN THE ANNUAL STATE BUDGET \$100,000 TO THE CENTER FOR DEVELOPMENT OF THE PROTOCOL UNDER THIS SECTION.**

**Article – State Government**

**4-112.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "AGGREGATED DATA" MEANS DE-IDENTIFIED DATA THAT IS SUMMARIZED BY TYPE OF PROGRAM OF STUDY OR EDUCATIONAL INSTITUTION.**

**(3) "STUDENT INFORMATION" MEANS:**

**(I) STUDENT SOCIAL SECURITY NUMBER;**

**(II) PROGRAM OF STUDY;**

**(III) ENROLLMENT; AND**

**(IV) NAME OF EDUCATIONAL INSTITUTION.**

**(4) "TAX INFORMATION" MEANS INCOME TAX RECORDS, WAGE INFORMATION, AND OTHER DATA STORED BY THE COMPTROLLER.**

**(B) (1) IN ACCORDANCE WITH THE PROTOCOL ESTABLISHED UNDER § 24-703.2 OF THE EDUCATION ARTICLE, THE COMPTROLLER SHALL:**

**(I) MATCH STUDENT INFORMATION RECEIVED FROM THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER WITH TAX INFORMATION MAINTAINED BY THE COMPTROLLER; AND**

**(II) FOR RESEARCH PURPOSES, PRODUCE AGGREGATED DATA FROM THE MATCHED INFORMATION ON THE AVERAGE AMOUNT OF WAGE OR SALARY EARNINGS FROM SELF-EMPLOYMENT OR OTHER SOURCES OF INCOME FOR INDIVIDUALS WITHIN EACH EDUCATIONAL INSTITUTION OR PROGRAM OF STUDY.**

**(2) THE COMPTROLLER MAY NOT PRODUCE ANY AGGREGATED DATA THAT MAY BE IDENTIFIABLE BASED ON THE SIZE OR UNIQUENESS OF THE POPULATION UNDER CONSIDERATION.**

**(C) THE COMPTROLLER SHALL FOLLOW AND UTILIZE PRIVACY AND SECURITY STANDARDS DEVELOPED FOR THE PROTOCOL, INCLUDING:**

**(1) DATA RETENTION AND DISPOSITION POLICIES;**

**(2) AUTHORIZED ACCESS AND AUTHENTICATION FOR AUTHORIZED ACCESS POLICIES;**

**(3) PRIVACY COMPLIANCE STANDARDS; AND**

**(4) BREACH NOTIFICATION AND PROCEDURES.**

**(D) THE COMPTROLLER SHALL COMPLY WITH ANY DATA PRIVACY AND SECURITY STANDARDS IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 730

(House Bill 1209)

AN ACT concerning

## Property Tax – Collection of Unpaid Taxes and Tax Sales

FOR the purpose of establishing a State Tax Sale Ombudsman in the State Department of Assessments and Taxation; providing for the appointment, employment status, and removal of the Ombudsman; requiring the Ombudsman to perform certain functions; authorizing a county to establish a County Tax Sale Ombudsman to perform the functions of the State Tax Sale Ombudsman with respect to certain homeowners within the county; ~~requiring a collector to withhold from sale under certain provisions of law certain properties that are subject to liens for unpaid taxes; requiring that the dwellings of certain homeowners and certain other properties designated by a county or municipal corporation that are subject to liens for unpaid taxes are subject to certain procedures and requirements for collection of the unpaid taxes; requiring a county and certain municipal corporations to enact a law implementing certain requirements relating to collection of unpaid taxes; requiring a local implementing law to include certain provisions relating to protections for certain homeowners and certain matters relating to in rem foreclosure; authorizing a county or municipal corporation to file a complaint for an in rem foreclosure action at certain times for certain properties; requiring the county or municipal corporation to send certain notice to certain taxing agencies before filing a certain complaint; requiring a taxing agency receiving a certain notice to certify certain information to the county or municipal corporation within a certain period of time; requiring certain taxes to be included in the foreclosure action; requiring a county or municipal corporation to obtain a certain lien release or make a certain payment before filing a certain action; requiring the county or municipal corporation to file the foreclosure action in a certain circuit court; court and provide certain notice and a copy of a certain complaint to certain persons in a certain manner; requiring the complaint for an in rem foreclosure to include certain information; allowing the complaint for an in rem foreclosure to be amended for certain purposes; authorizing certain persons to redeem certain property in a certain manner under certain circumstances; requiring a hearing on the in rem foreclosure complaint to be conducted at a certain time; providing that an interested party has the right to be heard at the hearing; requiring the court to enter a certain judgment on a certain finding; providing that a certain judgment is binding on certain persons; requiring that a certain judgment be recorded in certain land records; providing that title acquired in a certain sale of real property shall be an absolute or fee simple title except under certain circumstances; requiring the county or municipal corporation to sell at public auction real property after entry of a certain judgment; specifying the time of the sale; specifying the minimum bid for the sale; requiring the property to be sold to the highest bidder; authorizing a county or municipal corporation to bid the minimum bid under certain circumstances; requiring the county or municipal corporation to deposit certain excess bid amounts in escrow; requiring certain funds to be distributed to interested parties in a certain manner; requiring the county or municipal corporation to provide certain notice to the court of a sale; establishing that a sale of certain properties is final and binding; requiring the county or municipal corporation to report certain information to the court; *authorizing the governing body of a county or a municipal corporation to withhold from tax sale a*~~

dwelling owned by a homeowner who meets certain criteria; requiring certain notices sent to property owners whose properties are subject to tax sale to include a certain summary of the tax sale process and certain information concerning the State Tax Sale Ombudsman; requiring the Department to conduct an annual survey of each county and certain municipal corporations to obtain certain data regarding properties subject to liens for unpaid taxes; requiring the Department to analyze and summarize the information collected through the survey annually in a certain report and publish the report on its website and submit the report to certain committees of the General Assembly on or before a certain date each year; ~~requiring authorizing the Court of Appeals to adopt certain rules~~; defining certain terms; making conforming changes; ~~providing that certain provisions of this Act are applicable to liens for unpaid taxes that attach to real property on or after a certain date~~; providing for a delayed effective date; and generally relating to collection of unpaid property taxes and tax sales.

BY adding to

Article – Tax – Property

Section 2-112 and 14-811(e); ~~14-873 through 14-878 to be under the new part “Part V. Judicial In Rem Tax Foreclosure”~~; and ~~14-881 and 14-882 to be under the new part “Part VI. Tax Sale Reports and 14-873 and 14-874 to be under the new part “Part V. Tax Sale Reports”~~

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~14-603(a) and 14-811(a)~~ 14-812

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 1-101(g) and (j)(1) and 14-801(d) 14-817.1

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

### Article – Tax – Property

1-101.

(g) “County” means a county of the State and, unless expressly provided otherwise, Baltimore City.

(j) (1) “Department” means the State Department of Assessments and Taxation.

2-112.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(2) “ELIGIBLE HOMEOWNER” HAS THE MEANING STATED IN § 14-873 OF THIS ARTICLE.~~

(2) “HOMEOWNER” HAS THE MEANING STATED IN § 9-105 OF THIS ARTICLE.

(3) “TAX” HAS THE MEANING STATED IN § 14-801 OF THIS ARTICLE.

(B) THERE IS A STATE TAX SALE OMBUDSMAN IN THE DEPARTMENT.

(C) THE OMBUDSMAN:

(1) SHALL BE APPOINTED BY THE DIRECTOR;

(2) SHALL BE IN THE MANAGEMENT SERVICE OF THE STATE PERSONNEL MANAGEMENT SYSTEM; AND

(3) MAY BE REMOVED FROM OFFICE ONLY AFTER A HEARING BEFORE THE DEPARTMENT AND A FINDING OF INCOMPETENCY OR OTHER GOOD CAUSE.

(D) THE OMBUDSMAN SHALL:

(1) ASSIST ~~ELIGIBLE~~ HOMEOWNERS TO UNDERSTAND THE PROCESS FOR COLLECTION OF DELINQUENT TAXES;

(2) ACTIVELY ASSIST ~~ELIGIBLE~~ HOMEOWNERS TO APPLY FOR TAX CREDITS, DISCOUNT PROGRAMS, AND OTHER PUBLIC BENEFITS THAT MAY ASSIST THE ~~ELIGIBLE~~ HOMEOWNERS TO PAY DELINQUENT TAXES AND IMPROVE THEIR FINANCIAL SITUATION;

(3) REFER ~~ELIGIBLE~~ HOMEOWNERS TO LEGAL SERVICES, HOUSING COUNSELING, AND OTHER SOCIAL SERVICES THAT MAY ASSIST ~~ELIGIBLE~~ HOMEOWNERS TO PAY DELINQUENT TAXES AND IMPROVE THEIR FINANCIAL SITUATION;

(4) MAINTAIN A WEBSITE THAT FUNCTIONS AS A CLEARINGHOUSE FOR INFORMATION CONCERNING:

(I) THE PROCESS FOR COLLECTION OF DELINQUENT TAXES;  
AND

(II) SERVICES AND PROGRAMS THAT ARE AVAILABLE TO ASSIST ~~ELIGIBLE~~ HOMEOWNERS TO PAY DELINQUENT TAXES AND IMPROVE THEIR FINANCIAL SITUATION; AND

(5) MAINTAIN A TOLL-FREE TELEPHONE NUMBER THAT ~~AN ELIGIBLE~~ A HOMEOWNER MAY CALL TO OBTAIN INDIVIDUALIZED PERSONAL ASSISTANCE WITH DELINQUENT TAXES; ~~AND~~

~~(6) COORDINATE WITH THE COMPTROLLER AND EACH COUNTY TO COMPILE THE LIST OF ELIGIBLE HOMEOWNERS IN EACH COUNTY ON AN ANNUAL BASIS.~~

(E) A COUNTY MAY, BY LAW, ESTABLISH A COUNTY TAX SALE OMBUDSMAN TO FULFILL ALL THE RESPONSIBILITIES OF THE STATE TAX SALE OMBUDSMAN UNDER SUBSECTION (D) OF THIS SECTION WITH RESPECT TO ~~ELIGIBLE~~ HOMEOWNERS WITHIN THE COUNTY.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Tax Property~~

~~14-603.~~

~~(a) Except as provided in subsection (b) of this section, § 14-874 OF THIS TITLE, and for estimated personal property tax in § 14-604 of this subtitle, the rate of interest for full year county or municipal corporation property tax or taxing district property tax is two-thirds of 1% for each month or fraction of a month that the county or municipal corporation property tax or taxing district property tax is overdue.~~

~~14-801.~~

~~(d) (1) "Tax" means any tax, or charge of any kind due to the State or any of its political subdivisions, or to any other taxing agency, that by law is a lien against the real property on which it is imposed or assessed.~~

~~(2) "Tax" includes interest, penalties, and service charges.~~

~~14-811.~~

~~(a) Except as provided in [subsection (b)] SUBSECTIONS (B) AND (E) of this section, the collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than \$250 in any 1 year.~~

~~(E) THE COLLECTOR SHALL WITHHOLD FROM SALE UNDER THIS PART REAL PROPERTY THAT IS SUBJECT TO PART V OF THIS SUBTITLE.~~

~~14-871. RESERVED.~~

~~14-872. RESERVED.~~

~~PART V. JUDICIAL IN REM TAX FORECLOSURE.~~

~~14-873.~~

~~(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(B) "DWELLING" HAS THE MEANING STATED IN § 9-105 OF THIS ARTICLE.~~

~~(C) "ELIGIBLE HOMEOWNER" MEANS AN INDIVIDUAL WHO:~~

~~(1) OCCUPIES A DWELLING WITH AN ASSESSED VALUE OF \$300,000 OR LESS THAT IS SUBJECT TO A LIEN FOR UNPAID TAX; AND~~

~~(2) HAS A MARYLAND ADJUSTED GROSS INCOME OF \$60,000 OR LESS, AS CALCULATED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE TAX GENERAL ARTICLE.~~

~~(D) "INTERESTED PARTY" MEANS:~~

~~(1) THE PERSON WHO LAST APPEARS AS OWNER OF THE REAL PROPERTY ON THE COLLECTOR'S TAX ROLL;~~

~~(2) A MORTGAGEE OF THE PROPERTY OR ASSIGNEE OF A MORTGAGE OF RECORD;~~

~~(3) A HOLDER OF A BENEFICIAL INTEREST IN A DEED OF TRUST RECORDED AGAINST THE REAL PROPERTY; OR~~

~~(4) ANY PERSON HAVING AN INTEREST IN THE REAL PROPERTY WHOSE IDENTITY AND ADDRESS ARE:~~

~~(i) REASONABLY ASCERTAINABLE FROM THE COUNTY LAND RECORDS; OR~~

~~(H) REVEALED BY A FULL TITLE SEARCH CONSISTING OF AT LEAST 50 YEARS.~~

~~(E) "TAX" HAS THE MEANING STATED IN § 14-801 OF THIS SUBTITLE.  
14-874.~~

~~(A) THIS PART APPLIES TO:~~

~~(1) THE DWELLING OF AN ELIGIBLE HOMEOWNER; AND~~

~~(2) ANY OTHER REAL PROPERTY THAT A COUNTY OR MUNICIPAL CORPORATION DESIGNATES, BY LAW, TO BE SUBJECT TO THIS PART.~~

~~(B) (1) (I) EACH COUNTY SHALL ENACT A LAW IMPLEMENTING THE REQUIREMENTS OF THIS PART.~~

~~(H) A MUNICIPAL CORPORATION SHALL ENACT A LAW IMPLEMENTING THE REQUIREMENTS OF THIS PART ONLY IF THE MUNICIPAL CORPORATION CONDUCTS AN IN REM FORECLOSURE AND SALE TO ENFORCE A MUNICIPAL TAX LIEN.~~

~~(2) A LAW IMPLEMENTING THIS PART SHALL INCLUDE:~~

~~(I) A REQUIREMENT THAT THE DWELLING OF AN ELIGIBLE HOMEOWNER NOT BE SUBJECT TO FORECLOSURE AND SALE UNDER THIS PART UNLESS THE TAX ON THE DWELLING:~~

~~1. HAS BEEN DELINQUENT FOR AT LEAST 2 YEARS; AND~~

~~2. EXCEEDS \$1,000;~~

~~(H) NOTWITHSTANDING § 14-603 OF THIS TITLE, A RATE OF INTEREST FOR EACH MONTH OR FRACTION OF A MONTH THAT TAX IS OVERDUE ON THE DWELLING OF AN ELIGIBLE HOMEOWNER THAT DOES NOT EXCEED 0.5%;~~

~~(H) A PROHIBITION ON REQUIRING AN ELIGIBLE HOMEOWNER TO PAY ANY FEES OR EXPENSES INCURRED BY THE COUNTY OR MUNICIPAL CORPORATION UNDER THIS PART;~~

~~(IV) A REQUIREMENT THAT THE COUNTY OR MUNICIPAL CORPORATION SEND AT LEAST FIVE NOTICES AT APPROPRIATE INTERVALS BY FIRST CLASS MAIL AT LEAST 30 DAYS APART TO AN ELIGIBLE HOMEOWNER THAT~~

~~CONVEY INFORMATION ABOUT THE PROCESS FOR COLLECTION OF DELINQUENT TAXES AND OTHER INFORMATION REQUIRED BY THIS PART IN CLEAR, CONCISE, AND EASILY UNDERSTANDABLE LANGUAGE;~~

~~(V) AN OPTION FOR AN ELIGIBLE HOMEOWNER TO PREVENT FORECLOSURE AND SALE UNDER THIS PART BY ENTERING INTO AN INSTALLMENT PLAN OF UP TO 60 MONTHS TO MAKE PAYMENTS OF DELINQUENT TAXES BASED ON THE HOMEOWNER'S INCOME;~~

~~(VI) A PROCESS BY WHICH AN ELIGIBLE HOMEOWNER WHO IS LOW INCOME, AT LEAST 65 YEARS OLD, OR DISABLED MAY APPLY FOR THE ELIGIBLE HOMEOWNER'S DWELLING TO BE EXEMPT FROM FORECLOSURE AND SALE UNDER THIS PART IF THE ELIGIBLE HOMEOWNER MEETS CRITERIA SPECIFIED BY THE COUNTY OR MUNICIPAL CORPORATION;~~

~~(VII) A PROCESS FOR REFERRING ELIGIBLE HOMEOWNERS TO THE STATE TAX SALE OMBUDSMAN ESTABLISHED UNDER § 2-112 OF THIS ARTICLE OR TO THE COUNTY TAX SALE OMBUDSMAN IF THE COUNTY HAS ESTABLISHED A COUNTY TAX SALE OMBUDSMAN;~~

~~(VIII) A PROCEDURE FOR THE COUNTY OR MUNICIPAL CORPORATION TO FILE A COMPLAINT FOR AN IN REM FORECLOSURE UNDER THIS PART; AND~~

~~(IX) ADMINISTRATIVE RULES AND PROCEDURES NECESSARY TO CARRY OUT THIS PART.~~

~~14-875.~~

~~(A) A COUNTY OR MUNICIPAL CORPORATION MAY FILE A COMPLAINT FOR AN IN REM FORECLOSURE ACTION AFTER:~~

~~(1) TAXES ON THE DWELLING OF AN ELIGIBLE HOMEOWNER HAVE BEEN DELINQUENT FOR AT LEAST 2 YEARS; OR~~

~~(2) TAXES ON ANY OTHER PROPERTY SUBJECT TO THIS PART HAVE BEEN DELINQUENT FOR AT LEAST 1 YEAR 6 MONTHS.~~

~~(B) (1) AT LEAST 60 DAYS BEFORE FILING A COMPLAINT FOR AN IN REM FORECLOSURE, THE COUNTY OR MUNICIPAL CORPORATION SHALL NOTIFY ALL OTHER TAXING AGENCIES THAT HAVE THE AUTHORITY TO COLLECT TAXES ON THE REAL PROPERTY OF THE COUNTY'S OR MUNICIPAL CORPORATION'S INTENTION TO FILE A COMPLAINT FOR AN IN REM FORECLOSURE OF THE REAL PROPERTY.~~

~~(2) WITHIN 30 DAYS AFTER RECEIVING NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, A TAXING AGENCY SHALL CERTIFY TO THE COUNTY OR MUNICIPAL CORPORATION A STATEMENT OF ALL TAXES DUE TO THE TAXING AGENCY.~~

~~(3) ALL TAXES CERTIFIED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION SHALL:~~

~~(I) BE INCLUDED IN THE FORECLOSURE ACTION; AND~~

~~(II) CEASE TO BE A LIEN AGAINST THE REAL PROPERTY IF A JUDGMENT IS ENTERED FORECLOSING THE EXISTING INTERESTS OF ALL INTERESTED PARTIES IN THE REAL PROPERTY.~~

~~(4) BEFORE FILING THE COMPLAINT UNDER SUBSECTION (C) OF THIS SECTION, THE COUNTY OR MUNICIPAL CORPORATION SHALL:~~

~~(I) OBTAIN A LIEN RELEASE FROM THE STATE FOR ANY LIENS FOR UNPAID STATE PROPERTY TAXES, INTEREST, AND PENALTIES; OR~~

~~(II) PAY TO THE STATE, IN ACCORDANCE WITH § 4-202 OF THIS ARTICLE, ANY UNPAID STATE PROPERTY TAXES, INTEREST, AND PENALTIES.~~

~~(C) THE COUNTY OR MUNICIPAL CORPORATION SHALL FILE THE COMPLAINT FOR AN IN REM FORECLOSURE IN THE CIRCUIT COURT OF THE COUNTY WHERE THE REAL PROPERTY IS LOCATED.~~

~~(C) THE COUNTY OR MUNICIPAL CORPORATION SHALL:~~

~~(1) FILE THE COMPLAINT FOR AN IN REM FORECLOSURE IN THE CIRCUIT COURT OF THE COUNTY WHERE THE REAL PROPERTY IS LOCATED; AND~~

~~(2) WITHIN 5 DAYS AFTER FILING THE COMPLAINT FOR AN IN REM FORECLOSURE, SEND A NOTICE AND A COPY OF THE COMPLAINT TO ALL INTERESTED PARTIES BY:~~

~~(I) CERTIFIED MAIL; AND~~

~~(II) FIRST CLASS MAIL.~~

~~(D) THE COMPLAINT FOR AN IN REM FORECLOSURE SHALL INCLUDE:~~

~~(1) THE IDENTITY OF THE COUNTY OR MUNICIPAL CORPORATION ON BEHALF OF WHICH THE COMPLAINT IS FILED;~~

~~(2) A NAME AND ADDRESS FOR THE COUNTY OR MUNICIPAL CORPORATION;~~

~~(3) A DESCRIPTION OF THE REAL PROPERTY AS IT APPEARS IN THE COUNTY LAND RECORDS;~~

~~(4) THE TAX IDENTIFICATION NUMBER OF THE REAL PROPERTY;~~

~~(5) A STATEMENT THAT THE TAXES ARE DELINQUENT AT THE TIME OF THE FILING;~~

~~(6) THE AMOUNT OF TAXES THAT ARE DELINQUENT AS OF THE DATE OF FILING;~~

~~(7) THE NAMES AND LAST KNOWN ADDRESSES OF ALL INTERESTED PARTIES IN THE REAL PROPERTY AND, IF APPLICABLE, A STATEMENT THAT THE ADDRESS OF A PARTICULAR INTERESTED PARTY IN THE REAL PROPERTY IS UNKNOWN;~~

~~(8) A REQUEST THAT THE CIRCUIT COURT NOT SCHEDULE A HEARING ON THE COMPLAINT UNTIL 30 DAYS AFTER THE DATE THAT THE COMPLAINT IS FILED; AND~~

~~(9) A REQUEST THAT THE CIRCUIT COURT ENTER A JUDGMENT THAT FORECLOSES THE EXISTING INTERESTS OF ALL INTERESTED PARTIES IN THE REAL PROPERTY AND ORDERS THE REAL PROPERTY TO BE SOLD AT PUBLIC AUCTION.~~

~~(E) A COMPLAINT FOR AN IN REM FORECLOSURE MAY BE AMENDED TO INCLUDE ALL TAXES THAT BECOME DELINQUENT AFTER THE COMMENCEMENT OF THE IN REM FORECLOSURE ACTION.~~

~~(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INTERESTED PARTY HAS THE RIGHT TO REDEEM THE PROPERTY BY PAYING ALL TAXES DUE AT ANY TIME BEFORE THE ENTRY OF A FORECLOSURE JUDGMENT.~~

~~(2) THE RIGHT TO REDEEM THE PROPERTY TERMINATES WHEN THE CIRCUIT COURT ENTERS A FORECLOSURE JUDGMENT.~~

~~14-876.~~

~~(A) A CIRCUIT COURT MAY NOT SET A HEARING FOR AN IN REM FORECLOSURE UNTIL 30 DAYS AFTER THE COMPLAINT FOR AN IN REM FORECLOSURE IS FILED.~~

~~(B) AT THE HEARING, ANY INTERESTED PARTY SHALL HAVE THE RIGHT TO BE HEARD AND TO CONTEST THE DELINQUENCY OF THE TAXES AND THE ADEQUACY OF THE PROCEEDINGS.~~

~~(C) IF THE CIRCUIT COURT FINDS THAT THE INFORMATION SET FORTH IN THE COMPLAINT IS ACCURATE, THE COURT SHALL:~~

~~(1) ENTER A JUDGMENT THAT PROPER NOTICE HAS BEEN PROVIDED TO FORECLOSES THE EXISTING INTERESTS OF ALL INTERESTED PARTIES; AND~~

~~(2) ORDER THAT THE REAL PROPERTY BE SOLD IN ACCORDANCE WITH THIS PART.~~

~~(D) A JUDGMENT UNDER SUBSECTION (C) OF THIS SECTION IS BINDING AND CONCLUSIVE, REGARDLESS OF LEGAL DISABILITY, ON:~~

~~(1) ALL PERSONS, KNOWN AND UNKNOWN, WHO WERE PARTIES TO THE ACTION AND WHO HAD A CLAIM TO THE PROPERTY, WHETHER PRESENT OR FUTURE, VESTED OR CONTINGENT, LEGAL OR EQUITABLE, OR SEVERAL OR UNDIVIDED; AND~~

~~(2) ALL PERSONS WHO WERE NOT PARTIES TO THE ACTION AND HAD A CLAIM TO THE PROPERTY THAT WAS NOT RECORDED AT THE TIME THAT THE ACTION WAS COMMENCED.~~

~~(E) THE ENTRY OF A JUDGMENT UNDER SUBSECTION (C) OF THIS SECTION SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY.~~

~~(F) THE TITLE ACQUIRED IN A SALE OF REAL PROPERTY UNDER § 14-877 OF THIS PART AFTER AN IN REM FORECLOSURE PROCEEDING SHALL BE AN ABSOLUTE OR FEE SIMPLE TITLE INCLUDING THE RIGHT, TITLE, AND INTEREST OF EACH OF THE DEFENDANTS IN THE PROCEEDING WHOSE PROPERTY HAS BEEN FORECLOSED UNLESS A DIFFERENT TITLE IS SPECIFIED IN THE JUDGMENT ENTERED.~~

~~14-877.~~

~~(A) (1) AFTER ENTRY OF JUDGMENT UNDER § 14-876 OF THIS SUBTITLE, THE COUNTY OR MUNICIPAL CORPORATION SHALL SELL, IN ACCORDANCE WITH THE MARYLAND RULES, THE REAL PROPERTY AT PUBLIC AUCTION.~~

~~(2) THE REAL PROPERTY MAY NOT BE SOLD UNTIL AT LEAST 45 DAYS AFTER THE ENTRY OF JUDGMENT.~~

~~(B) THE MINIMUM BID FOR THE SALE OF THE REAL PROPERTY SHALL BE DETERMINED BY THE COUNTY OR MUNICIPAL CORPORATION.~~

~~(C) (1) THE REAL PROPERTY SHALL BE SOLD TO THE PERSON MAKING THE HIGHEST BID.~~

~~(2) THE PERSON MAKING THE HIGHEST BID SHALL PAY THE FULL BID AMOUNT TO THE COUNTY OR MUNICIPAL CORPORATION.~~

~~(3) IF THE MINIMUM BID IS NOT MADE OR EXCEEDED, THE COUNTY OR MUNICIPAL CORPORATION THAT FILED THE COMPLAINT MAY BID THE MINIMUM BID PRICE AND PURCHASE THE REAL PROPERTY.~~

~~(D) (1) IF THE HIGHEST BID EXCEEDS THE MINIMUM BID AMOUNT, THE COUNTY OR MUNICIPAL CORPORATION SHALL DEPOSIT THE FUNDS IN EXCESS OF THE MINIMUM BID IN AN ESCROW ACCOUNT.~~

~~(2) THE CIRCUIT COURT SHALL DISTRIBUTE THE FUNDS DEPOSITED INTO ESCROW TO THE INTERESTED PARTIES IN THE ORDER OF PRIORITY OF THE INTERESTS OF THE INTERESTED PARTIES.~~

~~(E) AFTER A SALE, THE COUNTY OR MUNICIPAL CORPORATION SHALL FILE A NOTICE INFORMING THE CIRCUIT COURT OF THE SALE AND STATING THE DATE OF THE SALE.~~

~~(F) A SALE OF REAL PROPERTY UNDER THIS SECTION IS FINAL AND BINDING ON THE MAKER OF THE HIGHEST BID.~~

~~14-878.~~

~~(A) WITHIN 90 DAYS AFTER A SALE UNDER § 14-877 OF THIS PART, THE COUNTY OR MUNICIPAL CORPORATION SHALL FILE A REPORT OF THE SALE WITH THE CIRCUIT COURT.~~

~~(B) THE REPORT SHALL IDENTIFY THE SALE THAT TOOK PLACE, THE SALE PRICE, AND THE IDENTITY OF THE PURCHASER.~~

~~(C) THE COUNTY OR MUNICIPAL CORPORATION MAY CONSOLIDATE MULTIPLE SALE REPORTS.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~14-879. RESERVED.~~

~~14-880. RESERVED.~~

~~PART VI. TAX SALE REPORTS.~~

~~14-881.~~

14-811.

(E) (1) IN THIS SUBSECTION, “DWELLING” AND “HOMEOWNER” HAVE THE MEANINGS STATED IN § 9-105 OF THIS ARTICLE.

(2) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY WITHHOLD FROM SALE A DWELLING OWNED BY A HOMEOWNER WHO IS LOW-INCOME, AT LEAST 65 YEARS OLD, OR DISABLED IF THE HOMEOWNER MEETS ELIGIBILITY CRITERIA ESTABLISHED BY THE COUNTY OR MUNICIPAL CORPORATION.

14-812.

(a) (1) At least 30 days before any property is first advertised for sale under this subtitle, the collector shall have mailed to the person who last appears as owner of the property on the collector’s tax roll, at the last address shown on the tax roll, a statement giving the name of the person, and the amounts of taxes due.

(2) On the statement required under paragraph (1) of this subsection there shall also appear the following notice:

.....  
“Date”

“This Is a Final Bill and Legal Notice to the Person Whose Name Appears on This Notice.”

“According to the collector’s tax roll you are the owner of the property appearing on this notice. Some of the taxes listed are in arrears. Notice is given you that unless all taxes in arrears are paid on or before 30 days from the above date, the collector will proceed to sell the above property to satisfy your entire indebtedness. Interest and penalties must be added to the total at the time of payment.”

(b) The mailing required under subsection (a) of this section shall include a separate insert that includes the following:

(1) A CLEAR, CONCISE, AND EASILY UNDERSTANDABLE SUMMARY OF THE TAX SALE PROCESS NOT EXCEEDING ONE PAGE IN LENGTH THAT INCLUDES A

**SIMPLE EXPLANATION OF THE STEPS THAT A PROPERTY OWNER IS REQUIRED TO TAKE TO RETAIN THE PROPERTY AT EACH STAGE IN THE PROCESS;**

~~[(1)]~~ **(2)** the statement “If this property is your principal residence and you are having difficulty paying the taxes on the property, there are programs that may help you.”;

**(3)** A STATEMENT THAT THE STATE TAX SALE OMBUDSMAN ESTABLISHED UNDER § 2-112 OF THIS ARTICLE OR THE COUNTY TAX SALE OMBUDSMAN, IF APPLICABLE, IS AVAILABLE TO:

**(I)** ANSWER QUESTIONS ABOUT THE TAX SALE PROCESS; AND

**(II)** ASSIST HOMEOWNERS WITH APPLYING FOR TAX CREDITS AND OTHER BENEFITS THAT MAY HELP HOMEOWNERS TO PAY DELINQUENT TAXES AND RETAIN THEIR HOMES;

**(4)** THE TOLL-FREE TELEPHONE NUMBER AND WEBSITE ADDRESS OF THE STATE TAX SALE OMBUDSMAN OR THE COUNTY TAX SALE OMBUDSMAN, IF APPLICABLE;

~~[(2)]~~ **(5)** a statement that free counseling is available to help homeowners make plans to pay their bills and keep their homes by calling the telephone number of:

**(i)** the Homeowner’s HOPE Hotline; or

**(ii)** another similar local housing counseling service chosen by the collector;

~~[(3)]~~ **(6)** the following information concerning the homeowners’ property tax credit under § 9-104 of this article:

**(i)** the statement “The homeowners’ property tax credit may significantly reduce the property taxes you owe if you have limited income and assets. You may be eligible for the credit at any age, but if you are 70 years old or older, you may be eligible for a special benefit that may reduce the taxes you owe for the past 3 years.”; and

**(ii)** the website address and telephone number of the State [Department of Assessments and Taxation] TAX SALE OMBUDSMAN where more information is available about the homeowners’ property tax credit and how to apply;

~~[(4)]~~ **(7)** if the collector uses the tax sale process to enforce a lien for unpaid charges for water or sewer service and a water or sewer utility serving the collector’s jurisdiction offers a program for discounted water or sewer rates for low-income customers;

(i) a brief description of the program for discounted water or sewer rates for low-income customers; and

(ii) information on how to apply for the program, including, if applicable, a website address and telephone number where more information and applications are available; and

[(5)] (8) any other information that may assist low-income homeowners in avoiding tax sale costs or foreclosure that the collector considers appropriate.

(c) For any individual who last appears as an owner of the property on the collector's tax roll who has been listed as an owner of the property on the collector's tax roll for at least the last 25 years, the collector shall provide, at least 30 days before the property is first advertised, a list that includes the individual's name and address and notice to the area agency, as defined in § 10-101 of the Human Services Article.

(d) Failure of the collector to mail the statement and notice to the last address of the person last assessed for the property, as it appears on the collector's tax roll, to mail, if applicable, a list including the name and address of an individual receiving the statement who has been listed as an owner of the property on the collector's tax roll for at least the last 25 years and notice to the area agency, or to include any taxes in the statement and notice, does not invalidate or otherwise affect any tax, except a tax that is required to be but has not been certified as provided in § 14-810 of this subtitle, or any sale made under this subtitle to enforce payment of taxes, nor prevent nor stay any proceedings under this subtitle, nor affect the title of any purchaser.

#### 14-817.1.

(a) Within 60 days after a property is sold at a tax sale, the collector shall send to the person who last appears as owner of the property on the collector's tax roll, at the last address shown on the tax roll, a notice that includes:

(1) a statement that the property has been sold to satisfy unpaid taxes;

(2) the date of the tax sale;

(3) the amount of the highest bid;

(4) the lien amount on the property at the time of sale;

(5) a statement that the owner has the right to redeem the property until a court forecloses that right;

(6) a statement that the purchaser of the property may institute an action to foreclose the property:

(i) as early as 6 months from the date of the sale; or

(ii) if a government agency certifies that the property requires, or shall require, substantial repair to comply with applicable building codes, as early as 60 days from the date of the sale;

(7) a statement that if the property is redeemed before an action to foreclose the right of redemption is filed, the amount that shall be paid to redeem the property is:

(i) the total lien amount on the property at the time of sale, with interest;

(ii) any taxes, interest, and penalties paid by the holder of the certificate of sale; and

(iii) any taxes, interest, and penalties accruing after the date of the tax sale;

(8) a statement that, if the property is redeemed more than 4 months after the date of the tax sale, and before an action to foreclose the right of redemption is filed, the holder of the certificate of sale may be reimbursed for:

(i) attorney's fees for recording the certificate of sale;

(ii) a title search fee, not to exceed \$250; and

(iii) reasonable attorney's fees, not to exceed \$500;

(9) a statement that, if the property is redeemed after an action to foreclose the right of redemption has been filed, the amount that shall be paid to redeem the property is the sum of:

(i) the total lien amount on the property at the time of sale, with interest;

(ii) any taxes, interest, and penalties paid by the holder of the certificate of sale;

(iii) any taxes, interest, and penalties accruing after the date of the tax sale; and

(iv) attorney's fees and expenses to which the holder of the certificate of sale may be entitled under § 14-843(a)(4) and (5) of this subtitle; and

(10) the provisions of § 14-843(a) of this subtitle, reproduced as they appear in the Code.

*(b) The notice required under subsection (a) of this section shall be sent by first-class mail.*

*(c) The mailing required under this section shall include a separate insert that includes all of the information required under § 14-812(b) of this subtitle.*

**14-871. RESERVED.**

**14-872. RESERVED.**

**PART V. TAX SALE REPORTS.**

**14-873.**

(A) THE DEPARTMENT SHALL CONDUCT AN ANNUAL SURVEY OF EACH COUNTY AND ANY MUNICIPAL CORPORATION THAT CONDUCTS A TAX SALE UNDER PART III ~~OR PART V~~ OF THIS SUBTITLE TO OBTAIN THE DATA SPECIFIED IN THIS SECTION.

(B) THE DEPARTMENT SHALL OBTAIN THE FOLLOWING INFORMATION CONCERNING PROPERTIES SUBJECT TO SALE UNDER PART III OF THIS SUBTITLE:

(1) THE TOTAL NUMBER OF TAX SALE CERTIFICATES OFFERED FOR SALE;

(2) THE NUMBER OF CERTIFICATES OFFERED FOR SALE THAT ARE FOR PROPERTY OWNED BY ~~AN ELIGIBLE HOMEOWNER AS DEFINED IN § 14-873 OF THIS SUBTITLE~~ A HOMEOWNER AS DEFINED IN § 9-105 OF THIS ARTICLE;

(3) THE NUMBER OF CERTIFICATES OFFERED FOR SALE THAT ARE FOR PROPERTIES THAT ARE VACANT AND ABANDONED;

(4) THE NUMBER OF CERTIFICATES OFFERED FOR SALE THAT ARE FOR PROPERTIES THAT ARE SUBJECT TO LIENS FOR WATER OR SEWER SERVICES ONLY;

(5) THE NUMBER OF CERTIFICATES OFFERED FOR SALE THAT ARE SOLD;

(6) THE AVERAGE AMOUNT OF THE LIEN FOR UNPAID TAXES ON PROPERTIES OFFERED FOR SALE;

(7) THE NUMBER OF PROPERTIES THAT ARE REDEEMED BEFORE FORECLOSURE AND THE NUMBER OF YEARS THAT ELAPSE BETWEEN THE SALE OF THE CERTIFICATE AND REDEMPTION OF EACH PROPERTY; AND

(8) THE NUMBER OF PROPERTIES THAT ARE SUBJECT TO FORECLOSURE.

~~(C) THE DEPARTMENT SHALL OBTAIN THE FOLLOWING INFORMATION CONCERNING PROPERTIES WITH DELINQUENT TAXES THAT ARE SUBJECT TO PART V OF THIS SUBTITLE:~~

~~(1) THE TOTAL NUMBER OF PROPERTIES SUBJECT TO PART V OF THIS SUBTITLE;~~

~~(2) THE NUMBER OF PROPERTIES THAT ARE OWNED BY AN ELIGIBLE HOMEOWNER AS DEFINED IN § 14-873 OF THIS SUBTITLE;~~

~~(3) THE NUMBER OF PROPERTIES THAT ARE VACANT AND ABANDONED;~~

~~(4) THE NUMBER OF PROPERTIES THAT ARE SUBJECT TO LIENS FOR WATER OR SEWER SERVICES ONLY;~~

~~(5) THE NUMBER OF PROPERTIES FOR WHICH THE DELINQUENT TAXES ARE PAID BEFORE FORECLOSURE AND THE NUMBER OF YEARS THAT ELAPSE BETWEEN THE TAXES BECOMING DELINQUENT AND THE PAYMENT OF THE TAXES;~~

~~(6) THE AVERAGE AMOUNT OF THE LIEN FOR UNPAID TAXES ON PROPERTIES SUBJECT TO PART V OF THIS SUBTITLE; AND~~

~~(7) THE NUMBER OF PROPERTIES THAT ARE SUBJECT TO FORECLOSURE.~~

~~14-882.~~

*(C) THE DEPARTMENT SHALL OBTAIN:*

*(1) THE NUMBER OF COUNTIES AND MUNICIPAL CORPORATIONS THAT HAVE WITHHELD FROM SALE UNDER § 14-811(E) OF THIS SUBTITLE A DWELLING OWNED BY A HOMEOWNER WHO IS LOW-INCOME, AT LEAST 65 YEARS OLD, OR DISABLED;*

*(2) THE ELIGIBILITY CRITERIA USED BY EACH COUNTY AND MUNICIPAL CORPORATION TO WITHHOLD A DWELLING FROM SALE UNDER § 14-811(E) OF THIS SUBTITLE; AND*

**(3) THE NUMBER OF DWELLINGS WITHHELD FROM SALE BY EACH COUNTY AND MUNICIPAL CORPORATION UNDER § 14-811(E) OF THIS SUBTITLE.**

**14-874.**

THE DEPARTMENT SHALL ANALYZE AND SUMMARIZE THE INFORMATION COLLECTED THROUGH THE SURVEY UNDER § ~~14-881~~ 14-873 OF THIS PART ANNUALLY IN A REPORT AND:

(1) PUBLISH THE REPORT ON THE DEPARTMENT’S WEBSITE; AND

(2) ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT THE REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS.

~~SECTION 4. AND BE IT FURTHER ENACTED, That the Court of Appeals shall may adopt rules to carry out Section 2 of this Act.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to liens for unpaid taxes that attach to real property on or after July 1, 2020.~~

~~SECTION 6. 2. AND BE IT FURTHER ENACTED, That, subject to Section 5 of this Act, That~~ this Act shall take effect January 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 731**

**(House Bill 1259)**

AN ACT concerning

**Education – Collective Bargaining for Noncertificated Employees – Supervisory Employees and Management Personnel**

FOR the purpose of altering the definitions of “supervisory employee” and “management personnel” by removing a provision that status as a supervisory employee and management personnel may be determined by certain negotiations between a certain public school employer and a certain employee organization; and generally relating to collective bargaining for noncertificated employees.

BY repealing and reenacting, without amendments,  
Article – Education

Section 6–501(a)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 6–501(e) and (i)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)

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

### Article – Education

6–501.

(a) In this subtitle the following words have the meanings indicated.

(e) “Management personnel” includes an individual who is engaged mainly in executive and managerial functions[, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue].

(i) “Supervisory employee” includes any individual who responsibly directs the work of other employees[, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 732

(House Bill 1266)

AN ACT concerning

### National Capital Strategic Economic Development Program – Established

FOR the purpose of establishing the National Capital Strategic Economic Development Program; providing for the administration and purpose of the Program; establishing the type of community enhancement projects eligible to receive Program funds; authorizing certain ~~housing authorities~~ government agencies, including housing authorities and certain community development organizations to apply to receive

Program funds; requiring an eligible institution's application to contain certain information; providing that community enhancement projects may be located in more than one political subdivision; requiring the Department of Housing and Community Development to establish a certain quantitative system to evaluate each application; providing for the review of each application; requiring certain notification to certain political subdivisions before an application may be approved; requiring the Department and the recipient of Program funds to enter into a certain agreement; authorizing the Department to exercise certain powers necessary to implement the Program and determine certain terms and conditions of the financial assistance; requiring the recipient of financial assistance from the Program to submit a certain quarterly progress report; altering the purpose and use of the National Capital Strategic Economic Development Fund; requiring the Governor, in certain fiscal years, to include certain appropriations in the annual operating budget to the Fund; requiring the Governor, in certain fiscal years, to include certain appropriations in the annual operating or capital budget ~~bill~~ for the Fund; defining certain terms; and generally relating to the establishment of the National Capital Strategic Economic Development Program.

BY renumbering

Article – Housing and Community Development  
Section 4–510  
to be Section 6–710  
Annotated Code of Maryland  
(2006 Volume and 2018 Supplement)

BY adding to

Article – Housing and Community Development  
Section 6–701 through 6–709 to be under the new subtitle “Subtitle 7. National  
Capital Strategic Economic Development Program”  
Annotated Code of Maryland  
(2006 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development  
Section 6–710  
Annotated Code of Maryland  
(2006 Volume and 2018 Supplement)  
(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4–510 of Article – Housing and Community Development of the Annotated Code of Maryland be renumbered to be Section(s) 6–710.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Housing and Community Development**

SUBTITLE 7. NATIONAL CAPITAL STRATEGIC ECONOMIC DEVELOPMENT  
PROGRAM.

6-701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION" HAS THE MEANING STATED IN 12 U.S.C. § 4702.

(C) "COMMUNITY DEVELOPMENT ORGANIZATION" MEANS AN ENTITY THAT MEETS THE REQUIREMENTS UNDER § 6-704 OF THIS SUBTITLE.

(D) (1) "FINANCIAL ASSISTANCE" MEANS A GRANT, A LOAN, OR AN INVESTMENT PROVIDED UNDER THIS SUBTITLE.

(2) "FINANCIAL ASSISTANCE" INCLUDES:

(I) AN ASSURANCE;

(II) A GUARANTEE;

(III) A PREPAYMENT OF INTEREST ON A SUBORDINATE OR SUPERIOR LOAN OR PORTION OF A LOAN;

(IV) A REDUCTION IN THE PRINCIPAL OBLIGATION OF OR RATE OF INTEREST PAYABLE ON A LOAN OR A PORTION OF A LOAN; AND

(V) ANY OTHER FORM OF CREDIT ENHANCEMENT.

(E) "NATIONAL CAPITAL REGION" MEANS ~~THE AREA CONTAINING MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY~~ THE AREAS OF THE STATE LOCATED WITHIN:

(1) THE BOUNDARY CREATED BY INTERSTATE 495 IN THE STATE AND THE DISTRICT OF COLUMBIA; AND

(2) (I) ANY QUALIFIED OPPORTUNITY ZONE DESIGNATED UNDER § 1400Z-1 OF THE INTERNAL REVENUE CODE IN MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY; OR

**(II) AN ENTERPRISE ZONE, AS DEFINED IN § 5-701 OF THE ECONOMIC DEVELOPMENT ARTICLE, IN MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY.**

**(F) “PROGRAM” MEANS THE NATIONAL CAPITAL STRATEGIC ECONOMIC DEVELOPMENT PROGRAM.**

**(G) “SUSTAINABLE COMMUNITY” MEANS AN AREA DESIGNATED AS A SUSTAINABLE COMMUNITY UNDER § 6-205 OF THIS TITLE.**

**6-702.**

**(A) THERE IS A NATIONAL CAPITAL STRATEGIC ECONOMIC DEVELOPMENT PROGRAM.**

**(B) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.**

**(C) THE PURPOSE OF THE PROGRAM IS TO:**

**(1) PROVIDE STRATEGIC INVESTMENT IN LOCAL HOUSING AND BUSINESSES TO ENCOURAGE HEALTHY, SUSTAINABLE COMMUNITIES WITH A GROWING TAX BASE AND ENHANCED QUALITY OF LIFE; AND**

**(2) FOCUS ON AREAS WHERE MODEST INVESTMENT AND COORDINATED STRATEGIES WILL HAVE AN APPRECIABLE NEIGHBORHOOD REVITALIZATION IMPACT.**

**6-703.**

**(A) THE COMMUNITY ENHANCEMENT PROJECTS ELIGIBLE TO RECEIVE PROGRAM FUNDS INCLUDE:**

**(1) DOWN PAYMENT ASSISTANCE FOR HOMEBUYERS TO PURCHASE AND REHABILITATE HOMES;**

**(2) PROGRAMS TO ACQUIRE OR REHABILITATE VACANT OR BLIGHTED PROPERTIES;**

**(3) PROGRAMS TO IMPROVE EXISTING RESIDENTIAL AND BUSINESS PROPERTIES;**

**(4) PROGRAMS TO ACHIEVE ENERGY EFFICIENCY THROUGH WEATHERIZATION AND ENERGY RETROFITS;**

(5) DEVELOPMENT OF AFFORDABLE HOUSING;

(6) DEVELOPMENT OF MIXED-USE PROJECTS THAT COMBINE HOUSING, RETAIL, AND OFFICE SPACE;

(7) DEVELOPMENT OR ENHANCEMENT OF COMMUNITY OPEN SPACE OR PUBLIC INFRASTRUCTURE;

(8) WORKFORCE AND EMPLOYMENT DEVELOPMENT PROGRAMS, WHEN ASSOCIATED WITH OTHER PROJECTS LISTED UNDER THIS SUBSECTION; AND ~~AND~~

(9) CAREER AND TECHNICAL EDUCATION AND APPRENTICESHIP PROGRAMS, WHEN ASSOCIATED WITH OTHER PROJECTS LISTED UNDER THIS SUBSECTION; AND

(10) STRATEGIC DEMOLITION.

(B) PROGRAM FUNDS MAY BE USED FOR OPERATING COSTS NECESSARY TO IMPLEMENT A COMMUNITY ENHANCEMENT PROJECT.

(C) THE SECRETARY MAY ESTABLISH ADDITIONAL COMMUNITY ENHANCEMENT PROJECTS ELIGIBLE TO RECEIVE PROGRAM FUNDS.

6-704.

(A) (1) ~~A HOUSING AUTHORITY LOCATED~~ GOVERNMENT AGENCY, INCLUDING A HOUSING AUTHORITY, WITH JURISDICTION IN THE NATIONAL CAPITAL REGION, AN ENTITY CONTROLLED DIRECTLY OR INDIRECTLY BY A HOUSING AUTHORITY THAT OPERATES IN THE NATIONAL CAPITAL REGION, AND, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COMMUNITY DEVELOPMENT ORGANIZATION ARE ELIGIBLE TO APPLY FOR PROGRAM FUNDS.

(2) A CORPORATION, A FOUNDATION, OR ANY OTHER LEGAL ENTITY IS A COMMUNITY DEVELOPMENT ORGANIZATION ELIGIBLE TO APPLY FOR PROGRAM FUNDS IF:

(I) THE PURPOSE OF THE ORGANIZATION IS TO IMPLEMENT A CLEAR REVITALIZATION STRATEGY IN A NEIGHBORHOOD OR SET OF NEIGHBORHOODS WITHIN THE NATIONAL CAPITAL REGION ~~OR THE INNER-BELTWAY COMMUNITIES OF MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY; AND~~

(II) NO PART OF THE ORGANIZATION'S NET EARNINGS INURES TO THE BENEFIT OF A PRIVATE SHAREHOLDER OR AN INDIVIDUAL HOLDING AN INTEREST IN THE ENTITY.

(B) THE ELIGIBLE INSTITUTION'S APPLICATION MUST CONTAIN A NEIGHBORHOOD REVITALIZATION PLAN THAT INCLUDES COMMUNITY ENHANCEMENT PROJECTS LOCATED WITHIN A SUSTAINABLE COMMUNITY.

(C) AN ELIGIBLE INSTITUTION MAY APPLY WITH ANOTHER ELIGIBLE INSTITUTION OR WITH A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION THAT HAS THE CAPACITY AND EXPERIENCE TO ASSIST IN THE FINANCING OF REAL ESTATE PROJECTS WITHIN THE COMMUNITY.

(D) THE COMMUNITY ENHANCEMENT PROJECTS FOR WHICH AN ELIGIBLE INSTITUTION APPLIES FOR PROGRAM FUNDS MAY BE LOCATED IN MORE THAN ONE POLITICAL SUBDIVISION.

**6-705.**

(A) (1) A ~~HOUSING AUTHORITY LOCATED~~ GOVERNMENT AGENCY, INCLUDING A HOUSING AUTHORITY, WITH JURISDICTION IN THE NATIONAL CAPITAL REGION, AN ENTITY CONTROLLED DIRECTLY OR INDIRECTLY BY A HOUSING AUTHORITY THAT OPERATES IN THE NATIONAL CAPITAL REGION, AND A COMMUNITY DEVELOPMENT ORGANIZATION MAY APPLY TO THE DEPARTMENT TO RECEIVE PROGRAM FUNDS FOR COMMUNITY ENHANCEMENT PROJECTS.

(2) THE DEPARTMENT SHALL ESTABLISH THE APPLICATION PROCESS.

(3) THE APPLICATION SHALL CONTAIN:

(I) THE NEIGHBORHOOD REVITALIZATION PLAN;

(II) A DESCRIPTION OF EACH COMMUNITY ENHANCEMENT PROJECT;

(III) ORGANIZATIONAL DOCUMENTS FOR THE COMMUNITY DEVELOPMENT ORGANIZATION; AND

(IV) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES.

(B) (1) THE DEPARTMENT, BY REGULATION, SHALL ESTABLISH A QUANTITATIVE SYSTEM TO EVALUATE EACH APPLICATION.

**(2) THE QUANTITATIVE EVALUATION SYSTEM SHALL EVALUATE EACH APPLICATION BASED ON:**

**(I) THE NEIGHBORHOOD REVITALIZATION PLAN AND HOW THE PLAN RELATES TO THE GOALS OUTLINED IN THE COMMUNITY'S LARGER SUSTAINABLE COMMUNITIES PLAN;**

**(II) THE DESCRIPTION OF THE COMMUNITY CONDITIONS AND THE APPROPRIATENESS OF OUTLINED STRATEGIES TO ADDRESS THOSE CONDITIONS;**

**(III) THE ABILITY OF EACH PROPOSED COMMUNITY ENHANCEMENT PROJECT TO ADDRESS IDENTIFIED CHALLENGES WITHIN THE COMMUNITY; AND**

**(IV) THE CAPACITY AND EXPERIENCE OF THE APPLICANT AND THE APPLICANT'S PARTNERS TO COMPLETE THE PROPOSALS AND LEVERAGE ADDITIONAL FINANCING.**

**(C) THE DEPARTMENT MAY GIVE ADDITIONAL CONSIDERATION TO APPLICATIONS THAT INCLUDE:**

**(1) OPPORTUNITIES THAT PROMOTE COMPACT REDEVELOPMENT AND CONNECT HOUSING AND JOB OPPORTUNITIES WITH TRANSPORTATION OPTIONS;**

**(2) ACTIVITIES IN SPECIALLY DESIGNATED DISTRICTS THAT ENCOURAGE RESIDENTIAL REINVESTMENT THAT REINFORCES THE SUCCESS OF THE BUSINESSES IN THE DISTRICTS;**

**(3) COMMUNITY ENHANCEMENT PROJECTS THAT ENCOURAGE OR INCORPORATE ELEMENTS THAT ADDRESS ENVIRONMENTAL RESPONSIBILITY AND STEWARDSHIP INTO THE SITE AND PROJECT DEVELOPMENT, DESIGN, AND CONSTRUCTION;**

**(4) COMMUNITY ENHANCEMENT PROJECTS THAT INCORPORATE ADDITIONAL STATE AND LOCAL REVITALIZATION AND SMART GROWTH PROGRAMS AND FINANCING TOOLS;**

**(5) CAPITAL INVESTMENTS AND BUSINESS PRACTICES THAT INCORPORATE INCLUSIONARY HIRING PRACTICES THAT INCREASE LOCAL WORKFORCE OPPORTUNITIES; AND**

**(6) PROJECTS WHOSE PURPOSE IS TO IDENTIFY FOR ACQUISITION, ACQUIRE, DEVELOP, OR PROMOTE THE DEVELOPMENT OF VACANT OR BLIGHTED PROPERTIES.**

**6-706.**

**(A) THE DEPARTMENT SHALL:**

**(1) REVIEW EACH APPLICATION SUBMITTED UNDER § 6-705 OF THIS SUBTITLE AND MAY REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT;**

**(2) ACCEPT PUBLIC INPUT ON EACH APPLICATION; AND**

**(3) CONSIDER THE RECOMMENDATION OF ANY STATE UNIT.**

**(B) (1) THE DEPARTMENT MAY NOT APPROVE AN APPLICATION UNTIL THE DEPARTMENT HAS PROVIDED WRITTEN NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT TO THE POLITICAL SUBDIVISION WHERE THE PROPOSED COMMUNITY ENHANCEMENT PROJECT IS LOCATED.**

**(2) IF THE APPLICATION AFFECTS A NEIGHBORHOOD ENTIRELY WITHIN A MUNICIPAL CORPORATION, THE DEPARTMENT MUST PROVIDE NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT TO THE MUNICIPAL CORPORATION AND NOT THE SURROUNDING COUNTY.**

**(3) IF AN APPLICATION AFFECTS A NEIGHBORHOOD WITHIN MORE THAN ONE POLITICAL SUBDIVISION, THE DEPARTMENT MUST PROVIDE NOTICE AND A REASONABLE OPPORTUNITY TO COMMENT TO EACH POLITICAL SUBDIVISION.**

**(C) THE SECRETARY SHALL, SUBJECT TO SUBSECTION (B) OF THIS SECTION, AWARD FINANCIAL ASSISTANCE TO AN APPLICANT:**

**(1) IN THE AMOUNT AND OF THE TYPE THAT THE SECRETARY DETERMINES; AND**

**(2) UNDER THE TERMS OF A PROGRAM AGREEMENT.**

**6-707.**

**(A) THE DEPARTMENT AND A RECIPIENT OF FINANCIAL ASSISTANCE FROM THE PROGRAM SHALL EXECUTE A PROGRAM AGREEMENT.**

**(B) THE RECIPIENT OF FINANCIAL ASSISTANCE FROM THE PROGRAM SHALL COMPLY WITH THE TERMS OF THE PROGRAM AGREEMENT.**

(C) THE PROGRAM AGREEMENT MAY NOT ALLOW FOR MORE THAN 40% OF THE TOTAL FINANCIAL ASSISTANCE THAT THE PROGRAM PROVIDES TO BE USED FOR OPERATING EXPENDITURES.

(D) THE DEPARTMENT MAY EXERCISE ANY REMEDY PROVIDED UNDER THE PROGRAM AGREEMENT OR BY LAW IF THE RECIPIENT OF FINANCIAL ASSISTANCE FROM THE PROGRAM:

- (1) VIOLATES ANY PROVISION OF THE AGREEMENT; OR
- (2) CEASES TO MEET ANY REQUIREMENT OF THIS SUBTITLE.

6-708.

(A) THE DEPARTMENT HAS THE POWERS NECESSARY TO IMPLEMENT THE PROGRAM.

(B) (1) THE DEPARTMENT MAY DETERMINE THE TERMS AND CONDITIONS FOR OR ESTABLISH TIME LIMITS FOR THE USE OF FINANCIAL ASSISTANCE AWARDED UNDER THIS SUBTITLE.

(2) THE FINANCIAL ASSISTANCE AWARDED UNDER THIS SUBTITLE MAY BE SECURED BY A MORTGAGE, A LIEN, OR ANY OTHER SECURITY INTEREST THAT IS SUPERIOR TO OR SUBORDINATE TO OTHER MORTGAGES, LIENS, OR OTHER SECURITY INTERESTS.

(C) (1) THE DEPARTMENT MAY, SUBJECT TO ANY LIMITS IMPOSED BY LAW, ENFORCE THE TERMS AND CONDITIONS OF THE FINANCIAL ASSISTANCE AWARDED UNDER THIS SUBTITLE.

(2) IF ANY FINANCIAL ASSISTANCE AWARDED UNDER THIS SUBTITLE IS SECURED BY A FIRST OR SUBORDINATE MORTGAGE OR OTHER LIEN, THE DEPARTMENT MAY, SUBJECT TO ANY LIMITS IMPOSED BY LAW:

(I) BEGIN AN ACTION TO PROTECT OR ENFORCE ANY RIGHT GIVEN BY LAW, CONTRACT, OR OTHER AGREEMENT;

(II) FORECLOSE ON PROPERTY;

(III) PURCHASE PROPERTY AT ANY FORECLOSURE OR OTHER SALE, OR ACQUIRE OR TAKE POSSESSION OF THE PROPERTY THROUGH CONVEYANCE IN LIEU OF FORECLOSURE OR OTHERWISE, AND CONVEY PROPERTY AFTER ACQUIRING IT;

(IV) SETTLE OR COMPROMISE ANY DEBT OR OBLIGATION OWED TO THE DEPARTMENT;

(V) PAY THE PRINCIPAL OF AND INTEREST ON ANY OBLIGATION INCURRED IN CONNECTION WITH THE PROPERTY AND DISPOSE OF OR OTHERWISE DEAL WITH THE PROPERTY TO PROTECT THE INTERESTS OF THE PROGRAM; OR

(VI) RELEASE OR SELL ANY MORTGAGE, OBLIGATION, OR PROPERTY THAT THE DEPARTMENT HOLDS AT PUBLIC OR PRIVATE SALE, WITH OR WITHOUT PUBLIC BIDDING.

(D) (1) THE DEPARTMENT MAY CONTRACT WITH ANY PERSON OR GOVERNMENTAL UNIT FOR PROPERTY OR SERVICES NECESSARY TO OPERATE THE PROGRAM.

(2) THE DEPARTMENT MAY CONTRACT FOR AND ACCEPT ANY GRANT, CONTRIBUTION, OR LOAN OF MONEY, PROPERTY, OR OTHER AID FROM THE FEDERAL GOVERNMENT AND MAY DO ALL THINGS CONSISTENT WITH THIS SUBTITLE TO QUALIFY FOR THE AID.

(E) IN CONNECTION WITH ANY LOANS THAT THE DEPARTMENT MAKES, THE DEPARTMENT MAY:

(1) REQUIRE AND OBTAIN APPRAISALS, CREDIT INFORMATION, AND OTHER PERTINENT INFORMATION; AND

(2) CHARGE INTEREST.

(F) THE DEPARTMENT MAY CONSENT TO THE MODIFICATION OF ANY PROVISION OF A PROGRAM AGREEMENT IF THE MODIFICATION IS IN THE BEST INTEREST OF THE PROGRAM.

6-709.

(A) THE RECIPIENT OF FINANCIAL ASSISTANCE FROM THE PROGRAM SHALL SUBMIT TO THE DEPARTMENT QUARTERLY PROGRESS REPORTS ON THE DEVELOPMENT OF A COMMUNITY ENHANCEMENT PROJECT.

(B) (1) ON OR BEFORE OCTOBER 31 EACH YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(2) THE REPORT SHALL INCLUDE, FOR THE PREVIOUS FISCAL YEAR:

(I) THE NUMBER OF APPLICATIONS RECEIVED;

(II) THE NUMBER AND LOCATION OF COMMUNITY ENHANCEMENT PROJECTS;

(III) THE FINANCIAL STATUS OF THE PROGRAM, INCLUDING THE AMOUNT AND TYPES OF FINANCIAL ASSISTANCE ENCUMBERED AND DISBURSED; AND

(IV) A SUMMARY OF THE QUARTERLY REPORTS SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.

6–710.

(a) In this section, “Fund” means the National Capital Strategic Economic Development Fund.

(b) There is a National Capital Strategic Economic Development Fund.

(c) The purpose of the Fund is to provide [grants to assist in predevelopment activities for commercial and residential development, including site acquisition, land assembly, architecture and engineering, and site development for revitalization in designated areas of the State] **FINANCIAL ASSISTANCE UNDER THE PROGRAM.**

(d) The Department shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) interest earnings of the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(g) [(1) (i)] The Fund may be used only [to provide grants to government agencies and nonprofit community development organizations for commercial or residential development projects for site acquisition, land assembly, architecture and engineering, and site development for revitalization in an area designated as a Sustainable Community.

(ii) Commercial and residential development projects include:

1. renovation and rehabilitation of single family homes;
2. acquisition and rehabilitation of vacant homes for resale to new homebuyers;
3. improvements to business properties;
4. enhancement of community open space or public infrastructure; and
5. workforce and employment development programs.

(2) (i) For fiscal year 2019 and each fiscal year thereafter, to be eligible for a grant from the Fund, a government agency or nonprofit community development organization shall provide evidence of a matching fund that is equal to \$1 for every \$4 in State funding that the agency or organization is applying for from the Fund.

(ii) The matching fund required under subparagraph (i) of this paragraph may include:

1. money from the federal government, local government, or any other public or private source;
2. real property;
3. in-kind contributions; and
4. funds expended before the date the grant is awarded.

(3) The Department shall award grants from the Fund on a competitive basis] **FOR PROVIDING FINANCIAL ASSISTANCE UNDER THE PROGRAM.**

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

(j) [If the Governor includes in the annual budget bill an appropriation to the Fund, the appropriation shall be allocated as follows:

(1) 85% for projects in those areas of the State located between Interstate Highway 495 and the District of Columbia; and

(2) 15% for projects throughout the State.]

**(1) FOR FISCAL YEARS 2021 THROUGH 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL OPERATING BUDGET AN APPROPRIATION FOR THE FUND IN THE AMOUNT OF \$200,000.**

**(2) FOR FISCAL YEARS 2021 THROUGH 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL OPERATING OR CAPITAL BUDGET ~~BILL~~ AN APPROPRIATION FOR THE FUND IN THE AMOUNT OF \$7,000,000.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 733

(House Bill 1272)

AN ACT concerning

### Maryland Department of Health – Family Planning Program – Funding

FOR the purpose of prohibiting the Maryland Department of Health from accepting certain federal funding under certain circumstances; requiring the Governor to fund the Family Planning Program with a certain level of State funds under certain circumstances; ~~requiring the Governor to provide certain funding for certain family planning grants for a certain fiscal year and for each fiscal year thereafter;~~ and generally relating to funding for the Family Planning Program.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 13–3401

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–3402

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

**Article – Health – General**

13–3401.

(a) In this subtitle the following words have the meanings indicated.

(b) “Family planning providers” means providers of services:

(1) Funded under Title X of the federal Public Health Service Act as of December 31, 2016; and

(2) That lost eligibility for Title X funding as a result of the termination of federal funding for providers because of:

(i) The scope of services offered by the providers; or

(ii) The scope of services for which the providers offer referrals.

(c) “Family planning services” means services provided under Title X of the federal Public Health Service Act as of December 31, 2016.

(d) “Program” means the Family Planning Program established under § 13–3402 of this subtitle.

13–3402.

(a) There is a Family Planning Program in the Department.

(b) The purpose of the Program is to ensure the continuity of family planning services in the State.

(c) The Program shall provide family planning services to individuals who are eligible for family planning services through family planning providers that meet Program requirements.

(d) The Department may adopt regulations to implement this subtitle, including regulations establishing a sliding scale fee for services provided under the Program.

(e) Funding used to support family planning services under the Program shall be in addition to any funding applied by the Department before December 31, 2016, to the maintenance of effort requirement for federal funding under Title X of the federal Public Health Service Act.

(F) (1) THE DEPARTMENT MAY NOT ACCEPT ANY FEDERAL FUNDING UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT IF THE TITLE X PROGRAM:

(I) EXCLUDES FAMILY PLANNING PROVIDERS; AND

(II) DOES NOT REQUIRE FAMILY PLANNING PROVIDERS TO PROVIDE A BROAD RANGE OF ACCEPTABLE AND EFFECTIVE MEDICALLY APPROVED FAMILY PLANNING METHODS AND SERVICES.

(2) IF THE DEPARTMENT DOES NOT ACCEPT TITLE X PROGRAM FUNDS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNOR SHALL FUND THE PROGRAM WITH STATE FUNDS AT THE SAME LEVEL OF TOTAL FUNDS PROVIDED TO THE PROGRAM IN THE IMMEDIATELY PRECEDING FISCAL YEAR.

~~(C) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL PROVIDE A MINIMUM OF \$1,000,000 ABOVE THE LEVEL OF STATE FUNDS APPROPRIATED IN FISCAL YEAR 2020 FOR FAMILY PLANNING GRANTS UNDER THE FAMILY HEALTH AND CHRONIC DISEASE PROGRAM IN THE DEPARTMENT UNDER BUDGET CODE M00F03.04 TO BE PROVIDED TO FAMILY PLANNING PROVIDERS TO SUPPORT;~~

~~(1) IMPLEMENTATION OF THE PRESUMPTIVE ELIGIBILITY PROCESS FOR ENROLLMENT IN THE PROGRAM AS ESTABLISHED UNDER § 15-140 OF THIS ARTICLE; AND~~

~~(2) THE PROVISION OF A BROAD RANGE OF ACCEPTABLE AND EFFECTIVE MEDICALLY APPROVED FAMILY PLANNING METHODS AND SERVICES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 734

(Senate Bill 904)

AN ACT concerning

Maryland Department of Health – Family Planning Program – Funding

FOR the purpose of prohibiting the Maryland Department of Health from accepting certain federal funding under certain circumstances; requiring the Governor to fund the Family Planning Program with a certain level of State funds under certain circumstances; ~~requiring the Governor to provide certain funding for certain family planning grants for a certain fiscal year and for each fiscal year thereafter;~~ and generally relating to funding for the Family Planning Program.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 13–3401  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 13–3402  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

### **Article – Health – General**

13–3401.

(a) In this subtitle the following words have the meanings indicated.

(b) “Family planning providers” means providers of services:

(1) Funded under Title X of the federal Public Health Service Act as of December 31, 2016; and

(2) That lost eligibility for Title X funding as a result of the termination of federal funding for providers because of:

(i) The scope of services offered by the providers; or

(ii) The scope of services for which the providers offer referrals.

(c) “Family planning services” means services provided under Title X of the federal Public Health Service Act as of December 31, 2016.

(d) “Program” means the Family Planning Program established under § 13–3402 of this subtitle.

13–3402.

(a) There is a Family Planning Program in the Department.

(b) The purpose of the Program is to ensure the continuity of family planning services in the State.

(c) The Program shall provide family planning services to individuals who are eligible for family planning services through family planning providers that meet Program requirements.

(d) The Department may adopt regulations to implement this subtitle, including regulations establishing a sliding scale fee for services provided under the Program.

(e) Funding used to support family planning services under the Program shall be in addition to any funding applied by the Department before December 31, 2016, to the maintenance of effort requirement for federal funding under Title X of the federal Public Health Service Act.

**(F) (1) THE DEPARTMENT MAY NOT ACCEPT ANY FEDERAL FUNDING UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT IF THE TITLE X PROGRAM:**

**(i) EXCLUDES FAMILY PLANNING PROVIDERS; AND**

**(ii) DOES NOT REQUIRE FAMILY PLANNING PROVIDERS TO PROVIDE A BROAD RANGE OF ACCEPTABLE AND EFFECTIVE MEDICALLY APPROVED FAMILY PLANNING METHODS AND SERVICES.**

**(2) IF THE DEPARTMENT DOES NOT ACCEPT TITLE X PROGRAM FUNDS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNOR SHALL FUND THE PROGRAM WITH STATE FUNDS AT THE SAME LEVEL OF TOTAL FUNDS PROVIDED TO THE PROGRAM IN THE IMMEDIATELY PRECEDING FISCAL YEAR.**

~~**(G) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL PROVIDE A MINIMUM OF \$1,000,000 ABOVE THE LEVEL OF STATE FUNDS APPROPRIATED IN FISCAL YEAR 2020 FOR FAMILY PLANNING GRANTS UNDER THE FAMILY HEALTH AND CHRONIC DISEASE PROGRAM IN THE DEPARTMENT UNDER BUDGET CODE M00F03.04 TO BE PROVIDED TO FAMILY PLANNING PROVIDERS TO SUPPORT:**~~

~~**(1) IMPLEMENTATION OF THE PRESUMPTIVE ELIGIBILITY PROCESS FOR ENROLLMENT IN THE PROGRAM AS ESTABLISHED UNDER § 15-140 OF THIS ARTICLE; AND**~~

~~(2) THE PROVISION OF A BROAD RANGE OF ACCEPTABLE AND EFFECTIVE MEDICALLY APPROVED FAMILY PLANNING METHODS AND SERVICES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 735

(House Bill 1301)

AN ACT concerning

~~Sales and Use Tax – Collection by Marketplace Facilitators~~  
**Taxation of Online Sales – Marketplace Facilitators and Sellers of Other Tobacco Products**

FOR the purpose of altering the distribution of certain sales and use tax revenue; altering the definition of “vendor”, under the sales and use tax, to include certain marketplace facilitators and marketplace sellers; requiring a marketplace facilitator, under certain circumstances, to collect the sales and use tax on certain sales by a marketplace seller to a buyer in this State; authorizing a refund of the sales and use tax paid by a buyer under certain circumstances; requiring a marketplace facilitator to report the sales and use tax collected in a certain manner; prohibiting a class action from being brought against a marketplace facilitator in a court of this State under certain circumstances; providing that a marketplace facilitator is not liable for a failure to collect certain sales and use taxes except under certain circumstances; authorizing the Comptroller, under certain circumstances, to waive the requirement that certain marketplace facilitators collect the sales and use tax on certain transactions; requiring a marketplace facilitator to complete and file with the Comptroller a certain sales and use tax return within a certain period of time; specifying the contents of the return; authorizing a marketplace facilitator to file a certain consolidated return under certain circumstances; requiring a person to be licensed by the Comptroller before the person may engage in the business of a marketplace facilitator; prohibiting a person from engaging in the business of a marketplace facilitator without a certain license; requiring certain out-of-state sellers to pay the tobacco tax on pipe tobacco or certain premium cigars under certain circumstances; defining certain terms; making certain conforming changes; providing for the construction and application of this Act; prohibiting the Comptroller, under certain circumstances, from imposing certain penalties and interest; making the provisions of this Act severable; *making certain provisions of this Act subject to a certain contingency*; and generally relating to the collection of the sales and use tax and payment of the tobacco tax.

BY repealing and reenacting, without amendments,  
 Article – Tax – General  
 Section 11–101(a), 11–701(a), and 13–901(a)  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Tax – General  
 Section 11–101(c–2) and (c–3), 11–403.1, ~~and 11–502.1~~ 11–502.1, and 12–302(e)  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section ~~2–1303~~, 11–101(o), 11–501(a), 11–502(a), 11–701(d), 11–702, 11–703,  
 11–705, 11–712, ~~12–101~~, and 13–901(g)  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)

*BY repealing and reenacting, with amendments,*  
*Article – Tax – General*  
*Section 11–101(c–2)(2)*  
*Annotated Code of Maryland*  
*(2016 Replacement Volume and 2018 Supplement)*  
*(As enacted by Section 1 of this Act)*

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

**Article – Tax – General**

2–1303.

**(A)** After making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, the Comptroller shall pay:

(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under § 10–130 of the Economic Development Article; [and]

(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO THE BLUEPRINT FOR MARYLAND’S FUTURE FUND ESTABLISHED UNDER § 5–219 OF THE EDUCATION ARTICLE, REVENUES COLLECTED AND REMITTED BY:

**(I) A MARKETPLACE FACILITATOR; OR**

(II) A PERSON THAT ENGAGES IN THE BUSINESS OF AN OUT-OF-STATE VENDOR AND WHO IS REQUIRED TO COLLECT AND REMIT SALES AND USE TAX AS SPECIFIED IN COMAR 03.06.01.33B(5); AND

(3) the remaining sales and use tax revenue into the General Fund of the State.

(B) FOR EACH FISCAL YEAR, THE COMPTROLLER SHALL PAY INTO THE GENERAL FUND OF THE STATE THE FIRST \$100,000,000 OF REVENUES COLLECTED AND REMITTED BY:

(1) A MARKETPLACE FACILITATOR; OR

(2) A PERSON THAT ENGAGES IN THE BUSINESS OF AN OUT-OF-STATE VENDOR AND WHO IS REQUIRED TO COLLECT AND REMIT SALES AND USE TAX AS SPECIFIED IN COMAR 03.06.01.33B(5).

11-101.

(a) In this title the following words have the meanings indicated.

~~(C-2) "MARKETPLACE FACILITATOR" MEANS A PERSON THAT:~~

~~(1) FACILITATES FOR CONSIDERATION, REGARDLESS OF WHETHER THE CONSIDERATION IS DEDUCTED AS FEES FROM THE TRANSACTION, THE SALE OF A VENDOR'S PRODUCTS THROUGH A PHYSICAL OR ELECTRONIC MARKETPLACE OPERATED BY THE PERSON;~~

~~(2) ENGAGES, DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE AFFILIATES OF THE PERSON, IN ANY OF THE FOLLOWING ACTIVITIES:~~

~~(I) TRANSMITTING OR OTHERWISE COMMUNICATING THE OFFER OR ACCEPTANCE BETWEEN A BUYER AND VENDOR;~~

~~(II) OWNING, RENTING, LICENSING, LEASING, MAKING AVAILABLE, OR OPERATING ANY ELECTRONIC OR PHYSICAL INFRASTRUCTURE OR ANY PROPERTY, PROCESS, METHOD, COPYRIGHT, TRADEMARK, OR PATENT THAT CONNECTS MARKETPLACE SELLERS TO PURCHASERS FOR THE PURPOSE OF MAKING RETAIL SALES;~~

~~(III) PROVIDING A VIRTUAL CURRENCY THAT BUYERS ARE ALLOWED OR REQUIRED TO USE TO PURCHASE PRODUCTS FROM THE MARKETPLACE SELLER; OR~~

~~(IV) PROVIDING SOFTWARE DEVELOPMENT, RESEARCH, OR DEVELOPMENT ACTIVITIES RELATED TO ANY OF THE ACTIVITIES DESCRIBED UNDER ITEMS (I) THROUGH (III) OF THIS ITEM, IF THE ACTIVITIES ARE DIRECTLY RELATED TO A PHYSICAL OR ELECTRONIC MARKETPLACE OPERATED BY THE PERSON OR AN AFFILIATED PERSON; AND~~

~~(3) ENGAGES IN ANY OF THE FOLLOWING ACTIVITIES WITH RESPECT TO THE MARKETPLACE SELLER'S PRODUCTS:~~

~~(I) PAYMENT PROCESSING SERVICES;~~

~~(II) FULFILLMENT OR STORAGE ACTIVITIES;~~

~~(III) LISTING PRODUCTS FOR SALE;~~

~~(IV) SETTING PRICES;~~

~~(V) BRANDING SALES AS THOSE OF THE MARKETPLACE FACILITATOR;~~

~~(VI) ORDER TAKING;~~

~~(VII) ADVERTISING OR PROMOTION; OR~~

~~(VIII) PROVIDING CUSTOMER SERVICE OR ACCEPTING OR ASSISTING WITH RETURNS OR EXCHANGES.~~

(C-2) (1) "MARKETPLACE FACILITATOR" MEANS A PERSON THAT:

(I) FACILITATES A RETAIL SALE BY A MARKETPLACE SELLER BY LISTING OR ADVERTISING FOR SALE IN A MARKETPLACE TANGIBLE PERSONAL PROPERTY; AND

(II) REGARDLESS OF WHETHER THE PERSON RECEIVES COMPENSATION OR OTHER CONSIDERATION IN EXCHANGE FOR THE PERSON'S SERVICES, DIRECTLY OR INDIRECTLY THROUGH AGREEMENTS WITH THIRD PARTIES, COLLECTS PAYMENT FROM A BUYER AND TRANSMITS THE PAYMENT TO THE MARKETPLACE SELLER.

(2) "MARKETPLACE FACILITATOR" DOES NOT INCLUDE:

(I) A PLATFORM OR FORUM THAT EXCLUSIVELY PROVIDES INTERNET ADVERTISING SERVICES, INCLUDING LISTING PRODUCTS FOR SALE, IF THE PLATFORM OR FORUM DOES NOT ALSO ENGAGE, DIRECTLY OR INDIRECTLY, IN

**COLLECTING PAYMENT FROM A BUYER AND TRANSMITTING THAT PAYMENT TO THE VENDOR;**

**(II) A PAYMENT PROCESSOR BUSINESS APPOINTED BY A VENDOR TO HANDLE PAYMENT TRANSACTIONS FROM CLIENTS, INCLUDING CREDIT CARDS AND DEBIT CARDS, WHOSE ONLY ACTIVITY WITH RESPECT TO MARKETPLACE SALES IS TO HANDLE TRANSACTIONS BETWEEN TWO PARTIES;**

**(III) A PEER-TO-PEER CAR SHARING PROGRAM, AS DEFINED IN § 19-520 OF THE INSURANCE ARTICLE; OR**

**(IV) A DELIVERY SERVICE COMPANY THAT DELIVERS TANGIBLE PERSONAL PROPERTY ON BEHALF OF A MARKETPLACE SELLER THAT IS ENGAGED IN THE BUSINESS OF A RETAIL VENDOR AND HOLDS A LICENSE ISSUED UNDER SUBTITLE 7 OF THIS TITLE.**

**(C-3) “MARKETPLACE SELLER” MEANS A PERSON THAT MAKES A RETAIL SALE OR SALE FOR USE THROUGH A PHYSICAL OR ELECTRONIC MARKETPLACE OPERATED BY A MARKETPLACE FACILITATOR.**

(o) (1) “Vendor” means a person who:

(i) engages in the business of an out-of-state vendor, as defined in § 11-701 of this title;

(ii) engages in the business of a retail vendor, as defined in § 11-701 of this title;

(iii) holds a special license issued under § 11-707 of this title; [or]

(iv) is an accommodations intermediary;

**(V) ENGAGES IN THE BUSINESS OF A MARKETPLACE FACILITATOR; OR**

**(VI) ENGAGES IN THE BUSINESS OF A MARKETPLACE SELLER.**

(2) “Vendor” includes, for an out-of-state vendor, a salesman, representative, peddler, or canvasser whom the Comptroller, for the efficient administration of this title, elects to treat as an agent jointly responsible with the dealer, distributor, employer, or supervisor:

(i) under whom the agent operates; or

(ii) from whom the agent obtains the tangible personal property or taxable service for sale.

**11-403.1.**

**(A) (1) A MARKETPLACE FACILITATOR SHALL COLLECT THE APPLICABLE SALES AND USE TAX DUE ON A RETAIL SALE OR SALE FOR USE BY A MARKETPLACE SELLER TO A BUYER IN THIS STATE.**

**(2) A MARKETPLACE SELLER IS NOT REQUIRED TO COLLECT THE APPLICABLE SALES AND USE TAX UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE EXTENT THAT THE MARKETPLACE FACILITATOR COLLECTS THE APPLICABLE SALES AND USE TAX.**

**(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, UNLESS A BUYER IS OTHERWISE REQUIRED BY REGULATION TO PAY THE SALES AND USE TAX DIRECTLY TO THE COMPTROLLER, THE BUYER SHALL PAY THE SALES AND USE TAX TO THE MARKETPLACE FACILITATOR AT THE TIME OF THE TAXABLE SALE DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.**

**(C) A MARKETPLACE FACILITATOR, OR OTHER APPROPRIATE PARTY, SHALL REFUND TO A BUYER THE PROPORTIONATE AMOUNT OF SALES AND USE TAX THAT THE BUYER HAS PAID IF:**

**(1) (I) A SALE IS RESCINDED OR CANCELED; OR**

**(II) THE PROPERTY SOLD IS RETURNED TO THE MARKETPLACE FACILITATOR OR MARKETPLACE SELLER; AND**

**(2) THE PURCHASE PRICE IS WHOLLY OR PARTIALLY REPAID OR CREDITED.**

**(D) A MARKETPLACE FACILITATOR SHALL REPORT THE SALES AND USE TAX COLLECTED UNDER THIS SECTION SEPARATELY FROM THE SALES AND USE TAX COLLECTED BY THE MARKETPLACE FACILITATOR ON TAXABLE SALES MADE DIRECTLY BY THE MARKETPLACE FACILITATOR, OR AN AFFILIATE OF THE MARKETPLACE FACILITATOR, TO BUYERS IN THIS STATE.**

**(E) (1) A CLASS ACTION MAY NOT BE BROUGHT AGAINST A MARKETPLACE FACILITATOR IN A COURT OF THIS STATE ON BEHALF OF BUYERS ARISING FROM OR IN ANY WAY RELATED TO AN OVERPAYMENT OF SALES OR USE TAX COLLECTED ON SALES FACILITATED BY THE MARKETPLACE FACILITATOR, REGARDLESS OF WHETHER THAT CLAIM IS CHARACTERIZED AS A TAX REFUND CLAIM.**

(2) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT A BUYER'S RIGHT TO SEEK A REFUND UNDER SUBSECTION (C) OF THIS SECTION OR TITLE 13, SUBTITLE 9 OF THIS ARTICLE.

(F) (1) THIS SUBSECTION DOES NOT APPLY IF A MARKETPLACE FACILITATOR AND A MARKETPLACE SELLER ARE RELATED ENTITIES.

(2) A MARKETPLACE FACILITATOR IS NOT LIABLE FOR A FAILURE TO COLLECT THE CORRECT AMOUNT OF SALES AND USE TAX DUE UNDER THIS SECTION IF THE MARKETPLACE FACILITATOR DEMONSTRATES TO THE SATISFACTION OF THE COMPTROLLER THAT THE FAILURE WAS THE RESULT OF INSUFFICIENT OR INCORRECT INFORMATION PROVIDED BY THE MARKETPLACE SELLER.

~~(F)~~ (G) NOTHING IN THIS SECTION AFFECTS THE OBLIGATION OF A BUYER TO REMIT THE APPLICABLE SALES AND USE TAX FOR ANY TAXABLE SALE FOR WHICH A MARKETPLACE FACILITATOR FAILS TO COLLECT AND REMIT THE APPLICABLE SALES AND USE TAX.

(H) (1) A MARKETPLACE FACILITATOR AND MARKETPLACE SELLER MAY APPLY TO THE COMPTROLLER FOR A WAIVER OF THE COLLECTION REQUIREMENT UNDER THIS SECTION IF:

(I) THE MARKETPLACE SELLER IS A COMMUNICATIONS COMPANY THAT IS PUBLICLY TRADED OR IS CONTROLLED, DIRECTLY OR INDIRECTLY, BY A COMPANY THAT IS PUBLICLY TRADED;

(II) THE MARKETPLACE FACILITATOR AND MARKETPLACE SELLER ENTER INTO AN AGREEMENT THAT THE MARKETPLACE SELLER WILL COLLECT AND REMIT ALL APPLICABLE SALES AND USE TAXES IMPOSED UNDER THIS TITLE; AND

(III) THE MARKETPLACE SELLER PROVIDES EVIDENCE TO THE MARKETPLACE FACILITATOR THAT THE MARKETPLACE SELLER IS LICENSED UNDER § 11-702 OF THIS TITLE TO ENGAGE IN THE BUSINESS OF AN OUT-OF-STATE VENDOR IN THE STATE OR A RETAIL VENDOR IN THE STATE.

(2) IF THE WAIVER UNDER PARAGRAPH (1) OF THIS SUBSECTION IS AUTHORIZED:

(I) THE MARKETPLACE SELLER SUBJECT TO THE AGREEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL COLLECT AND REMIT THE SALES AND USE TAX IMPOSED UNDER THIS TITLE;

**(II) THE MARKETPLACE FACILITATOR IS NOT REQUIRED TO COLLECT OR REMIT THE SALES AND USE TAX IMPOSED UNDER THIS TITLE; AND**

**(III) THE MARKETPLACE FACILITATOR IS NOT LIABLE FOR THE FAILURE OF A MARKETPLACE SELLER TO COLLECT AND REMIT ANY SALES AND USE TAX IMPOSED UNDER THIS TITLE.**

**(3) THE COMPTROLLER SHALL ADOPT REGULATIONS THAT ESTABLISH:**

**(I) THE CRITERIA FOR OBTAINING A WAIVER UNDER THIS SUBSECTION; AND**

**(II) THE PROCESS AND PROCEDURE TO APPLY FOR A WAIVER.**

**(I) (1) IF THE COMPTROLLER CONDUCTS AN AUDIT FOR COMPLIANCE WITH THIS SECTION, THE COMPTROLLER MAY AUDIT ONLY THE MARKETPLACE FACILITATOR FOR SALES MADE BY A MARKETPLACE SELLER THAT ARE FACILITATED BY THE MARKETPLACE FACILITATOR.**

**(2) THE COMPTROLLER MAY NOT AUDIT THE MARKETPLACE SELLER FOR SALES FACILITATED BY THE MARKETPLACE FACILITATOR FOR WHICH THE MARKETPLACE FACILITATOR COLLECTED OR SHOULD HAVE COLLECTED THE SALES AND USE TAX DUE.**

11-501.

(a) A buyer who fails to pay the sales and use tax on a purchase or use subject to the tax to the vendor as required in § 11-403 of this title **OR TO A MARKETPLACE FACILITATOR AS REQUIRED IN § 11-403.1 OF THIS TITLE** or who is required by regulation to file a return for a purchase or use subject to the tax shall complete, under oath, and file with the Comptroller a sales and use tax return:

(1) on or before the 20th day of the month that follows the month in which the buyer makes that purchase or use; and

(2) for other periods and on other dates that the Comptroller specifies, by regulation, including periods in which the buyer does not make any purchase or use subject to the sales and use tax.

11-502.

(a) **[Each] EXCEPT AS PROVIDED IN § 11-403.1(A) OF THIS TITLE AND § 11-502.1 OF THIS SUBTITLE, EACH** vendor shall complete, under oath, and file with the Comptroller a sales and use tax return:

(1) on or before the 20th day of the month that follows the month in which the vendor makes any retail sale or sale for use; and

(2) for other periods and on other dates that the Comptroller specifies by regulation, including periods in which the vendor does not make any retail sale or sale for use.

#### **11-502.1.**

**(A) EACH MARKETPLACE FACILITATOR SHALL COMPLETE, UNDER OATH, AND FILE WITH THE COMPTROLLER A SALES AND USE TAX RETURN:**

**(1) ON OR BEFORE THE 20TH DAY OF THE MONTH THAT FOLLOWS THE MONTH IN WHICH A MARKETPLACE SELLER MAKES ANY RETAIL SALE OR SALE FOR USE THROUGH THE MARKETPLACE FACILITATOR; AND**

**(2) FOR OTHER PERIODS AND ON OTHER DATES THAT THE COMPTROLLER SPECIFIES BY REGULATION, INCLUDING PERIODS IN WHICH A MARKETPLACE SELLER DOES NOT MAKE ANY RETAIL SALE OR SALE FOR USE THROUGH THE MARKETPLACE FACILITATOR.**

**(B) A RETURN SHALL STATE, FOR THE PERIOD THAT THE RETURN COVERS:**

**(1) FOR A MARKETPLACE FACILITATOR FACILITATING A RETAIL SALE OR A SALE FOR USE:**

**(I) THE MARKETPLACE FACILITATOR'S GROSS REVENUES FROM THE SALES OF MARKETPLACE SELLERS THAT THE MARKETPLACE FACILITATOR HAS FACILITATED AND DELIVERED IN THE STATE;**

**(II) THE TAXABLE PRICE OF SALES OF THOSE MARKETPLACE SELLERS ON WHICH THE SALES AND USE TAX IS COMPUTED; AND**

**(III) THE SALES AND USE TAX DUE; AND**

**(2) FOR A MARKETPLACE FACILITATOR FACILITATING A SALE FOR USE:**

**(I) THE TOTAL VALUE OF THE TANGIBLE PERSONAL PROPERTY OR TAXABLE SERVICE SOLD BY MARKETPLACE SELLERS THE USE OF WHICH BECAME SUBJECT TO THE SALES AND USE TAX; AND**

**(II) THE SALES AND USE TAX DUE.**

**(C) IF THE COMPTROLLER APPROVES, A MARKETPLACE FACILITATOR ENGAGING IN MORE THAN ONE BUSINESS IN WHICH THE MARKETPLACE FACILITATOR FACILITATES RETAIL SALES OR SALES FOR USE MAY FILE A CONSOLIDATED RETURN COVERING THE ACTIVITIES OF THE BUSINESSES.**

11-701.

(a) In this subtitle the following words have the meanings indicated.

(d) (1) "License" means a license issued by the Comptroller:

(i) to engage in the business of an out-of-state vendor; [or]

(ii) to engage in the business of a retail vendor; **OR**

**(III) TO ENGAGE IN THE BUSINESS OF A MARKETPLACE FACILITATOR.**

(2) "License" includes a special license issued under § 11-707 of this subtitle.

11-702.

A person shall be licensed by the Comptroller before the person may:

(1) engage in the business of an out-of-state vendor in the State; [or]

(2) engage in the business of a retail vendor in the State; **OR**

**(3) ENGAGE IN THE BUSINESS OF A MARKETPLACE FACILITATOR.**

11-703.

An applicant for a license to engage in the business of an out-of-state vendor [or], to engage in the business of a retail vendor, **OR TO ENGAGE IN THE BUSINESS OF A MARKETPLACE FACILITATOR** shall submit an application to the Comptroller:

(1) for each place of business in the State where the applicant sells tangible personal property or a taxable service;

(2) if the applicant has no fixed place of business and sells from 1 or more vehicles, for each vehicle; or

(3) if the applicant has no fixed place of business and does not sell from a vehicle, for the place designated as the address to which notices are to be mailed.

11–705.

While it is effective, and except as provided under § 11–707(b) of this subtitle, a license authorizes the licensee:

- (1) to engage in the business of an out-of-state vendor; [or]
- (2) to engage in the business of a retail vendor; **OR**
- (3) **TO ENGAGE IN THE BUSINESS OF A MARKETPLACE FACILITATOR.**

11–712.

A person may not engage in the business of a retail vendor [or], engage in the business of an out-of-state vendor, **OR ENGAGE IN THE BUSINESS OF A MARKETPLACE FACILITATOR** without a license issued by the Comptroller under this subtitle.

12–101.

(a) In this title the following words have the meanings indicated.

(b) “Cigarette” means any size or shaped roll for smoking that is made of tobacco or tobacco mixed with another ingredient and wrapped in paper or in any other material except tobacco.

(c) “Manufacturer” means a person who acts as a manufacturer as defined in § 16–201 of the Business Regulation Article or as an other tobacco products manufacturer as defined in § 16.5–101 of the Business Regulation Article.

(d) “Other tobacco product” means:

(1) any cigar or roll for smoking, other than a cigarette, made in whole or in part of tobacco; or

(2) any other tobacco or product made primarily from tobacco, other than a cigarette, that is intended for consumption by smoking or chewing or as snuff.

(e) “Other tobacco products retailer” means a person authorized under § 16.5–205(b) of the Business Regulation Article to purchase other tobacco products on which the tobacco tax has not been paid.

**(F) “OUT-OF-STATE SELLER” MEANS A PERSON LOCATED OUTSIDE THE STATE THAT SELLS, HOLDS FOR SALE, SHIPS, OR DELIVERS PREMIUM CIGARS OR PIPE TOBACCO TO CONSUMERS IN THE STATE IF, DURING THE PREVIOUS CALENDAR YEAR OR THE CURRENT CALENDAR YEAR:**

**(1) THE PERSON'S GROSS REVENUE FROM THE SALE OF PREMIUM CIGARS OR PIPE TOBACCO IN THE STATE EXCEEDS \$100,000; OR**

**(2) THE PERSON SOLD PREMIUM CIGARS OR PIPE TOBACCO INTO THE STATE IN 200 OR MORE SEPARATE TRANSACTIONS.**

**(G) "PIPE TOBACCO" HAS THE MEANING STATED IN § 16.5-101 OF THE BUSINESS REGULATION ARTICLE.**

**(H) "PREMIUM CIGARS" HAS THE MEANING STATED IN § 16.5-101 OF THE BUSINESS REGULATION ARTICLE.**

**[(f)] (I) "Sell" means to exchange or transfer, or to make an agreement to exchange or transfer, title or possession of property, in any manner or by any means, for consideration.**

**[(g)] (J) "Tax stamp" means a device in the design and denomination that the Comptroller authorizes by regulation for the purpose of being affixed to a package of cigarettes as evidence that the tobacco tax is paid.**

**[(h)] (K) "Tobacconist" means a person authorized under § 16.5-205(e) of the Business Regulation Article to purchase other tobacco products on which the tobacco tax has not been paid.**

**[(i)] (L) "Unstamped cigarettes" means a package of cigarettes to which tax stamps are not affixed in the amount and manner required in § 12-304 of this title.**

**[(j)] (M) "Wholesale price" means the price for which a wholesaler buys other tobacco products, exclusive of any discount, trade allowance, rebate, or other reduction.**

**[(k)] (N) "Wholesaler" means, unless the context requires otherwise, a person who acts as a wholesaler as defined in § 16-201 of the Business Regulation Article or as an other tobacco products wholesaler as defined in § 16.5-101 of the Business Regulation Article.**

12-302.

**(E) AN OUT-OF-STATE SELLER SHALL PAY THE TOBACCO TAX ON PIPE TOBACCO OR PREMIUM CIGARS ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID.**

13-901.

(a) A claim for refund may be filed with the tax collector who collects the tax, fee, or charge by a claimant who:

(1) erroneously pays to the State a greater amount of tax, fee, charge, interest, or penalty than is properly and legally payable;

(2) pays to the State a tax, fee, charge, interest, or penalty that is erroneously, illegally, or wrongfully assessed or collected in any manner; or

(3) pays a tax qualifying for refund under subsections (b) through (h) of this section.

(g) A claim for refund of sales and use tax may be filed by a claimant who:

(1) pays the tax on a sale exempt under § 11–216 of this article;

(2) refunds the tax to a buyer in a canceled or rescinded sale under § 11–403(c) **OR § 11–403.1(C)** of this article;

(3) pays the tax in a canceled or rescinded sale for which the vendor **OR MARKETPLACE FACILITATOR** refuses to refund the tax as required under § 11–403(c) **OR § 11–403.1(C)** of this article; or

(4) pays the tax under § 11–408(c) of this article on a cash sale or sale for use that is not a retail sale.

*SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:*

***Article – Tax – General***

***11–101.***

***(c–2) (2) “Marketplace facilitator” does not include:***

***(i) a platform or forum that exclusively provides Internet advertising services, including listing products for sale, if the platform or forum does not also engage, directly or indirectly, in collecting payment from a buyer and transmitting that payment to the vendor;***

***(ii) a payment processor business appointed by a vendor to handle payment transactions from clients, including credit cards and debit cards, whose only activity with respect to marketplace sales is to handle transactions between two parties; OR***

***(iii) [a peer-to-peer car sharing program, as defined in § 19–520 of the Insurance Article; or***

(iv) a delivery service company that delivers tangible personal property on behalf of a marketplace seller that is engaged in the business of a retail vendor and holds a license issued under Subtitle 7 of this title.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any sales of tangible personal property or taxable services for delivery in the State before the effective date of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That:

(a) The Comptroller may not impose any penalty or interest on a marketplace facilitator that fails to collect and remit the sales and use tax as required by this Act if the marketplace facilitator demonstrates, to the satisfaction of the Comptroller, a hardship implementing the computer programs necessary to collect the sales and use tax.

(b) This section applies only to transactions completed on or before January 1, 2020.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2020, contingent on the termination of Section 3 of Chapter 852 of the Acts of the General Assembly of 2018, and if Section 3 of Chapter 852 does not terminate on June 30, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION ~~3~~ ~~5~~ 7. AND BE IT FURTHER ENACTED, That, subject to Section ~~2~~ 3 of this Act and except as provided in Section 6 of this Act, this Act shall take effect ~~July~~ October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 736

(House Bill 1346)

AN ACT concerning

**Public Safety – Student Peer Mediation Program Fund – Establishment**

FOR the purpose of establishing the Student Peer Mediation Program Fund as a special, nonlapsing fund; specifying the purpose, use, and contents of the Fund; requiring the Executive Director of the Governor’s Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller, in conjunction with the Executive Director, to account for the Fund; requiring the Governor annually to appropriate a certain amount for the Fund; providing for the investment of money in and expenditures from the Fund; providing that expenditures from the Fund may be made only in accordance with the State budget; providing that the accounts and transactions of the Fund shall be subject to a certain audit; requiring the Executive Director to establish certain procedures for the disbursement of money from the Fund and, subject to a certain priority, award grants from the Fund; requiring that an applicant provide the Executive Director with certain information; specifying that money distributed from the Fund shall be used to supplement, and not supplant, certain other funding; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund; defining certain terms; and generally relating to the Student Peer Mediation Program Fund.

BY adding to

Article – Public Safety

Section 4–1201 through 4–1203 to be under the new subtitle “Subtitle 12. Student Peer Mediation Program Fund”

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)112. and 113.

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)114.

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

## Article – Public Safety

## SUBTITLE 12. STUDENT PEER MEDIATION PROGRAM FUND.

## 4–1201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(C) “FUND” MEANS THE STUDENT PEER MEDIATION PROGRAM FUND.

(D) “STUDENT PEER MEDIATION PROGRAM” MEANS A PROGRAM THAT TRAINS STUDENTS IN CONFLICT RESOLUTION.

## 4–1202.

(A) THERE IS A STUDENT PEER MEDIATION PROGRAM FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANT ASSISTANCE TO SCHOOLS AND COMMUNITY–BASED ORGANIZATIONS IN BALTIMORE CITY TO ESTABLISH STUDENT PEER MEDIATION PROGRAMS TO REDUCE JUVENILE VIOLENCE.

(C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER, IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR, SHALL ACCOUNT FOR THE FUND.

(E) (1) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INVESTMENT EARNINGS OF THE FUND; AND

(III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(2) THE GOVERNOR ANNUALLY SHALL APPROPRIATE AT LEAST ~~\$250,000~~ ~~\$100,000~~ \$50,000 FOR THE FUND.

(F) THE FUND MAY BE USED ONLY TO PROVIDE GRANT ASSISTANCE TO SCHOOLS AND COMMUNITY-BASED ORGANIZATIONS IN BALTIMORE CITY TO ESTABLISH STUDENT PEER MEDIATION PROGRAMS TO REDUCE JUVENILE VIOLENCE.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(I) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

4-1203.

(A) (1) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR SCHOOLS AND COMMUNITY-BASED ORGANIZATIONS IN BALTIMORE CITY TO APPLY FOR GRANTS FROM THE FUND.

(2) A SCHOOL OR A COMMUNITY-BASED ORGANIZATION THAT APPLIES FOR A GRANT FROM THE FUND SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH:

(I) A PLAN THAT DETAILS HOW THE PROPOSED PROGRAM WILL TRAIN STUDENTS IN CONFLICT RESOLUTION TECHNIQUES; AND

(II) ANY INFORMATION THE EXECUTIVE DIRECTOR DEEMS NECESSARY.

(B) THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS FROM THE FUND TO SCHOOLS AND COMMUNITY-BASED ORGANIZATIONS IN BALTIMORE CITY.

(C) MONEY DISBURSED FROM THE FUND SHALL BE USED TO SUPPLEMENT, AND NOT SUPPLANT, ANY OTHER FUNDING THAT WOULD OTHERWISE BE AVAILABLE TO SCHOOLS AND COMMUNITY-BASED ORGANIZATIONS IN BALTIMORE CITY.

**Article – State Finance and Procurement**

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund;

AND

114. **THE STUDENT PEER MEDIATION PROGRAM FUND.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 737**

**(House Bill 1347)**

AN ACT concerning

~~**Maryland Consolidated Capital Bond Loan of 2018 – Baltimore County Road  
and Intersection Improvements**~~

**Prior Authorizations of State Debt – Alterations**

FOR the purpose of amending ~~the Maryland Consolidated Capital Bond Loan of 2018 to change the grantee of a certain grant; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2018~~ certain prior authorizations of State Debt to alter the requirement that certain grantees provide certain matching funds; extending the deadline for certain grantees to present certain evidence that a matching fund will be presented; extending the termination date of certain grants; changing the locations of certain capital projects; altering the purposes of certain grants; changing the names of certain grantees; altering the authorized uses of certain grants; altering certain matching fund and

expenditure requirements; making a technical correction; and generally relating to amending prior authorizations of State Debt.

BY repealing and reenacting, with amendments,

Chapter 444 of the Acts of the General Assembly of 2012, as amended by Chapter 27 of the Acts of the General Assembly of 2016  
Section 1(3) Item ZA03(S)

BY repealing and reenacting, with amendments,

Chapter 495 of the Acts of the General Assembly of 2015  
Section 1(3) Item ZA02(AG) and ZA03(AQ)

BY repealing and reenacting, with amendments,

Chapter 27 of the Acts of the General Assembly of 2016  
Section 1(3) Item ZA02(I), (K), (N), (Z), (AD), (AE), (AR), (BL), and (BR) and ZA03(L), (Z), (AG), (AP), (BM), and (BR)

BY repealing and reenacting, with amendments,

Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 22 of the Acts of the General Assembly of 2017 and Chapter 9 of the Acts of the General Assembly of 2018  
Section 1(3) Item ZA00(AR)

BY repealing and reenacting, with amendments,

Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 9 of the Acts of the General Assembly of 2018  
Section 1(3) Item ZA02(D) and (AL)

BY repealing and reenacting, with amendments,

Chapter 22 of the Acts of the General Assembly of 2017  
Section 1(3) Item ZA02(AK), (AS), (AY), and (BH) and ZA03(B), (AW), (BC), (BK), and ~~(BN)~~ (BN), and (BO)

BY repealing and reenacting, with amendments,

Chapter 22 of the Acts of the General Assembly of 2017, as amended by Chapter 9 of the Acts of the General Assembly of 2018  
Section 1(3) Item ZA00(F) and (AU), ZA02(V), and ZA03(Z) and (BG)

BY repealing and reenacting, with amendments,

Chapter 9 of the Acts of the General Assembly of 2018  
Section 1(3) Item ZA00(BX), ZA02(F), (R), (AK), (AX), and (BF), and ZA03(C), (R), and (AJ)

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

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:~~

~~(3) ZA00 MISCELLANEOUS GRANT PROGRAMS~~

~~(BX) Road and Intersection Improvements for the Intersection of MD 30 and Mount Gillead Road. Provide a grant to the [County Executive and County Council of Baltimore County] STATE HIGHWAY ADMINISTRATION for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of road and intersection improvements for the intersection of MD 30 and Mount Gillead Road (Baltimore County) ..... 1,400,000~~

Chapter 444 of the Acts of 2012, as amended by Chapter 27 of the Acts of 2016

Section 1(3)

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES  
(Statewide)

(S) Roland Water Tower Stabilization. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Roland Park Community Foundation for the planning, design, repair, renovation, and restoration of the Roland Water Tower, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, [2019] 2021 (Baltimore City) ..... 250,000

Chapter 495 of the Acts of 2015

Section 1(3)

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES  
(Statewide)

(AG) [Bethesda Graceful Growing Together Community Center] YMCA BETHESDA-CHEVY CHASE. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the [Board of Directors of Graceful Growing Together, Inc.] BOARD OF DIRECTORS OF THE YOUNG MEN’S CHRISTIAN ASSOCIATION OF METROPOLITAN

WASHINGTON for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the [Bethesda Graceful Growing Together Community Center] YMCA BETHESDA-CHEVY CHASE FACILITY, located in Montgomery County. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2026 (Montgomery County) .....

50,000

ZA03

SENATE INITIATIVES  
(Statewide)

(AQ)

[Bethesda Graceful Growing Together Community Center] YMCA BETHESDA-CHEVY CHASE. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the [Board of Directors of Graceful Growing Together, Inc.] BOARD OF DIRECTORS OF THE YOUNG MEN’S CHRISTIAN ASSOCIATION OF METROPOLITAN WASHINGTON for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the [Bethesda Graceful Growing Together Community Center] YMCA BETHESDA-CHEVY CHASE FACILITY, located in Montgomery County. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2026 (Montgomery County) .....

100,000

Chapter 27 of the Acts of 2016

Section 1(3)

ZA02

LOCAL SENATE INITIATIVES

(I)

A Penn–North Initiative Youth Violence Prevention Center. Provide a grant equal to the lesser of (i) \$30,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Unified Efforts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of a youth violence prevention center, located

in Baltimore City. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) ..... 30,000

(K) Berean Child Care Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Berean Baptist Church of Baltimore City, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, demolition, site work, and capital equipping of the Berean Child Care Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City) ..... 100,000

(N) Get Involved Community Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of New Miracle Christian Community Church, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Get Involved Community Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City) ..... 50,000

(Z) Irvine Nature Center Native American Village **AND AVIARY**. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Irvine Natural Science Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Native American village site **AND THE AVIARY** at the Irvine Nature Center, including landscaping and site improvements to the center's grounds, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County) ..... 50,000

(AD) Sharp Road Community Park. Provide a grant of \$50,000 to the

- Mayor and Town Council of the Town of Denton for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of Sharp Road Community Park, including landscaping and site improvements to the park's grounds and athletic fields, located in Caroline County, subject to a requirement that the grantee provide and expend a matching fund of \$45,000. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Caroline County) ..... 50,000
- (AE) Sykesville Freedom District Fire Department. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Sykesville Freedom District Fire Department, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the carnival grounds of the Sykesville Freedom District Fire Department, including electrical upgrades, located in Carroll County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of real property (Carroll County) ..... 50,000
- (AR) Center for the Visual and Performing Arts Amphitheater. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Center for the Visual and Performing Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, **SITE IMPROVEMENT**, and capital equipping of the Visual and Performing Arts Amphitheater, located in Harford County (Harford County) ..... 100,000
- (BL) American Legion Post 381 Annex. Provide a grant [equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided,] **OF \$100,000** to the HWV Enterprises, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the American Legion Post 381 Annex, located in Prince George's County]. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property] (Prince George's County) ..... 100,000
- (BR) Maryland Multicultural Youth Centers. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching

fund provided, to the Board of Directors of the Latin American Youth Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Center for Educational Partnership of the Maryland Multicultural Youth Centers, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of in kind contributions (Prince George’s County) ..... 75,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(L) Berean Child Care Center. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Berean Baptist Church of Baltimore City, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, demolition, site work, and capital equipping of the Berean Child Care Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City) ..... 60,000

(Z) Irvine Nature Center Native American Village AND AVIARY. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Irvine Natural Science Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Native American village site AND THE AVIARY at the Irvine Nature Center, including landscaping and site improvements to the center’s grounds, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County) ..... 100,000

(AG) Sharp Road Community Park. Provide a grant of \$50,000, to the Mayor and Town Council of the Town of Denton for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of Sharp Road Community Park, including landscaping and site improvements to the park’s grounds and athletic fields, located in Caroline County, subject to a requirement that the grantee

provide and expend a matching fund of \$45,000. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Caroline County)..... 50,000

(AP) Center for the Visual and Performing Arts Amphitheater. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Center for the Visual and Performing Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, **SITE IMPROVEMENT**, and [captital] **CAPITAL** equipping of the Center for the Visual and Performing Arts Amphitheater, located in Harford County (Harford County) .... 100,000

(BM) Maryland Multicultural Youth Centers. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Latin American Youth Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Center for Educational Partnership of the Maryland Multicultural Youth Centers, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of in kind contributions (Prince George’s County) ..... 125,000

(BR) Robert W. Johnson Community Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Robert W. Johnson Community Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Robert W. Johnson Community Center, located in Washington County. Notwithstanding Section 1(5) of this Act, **THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND** the matching fund may consist of in kind contributions (Washington County) ..... 50,000

**Chapter 27 of the Acts of 2016, as amended by Chapter 22 of the Acts of 2017 and Chapter 9 of the Acts of 2018**

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(AR) Downtown Frederick [Hotel and Conference Center] PUBLIC PARKING AND INFRASTRUCTURE. Provide a grant of \$1,000,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction, INCLUDING PUBLIC UTILITY, ROAD, STREETScape, AND PARK IMPROVEMENTS of the [Downtown Frederick Hotel and Conference Center] DOWNTOWN FREDERICK PUBLIC PARKING GARAGE NEAR THE SOUTHEAST CORNER OF EAST PATRICK STREET AND SOUTH CARROLL STREET, located in Frederick County. Notwithstanding any other provision of law, this grant is not subject to review by the Maryland Historical Trust. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2026 (Frederick County) ..... 1,000,000

Chapter 27 of the Acts of 2016, as amended by Chapter 9 of the Acts of 2018

Section 1(3)

ZA02 LOCAL SENATE INITIATIVES

(D) [Belvoir–Scott’s Plantation Historic Manor House] ANNE ARUNDEL COUNTY FAIRGROUNDS. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the [Board of Directors of the Belvoir–Scott’s Plantation, Inc.] ANNE ARUNDEL COUNTY FAIR, INC. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the [Belvoir–Scott’s Plantation Historic Manor House] ANNE ARUNDEL COUNTY FAIRGROUNDS, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2020] 2021, to present evidence that a matching fund will be provided and the matching fund may consist of in kind contributions. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2026 (Anne Arundel County) ..... 75,000

(AL) Brunswick Heritage Museum Building. Provide a grant equal

to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Brunswick for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Brunswick Heritage Museum Building, located in Frederick County, SUBJECT TO THE REQUIREMENT THAT THE GRANTEE PROVIDE AND EXPEND A MATCHING FUND OF \$25,000. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2020, to present evidence that a matching fund will be provided (Frederick County) ..... 100,000

**Chapter 22 of the Acts of 2017**

Section 1(3)

ZA02

**LOCAL HOUSE OF DELEGATES INITIATIVES**

(AK)

[Bethesda Graceful Growing Together Community Center] YMCA BETHESDA-CHEVY CHASE. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the [Board of Directors of Graceful Growing Together, Inc.] BOARD OF DIRECTORS OF THE YOUNG MEN’S CHRISTIAN ASSOCIATION OF METROPOLITAN WASHINGTON for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the [Bethesda Graceful Growing Together Community Center] YMCA BETHESDA-CHEVY CHASE FACILITY, located in Montgomery County. Notwithstanding Section 1(5) of this Act, THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2026 (Montgomery County) ..... 100,000

(AS)

Madison Fields Therapeutic Equestrian Center. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Madison House Autism Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Madison Fields Therapeutic Equestrian Center, located in Montgomery County. Notwithstanding Section 1(5) of this Act,

the GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE matching fund may consist of real property or funds expended prior to the effective date of this Act (Montgomery County) ..... 100,000

(AY) The Quince Orchard Colored School. Provide a grant equal to the lesser of (i) \$90,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Pleasant View United Methodist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the historic Quince Orchard Colored School, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County) ..... 90,000

(BH) Riverdale Park Station Pedestrian Improvements. Provide a grant equal to the lesser of (i) \$350,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the College Park City–University Partnership, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of walkways, trails, and a public “Village Green” at Riverdale Park Station, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County) ..... 350,000

ZA03 LOCAL SENATE INITIATIVES

(B) Resiliency and Education Center at Kuhn Hall. Provide a grant [equal to the lesser of (i) \$500,000 or (ii) the amount of the matching fund provided,] OF \$500,000 to the Board of Directors of the Fort Meade Alliance (FMA) Foundation, Inc. and the Department of the Army for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Resiliency and Education Center at Kuhn Hall on Fort Meade, located in Anne Arundel County[. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind

	<u>contributions] (Statewide) .....</u>	<u>500,000</u>
<u>(AW)</u>	<u><i>Halpine Hamlet Community Center. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the [MHP Halpine, LP] BOARD OF DIRECTORS OF MONTGOMERY HOUSING PARTNERSHIP, INC. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Halpine Hamlet Community Center, located in Montgomery County. Notwithstanding Section 1(5) of this Act, <b>THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching fund may consist of in kind contributions (Montgomery County)</b>.....</i></u>	<u>175,000</u>
<u>(BC)</u>	<u>The Quince Orchard Colored School. Provide a grant equal to the lesser of (i) \$110,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Pleasant View United Methodist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the historic Quince Orchard Colored School, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the <b>GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE</b> matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County) .....</u>	<u>110,000</u>
<u>(BK)</u>	<u>Maryland Multicultural Youth Centers. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Latin American Youth Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Center for Educational Partnership of the Maryland Multicultural Youth Centers, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the <b>GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE</b> matching fund may consist of in kind contributions (Prince George’s County) .....</u>	<u>75,000</u>
<u>(BN)</u>	<u>Riverdale Park Station. Provide a grant equal to the lesser of (i) \$85,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital</u>	

equipping of walkways, trails, and a public “Village Green” at Riverdale Park Station, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County) ..... 85,000

(BO) St. Nicholas Catholic Church Parish Hall. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Archdiocese of Washington–St. Nicholas Catholic Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the parish hall for St. Nicholas Catholic Church, INCLUDING LANDSCAPING AND GENERAL IMPROVEMENTS TO THE GROUNDS SURROUNDING THE PARISH HALL, located in Prince George’s County. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2021, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (Prince George’s County) ..... 50,000

**Chapter 22 of the Acts of 2017, as amended by Chapter 9 of the Acts of 2018**

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(F) Cumberland Investment Plan. Provide a grant to the Board of Directors of the Cumberland Economic Development Corporation for the acquisition, planning, design, construction, repair, renovation, and capital equipping of the Comprehensive Downtown Redevelopment Plan for Cumberland[, subject to the requirement that the grantee provide an equal and matching fund for this purpose] (Allegany County) ..... 500,000

(AU) Downtown Frederick [Hotel and Conference Center] PUBLIC PARKING AND INFRASTRUCTURE. Provide a grant of \$4,000,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction, INCLUDING PUBLIC UTILITY, ROAD, STREETScape, AND PARK IMPROVEMENTS of the [Downtown Frederick Hotel and Conference Center] DOWNTOWN FREDERICK PUBLIC PARKING GARAGE NEAR



(BG) Collington Station Safety and Surveillance Systems. Provide a grant [equal to the lesser of (i) \$24,000 or (ii) the amount of the matching fund provided,] OF \$24,000 to the Board of Directors of the Collington Station Homeowners Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of community safety and surveillance systems, located in Prince George’s County. Notwithstanding any other provision of law, the grantee may be reimbursed for expenses incurred on or after January 1, 2013 (Prince George’s County) ..... 24,000

**Chapter 9 of the Acts of 2018**

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(BX) Road and Intersection Improvements for the Intersection of MD 30 and Mount Gilead Road. Provide a grant to the [County Executive and County Council of Baltimore County] STATE HIGHWAY ADMINISTRATION for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of road intersection improvements for the intersection of MD 30 and Mount Gilead Road (Baltimore County) ..... 1,400,000

ZA02 LOCAL SENATE INITIATIVES

(F) Frostburg Museum Relocation Project. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Frostburg Museum Association for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Frostburg Museum, including HEATING, VENTILATION, AND AIR CONDITIONING IMPROVEMENTS AND the installation of an elevator system. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Allegany County) ..... 75,000

(R) Habitat for Humanity of the Chesapeake. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Habitat for Humanity of the Chesapeake, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Habitat for Humanity of the Chesapeake homes. Notwithstanding Section

1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act [(Baltimore City)] (STATEWIDE) ..... 50,000

(AK) North Beach Volunteer Fire Department. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the North Beach Volunteer Fire Department, Inc. for the ACQUISITION, PLANNING, DESIGN, CONSTRUCTION, REPAIR, RENOVATION, RECONSTRUCTION, SITE IMPROVEMENT, AND CAPITAL EQUIPPING OF THE North Beach Volunteer Fire Department, including THE PURCHASE OF A FIRE AND RESCUE BOAT AND any facilities necessary to maintain the boat (Calvert County) ..... 100,000

(AX) Bloomington Water Distribution System. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Garrett County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of storage tanks at the Bloomington Water Distribution System facility. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Garrett County) ..... 100,000

(BF) Dream Catcher Meadows. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the 7th Generation Foundation, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Dream Catcher Meadows, including fencing and farm-related outbuildings. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF IN KIND CONTRIBUTIONS OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Montgomery County) ..... 50,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(C) Frostburg Museum Relocation Project. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Frostburg Museum Association for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and

capital equipping of the Frostburg Museum, including HEATING, VENTILATION, AND AIR CONDITIONING IMPROVEMENTS AND the installation of an elevator system. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Allegany County) ..... 75,000

(R) Langston Hughes Community, Business and Resource Center. Provide a grant [equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided,] to the Board of Directors of Youth Educational Services Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Langston Hughes Community, Business and Resource Center[. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act] (Baltimore City) ..... 250,000

(AJ) Bloomington Water Distribution System. Provide a grant equal to the lesser of (i) \$64,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Garrett County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of storage tanks at the Bloomington Water Distribution System facility. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Garrett County) ..... 64,000

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 738**  
**(House Bill 1348)**

AN ACT concerning

**Public Safety – Markell Hendricks Youth Crime Prevention and Diversion  
Parole Fund – Establishment**

FOR the purpose of establishing the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund as a special, nonlapsing fund; specifying the purpose, use, and contents of the Fund; requiring the Executive Director of the Governor’s Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund separately and the Comptroller, in conjunction with the Executive Director, to account for the Fund; requiring the Governor to appropriate annually a certain amount for the Fund; providing for the investment of money in and expenditures from the Fund; providing that expenditures from the Fund may be made only in accordance with the State budget; providing that the accounts and transactions of the Fund shall be subject to a certain audit; requiring the Executive Director to establish certain procedures for the disbursement of money from the Fund and, subject to a certain priority, award grants from the Fund; requiring that an applicant provide the Executive Director with certain information; specifying that money distributed from the Fund shall be used to supplement, and not supplant, certain other funding; defining certain terms; and generally relating to the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund.

BY adding to

Article – Public Safety

Section 4–1201 through 4–1203 to be under the new subtitle “Subtitle 12. Markell Hendricks Youth Crime Prevention and Diversion Parole Fund”

Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)112. and 113.

Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)114.

Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

## Article – Public Safety

SUBTITLE 12. MARKELL HENDRICKS YOUTH CRIME PREVENTION AND DIVERSION  
PAROLE FUND.

## 4-1201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(C) “FUND” MEANS THE MARKELL HENDRICKS YOUTH CRIME PREVENTION AND DIVERSION PAROLE FUND.

(D) “LOCAL LAW ENFORCEMENT AGENCY” MEANS A POLICE DEPARTMENT OF A COUNTY OR MUNICIPALITY.

(E) “OFFENDER” HAS THE MEANING INDICATED IN § 6-101 OF THE CORRECTIONAL SERVICES ARTICLE.

## 4-1202.

(A) THERE IS A MARKELL HENDRICKS YOUTH CRIME PREVENTION AND DIVERSION PAROLE FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES TO ~~POLICE HIGH-CRIME AREAS~~ ADMINISTER:

(1) A DIVERSION PROGRAM UNDER § 3-8A-10(M)(2) OF THE COURTS ARTICLE; OR

(2) A YOUTH ENGAGEMENT PROGRAM OR EVENT IN A HIGH-CRIME AREA.

(C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER, IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR, SHALL ACCOUNT FOR THE FUND.

**(E) (1) THE FUND CONSISTS OF:**

**(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

**(II) INVESTMENT EARNINGS OF THE FUND; AND**

**(III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

**(2) THE GOVERNOR SHALL APPROPRIATE ANNUALLY AT LEAST ~~\$500,000~~ ~~\$100,000~~ \$50,000 FOR THE FUND.**

**(F) THE FUND MAY BE USED ONLY TO PROVIDE GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES ~~TO POLICE HIGH CRIME AREAS~~ FOR THE PURPOSES ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.**

**(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

**(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.**

**(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.**

**(I) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

**4-1203.**

**(A) (1) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR LOCAL LAW ENFORCEMENT AGENCIES TO APPLY FOR GRANTS FROM THE FUND.**

**(2) A LOCAL LAW ENFORCEMENT AGENCY THAT APPLIES FOR A GRANT FROM THE FUND SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH ANY INFORMATION THE EXECUTIVE DIRECTOR DEEMS NECESSARY.**

**(B) THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS FROM THE FUND TO LOCAL LAW ENFORCEMENT AGENCIES WITH PRIORITY GIVEN TO THOSE JURISDICTIONS WITH THE HIGHEST NUMBER OF OFFENDERS.**

(c) MONEY DISBURSED FROM THE FUND SHALL BE USED TO SUPPLEMENT, AND NOT SUPPLANT, ANY OTHER FUNDING THAT WOULD OTHERWISE BE AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES.

**Article – State Finance and Procurement**

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund;

AND

114. THE MARKELL HENDRICKS YOUTH CRIME PREVENTION AND DIVERSION PAROLE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 739**

**(House Bill 1366)**

AN ACT concerning

**Maryland Association of Environmental and Outdoor Education Grant  
(Maryland Green Schools Act of 2019)**

FOR the purpose of requiring the Governor to include a certain amount in the State budget for certain fiscal years to increase the number of green schools in the State; specifying the purposes for which the funds may be used; requiring that a certain

evaluation be conducted in a certain manner, examine certain issues, and be provided to certain persons; and generally relating to green schools.

BY adding to

Article – Education

Section 7–117

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

#### Preamble

WHEREAS, Green schools support the State's efforts to curb climate change and meet the State's environmental education goals established under COMAR 13A.04.17; now, therefore,

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

#### Article – Education

#### 7–117.

(A) THE GOVERNOR SHALL INCLUDE THE FOLLOWING AMOUNTS IN THE STATE BUDGET TO THE MARYLAND ASSOCIATION OF ENVIRONMENTAL AND OUTDOOR EDUCATION FOR INCREASING THE NUMBER OF GREEN SCHOOLS IN THE STATE:

- (1) FOR FISCAL YEAR 2021, ~~\$300,000~~ \$278,750;
- (2) FOR FISCAL YEAR 2022, ~~\$309,000~~ \$268,300;
- (3) FOR FISCAL YEAR 2023, ~~\$318,500~~ \$272,100;
- (4) FOR FISCAL YEAR 2024, ~~\$328,850~~ \$276,400; AND
- (5) FOR FISCAL YEAR 2025, ~~\$336,600~~ \$280,850; AND
- (6) FOR FISCAL YEAR 2026, \$216,600.

(B) THE APPROPRIATIONS MADE UNDER SUBSECTION (A) OF THIS SECTION MAY ONLY BE USED AS FOLLOWS:

(1) TO SUPPORT PROFESSIONAL DEVELOPMENT, ASSIST WITH TRANSPORTATION OF STUDENTS TO AND FROM ENVIRONMENTALLY FOCUSED ACTIVITIES, OR SUPPORT SCHOOL PROJECTS THAT INCORPORATE ENVIRONMENTAL

BEST PRACTICES FOR WASTE AND RECYCLING, ENERGY CONSERVATION, WATER CONSERVATION, SCHOOLYARD HABITAT, OUTDOOR CLASSROOMS, TRANSPORTATION, OR HEALTH, THE FOLLOWING ALLOCATIONS:

- (I) FOR FISCAL YEAR 2021, ~~\$129,250~~ \$115,000;
- (II) FOR FISCAL YEAR 2022, ~~\$149,000~~ \$115,300;
- (III) FOR FISCAL YEAR 2023, ~~\$155,000~~ \$115,600;
- (IV) FOR FISCAL YEAR 2024, ~~\$161,450~~ \$116,000; ~~AND~~
- (V) FOR FISCAL YEAR 2025, ~~\$165,000~~ \$116,250; ~~AND~~
- (VI) FOR FISCAL YEAR 2026, \$116,600;

(2) TO INCREASE THE NUMBER OF ENVIRONMENTAL EDUCATORS IN THE STATE WHO WILL PROVIDE GREEN SCHOOLS TRAINING AND ASSIST SCHOOLS WITH BECOMING A GREEN SCHOOL, THE FOLLOWING ALLOCATIONS:

- (I) FOR FISCAL YEAR 2021, \$125,750;
- (II) FOR FISCAL YEAR 2022, \$130,000;
- (III) FOR FISCAL YEAR 2023, \$133,500;
- (IV) FOR FISCAL YEAR 2024, \$137,400; ~~AND~~
- (V) FOR FISCAL YEAR 2025, \$141,600; ~~AND~~
- (VI) FOR FISCAL YEAR 2026, \$85,000;

(3) TO SUPPORT STATEWIDE GREEN SCHOOL EVENTS, ~~FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, \$15,000~~; THE FOLLOWING ALLOCATIONS:

- (I) FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, \$8,000;
- AND
- (II) FOR FISCAL YEAR 2026, \$6,000;

(4) TO CONDUCT, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, AN ANNUAL EVALUATION OF THE IMPACT OF THE FUNDS APPROPRIATED UNDER THIS SECTION ON INCREASING THE NUMBER OF GREEN SCHOOLS IN THE STATE, ~~FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, \$10,000~~; AND THE FOLLOWING ALLOCATIONS:

- AND**
- (I) FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, \$10,000;**
- (II) FOR FISCAL YEAR 2026, \$4,000; AND**
- (5) TO CREATE AN ONLINE APPLICATION FORM FOR A SCHOOL TO APPLY TO GET FUNDING UNDER THIS SECTION, THE FOLLOWING ALLOCATIONS:**
- (I) FOR FISCAL YEAR 2021, \$20,000; AND**
- (II) FOR EACH OF FISCAL YEARS 2022 THROUGH ~~2025~~ 2026, \$5,000.**
- (C) THE ANNUAL EVALUATION FUNDED UNDER SUBSECTION (B)(4) OF THIS SECTION SHALL:**
- (1) BE CONDUCTED ANNUALLY IN CALENDAR YEARS 2022 THROUGH ~~2026~~ 2027;**
- (2) BE CONDUCTED BY AN INDEPENDENT CONTRACTOR THAT HAS EXPERIENCE EVALUATING ENVIRONMENTAL PROGRAMS;**
- (3) EXAMINE WHETHER THE FUNDING HAS:**
- (I) INCREASED SUPPORT FOR THE DEVELOPMENT OF GREEN SCHOOLS;**
- (II) PROVIDED PROFESSIONAL DEVELOPMENT TO MORE TEACHERS; AND**
- (III) INCREASED THE ENVIRONMENTAL LITERACY OF STUDENTS;**
- AND**
- (4) ON COMPLETION, BE PROVIDED TO:**
- (I) THE PRESIDENT OF THE SENATE;**
- (II) THE SPEAKER OF THE HOUSE;**
- (III) THE STATE SUPERINTENDENT;**
- (IV) THE SECRETARY OF THE ENVIRONMENT;**
- (V) THE SECRETARY OF NATURAL RESOURCES;**

(VI) THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE;

(VII) THE HOUSE COMMITTEE ON WAYS AND MEANS; AND

(VIII) THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 740

(Senate Bill 662)

AN ACT concerning

**Maryland Association of Environmental and Outdoor Education Grant  
(Maryland Green Schools Act of 2019)**

FOR the purpose of requiring the Governor to include a certain amount in the State budget for certain fiscal years to increase the number of green schools in the State; specifying the purposes for which the funds may be used; requiring that a certain evaluation be conducted in a certain manner, examine certain issues, and be provided to certain persons; and generally relating to green schools.

BY adding to

Article – Education

Section 7–117

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

### Preamble

WHEREAS, Green schools support the State’s efforts to curb climate change and meet the State’s environmental education goals established under COMAR 13A.04.17; now, therefore,

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

## Article – Education

7-117.

(A) THE GOVERNOR SHALL INCLUDE THE FOLLOWING AMOUNTS IN THE STATE BUDGET TO THE MARYLAND ASSOCIATION OF ENVIRONMENTAL AND OUTDOOR EDUCATION FOR INCREASING THE NUMBER OF GREEN SCHOOLS IN THE STATE:

- (1) FOR FISCAL YEAR 2021, ~~\$300,000~~ \$278,750;
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- (4) FOR FISCAL YEAR 2024, ~~\$328,850~~ \$276,400; AND
- (5) FOR FISCAL YEAR 2025, ~~\$336,600~~ \$280,850; AND
- (6) FOR FISCAL YEAR 2026, \$216,600.

(B) THE APPROPRIATIONS MADE UNDER SUBSECTION (A) OF THIS SECTION MAY ONLY BE USED AS FOLLOWS:

(1) TO SUPPORT PROFESSIONAL DEVELOPMENT, ASSIST WITH TRANSPORTATION OF STUDENTS TO AND FROM ENVIRONMENTALLY FOCUSED ACTIVITIES, OR SUPPORT SCHOOL PROJECTS THAT INCORPORATE ENVIRONMENTAL BEST PRACTICES FOR WASTE AND RECYCLING, ENERGY CONSERVATION, WATER CONSERVATION, SCHOOLYARD HABITAT, OUTDOOR CLASSROOMS, TRANSPORTATION, OR HEALTH, THE FOLLOWING ALLOCATIONS:

- (I) FOR FISCAL YEAR 2021, ~~\$129,250~~ \$115,000;
- (II) FOR FISCAL YEAR 2022, ~~\$149,000~~ \$115,300;
- (III) FOR FISCAL YEAR 2023, ~~\$155,000~~ \$115,600;
- (IV) FOR FISCAL YEAR 2024, ~~\$161,450~~ \$116,000; AND
- (V) FOR FISCAL YEAR 2025, ~~\$165,000~~ \$116,250; AND
- (VI) FOR FISCAL YEAR 2026, \$116,600;

(2) TO INCREASE THE NUMBER OF ENVIRONMENTAL EDUCATORS IN THE STATE WHO WILL PROVIDE GREEN SCHOOLS TRAINING AND ASSIST SCHOOLS WITH BECOMING A GREEN SCHOOL, THE FOLLOWING ALLOCATIONS:

- (I) FOR FISCAL YEAR 2021, \$125,750;
- (II) FOR FISCAL YEAR 2022, \$130,000;
- (III) FOR FISCAL YEAR 2023, \$133,500;
- (IV) FOR FISCAL YEAR 2024, \$137,400; ~~AND~~
- (V) FOR FISCAL YEAR 2025, \$141,600; AND
- (VI) FOR FISCAL YEAR 2026, \$85,000;

(3) TO SUPPORT STATEWIDE GREEN SCHOOL EVENTS, ~~FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, \$15,000;~~ THE FOLLOWING ALLOCATIONS:

- (I) FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, \$8,000;
- (II) FOR FISCAL YEAR 2026, \$6,000;

AND

(4) TO CONDUCT, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, AN ANNUAL EVALUATION OF THE IMPACT OF THE FUNDS APPROPRIATED UNDER THIS SECTION ON INCREASING THE NUMBER OF GREEN SCHOOLS IN THE STATE, ~~FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, \$10,000; AND~~ THE FOLLOWING ALLOCATIONS:

- (I) FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, \$10,000;
- (II) FOR FISCAL YEAR 2026, \$4,000; AND

AND

(5) TO CREATE AN ONLINE APPLICATION FORM FOR A SCHOOL TO APPLY TO GET FUNDING UNDER THIS SECTION, THE FOLLOWING ALLOCATIONS:

- (I) FOR FISCAL YEAR 2021, \$20,000; AND
- (II) FOR EACH OF FISCAL YEARS 2022 THROUGH ~~2025~~ 2026,

\$5,000.

(C) THE ANNUAL EVALUATION FUNDED UNDER SUBSECTION (B)(4) OF THIS SECTION SHALL:

(1) BE CONDUCTED ANNUALLY IN CALENDAR YEARS 2022 THROUGH ~~2026~~ 2027;

(2) BE CONDUCTED BY AN INDEPENDENT CONTRACTOR THAT HAS EXPERIENCE EVALUATING ENVIRONMENTAL PROGRAMS;

(3) EXAMINE WHETHER THE FUNDING HAS:

(I) INCREASED SUPPORT FOR THE DEVELOPMENT OF GREEN SCHOOLS;

(II) PROVIDED PROFESSIONAL DEVELOPMENT TO MORE TEACHERS; AND

(III) INCREASED THE ENVIRONMENTAL LITERACY OF STUDENTS; AND

(4) ON COMPLETION, BE PROVIDED TO:

(I) THE PRESIDENT OF THE SENATE;

(II) THE SPEAKER OF THE HOUSE;

(III) THE STATE SUPERINTENDENT;

(IV) THE SECRETARY OF THE ENVIRONMENT;

(V) THE SECRETARY OF NATURAL RESOURCES;

(VI) THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE;

(VII) THE HOUSE COMMITTEE ON WAYS AND MEANS; AND

(VIII) THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

## Chapter 741

### (House Bill 1384)

AN ACT concerning

#### **Deaf or Hard of Hearing Individuals – Support for Parents**

FOR the purpose of renaming the Hearing Aid Loan Bank Program in the State Department of Education to be the Hearing Aid and Language and Communication Video Loan Bank Program; renaming the Hearing Aid Loan Bank in the Department to be the Hearing Aid and Language and Communication Video Loan Bank; altering the purpose of the Program; requiring the Loan Bank to lend and provide certain videos and certain downloadable resources to the parents or legal guardians of certain individuals; requiring the Governor to include a certain appropriation in the annual State budget for the Loan Bank for a certain purpose; extending the loan period for a hearing aid loaned under the Program; extending the amount of time for which the Program may extend the loan period for a hearing aid loan; exempting the parent or legal guardian of a deaf or hard of hearing individual from paying tuition at a public institution of higher education for ~~any~~ a course that teaches a language or communication mode; requiring each hospital, to the extent practicable, to provide a certain list of resources to the parent or legal guardian of a certain newborn before the discharge of the newborn; ~~requiring the Department of Disabilities to provide to hospitals in the State a certain list for a certain purpose~~; altering certain definitions; defining certain terms; making conforming changes; and generally relating to support for hearing parents or legal guardians of deaf or hard of hearing individuals.

BY repealing and reenacting, with amendments,

Article – Education

Section 8–601 through 8–606 to be under the amended subtitle “Subtitle 6. Hearing Aid and Language and Communication Video Loan Bank Program”

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 15–106.10

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–308.5

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article – Human Services  
Section 7-710  
Annotated Code of Maryland  
(2007 Volume and 2018 Supplement)~~

Preamble

WHEREAS, Every parent of a deaf or hard of hearing child identified through Maryland's Early Hearing Detection and Intervention Program, including through universal hearing screening or through other means, should receive information and development support on language or other means of communication without delay; and

WHEREAS, Parents play an important role in all areas of their child's life; and

WHEREAS, Language is a fundamental human right, including for hearing parents of deaf and hard of hearing children; and

WHEREAS, Hearing parents of deaf or hard of hearing children should not be burdened with the cost of learning a language or other means of communication to use with their child; and

WHEREAS, Language deprivation is a public health issue; and

WHEREAS, 90% to 95% of deaf or hard of hearing children are born to hearing parents; and

WHEREAS, Data and research demonstrate that language proficiency fosters emergent literacy, reading, and writing acquisition from birth; and

WHEREAS, Data and research demonstrate that hearing loss impedes a child's receptive and expressive language acquisition in meaningful ways; and

WHEREAS, Data and research demonstrate that a lack of parental communicative interaction suppresses the developmental attachment between parents and children and thus suppresses the child's early childhood development; and

WHEREAS, A program for providing support for language or other means of communication for parents of deaf or hard of hearing children to use with their child should not replace or alter any ongoing Early Hearing Detection and Intervention Program or Early Intervention services, schools, or programs for deaf or hard of hearing children, including the Infant Services Family Plan and the Individualized Education Program; now, therefore,

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

**Article – Education**

Subtitle 6. Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank Program.

8-601.

(a) In this subtitle the following words have the meanings indicated.

(b) “Eligible [child] **INDIVIDUAL**” means [a child] **AN INDIVIDUAL** who:

(1) Is a resident of the State;

(2) Is identified by an otolaryngologist or a licensed audiologist as having a hearing loss; **AND**

[(3) Has no immediate access to a hearing aid; and]

[(4) (3) (I) Is under the age of [18] **21** years; **AND**

(II) **HAS NOT GRADUATED FROM HIGH SCHOOL.**

(c) “Licensed audiologist” means an individual who is licensed to practice audiology under Title 2 of the Health Occupations Article.

(d) “Loan Bank” means the Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank.

(e) “Otolaryngologist” means an individual who:

(1) Is licensed to practice medicine under Title 14 of the Health Occupations Article; and

(2) Specializes in otolaryngology.

(f) “Program” means the Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank Program.

8-602.

(a) There is a Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank Program in the Department.

(b) The Program is established for the purpose of lending [hearing] **OR PROVIDING:**

(1) **HEARING** aids on a temporary basis to a parent or legal guardian of an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID** to ensure that [children under the age of 18 years] **ELIGIBLE INDIVIDUALS** will have maximum auditory input throughout childhood [and], adolescence, **AND INTO YOUNG ADULTHOOD; AND**

(2) **LANGUAGE AND COMMUNICATION VIDEOS ON A TEMPORARY BASIS AND RESOURCES THAT MAY BE DOWNLOADED FROM A WEBSITE TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL TO ENSURE THAT PARENTS OR LEGAL GUARDIANS OF ELIGIBLE INDIVIDUALS HAVE:**

(I) **ACCESS TO RESOURCES THAT PROVIDE THEM WITH UNBIASED INFORMATION ABOUT LANGUAGE AND COMMUNICATION OPTIONS TO USE WITH THEIR DEAF OR HARD OF HEARING CHILD; AND**

(II) **RESOURCES TO TEACH THEM THE LANGUAGE OR OTHER MEANS OF COMMUNICATION THAT THEY CHOOSE TO USE WITH THEIR DEAF OR HARD OF HEARING CHILD.**

(c) The Program shall employ an otolaryngologist or a licensed audiologist.

8-603.

(a) There is a permanent Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank in the Department.

(b) The Program shall provide and maintain:

(1) A pool of hearing aids in the Loan Bank to lend to a parent or legal guardian of an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID;**

(2) Testing and programming equipment for hearing aids in the Loan Bank; [and]

(3) Supplies for repair and reconditioning of hearing aids in the Loan Bank;  
**AND**

(4) **LANGUAGE AND COMMUNICATION VIDEOS TO BE LOANED TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL AND RESOURCES THAT MAY BE DOWNLOADED FROM A WEBSITE THAT PROVIDE:**

(I) **UNBIASED INFORMATION ABOUT LANGUAGE AND COMMUNICATION OPTIONS TO USE WITH A DEAF OR HARD OF HEARING CHILD; AND**

(II) INSTRUCTION ON LEARNING THE LANGUAGE OR COMMUNICATION OPTIONS IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(C) (1) THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION TO THE PROGRAM OF:

(I) \$5,000 IN FISCAL YEAR 2021; AND

(II) \$300 IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER.

(2) THE APPROPRIATION IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO SATISFY THE REQUIREMENT IN SUBSECTION (B)(4) OF THIS SECTION.

8-604.

(a) The Program shall lend a suitable hearing aid to a parent or legal guardian of an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID** on receipt of:

(1) A prescription from an otolaryngologist or a licensed audiologist; and

(2) Any documents required by the Program to prove that the [child] **INDIVIDUAL** is an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID**.

(b) (1) Except as provided in paragraph (2) of this subsection, the loan period shall be for not more than [6 months] **1 YEAR**.

(2) The Program may extend the original loan period **FOR THE LOAN OF A HEARING AID** for AN additional [3-month periods] **1-YEAR PERIOD** if, prior to each extension, the Program determines that:

(i) The [child] **INDIVIDUAL** does not have immediate access to another hearing aid under Medicaid, the Maryland Children's Health Program, or private health insurance;

(ii) The [child's] **INDIVIDUAL'S** parent or legal guardian currently does not have the financial means to obtain immediate access to another hearing aid; and

(iii) The [child's] **INDIVIDUAL'S** parent or legal guardian is making reasonable efforts to obtain access to another hearing aid.

(c) A parent or legal guardian who borrows a hearing aid **FROM THE LOAN BANK** for an eligible [child] **INDIVIDUAL** shall:

- (1) Be the custodian of the hearing aid;
- (2) Return the hearing aid immediately to the Loan Bank on the expiration of the loan period or receipt of a suitable permanent hearing aid, whichever occurs first;
- (3) Be responsible for the proper care and use of the hearing aid;
- (4) Be responsible for any damage to or loss of the hearing aid; and
- (5) Sign a written agreement provided by the State Superintendent that states the term and conditions of the loan.

(d) **[The] IF THE PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL RECEIVES A HEARING AID ON LOAN FROM THE LOAN BANK, THE** Program shall ensure that the eligible [child's] **INDIVIDUAL'S** otolaryngologist or licensed audiologist instructs the parent or legal guardian about the proper care and use of a hearing aid provided under the Program.

8–605.

The State Board shall adopt regulations to implement the provisions of this subtitle, including regulations that:

(1) For the purpose of implementing § 8–604(a) of this subtitle, identify the types of documents that the Program may require a parent or legal guardian to submit to prove that [a child] **AN INDIVIDUAL** is an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID**; and

(2) For the purpose of implementing § 8–604(b)(2) of this subtitle, establish factors that the Program shall consider when evaluating whether a parent or legal guardian:

(i) Has the financial means to obtain immediate access to another hearing aid; or

(ii) Is making reasonable efforts to obtain immediate access to another hearing aid.

8–606.

(a) Beginning in 2011, no later than December 31 each year, the State Superintendent shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly regarding the implementation of this subtitle.

(b) The annual report shall include the following information:

(1) The number and ages of [children] **INDIVIDUALS** who received hearing aids through the Program that year;

(2) The number of [children] **INDIVIDUALS** who received hearing aids through the Program that year and subsequently received hearing aids through Medicaid, the Maryland Children's Health Program, or private insurance;

(3) The length of each original loan **OF A HEARING AID**;

(4) The number of times that each original loan **OF A HEARING AID** was extended and the length of each extension;

(5) The number of times that hearing aids were not properly returned to the Loan Bank; and

(6) Any other information that the State Superintendent believes is relevant to evaluating the costs and benefits of the Program.

#### **15-106.10.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “DEAF OR HARD OF HEARING CHILD” MEANS A MINOR WHO HAS HEARING LOSS AS DETERMINED THROUGH A UNIVERSAL NEWBORN HEARING SCREENING UNDER § 19-308.5 OF THE HEALTH – GENERAL ARTICLE OR A SIMILAR SCREENING.**

**~~(2)~~ (3) “LANGUAGE OR COMMUNICATION MODE” MEANS THE METHOD THAT A PARENT OR LEGAL GUARDIAN CHOOSES TO COMMUNICATE WITH THEIR DEAF OR HARD OF HEARING CHILD, INCLUDING:**

**(I) AMERICAN SIGN LANGUAGE, AS DEFINED IN § 7-702 OF THE HUMAN SERVICES ARTICLE;**

**(II) CUED SPEECH, WHICH IS A SYSTEM OF HANDSHAPES AND POSITIONS THAT, WHEN COMBINED WITH THE MOUTH MOVEMENTS OF SPEECH, VISUALLY REPRESENT THE PHONEMES OF SPOKEN LANGUAGE; AND**

**(III) LISTENING AND SPOKEN LANGUAGE, IN WHICH INFANTS AND YOUNG CHILDREN WITH HEARING LOSS ARE TAUGHT TO LISTEN AND TALK WITH**

SUPPORT FROM HEARING TECHNOLOGY, SUCH AS HEARING AIDS, ASSISTIVE LISTENING DEVICES, OR COCHLEAR IMPLANTS.

~~(3) “DEAF OR HARD OF HEARING CHILD” MEANS A MINOR WHO HAS HEARING LOSS AS DETERMINED THROUGH A UNIVERSAL NEWBORN HEARING SCREENING UNDER § 19-308.5 OF THE HEALTH GENERAL ARTICLE OR A SIMILAR SCREENING.~~

(4) “TUITION” MEANS THE CHARGES IMPOSED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR ENROLLMENT IN A COURSE THAT TEACHES A LANGUAGE OR COMMUNICATION MODE AT THE INSTITUTION, INCLUDING CHARGES FOR REGISTRATION AND ALL FEES FOR ENROLLING IN THE COURSE.

(B) A PARENT OF A DEAF OR HARD OF HEARING CHILD:

(1) MAY TAKE ONE COURSE THAT TEACHES A LANGUAGE OR COMMUNICATION MODE AT AN INSTITUTION OF HIGHER EDUCATION; AND

(2) IS IS EXEMPT FROM PAYING TUITION AT A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR ANY THE COURSE THAT TEACHES A LANGUAGE OR COMMUNICATION MODE.

### Article – Health – General

19-308.5.

(a) Each hospital that provides obstetrical services shall establish a universal newborn hearing screening program to ensure that:

(1) (I) All newborns born in the hospital are screened for hearing loss before discharge; and

[(2)] (II) The results are reported as required under § 13-605 of this article; AND

(2) BEFORE DISCHARGE AND TO THE EXTENT PRACTICABLE, THE HOSPITAL PROVIDES TO THE PARENT OR LEGAL GUARDIAN OF A NEWBORN IDENTIFIED AS HAVING A HEARING LOSS UNDER ITEM (1)(I) OF THIS SUBSECTION A LIST OF RESOURCES AVAILABLE FOR PARENTS OF CHILDREN WITH HEARING LOSS, INCLUDING:

(I) LOCATIONS FOR SUBSEQUENT TESTING; AND

(II) ~~UNBIASED RESOURCES~~ RESOURCES ON LANGUAGE AND COMMUNICATION MODE OPTIONS FOR COMMUNICATING WITH THEIR CHILD.

(b) The universal newborn hearing screening program established under this section shall consist of at least one of the following screening tests:

- (1) Auditory brain stem response;
- (2) Otoacoustic emissions; or
- (3) Another appropriate screening test recommended by the Advisory Council and approved by the Secretary.

~~Article Human Services~~

~~7-710.~~

~~THE DEPARTMENT SHALL REGULARLY, BUT NOT LESS THAN ONE TIME EACH YEAR, PROVIDE TO EACH HOSPITAL IN THE STATE FOR USE BY THE HOSPITAL'S UNIVERSAL NEWBORN HEARING SCREENING PROGRAM, A LIST OF:~~

~~(1) LOCATIONS WHERE A NEWBORN IDENTIFIED THROUGH A NEWBORN HEARING SCREENING AS HAVING HEARING LOSS MAY RECEIVE ADDITIONAL TESTING; AND~~

~~(2) UNBIASED RESOURCES ON LANGUAGE AND COMMUNICATION MODE OPTIONS FOR COMMUNICATING WITH THEIR CHILD.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 742**

**(Senate Bill 677)**

AN ACT concerning

**Deaf or Hard of Hearing Individuals – Support for Parents**

FOR the purpose of renaming the Hearing Aid Loan Bank Program in the State Department of Education to be the Hearing Aid and Language and Communication Video Loan Bank Program; renaming the Hearing Aid Loan Bank in the Department

to be the Hearing Aid and Language and Communication Video Loan Bank; altering the purpose of the Program; requiring the Loan Bank to lend and provide certain videos and certain downloadable resources to the parents or legal guardians of certain individuals; requiring the Governor to include a certain appropriation in the annual State budget for the Loan Bank for a certain purpose; extending the loan period for a hearing aid loaned under the Program; extending the amount of time for which the Program may extend the loan period for a hearing aid loan; exempting the parent or legal guardian of a deaf or hard of hearing individual from paying tuition at a public institution of higher education for ~~any~~ *a* course that teaches a language or communication mode; requiring each hospital, *to the extent practicable*, to provide a certain list of resources to the parent or legal guardian of a certain newborn before the discharge of the newborn; ~~requiring the Department of Disabilities to provide to hospitals in the State a certain list for a certain purpose~~; altering certain definitions; defining certain terms; making conforming changes; and generally relating to support for hearing parents or legal guardians of deaf or hard of hearing individuals.

BY repealing and reenacting, with amendments,

Article – Education

Section 8–601 through 8–606 to be under the amended subtitle “Subtitle 6. Hearing Aid and Language and Communication Video Loan Bank Program”

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 15–106.10

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–308.5

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article – Human Services~~

~~Section 7–710~~

~~Annotated Code of Maryland~~

~~(2007 Volume and 2018 Supplement)~~

#### Preamble

WHEREAS, Every parent of a deaf or hard of hearing child identified through Maryland’s Early Hearing Detection and Intervention Program, including through universal hearing screening or through other means, should receive information and development support on language or other means of communication without delay; and

WHEREAS, Parents play an important role in all areas of their child's life; and

WHEREAS, Language is a fundamental human right, including for hearing parents of deaf and hard of hearing children; and

WHEREAS, Hearing parents of deaf or hard of hearing children should not be burdened with the cost of learning a language or other means of communication to use with their child; and

WHEREAS, Language deprivation is a public health issue; and

WHEREAS, 90% to 95% of deaf or hard of hearing children are born to hearing parents; and

WHEREAS, Data and research demonstrate that language proficiency fosters emergent literacy, reading, and writing acquisition from birth; and

WHEREAS, Data and research demonstrate that hearing loss impedes a child's receptive and expressive language acquisition in meaningful ways; and

WHEREAS, Data and research demonstrate that a lack of parental communicative interaction suppresses the developmental attachment between parents and children and thus suppresses the child's early childhood development; and

WHEREAS, A program for providing support for language or other means of communication for parents of deaf or hard of hearing children to use with their child should not replace or alter any ongoing Early Hearing Detection and Intervention Program or Early Intervention services, schools, or programs for deaf or hard of hearing children, including the Infant Services Family Plan and the Individualized Education Program; now, therefore,

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

### **Article – Education**

Subtitle 6. Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank Program.

8–601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Eligible [child] **INDIVIDUAL**” means [a child] **AN INDIVIDUAL** who:
  - (1) Is a resident of the State;

(2) Is identified by an otolaryngologist or a licensed audiologist as having a hearing loss; **AND**

~~[(3) Has no immediate access to a hearing aid; and]~~

~~[(4) (3) (I) Is under the age of [18] 21 years; AND~~

**(II) HAS NOT GRADUATED FROM HIGH SCHOOL.**

(c) “Licensed audiologist” means an individual who is licensed to practice audiology under Title 2 of the Health Occupations Article.

(d) “Loan Bank” means the Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank.

(e) “Otolaryngologist” means an individual who:

(1) Is licensed to practice medicine under Title 14 of the Health Occupations Article; and

(2) Specializes in otolaryngology.

(f) “Program” means the Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank Program.

8–602.

(a) There is a Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank Program in the Department.

(b) The Program is established for the purpose of lending [hearing] **OR PROVIDING:**

**(1) HEARING** aids on a temporary basis to a parent or legal guardian of an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID** to ensure that [children under the age of 18 years] **ELIGIBLE INDIVIDUALS** will have maximum auditory input throughout childhood [and], adolescence, **AND INTO YOUNG ADULTHOOD; AND**

**(2) LANGUAGE AND COMMUNICATION VIDEOS ON A TEMPORARY BASIS AND RESOURCES THAT MAY BE DOWNLOADED FROM A WEBSITE TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL TO ENSURE THAT PARENTS OR LEGAL GUARDIANS OF ELIGIBLE INDIVIDUALS HAVE:**

**(I) ACCESS TO RESOURCES THAT PROVIDE THEM WITH UNBIASED INFORMATION ABOUT LANGUAGE AND COMMUNICATION OPTIONS TO USE WITH THEIR DEAF OR HARD OF HEARING CHILD; AND**

**(II) RESOURCES TO TEACH THEM THE LANGUAGE OR OTHER MEANS OF COMMUNICATION THAT THEY CHOOSE TO USE WITH THEIR DEAF OR HARD OF HEARING CHILD.**

(c) The Program shall employ an otolaryngologist or a licensed audiologist.

8-603.

(a) There is a permanent Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank in the Department.

(b) The Program shall provide and maintain:

(1) A pool of hearing aids in the Loan Bank to lend to a parent or legal guardian of an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID;**

(2) Testing and programming equipment for hearing aids in the Loan Bank; [and]

(3) Supplies for repair and reconditioning of hearing aids in the Loan Bank;  
**AND**

**(4) LANGUAGE AND COMMUNICATION VIDEOS TO BE LOANED TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL AND RESOURCES THAT MAY BE DOWNLOADED FROM A WEBSITE THAT PROVIDE:**

**(I) UNBIASED INFORMATION ABOUT LANGUAGE AND COMMUNICATION OPTIONS TO USE WITH A DEAF OR HARD OF HEARING CHILD; AND**

**(II) INSTRUCTION ON LEARNING THE LANGUAGE OR COMMUNICATION OPTIONS IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**(C) (1) THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION TO THE PROGRAM OF:**

**(I) \$5,000 IN FISCAL YEAR 2021; AND**

**(II) \$300 IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER.**

**(2) THE APPROPRIATION IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO SATISFY THE REQUIREMENT IN SUBSECTION (B)(4) OF THIS SECTION.**

8-604.

(a) The Program shall lend a suitable hearing aid to a parent or legal guardian of an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID** on receipt of:

(1) A prescription from an otolaryngologist or a licensed audiologist; and

(2) Any documents required by the Program to prove that the [child] **INDIVIDUAL** is an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID**.

(b) (1) Except as provided in paragraph (2) of this subsection, the loan period shall be for not more than [6 months] **1 YEAR**.

(2) The Program may extend the original loan period **FOR THE LOAN OF A HEARING AID** for AN additional [3-month periods] **1-YEAR PERIOD** if, prior to each extension, the Program determines that:

(i) The [child] **INDIVIDUAL** does not have immediate access to another hearing aid under Medicaid, the Maryland Children's Health Program, or private health insurance;

(ii) The [child's] **INDIVIDUAL'S** parent or legal guardian currently does not have the financial means to obtain immediate access to another hearing aid; and

(iii) The [child's] **INDIVIDUAL'S** parent or legal guardian is making reasonable efforts to obtain access to another hearing aid.

(c) A parent or legal guardian who borrows a hearing aid **FROM THE LOAN BANK** for an eligible [child] **INDIVIDUAL** shall:

(1) Be the custodian of the hearing aid;

(2) Return the hearing aid immediately to the Loan Bank on the expiration of the loan period or receipt of a suitable permanent hearing aid, whichever occurs first;

(3) Be responsible for the proper care and use of the hearing aid;

(4) Be responsible for any damage to or loss of the hearing aid; and

(5) Sign a written agreement provided by the State Superintendent that states the term and conditions of the loan.

(d) **[The] IF THE PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL RECEIVES A HEARING AID ON LOAN FROM THE LOAN BANK, THE** Program shall ensure that the eligible **[child's] INDIVIDUAL'S** otolaryngologist or licensed audiologist instructs the parent or legal guardian about the proper care and use of a hearing aid provided under the Program.

8-605.

The State Board shall adopt regulations to implement the provisions of this subtitle, including regulations that:

(1) For the purpose of implementing § 8-604(a) of this subtitle, identify the types of documents that the Program may require a parent or legal guardian to submit to prove that **[a child] AN INDIVIDUAL** is an eligible **[child] INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID**; and

(2) For the purpose of implementing § 8-604(b)(2) of this subtitle, establish factors that the Program shall consider when evaluating whether a parent or legal guardian:

(i) Has the financial means to obtain immediate access to another hearing aid; or

(ii) Is making reasonable efforts to obtain immediate access to another hearing aid.

8-606.

(a) Beginning in 2011, no later than December 31 each year, the State Superintendent shall submit a report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly regarding the implementation of this subtitle.

(b) The annual report shall include the following information:

(1) The number and ages of **[children] INDIVIDUALS** who received hearing aids through the Program that year;

(2) The number of **[children] INDIVIDUALS** who received hearing aids through the Program that year and subsequently received hearing aids through Medicaid, the Maryland Children's Health Program, or private insurance;

(3) The length of each original loan **OF A HEARING AID**;

(4) The number of times that each original loan OF A HEARING AID was extended and the length of each extension;

(5) The number of times that hearing aids were not properly returned to the Loan Bank; and

(6) Any other information that the State Superintendent believes is relevant to evaluating the costs and benefits of the Program.

### 15-106.10.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DEAF OR HARD OF HEARING CHILD” MEANS A MINOR WHO HAS HEARING LOSS AS DETERMINED THROUGH A UNIVERSAL NEWBORN HEARING SCREENING UNDER § 19-308.5 OF THE HEALTH – GENERAL ARTICLE OR A SIMILAR SCREENING.

~~(2)~~ (3) “LANGUAGE OR COMMUNICATION MODE” MEANS THE METHOD THAT A PARENT OR LEGAL GUARDIAN CHOOSES TO COMMUNICATE WITH THEIR DEAF OR HARD OF HEARING CHILD, INCLUDING:

(I) AMERICAN SIGN LANGUAGE, AS DEFINED IN § 7-702 OF THE HUMAN SERVICES ARTICLE;

(II) CUED SPEECH, WHICH IS A SYSTEM OF HANDSHAPES AND POSITIONS THAT, WHEN COMBINED WITH THE MOUTH MOVEMENTS OF SPEECH, VISUALLY REPRESENT THE PHONEMES OF SPOKEN LANGUAGE; AND

(III) LISTENING AND SPOKEN LANGUAGE, IN WHICH INFANTS AND YOUNG CHILDREN WITH HEARING LOSS ARE TAUGHT TO LISTEN AND TALK WITH SUPPORT FROM HEARING TECHNOLOGY, SUCH AS HEARING AIDS, ASSISTIVE LISTENING DEVICES, OR COCHLEAR IMPLANTS.

~~(3) “DEAF OR HARD OF HEARING CHILD” MEANS A MINOR WHO HAS HEARING LOSS AS DETERMINED THROUGH A UNIVERSAL NEWBORN HEARING SCREENING UNDER § 19-308.5 OF THE HEALTH – GENERAL ARTICLE OR A SIMILAR SCREENING.~~

(4) “TUITION” MEANS THE CHARGES IMPOSED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR ENROLLMENT IN A COURSE THAT TEACHES A LANGUAGE OR COMMUNICATION MODE AT THE INSTITUTION,

INCLUDING CHARGES FOR REGISTRATION AND ALL FEES FOR ENROLLING IN THE COURSE.

**(B) A PARENT OF A DEAF OR HARD OF HEARING CHILD:**

**(1) MAY TAKE ONE COURSE THAT TEACHES A LANGUAGE OR COMMUNICATION MODE AT AN INSTITUTION OF HIGHER EDUCATION; AND**

**(2) IS IS EXEMPT FROM PAYING TUITION AT A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR ~~ANY~~ THE COURSE THAT TEACHES A LANGUAGE OR COMMUNICATION MODE.**

**Article – Health – General**

19–308.5.

(a) Each hospital that provides obstetrical services shall establish a universal newborn hearing screening program to ensure that:

(1) **(I)** All newborns born in the hospital are screened for hearing loss before discharge; and

**[(2)] (II)** The results are reported as required under § 13–605 of this article; AND

**(2) BEFORE DISCHARGE AND TO THE EXTENT PRACTICABLE, THE HOSPITAL PROVIDES TO THE PARENT OR LEGAL GUARDIAN OF A NEWBORN IDENTIFIED AS HAVING A HEARING LOSS UNDER ITEM (1)(I) OF THIS SUBSECTION A LIST OF RESOURCES AVAILABLE FOR PARENTS OF CHILDREN WITH HEARING LOSS, INCLUDING:**

**(I) LOCATIONS FOR SUBSEQUENT TESTING; AND**

**(II) ~~UNBIASED RESOURCES~~ RESOURCES ON LANGUAGE AND COMMUNICATION MODE OPTIONS FOR COMMUNICATING WITH THEIR CHILD.**

(b) The universal newborn hearing screening program established under this section shall consist of at least one of the following screening tests:

(1) Auditory brain stem response;

(2) Otoacoustic emissions; or

(3) Another appropriate screening test recommended by the Advisory Council and approved by the Secretary.

~~Article – Human Services~~~~7-710.~~

~~THE DEPARTMENT SHALL REGULARLY, BUT NOT LESS THAN ONE TIME EACH YEAR, PROVIDE TO EACH HOSPITAL IN THE STATE FOR USE BY THE HOSPITAL'S UNIVERSAL NEWBORN HEARING SCREENING PROGRAM, A LIST OF:~~

~~(1) LOCATIONS WHERE A NEWBORN IDENTIFIED THROUGH A NEWBORN HEARING SCREENING AS HAVING HEARING LOSS MAY RECEIVE ADDITIONAL TESTING; AND~~

~~(2) UNBIASED RESOURCES ON LANGUAGE AND COMMUNICATION MODE OPTIONS FOR COMMUNICATING WITH THEIR CHILD.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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**Chapter 743**

**(House Bill 1404)**

AN ACT concerning

**Economic Development – Baltimore Symphony Orchestra – Funding and  
Workgroup  
*(The John C. Merrill Act)***

FOR the purpose of requiring the Governor to appropriate a certain amount of money to the Baltimore Symphony Orchestra in certain fiscal years; establishing the Workgroup on the Baltimore Symphony Orchestra; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to examine and make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations in a consolidated financial report to certain committees in the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Baltimore Symphony Orchestra.

BY adding to

Article – Economic Development

Section 4-513  
Annotated Code of Maryland  
(2018 Replacement Volume)

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

**Article – Economic Development**

**4-513.**

**FOR EACH OF FISCAL YEARS 2020 AND 2021, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN ANNUAL APPROPRIATION TO THE BALTIMORE SYMPHONY ORCHESTRA OF \$1,600,000.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

- (a) There is a Workgroup on the Baltimore Symphony Orchestra.
- (b) The Workgroup consists of the following members:
  - (1) one member appointed by the President of the Senate and the Speaker of the House of Delegates;
  - (2) two members of the Baltimore Symphony Orchestra Board of Directors, appointed by the Chair of the Board of Directors;
  - (3) ~~two~~ three members of the Baltimore Symphony Players Committee, appointed by the Chair of the Baltimore Symphony Players Committee;
  - (4) two members of the Baltimore Symphony Orchestra Administration, appointed by the President and CEO of the Baltimore Symphony Orchestra;
- (c) The member appointed under subsection (b)(1) of this section shall serve as the chair of the Workgroup.
- (d) The Maryland Department of Commerce shall provide staff for the Workgroup.
- (e) A member of the Workgroup:
  - (1) may not receive compensation as a member of the Workgroup; but
  - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (f) The Workgroup shall:

(1) examine structural efficiencies of the Baltimore Symphony Orchestra, including health care costs and facility usage; and

(2) make recommendations regarding:

(i) cost containment strategies; and

(ii) audience development, including:

1. methods to diversify access to the Baltimore Symphony Orchestra; and

2. methods to increase statewide public participation in the Baltimore Symphony Orchestra.

(g) On or before October 1, 2019, the Workgroup shall report its recommendations in a consolidated financial report, in accordance with § 2–1246 of the State Government Article, to the Senate Budget and Taxation Committee and the House of Delegates Appropriations Committee of the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. Section 1 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2021, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 744

(House Bill 1409)

AN ACT concerning

### Howard County – School Facilities Surcharge – Rates

Ho. Co. 03–19

FOR the purpose of altering the amount of the school facilities surcharge in Howard County for certain types of residential new construction; prohibiting the County Council of Howard County from imposing a school facilities surcharge on a certain type of residential new construction; authorizing the County Council to enact a local law

providing for an annual adjustment of the amount of the school facilities surcharge in a certain manner; prohibiting the County Council from imposing a school facilities surcharge on certain types of residential new construction of less than a certain amount; requiring the County Council to consider certain issues before enacting a certain local law; requiring the County Executive of Howard County to submit a certain report to certain persons each year including certain information under certain circumstances; and generally relating to the school facilities surcharge in Howard County.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Howard County  
Section 20.142  
Article 14 – Public Local Laws of Maryland  
(1977 Edition and August 2008 Supplement, as amended)

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

#### **Article 14 – Howard County**

20.142.

(a) (1) In this section the following words have the meanings indicated.

(2) “Applicant” means the individual, partnership, corporation, or other legal entity whose signature appears on the building permit application.

(3) (i) “Building” means a structure with exterior walls which combine to form an occupiable structure.

(ii) “Building” does not include a temporary structure, as defined in the Howard County Building Code.

(4) (i) “New construction” means construction of a building which requires a Howard County building permit.

(ii) “New construction” does not include, if the building replaces an existing building, replacement of a building due to casualty or loss within 3 years of that casualty or loss, or replacement of a mobile home on a site, except to the extent the gross square footage of the replacement building or replacement mobile home exceeds the gross square footage of the building or mobile home being replaced.

(5) “Occupiable” means space that is:

(i) Designed for human occupancy in which individuals may live, work, or congregate for amusement; and

(ii) Equipped with means of egress, light, and ventilation.

(6) (i) “Residential” means a building that contains one or more dwelling units and includes a boarding house.

(ii) “Residential” includes all areas that are contained within a residential building, including an attached garage or area for home occupations.

(iii) “Residential” does not include:

1. Transient accommodations, including a hotel, country inn, or bed and breakfast inn;

2. Nonresidential uses in a mixed–use structure; or

3. Detached accessory buildings, including a detached garage or shed that does not contain living quarters.

(b) The County Council by ordinance shall impose a school facilities surcharge on residential new construction for which a building permit is issued on or after July 1, 2004.

(c) (1) **(I) [For] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR fiscal year [2005] 2020 AND EACH SUCCEEDING FISCAL YEAR, a school facilities surcharge imposed on residential new construction shall be in [the] AN amount [of \$1.00 per square foot of occupiable area in the residential new construction]:**

**1. EQUAL TO OR GREATER THAN THE AMOUNT IMPOSED BY THE COUNTY COUNCIL ON JUNE 30, 2019, PER SQUARE FOOT OF OCCUPIABLE AREA IN THE RESIDENTIAL NEW CONSTRUCTION; AND**

**2. EQUAL TO THE AMOUNT IMPOSED BY THE COUNTY COUNCIL ON JUNE 30, 2019, PER SQUARE FOOT OF OCCUPIABLE AREA IN THE RESIDENTIAL NEW CONSTRUCTION THAT IS CLASSIFIED AS SENIOR HOUSING UNDER 42 U.S.C. § 3607(B).**

**(II) THE COUNTY COUNCIL MAY NOT IMPOSE A SCHOOL FACILITIES SURCHARGE ON RESIDENTIAL NEW CONSTRUCTION THAT IS CLASSIFIED AS SENIOR HOUSING AND AN AFFORDABLE HOUSING UNIT, AS DEFINED IN § 28.116 OF THE COUNTY CODE.**

[(2) For fiscal year 2006 and each succeeding fiscal year, the facilities surcharge established in paragraph (1) of this subsection shall be adjusted for inflation in accordance with the Consumer Price Index for All Urban Consumers published by the United States Department of Labor, for the fiscal year preceding the year for which the amount is being calculated.]

**(2) THE COUNTY COUNCIL MAY ENACT A LOCAL LAW THAT PROVIDES FOR AN ANNUAL ADJUSTMENT IN THE AMOUNT OF THE SCHOOL FACILITIES SURCHARGE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IN THE FOLLOWING MANNER:**

**(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN INCREASE OR DECREASE IN THE AMOUNT OF THE SCHOOL FACILITIES SURCHARGE UNDER PARAGRAPH (1)(I)1 OF THIS SUBSECTION;**

**(II) A DECREASE IN THE AMOUNT OF THE SCHOOL FACILITIES SURCHARGE UNDER PARAGRAPH (1)(I)2 OF THIS SUBSECTION; OR**

**(III) ESTABLISHMENT OF A GRANDFATHERING PROCESS FOR RESIDENTIAL NEW CONSTRUCTION BASED ON THE STATUS IN THE DEVELOPMENT PROCESS.**

**(3) THE COUNTY COUNCIL MAY NOT IMPOSE A SCHOOL FACILITIES SURCHARGE ON RESIDENTIAL NEW CONSTRUCTION UNDER PARAGRAPH (1)(I)1 OF THIS SUBSECTION IN AN AMOUNT THAT IS LESS THAN THE AMOUNT IMPOSED BY THE COUNTY COUNCIL ON JUNE 30, 2019.**

**(4) BEFORE ENACTING A LOCAL LAW TO ADJUST THE AMOUNT OF THE SCHOOL FACILITIES SURCHARGE UNDER THIS SUBSECTION, THE COUNTY COUNCIL SHALL CONSIDER THE FOLLOWING ISSUES WHEN DETERMINING THE AMOUNT:**

**(I) THE CAPITAL COSTS FOR THE CONSTRUCTION OF NEW PUBLIC SCHOOLS AND ADDITIONS TO EXISTING PUBLIC SCHOOLS;**

**(II) THE ANTICIPATED AMOUNT OF THE STATE CONTRIBUTION FOR SCHOOL CONSTRUCTION FUNDING;**

**(III) THE AVERAGE PERCENTAGE OF STUDENT ENROLLMENTS THAT WILL BE GENERATED BY THE RESIDENTIAL NEW CONSTRUCTION;**

**(IV) THE IMPACT OF SCHOOL REDISTRICTING BY THE HOWARD COUNTY BOARD OF EDUCATION;**

**(V) THE POTENTIAL FOR CHARGING DIFFERENT AMOUNTS FOR DIFFERENTLY SIZED RESIDENTIAL NEW CONSTRUCTION UNITS;**

**(VI) THE EFFECT ON AFFORDABLE HOUSING UNITS; AND**

**(VII) SOURCES OF TAX AND FEE REVENUE FOR THE COUNTY, INCLUDING THE TRANSFER TAX.**

(d) (1) The school facilities surcharge shall be paid by the applicant at the time a building permit is issued for the residential new construction.

(2) The school facilities surcharge may not be construed to be a settlement cost.

(e) (1) The county shall rebate to the applicant the school facilities surcharge imposed on residential new construction under this section if, on the initial sale of the property, the property is sold for a fair market value that is less than \$200,000.

(2) If, on completion, the residential new construction is not sold but the property is occupied by the applicant or the immediate family of the applicant, the county shall rebate to the applicant the school facilities surcharge imposed under this section if the initial assessment value assigned to the property by the State Department of Assessments and Taxation for purposes of the county real property tax equates to a market value that is less than \$200,000.

(3) For fiscal year 2006 and each succeeding fiscal year, the value of the property that is entitled to a rebate under this subsection shall be adjusted for inflation in accordance with the Consumer Price Index for All Urban Consumers published by the United States Department of Labor, for the fiscal year preceding the year for which the value is being calculated.

(4) Within 30 days after the start of each fiscal year, the Howard County Office of Finance shall calculate and publish in a newspaper of general circulation in the county the value of the property that is entitled to the rebate specified under this subsection.

(f) Payment of the school facilities surcharge does not eliminate any authority to apply any test concerning the adequacy of school facilities under the county's adequate public school facility ordinance.

(g) Revenue collected under the school facilities surcharge shall be deposited in a separate account and may only be used to pay for:

(1) Additional or expanded public school facilities such as renovations to existing school buildings or other systemic changes; or

(2) Debt service on bonds issued for additional or expanded public school facilities or new school construction.

(h) Revenue collected under the school facilities surcharge is intended to supplement funding for public school facilities and may not supplant other county or State funding for school construction.

(i) **(1)** The County Executive of Howard County shall prepare an annual report on the school facilities surcharge on or before August 31 of each year for the County Council of Howard County, the Howard County Senate Delegation, and the Howard County House Delegation, to include:

**(I) DETAILED INFORMATION REGARDING THE SCHOOL FACILITIES SURCHARGE, AND THE AMOUNT AND KIND OF RESIDENTIAL DEVELOPMENT AND THE CHANGE IN SCHOOL POPULATION IN THE COUNTY OVER THE PREVIOUS 5 YEARS;**

[(1)] **(II)** A detailed description of how fees were expended; [and]

[(2)] **(III)** The amount of fees collected; AND

**(IV) RECOMMENDATIONS REGARDING HOW THE COUNTY SHOULD PROCEED IN ITS CALCULATION OF THE SCHOOL FACILITIES SURCHARGE FOR THE NEXT 5 YEARS.**

**(K) IN A YEAR THAT THE COUNTY COUNCIL ENACTS A LOCAL LAW TO PROVIDE FOR AN ANNUAL INCREASE IN THE SCHOOL FACILITIES SURCHARGE IN ACCORDANCE WITH SUBSECTION (C)(2) OF THIS SECTION, THE COUNTY EXECUTIVE SHALL INCLUDE IN THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION A DESCRIPTION OF THE COUNTY COUNCIL'S CONSIDERATION OF THE ISSUES UNDER SUBSECTION (C)(4) OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 745

(House Bill 1411)

AN ACT concerning

### CASH Campaign of Maryland Grant

FOR the purpose of requiring the Governor to include in the annual State budget a certain appropriation for the CASH Campaign of Maryland for certain services to promote the financial capability of low-income individuals and families; specifying the

purposes for which the appropriations may be used; and generally relating to services to promote the financial capability of low-income individuals and families.

BY adding to

Article – Human Services

Section 6–801 and 6–802 to be under the new subtitle “Subtitle 8. Financial Capability Services”

Annotated Code of Maryland

(2007 Volume and 2018 Supplement)

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

### **Article – Human Services**

#### **SUBTITLE 8. FINANCIAL CAPABILITY SERVICES.**

##### **6–801.**

**FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF ~~\$250,000~~ \$200,000 FOR THE CASH CAMPAIGN OF MARYLAND TO PROMOTE THE FINANCIAL CAPABILITY OF LOW-INCOME INDIVIDUALS AND FAMILIES BY PROVIDING OUTREACH, EDUCATION, AND FREE TAX PREPARATION SERVICES.**

##### **6–802.**

**AN APPROPRIATION MADE UNDER § 6–801 OF THIS SUBTITLE MAY BE USED ONLY TO:**

**(1) PROVIDE FREE VOLUNTEER INCOME TAX ASSISTANCE THAT HELPS LOW-INCOME INDIVIDUALS AND FAMILIES:**

**(I) FILE TAX RETURNS;**

**(II) AVOID PREDATORY FEES; AND**

**(III) CLAIM THE FEDERAL EARNED INCOME TAX CREDIT OR THE STATE EARNED INCOME TAX CREDIT UNDER § 10–704 OF THE TAX – GENERAL ARTICLE;**

**(2) COORDINATE AND EXPAND ACCESS TO FREE, FACT-BASED FINANCIAL EDUCATION AND COACHING FOR LOW-INCOME INDIVIDUALS AND FAMILIES;**

(3) CONNECT LOW-INCOME INDIVIDUALS AND FAMILIES TO AFFORDABLE, HIGH-QUALITY FINANCIAL SERVICES;

(4) RECRUIT, TRAIN, AND MANAGE A CORPS OF VOLUNTEERS TO PROVIDE FINANCIAL EDUCATION, COACHING, AND TAX PREPARATION SERVICES FOR LOW-INCOME INDIVIDUALS AND FAMILIES; AND

(5) CONDUCT OUTREACH TO LOW-INCOME INDIVIDUALS AND FAMILIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 746

(Senate Bill 33)

AN ACT concerning

### **Baltimore City – Home Inspectors – Residential Rental Inspections**

FOR the purpose of prohibiting a licensed home inspector from making certain certifications relating to pests as part of a residential rental inspection in Baltimore City unless the home inspector has a certain certification; prohibiting a licensed home inspector from making certain certifications relating to electrical systems as part of a residential rental inspection in Baltimore City unless the home inspector has completed certain training; requiring certain training to be in addition to certain home inspector training; providing that certain criminal penalties do not apply to a violation of this Act; and generally relating to residential rental inspections in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 5–201(k) and 5–207(a)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY adding to

Article – Business Occupations and Professions

Section 16–703.2

Annotated Code of Maryland

(2018 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 16–706  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Business Occupations and Professions  
Section 16–707  
Annotated Code of Maryland  
(2018 Replacement Volume)

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

#### **Article – Agriculture**

5–201.

(k) “Pest control consultant” means a person who engages in the business of:

(1) Offering or supplying technical advice or supervision;

(2) Inspecting for or identifying pests; or

(3) Recommending the use of a specific pesticide for the purpose of controlling a pest in or on water, air, land, plants, structures, or animals.

5–207.

(a) Each pest control consultant, pest control applicator, or public agency applicator shall obtain an annual certificate indicating competence in one or more established categories from the Secretary. Each private applicator shall obtain a certificate which shall require periodic renewal as determined by the Secretary.

#### **Article – Business Occupations and Professions**

16–703.2.

**(A) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

**(B) A LICENSED HOME INSPECTOR CONDUCTING AN INSPECTION OF A RENTAL DWELLING UNDER ARTICLE 13, § 5–7 OF THE BALTIMORE CITY CODE MAY NOT MAKE A CERTIFICATION AS A PART OF THAT INSPECTION RELATING TO:**

**(1) THE PRESENCE OR IDENTIFICATION OF PESTS, UNLESS THE HOME INSPECTOR IS CERTIFIED AS A PEST CONTROL CONSULTANT, PEST CONTROL APPLICATOR, OR PUBLIC AGENCY APPLICATOR UNDER § 5-207 OF THE AGRICULTURE ARTICLE; OR**

**(2) THE DWELLING'S ELECTRICAL SYSTEM, UNLESS THE HOME INSPECTOR HAS COMPLETED A MINIMUM OF 8 HOURS OF TRAINING IN ELECTRICAL SYSTEMS CERTIFIED BY THE BALTIMORE CITY HOUSING COMMISSIONER.**

**(C) THE ELECTRICAL TRAINING REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL BE IN ADDITION TO THE TRAINING REQUIRED UNDER SUBTITLE 3A OF THIS TITLE.**

16-706.

(a) **[A] EXCEPT FOR A VIOLATION OF § 16-703.2 OF THIS SUBTITLE,** A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.

(b) (1) The Commission may impose on a person who violates any provision of this title a penalty not exceeding \$5,000 for each violation.

(2) In setting the amount of the penalty, the Commission shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the violator;
- (iv) any history of previous violations by the violator; and
- (v) any other relevant factors.

(3) The Commission shall pay any penalty collected under this subsection into the General Fund of the State.

16-707.

(a) The Commission may impose on a person who violates this title a civil penalty not exceeding \$5,000 for each violation, whether or not the person is licensed or holds a certificate under this title.

(b) In setting the amount of a civil penalty, the Commission shall consider:

- (1) the seriousness of the violation;

- (2) the good faith of the violator;
- (3) any previous violations;
- (4) the harmful effect of the violation on the complainant, the public, and the business of home inspections or real estate appraisals;
- (5) the assets of the violator; and
- (6) any other relevant factors.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 747

### (Senate Bill 93)

AN ACT concerning

#### **Anne Arundel County – Controlled Water Ski Area in Maynadier Creek – Operation of Vessel – Hours of Operation**

FOR the purpose of authorizing a person to operate or give permission to operate a vessel for certain purposes in a slalom ski course located in a controlled water ski area in Maynadier Creek during certain times on certain days; prohibiting a person from operating or giving permission to operate a vessel for certain purposes in a slalom ski course located in a controlled water ski area in Maynadier Creek ~~between certain dates, on certain days and State holidays, or under other specified circumstances;~~ providing for the application of this Act; defining a certain term; *requiring the Department of Natural Resources to report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act;* and generally relating to the operation of a vessel on a slalom ski course in a controlled water ski area.

BY renumbering

Article – Natural Resources  
Section 8–725.1 through 8–725.7, respectively  
to be Section 8–725.2 through 8–725.8, respectively  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Natural Resources  
 Section 8–725.1  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–725.1 through 8–725.7, respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 8–725.2 through 8–725.8, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Natural Resources**

**8–725.1.**

(A) IN THIS SECTION, “CONTROLLED WATER SKI AREA” MEANS AN AREA THAT:

(1) IS MARKED BY THE DEPARTMENT;

(2) ENCOMPASSES A SLALOM SKI COURSE THAT IS PERMITTED BY THE U.S. ARMY CORPS OF ENGINEERS; AND

(3) IS DESIGNED, CONSTRUCTED, AND INTENDED FOR CONTROLLED WATER SKI PRACTICE.

(B) THIS SECTION APPLIES TO A CONTROLLED WATER SKI AREA LOCATED IN MAYNADIER CREEK.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY OPERATE OR GIVE PERMISSION TO OPERATE A VESSEL FOR THE PURPOSE OF TOWING A WATER SKIER IN A SLALOM SKI COURSE LOCATED IN A CONTROLLED WATER SKI AREA ONLY ON:

(I) ~~MONDAYS, TUESDAYS, WEDNESDAYS, AND THURSDAYS BETWEEN NOON AND SUNSET~~ 8:00 A.M. AND 6:00 P.M.;

(II) TUESDAYS AND WEDNESDAYS BETWEEN 8:00 A.M. AND SUNSET;

(III) FRIDAYS BETWEEN 8:00 A.M. AND 4:00 P.M.; OR

**(IV) SUNDAYS BETWEEN 8:00 A.M. AND NOON.**

**(2) A PERSON MAY NOT OPERATE OR GIVE PERMISSION TO OPERATE A VESSEL FOR THE PURPOSE OF TOWING A WATER SKIER IN A SLALOM SKI COURSE LOCATED IN A CONTROLLED WATER SKI AREA ON:**

**(I) ~~BETWEEN MARCH 15 AND JUNE 15 OF EACH YEAR;~~**

**(H) ~~ON FRIDAYS, SATURDAYS, SUNDAYS, AND; OR~~**

**(II) STATE HOLIDAYS;**

**(III) ~~AT A SPEED GREATER THAN 6 MILES PER HOUR WITHIN 100 FEET OF EACH END OF THE SLALOM SKI COURSE; OR~~**

**(IV) ~~WHEN OTHER VESSELS OR PEOPLE IN THE WATER ARE:~~**

**~~1. ENTERING MAYNADIER CREEK;~~**

**~~2. EXITING MAYNADIER CREEK;~~**

**~~3. CROSSING THE CONTROLLED WATER SKI AREA; OR~~**

**~~4. WITHIN 50 FEET OF THE PERIMETER OF THE CONTROLLED WATER SKI AREA.~~**

*SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2022, the Department of Natural Resources shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the implementation of this Act.*

*SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 4 years and, at the end of May 31, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.*

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 748**

**(Senate Bill 101)**

AN ACT concerning

**Civil Actions – Prelitigation Discovery of Insurance Coverage**

FOR the purpose of making certain provisions of law authorizing the prelitigation discovery of certain insurance coverage information relating to claims involving vehicle accidents applicable to claims involving any tort involving death or bodily injury; providing that an insurer is required to provide a claimant with documentation of the applicable limits of coverage only in a certain automobile insurance policy, homeowner's insurance policy, or renter's insurance policy; requiring a claimant to provide an insurer with a letter from a certain attorney certifying that the claimant has a bona fide tort claim under certain circumstances; making conforming changes; providing for the application of this Act; and generally relating to the disclosure of certain coverage information in certain insurance agreements.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 10–1101 through 10–1104  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 10–1105  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

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

**Article – Courts and Judicial Proceedings**

10–1101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Beneficiary” means an individual who may bring an action for wrongful death under Title 3, Subtitle 9 of this article.
- (c) “Claimant” means:
  - (1) A person who alleges damages as a result of a [vehicle accident] **TORT INVOLVING BODILY INJURY** or an attorney who represents the person; or
  - (2) A personal representative of the estate of a decedent who died as a result of [a vehicle accident] **AN ALLEGED TORT** or an attorney who represents the personal representative of the estate of the decedent.

(d) “Insurer” includes a property and casualty insurer, a self-insurance plan, or any person required to provide indemnification for a claim for wrongful death, personal injury, or property damage.

(e) “Vehicle” has the meaning stated in § 11–176 of the Transportation Article.

10–1102.

After a claimant files a written tort claim [concerning a vehicle accident] and provides the documentation described in § 10–1103 or § 10–1104 of this subtitle to an insurer, the claimant may obtain from the insurer documentation of the applicable limits of coverage in any [insurance agreement] **AUTOMOBILE INSURANCE POLICY, HOMEOWNER’S INSURANCE POLICY, OR RENTER’S INSURANCE POLICY** under which the insurer may be liable to:

- (1) Satisfy all or part of the claim; or
- (2) Indemnify or reimburse for payments made to satisfy the claim.

10–1103.

(a) This section does not apply to a claim described under § 10–1104 of this subtitle.

(b) A claimant may obtain the documentation described in § 10–1102 of this subtitle if the claimant provides in writing to the insurer:

- (1) The date of the [vehicle accident] **ALLEGED TORT**;
- (2) The name and last known address of the alleged tortfeasor;
- (3) A copy of [the vehicle accident report] **ANY VEHICLE ACCIDENT REPORT, POLICE REPORT, OR OTHER OFFICIAL REPORT CONCERNING THE ALLEGED TORT**, if available; [and]

(4) The insurer’s claim number, if available; **AND**

**(5) A LETTER FROM AN ATTORNEY ADMITTED TO PRACTICE LAW IN THE STATE CERTIFYING THAT:**

**(I) THE ATTORNEY HAS MADE REASONABLE EFFORTS TO INVESTIGATE THE UNDERLYING FACTS OF THE CLAIM; AND**

**(II) BASED ON THE ATTORNEY’S INVESTIGATION, THE ATTORNEY REASONABLY BELIEVES THAT THE CLAIM IS NOT FRIVOLOUS.**

10–1104.

(a) This section applies to a claim by the estate of [an individual] **A DECEDENT WHO DIED AS A RESULT OF AN ALLEGED TORT** or a beneficiary of [the individual resulting from the death of the individual in a vehicle accident] **THE DECEDENT**.

(b) A claimant may obtain the documentation described in § 10–1102 of this subtitle if the claimant provides in writing to the insurer:

(1) The date of the [vehicle accident] **ALLEGED TORT**;

(2) The name and last known address of the alleged tortfeasor;

(3) A copy of the [vehicle accident report] **ANY VEHICLE ACCIDENT REPORT, POLICE REPORT, OR OTHER OFFICIAL REPORT CONCERNING THE ALLEGED TORT**, if available;

(4) The insurer's claim number, if available;

(5) A copy of the decedent's death certificate issued in the State or another jurisdiction;

(6) A copy of the letters of administration issued to appoint the personal representative of the decedent's estate in the State or a substantially similar document issued by another jurisdiction;

(7) The name of each beneficiary of the decedent, if known; [and]

(8) The relationship to the decedent of each known beneficiary of the decedent; **AND**

**(9) A LETTER FROM AN ATTORNEY ADMITTED TO PRACTICE LAW IN THE STATE CERTIFYING THAT:**

**(I) THE ATTORNEY HAS MADE REASONABLE EFFORTS TO INVESTIGATE THE UNDERLYING FACTS OF THE CLAIM; AND**

**(II) BASED ON THE ATTORNEY'S INVESTIGATION, THE ATTORNEY REASONABLY BELIEVES THAT THE CLAIM IS NOT FRIVOLOUS.**

10–1105.

(a) An insurer shall provide in writing the documentation described under § 10–1102 of this subtitle within 30 days after the date of a request in accordance with § 10–1103 or § 10–1104 of this subtitle, regardless of whether the insurer contests the applicability of coverage to a claim.

(b) An insurer, and the employees and agents of an insurer, may not be civilly or criminally liable for the disclosure of documentation required under this subtitle.

(c) Disclosure of the documentation under this subtitle does not constitute:

(1) An admission that a claim is subject to the applicable agreement between the insurer and the alleged tortfeasor; or

(2) A waiver of any term or condition of the applicable agreement between the insurer and the alleged tortfeasor or any right of the insurer, including any potential defense concerning coverage or liability.

(d) Documentation disclosed under this subtitle is not admissible as evidence at trial by reason of its disclosure under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed with an insurer, as defined in Section 1 of this Act, before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 749

### (Senate Bill 205)

AN ACT concerning

### **Judgeships – Circuit Court and District Court**

FOR the purpose of altering the number of resident judges of the circuit court in a certain county; altering the number of resident judges of the District Court in certain districts; and generally relating to judgeships in circuit courts and the District Court.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 1–503 and 1–603(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

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

**Article – Courts and Judicial Proceedings**

1–503.

(a) In each county in the first seven judicial circuits there shall be the number of resident judges of the circuit court set forth below, including the judge or judges provided for by the Constitution:

(1)	Allegany.....	2
(2)	Anne Arundel.....	13
(3)	Baltimore County.....	20
(4)	Calvert.....	3
(5)	Caroline.....	1
(6)	Carroll.....	4
(7)	Cecil.....	4
(8)	Charles.....	5
(9)	Dorchester.....	1
(10)	Frederick.....	6
(11)	Garrett.....	1
(12)	Harford.....	6
(13)	Howard.....	5
(14)	Kent.....	1
(15)	Montgomery.....	24
(16)	Prince George’s.....	24
(17)	Queen Anne’s.....	1
(18)	St. Mary’s.....	3

(19)	Somerset.....	1
(20)	Talbot.....	1
(21)	Washington .....	<b>[5] 6</b>
(22)	Wicomico.....	4
(23)	Worcester.....	3

(b) In Baltimore City there shall be 35 resident judges of the Circuit Court for Baltimore City.

1–603.

(b) In each of the districts provided for in § 1–602 of this subtitle, there shall be the following number of associate judges of the District Court:

(1) District 1 — 28

(2) District 2 — 6, two to be appointed from Wicomico County and two to be appointed from Worcester County

(3) District 3 — 6, two to be appointed from Cecil County

(4) District 4 — **[6] 7**, two to be appointed from Calvert County, **TWO TO BE APPOINTED FROM ST. MARY’S COUNTY**, and three to be appointed from Charles County

(5) District 5 — **[17] 19**

(6) District 6 — 13

(7) District 7 — ~~9~~ **10** ~~10~~

(8) District 8 — **[13] 15**

(9) District 9 — 4

(10) District 10 — 7, two to be appointed from Carroll County and five to be appointed from Howard County

(11) District 11 — 5, three to be appointed from Frederick County and two to be appointed from Washington County

(12) District 12 — 3, two to be appointed from Allegany County

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 750**

### **(Senate Bill 236)**

AN ACT concerning

#### **Jury Service – Qualification Criteria – Criminal Conviction or Charge**

FOR the purpose of increasing the minimum length of time of a certain criminal sentence or potential sentence that disqualifies an individual from jury service; making conforming changes; and generally relating to jury service qualifications.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 8–103 and 8–302  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

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

#### **Article – Courts and Judicial Proceedings**

8–103.

(a) Notwithstanding § 8–102 of this subtitle, an individual qualifies for jury service for a county only if the individual:

- (1) Is an adult as of the day selected as a prospective juror;
- (2) Is a citizen of the United States; and
- (3) Resides in the county as of the day sworn as a juror.

(b) Notwithstanding subsection (a) of this section and subject to the federal Americans with Disabilities Act, an individual is not qualified for jury service if the individual:

- (1) Cannot comprehend spoken English or speak English;

(2) Cannot comprehend written English, read English, or write English proficiently enough to complete a juror qualification form satisfactorily;

(3) Has a disability that, as documented by a health care provider's certification, prevents the individual from providing satisfactory jury service;

(4) Has been convicted, in a federal or State court of record, of a crime punishable by imprisonment exceeding [6 months] **1 YEAR** and received a sentence of imprisonment for more than [6 months] **1 YEAR**; or

(5) Has a charge pending, in a federal or State court of record, for a crime punishable by imprisonment exceeding [6 months] **1 YEAR**.

(c) An individual qualifies for jury service notwithstanding a disqualifying conviction under subsection (b)(4) of this section if the individual is pardoned.

8–302.

(a) In accordance with an agreement, if any, under § 8–213 of this title, a juror qualification form in substantially the following form shall be provided to each prospective juror:

#### Juror Qualification Form

Name:

Resident address:

Telephone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cellular) \_\_\_\_\_

Age: \_\_\_\_ Date of Birth: \_\_\_\_\_

If you are over 70 years of age, do you wish to be exempted from jury services?  
 \_\_\_\_ Yes \_\_\_\_ No

U.S. Citizen? \_\_\_\_ Yes \_\_\_\_ No

Able to comprehend, read, speak, and write English? \_\_\_\_ Yes \_\_\_\_ No

Highest level of education completed:

\_\_ high school \_\_ college \_\_ graduate school \_\_ other

Occupation of prospective juror: \_\_\_\_\_

Name of employer: \_\_\_\_\_

Occupation of spouse, if any: \_\_\_\_\_

Disability preventing satisfactory jury service? \_\_\_\_Yes \_\_\_\_No

Do you want an accommodation under the federal Americans with Disabilities Act?  
\_\_\_\_Yes \_\_\_\_No

Pending charge for a crime punishable by imprisonment exceeding [6 months] **1 YEAR**? \_\_\_\_Yes \_\_\_\_No

Conviction of crime punishable by imprisonment exceeding [6 months] **1 YEAR** and received a sentence of imprisonment for more than [6 months] **1 YEAR** and not legally pardoned? \_\_\_\_Yes \_\_\_\_No

Date of Conviction \_\_\_\_\_

\_\_\_\_Elected official of the federal Legislative Branch, as defined in 2 U.S.C. § 30a.

\_\_\_\_Active duty member of armed forces exempted in accordance with 10 U.S.C. § 982.

\_\_\_\_Member of Maryland's organized militia exempted in accordance with Public Safety Article § 13–218.

Prior jury service within 3 preceding years: \_\_\_\_\_

Form completed by me \_\_\_\_ Another (name) \_\_\_\_ and, if another, why?

Under the penalties of perjury, the responses are true to the best of my knowledge

Signed:\_\_\_\_\_

Prospective Juror

Individual completing form for prospective juror:

This form must be completed, signed, and returned to the jury commissioner within 10 days after receipt. Documentation for excusal due to disability, exemption based on armed forces or militia service, pardons, and/or prior jury service must be attached.

(b) A juror qualification form for a county may include other questions as the county's jury plan requires.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 751

(Senate Bill 253)

AN ACT concerning

**Major Information Technology Development Project Fund – *Money Received by Baltimore City Community College* – ~~Money Received by Baltimore City Community College~~ – Exemption ~~and Use of Fund~~**

FOR the purpose of excluding from the Major Information Technology Development Project Fund certain money received by Baltimore City Community College; ~~requiring the Fund to be used to support and develop programs for a certain statewide public safety radio system;~~ providing for the application of this Act; and generally relating to the Major Information Technology Development Project Fund.

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 3A–309(a), (b), and (e)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 3A–309(f) ~~and (l)~~  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

### Article – State Finance and Procurement

3A–309.

- (a) There is a Major Information Technology Development Project Fund.
- (b) The purpose of the Fund is to support major information technology development projects.
- (e) Except as provided in subsection (f) of this section, the Fund consists of:
  - (1) money appropriated in the State budget to the Fund;

(2) as approved by the Secretary, money received from:

(i) the sale, lease, or exchange of communication sites, communication facilities, or communication frequencies for information technology purposes; or

(ii) an information technology agreement involving resource sharing;

(3) that portion of money earned from pay phone commissions to the extent that the commission rates exceed those in effect in December 1993;

(4) money received and accepted as contributions, grants, or gifts as authorized under subsection (c) of this section;

(5) general funds appropriated for major information technology development projects of any unit of State government other than a public institution of higher education that:

(i) are unencumbered and unexpended at the end of a fiscal year;

(ii) have been abandoned; or

(iii) have been withheld by the General Assembly or the Secretary;

(6) any investment earnings; and

(7) any other money from any source accepted for the benefit of the Fund.

(f) The Fund does not include any money:

(1) received by the Department of Transportation, Maryland Transportation Authority, **BALTIMORE CITY COMMUNITY COLLEGE**, or Maryland Public Broadcasting Commission;

(2) received by the Judicial or Legislative branches of State government; or

(3) generated from pay phone commissions that are credited to other accounts or funds in accordance with other provisions of law or are authorized for other purposes in the State budget or through an approved budget amendment.

~~(4) Notwithstanding subsection (b) of this section, all money paid into the Fund under subsection (c)(2) of this section shall be used to support **AND DEVELOP PROGRAMS FOR the**~~

~~(1) State telecommunication and computer network established under § 3A-404 of this title, including program development for these activities; AND~~

~~(2) STATEWIDE PUBLIC SAFETY INTEROPERABILITY RADIO SYSTEM ESTABLISHED UNDER TITLE 1, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any money received by Baltimore City Community College from a lease or resource-sharing agreement before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 752

(Senate Bill 260)

AN ACT concerning

### Community Colleges – Maryland Community College Promise Scholarships – Revisions

FOR the purpose of altering the eligibility requirements for a Maryland Community College Promise Scholarship; providing that certain eligible recipients remain eligible for the scholarship in a certain academic year notwithstanding certain eligibility criteria under certain circumstances; altering the employment requirements relating to a service obligation associated with a scholarship; authorizing a recipient to satisfy certain requirements relating to a service obligation associated with a scholarship under certain circumstances; authorizing a recipient to hold an award if the recipient continues to enroll in a certain sequence of courses or participate in a certain apprenticeship; altering the contents of a certain report; altering a certain definition; making this Act an emergency measure; and generally relating to Maryland Community College Promise Scholarships.

BY repealing and reenacting, with amendments,

Article – Education

Section 18-3601(d), 18-3603(b), 18-3604(b) through (d), and 18-3607

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

**Article – Education**

18–3601.

(d) (1) “Tuition” means the basic instructional charge for courses offered at a community college.

(2) “Tuition” includes any fees for:

(i) Registration;

(ii) Application;

(iii) Administration;

(iv) Laboratory work; and

(v) Other mandatory fees.

(3) **“TUITION” DOES NOT INCLUDE:**

**(I) COSTS ASSOCIATED WITH THE PARTS OF A REGISTERED APPRENTICESHIP THAT TAKE PLACE AT A LOCATION THAT IS NOT A COMMUNITY COLLEGE; OR**

**(II) ANY FEES FOR ROOM AND BOARD THAT ARE RELATED TO AN ON-CAMPUS RESIDENTIAL FACILITY FOR STUDENTS.**

18–3603.

(b) An applicant is eligible for a Maryland Community College Promise Scholarship if the applicant:

(1) Is eligible for in-State tuition;

(2) Enrolls as a candidate for a vocational certificate, a certificate, or an associate’s degree **OR PARTICIPATES IN A REGISTERED APPRENTICESHIP** [at a community college in the State] within 2 years after graduating from a high school or successfully completing a GED in the State:

**(I) EXCEPT AS PROVIDED IN ~~ITEM (I)~~ ITEMS (II) AND (III) OF THIS ITEM, AT THE COMMUNITY COLLEGE LOCATED IN THE COUNTY OR, IN THE CASE**

OF A REGIONAL COMMUNITY COLLEGE, IN THE REGION, WHERE THE APPLICANT LIVES; ~~OR~~

(II) IF THE COMMUNITY COLLEGE LOCATED IN THE COUNTY OR REGION WHERE THE APPLICANT LIVES DOES NOT OFFER THE DEGREE OR CERTIFICATION PROGRAM IN WHICH THE APPLICANT WANTS TO ENROLL, THEN AT ANY COMMUNITY COLLEGE IN THE STATE THAT OFFERS THE PROGRAM; OR

(III) AT A COMMUNITY COLLEGE IN THE STATE THAT HAS AN ON-CAMPUS RESIDENTIAL FACILITY FOR STUDENTS;

(3) Has earned ~~an overall high school~~ A CUMULATIVE grade point average of at least 2.3 on a 4.0 scale or its equivalent AT THE END OF THE FIRST SEMESTER OF THE SENIOR YEAR IN HIGH SCHOOL;

(4) Has an annual adjusted gross income of not more than:

(i) \$100,000 if the applicant is single or resides in a single-parent household; or

(ii) \$150,000 if the applicant is married or resides in a two-parent household;

(5) (I) Enrolls in [at]:

~~(H)~~ 1. AT least 12 credits per semester at the community college;  
OR

~~(H)~~ 2. A SEQUENCE OF CREDIT OR NONCREDIT COURSES THAT ~~LEAD~~ LEADS TO LICENSURE OR CERTIFICATION; ~~and~~ OR

(II) PARTICIPATES IN A REGISTERED APPRENTICESHIP PROGRAM; AND

(6) (i) Timely submits a Free Application for Federal Student Aid (FAFSA) or any other applications for any State or federal student financial aid, other than a student loan, for which the applicant may qualify; or

(ii) Is ineligible to submit a FAFSA, qualifies for in-State tuition under § 15-106.8 of this article, and timely submits an application for any State student financial aid, other than a student loan, for which the applicant may qualify.

(b) (1) Any student financial aid, other than a student loan, received by the recipient shall be credited to the recipient's tuition before the calculation of any award amount provided under this subtitle.

(2) (i) 1. Initial awards shall be provided to recipients based on greatest demonstrated financial need.

2. Priority for awards in subsequent years shall be given to prior year recipients who remain eligible for the program.

**3. NOTWITHSTANDING § 18-3603(B) OF THIS SUBTITLE, AN ELIGIBLE RECIPIENT WHO DOES NOT RECEIVE AN AWARD UNDER THIS SUBPARAGRAPH DUE TO INSUFFICIENT FUNDING OF THE PROGRAM REMAINS ELIGIBLE FOR THE PROGRAM THE FOLLOWING ACADEMIC YEAR.**

(ii) Eligible applicants who do not receive an award under this subtitle shall be notified and placed on a waiting list.

(c) An award under this subtitle may be made only if a recipient signs an agreement at the time of the initial award to:

(1) Use an address in the State on the recipient's State income tax return and commence full-time employment [in the State] within 1 year after completion of the **LATER OF:**

**(I) THE vocational certificate, certificate, or associate's degree; OR**

**(II) IF A RECIPIENT HAS ATTAINED AT LEAST 48 CREDITS AT THE COMMUNITY COLLEGE AND TRANSFERRED TO A 4-YEAR ~~PUBLIC~~ INSTITUTION, A BACCALAUREATE DEGREE;**

(2) Continue to use an address in the State on the recipient's State income tax return and maintain employment [in the State] for at least 1 year for each year that the scholarship was awarded; and

(3) Have the scholarship award converted into a student loan payable to the State if the recipient fails to fulfill the service obligation required in items (1) and (2) of this subsection.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, each recipient may hold the award until the earlier of:

(i) 3 years after first enrolling as a candidate for a vocational certificate, a certificate, or an associate's degree at a community college in the State; or

(ii) The date that the individual is awarded an associate's degree.

(2) The Office may extend the duration of an award for an allowable interruption of study if the recipient provides to the Office satisfactory evidence of extenuating circumstances that prevent the recipient from continuous enrollment.

(3) Each recipient may hold the award in accordance with paragraph (1) of this subsection only if the recipient:

(i) Continues to be eligible for in-State tuition;

(ii) **1.** Continues to enroll in and complete at least 12 credits per semester, **OR A SEQUENCE OF CREDIT OR NONCREDIT COURSES THAT ~~LEAD~~ LEADS TO LICENSURE OR CERTIFICATION**, or [its] **THEIR** equivalent, as determined by the Office; **OR**

**2. CONTINUES TO PARTICIPATE IN A REGISTERED APPRENTICESHIP PROGRAM;**

(iii) Maintains a cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent **FOR THE REQUISITE CREDIT-BEARING COURSEWORK** for the remainder of the award or, failing to do so, provides to the Office satisfactory evidence of extenuating circumstances;

(iv) Makes satisfactory progress toward a vocational certificate, a certificate, or an associate's degree;

(v) Continues to meet the income limitations under § 18-3603(b)(4) of this subtitle; and

(vi) Continues to timely submit an application under § 18-3603(b)(6) of this subtitle.

18-3607.

On or before December 1, 2020, and each December 1 thereafter, the Commission shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of the Maryland Community College Promise Scholarship program, including:

(1) The number of applicants who received a Maryland Community College Promise Scholarship in the academic year **DISAGGREGATED BY THE COMMUNITY COLLEGE AT WHICH THE SCHOLARSHIP WAS USED;**

(2) The number of scholarship recipients enrolled in an associate's degree program;

- (3) The number of scholarship recipients enrolled in a vocational certificate program;
- (4) The number of scholarship recipients enrolled in a certificate program;
- (5) The amount of the award made to each scholarship recipient;
- (6) The number of eligible applicants, if any, who were placed on a waiting list and the amount of demonstrated financial need, in the aggregate, of those applicants;
- (7) The number of scholarship recipients who earned an associate's degree within 2, 3, or 4 years after receiving an award;
- (8) The number of scholarship recipients who earned a vocational certificate within 1, 2, or 3 years after receiving an award;
- (9) The number of scholarship recipients who transferred to a 4-year institution in the State; [and]

**(10) THE NUMBER OF SCHOLARSHIP RECIPIENTS WHO RECEIVED A BACCALAUREATE DEGREE AFTER TRANSFERRING TO A 4-YEAR INSTITUTION IN THE STATE;**

**(11) THE NUMBER OF SCHOLARSHIP AWARDS FOR WHICH THE SERVICE OBLIGATION WAS DEFERRED, WAIVED, OR CONVERTED INTO A STUDENT LOAN; AND**

**[(10)] (12)** The actual and potential impact of the program on enrollment rates at community colleges and 4-year public institutions in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2019~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 753**

**(Senate Bill 328)**

AN ACT concerning

### Labor and Employment – Noncompete and Conflict of Interest Clauses

FOR the purpose of providing that certain noncompete and conflict of interest provisions are null and void as being against the public policy of the State; providing for the application *and construction* of this Act; and generally relating to noncompete and conflict of interest clauses in employment.

BY adding to

Article – Labor and Employment

Section 3–716

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

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

#### Article – Labor and Employment

3–716.

(A) (1) THIS SECTION APPLIES:

~~(1) (I) TO AN EMPLOYMENT CONTRACT OR A SIMILAR DOCUMENT OR AGREEMENT CONCERNING AN EMPLOYEE WHO EARNES EQUAL TO OR LESS THAN: THE STATE MINIMUM WAGE SET UNDER § 2-413 OF THIS SUBTITLE OR THE APPLICABLE LOCAL MINIMUM WAGE, WHICHEVER IS GREATER; AND~~

*1. \$15 PER HOUR; OR*

*2. \$31,200 ANNUALLY; AND*

~~(I) 1. \$15 PER HOUR; OR~~

~~(II) 2. \$31,200 ANNUALLY; AND~~

~~(2) (II) WHETHER OR NOT THE EMPLOYER AND EMPLOYEE ENTERED INTO THE EMPLOYMENT CONTRACT OR SIMILAR DOCUMENT OR AGREEMENT IN THE STATE.~~

(2) THIS SECTION DOES NOT APPLY TO AN EMPLOYMENT CONTRACT OR A SIMILAR DOCUMENT OR AGREEMENT WITH RESPECT TO THE TAKING OR USE OF A CLIENT LIST OR OTHER PROPRIETARY CLIENT-RELATED INFORMATION.

(B) A NONCOMPETE OR CONFLICT OF INTEREST PROVISION IN AN EMPLOYMENT CONTRACT OR A SIMILAR DOCUMENT OR AGREEMENT THAT

RESTRICTS THE ABILITY OF AN EMPLOYEE TO ENTER INTO EMPLOYMENT WITH A NEW EMPLOYER OR TO BECOME SELF-EMPLOYED IN THE SAME OR SIMILAR BUSINESS OR TRADE SHALL BE NULL AND VOID AS BEING AGAINST THE PUBLIC POLICY OF THE STATE.

*SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to affect a determination by a court in an action involving a noncompete or conflict of interest provision that is not subject to Section 1 of this Act.*

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 754

(Senate Bill 448)

AN ACT concerning

### Oysters – Tributary-Scale Sanctuaries – Protection and Restoration

FOR the purpose of establishing a network of oyster sanctuaries in certain tributaries to the Chesapeake Bay; codifying the boundaries of certain oyster sanctuaries; prohibiting a person from catching oysters in or removing oysters from a certain oyster sanctuary, subject to a certain exception; requiring the Department of Natural Resources, in coordination with certain groups and stakeholders, to develop and implement restoration plans for certain oyster sanctuaries; specifying the required contents of a restoration plan; requiring the Department to ~~report~~ provide certain reports to certain committees of the General Assembly on or before ~~a certain date~~ certain dates; requiring the Department, in consultation with certain groups and stakeholders, to finalize certain restoration plans on or before a certain date; requiring the Department to fully implement certain restoration plans on or before a certain date; and generally relating to tributary-scale oyster sanctuaries.

BY renumbering

Article – Natural Resources  
 Section 4-1014 through 4-1014.3, respectively  
 to be Section 4-1014.1 through 4-1014.4, respectively  
 Annotated Code of Maryland  
 (2018 Replacement Volume)

BY adding to

Article – Natural Resources  
 Section 4-1014

Annotated Code of Maryland  
(2018 Replacement Volume)

Preamble

WHEREAS, Under the 2014 Chesapeake Bay Watershed Agreement, Maryland and the other Chesapeake Bay Program partners have committed to restoring native oyster habitat and populations in 10 tributaries by 2025 and ensuring their protection; and

WHEREAS, Significant public money from both State and federal sources has already been spent in these tributaries for the explicit purpose of ecological restoration; and

WHEREAS, Early monitoring results from the Harris Creek oyster sanctuary indicate that restored reefs there are thriving and removing approximately 100,000 pounds of nitrogen pollution from State waters annually; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4–1014 through 4–1014.3, respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 4–1014.1 through 4–1014.4, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Natural Resources**

**4–1014.**

**(A) THERE IS ESTABLISHED A NETWORK OF OYSTER SANCTUARIES IN THE FIVE TRIBUTARIES IDENTIFIED BY THE DEPARTMENT FOR LARGE-SCALE RESTORATION IN ACCORDANCE WITH THE 2014 CHESAPEAKE BAY WATERSHED AGREEMENT.**

**(B) IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION:**

**(1) THERE IS AN OYSTER SANCTUARY IN HARRIS CREEK THAT INCLUDES ALL OF THE WATERS OF HARRIS CREEK ENCLOSED BY A LINE BEGINNING AT A POINT ON THE EAST SHORE OF TILGHMAN ISLAND DEFINED BY LATITUDE 38 DEGREES 42.241 MINUTES NORTH, LONGITUDE 76 DEGREES 19.997 MINUTES WEST; THEN RUNNING NORTHERLY TO A POINT ON THE SOUTH SHORE OF KNAPPS NARROWS, DEFINED BY LATITUDE 38 DEGREES 42.925 MINUTES NORTH, LONGITUDE 76 DEGREES 19.709 MINUTES WEST; THEN RUNNING 49 DEGREES TRUE TO A POINT ON THE NORTH SHORE OF KNAPPS NARROWS, DEFINED BY LATITUDE 38 DEGREES 43.035 MINUTES NORTH, LONGITUDE 76 DEGREES 19.547 MINUTES WEST; THEN RUNNING NORTHERLY ALONG THE WEST SHORE OF HARRIS CREEK TO**

ITS HEADWATERS AND THEN SOUTHERLY ALONG THE EAST SHORE OF HARRIS CREEK TO A POINT ON THE SHORE OF CHANGE POINT DEFINED BY LATITUDE 38 DEGREES 43.008 MINUTES NORTH, LONGITUDE 76 DEGREES 17.656 MINUTES WEST; THEN RUNNING 247 DEGREES TRUE TO THE POINT OF BEGINNING;

(2) THERE IS AN OYSTER SANCTUARY IN THE LITTLE CHOPTANK RIVER THAT INCLUDES ALL OF THE WATERS OF THE LITTLE CHOPTANK RIVER UPSTREAM OF A LINE BEGINNING AT A POINT ON THE SHORE OF SUSQUEHANNA POINT DEFINED BY LATITUDE 38 DEGREES 30.642 MINUTES NORTH, LONGITUDE 76 DEGREES 15.492 MINUTES WEST; THEN RUNNING 329 DEGREES TRUE TO A POINT ON SHORE AT THE SOUTH END OF RAGGED POINT ISLAND, DEFINED BY LATITUDE 38 DEGREES 31.886 MINUTES NORTH, LONGITUDE 76 DEGREES 16.440 MINUTES WEST;

(3) THERE IS AN OYSTER SANCTUARY IN THE TRED AVON RIVER THAT INCLUDES ALL OF THE WATERS OF THE TRED AVON RIVER NORTH AND EAST OF A LINE BEGINNING AT A POINT ON THE SHORE ON THE EAST SIDE OF TOWN CREEK, DEFINED BY LATITUDE 38 DEGREES 41.835 MINUTES NORTH, LONGITUDE 76 DEGREES 9.923 MINUTES WEST; THEN RUNNING 255 DEGREES TRUE TO A POINT DEFINED BY LATITUDE 38 DEGREES 41.823 MINUTES NORTH, LONGITUDE 76 DEGREES 9.981 MINUTES WEST; THEN RUNNING 0 DEGREES TRUE TO A POINT ON THE SHORE OF THE EAST SIDE OF PLAINDEALING CREEK, DEFINED BY LATITUDE 38 DEGREES 42.576 MINUTES NORTH, LONGITUDE 76 DEGREES 9.978 MINUTES WEST;

(4) THERE IS AN OYSTER SANCTUARY IN THE ST. MARY'S RIVER THAT INCLUDES ALL OF THE WATERS OF THE ST. MARY'S RIVER BEGINNING AT A POINT ON THE SHORE SOUTHWEST OF DEEP POINT DEFINED BY LATITUDE 38 DEGREES 11.279 MINUTES NORTH, LONGITUDE 76 DEGREES 26.639 MINUTES WEST; THEN RUNNING 89 DEGREES TRUE TO A POINT ON THE SHORE AT CHURCH POINT DEFINED BY LATITUDE 38 DEGREES 11.286 MINUTES NORTH, LONGITUDE 76 DEGREES 26.263 MINUTES WEST; AND

(5) THERE IS AN OYSTER SANCTUARY IN THE MANOKIN RIVER THAT INCLUDES ALL OF THE WATERS OF THE MANOKIN RIVER UPSTREAM OF A LINE BEGINNING AT A POINT ON THE SHORE OF HAZARD POINT DEFINED BY LATITUDE 38 DEGREES 4.571 MINUTES NORTH, LONGITUDE 75 DEGREES 52.694 MINUTES WEST; THEN RUNNING 306 DEGREES TRUE TO A POINT ON THE SHORE AT PIN POINT ON LITTLE DEAL ISLAND, DEFINED BY LATITUDE 38 DEGREES 6.750 MINUTES NORTH, LONGITUDE 75 DEGREES 56.552 MINUTES WEST; AND EAST OF A LINE BEGINNING AT A POINT ON THE SHORE AT THE NORTH END OF LITTLE DEAL ISLAND, DEFINED BY LATITUDE 38 DEGREES 7.695 MINUTES NORTH, LONGITUDE 75 DEGREES 56.816 MINUTES WEST; THEN RUNNING 209 DEGREES TRUE TO A POINT ON THE SHORE ON THE WEST SIDE OF LOWER THOROFARE, DEFINED BY LATITUDE 38 DEGREES 7.652 MINUTES NORTH, LONGITUDE 75 DEGREES 56.847 MINUTES WEST; AND SOUTHEAST OF A LINE BEGINNING ON THE SHORE ON THE EAST SIDE OF LAWS

**THOROFARE, DEFINED BY LATITUDE 38 DEGREES 8.904 MINUTES NORTH, LONGITUDE 75 DEGREES 55.964 MINUTES WEST; THEN RUNNING 251 DEGREES TRUE TO A POINT ON THE WEST SIDE OF LAWS THOROFARE, DEFINED BY LATITUDE 38 DEGREES 8.873 MINUTES NORTH, LONGITUDE 75 DEGREES 56.077 MINUTES WEST.**

**(C) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO ENGAGES IN AQUACULTURE ACTIVITIES WITHIN AN OYSTER SANCTUARY IN ACCORDANCE WITH A VALID LEASE ISSUED UNDER SUBTITLE 11A OF THIS TITLE.**

**(2) A PERSON MAY NOT CATCH OYSTERS IN OR REMOVE OYSTER SEED FROM AN OYSTER SANCTUARY:**

**(I) DESCRIBED IN SUBSECTION (B) OF THIS SECTION; OR**

**(II) ESTABLISHED BY THE DEPARTMENT IN REGULATION.**

**(D) (1) THE DEPARTMENT, IN COORDINATION WITH THE OYSTER ADVISORY COMMISSION, THE OYSTER INTERAGENCY WORKGROUP, AND INTERESTED STAKEHOLDERS, SHALL DEVELOP AND IMPLEMENT RESTORATION PLANS FOR EACH OF THE OYSTER SANCTUARIES DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

**(2) EACH RESTORATION PLAN SHALL:**

**(I) ESTABLISH ACREAGE TARGETS THAT EXCEED 50% OF THE CURRENTLY RESTORABLE OYSTER HABITAT IN THE SANCTUARY, AS DEFINED BY THE OYSTER INTERAGENCY WORKGROUP;**

**(II) FOR REEF CONSTRUCTION, REQUIRE THE USE OF SUBSTRATE THAT HAS BEEN DEMONSTRATED IN PREVIOUS TRIBUTARY-SCALE OYSTER RESTORATION PROJECTS TO MAXIMIZE OYSTER DENSITY;**

**(III) ESTABLISH A PROJECT IMPLEMENTATION TIMELINE THAT DEMONSTRATES HOW RESTORATION TARGETS WILL BE ACHIEVED BY 2025, IN ACCORDANCE WITH THE 2014 CHESAPEAKE BAY WATERSHED AGREEMENT; AND**

**(IV) INCLUDE PLANS FOR CONTINUED MONITORING OF THE SANCTUARY AND CORRECTIVE ACTIONS TO BE TAKEN BY THE DEPARTMENT IF FUTURE MONITORING INDICATES THAT A SANCTUARY IS NO LONGER MEETING THE FOLLOWING MINIMUM REQUIREMENTS:**

**1. ON RESTORED REEFS:**

- A. A MINIMUM DENSITY OF 15 OYSTERS PER SQUARE METER;**
- B. A MINIMUM BIOMASS OF 15 GRAMS DRY WEIGHT PER SQUARE METER;**
- C. A MINIMUM OF AT LEAST 2-YEAR CLASSES OF OYSTERS; AND**
- D. SUBSTRATE OR OYSTERS PRESENT ON AT LEAST 30% OF THE REEF AREA; AND**
- 2. WITHIN THE WHOLE SANCTUARY, A MINIMUM OF 50% OF REEF HABITAT, CONSTITUTING AT LEAST 8% OF HISTORIC OYSTER HABITAT, MEETING THE REQUIREMENTS OF ITEM 1 OF THIS ITEM.**

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2019, the Department of Natural Resources shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2-1246 of the State Government Article, on the development and implementation of restoration plans for the five oyster sanctuaries described in Section 2 of this Act.

(b) On or before July 1, 2020, the Department of Natural Resources, in consultation with the Oyster Advisory Commission, the Oyster Interagency Workgroup, and interested stakeholders, shall finalize restoration plans for the St. Mary's River and Manokin River oyster sanctuaries, in accordance with Section 2 of this Act.

(c) On or before December 1, 2021, the Department of Natural Resources shall fully implement existing restoration plans for the Tred Avon River and the Little Choptank River oyster sanctuaries.

*(d) On or before July 1, 2029, the Department of Natural Resources shall review the results of the continued monitoring of the five oyster sanctuaries required under Section 2 of this Act and provide a report on the success of large-scale restoration projects in the five sanctuaries to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee in accordance with § 2-1246 of the State Government Article.*

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 755

### (Senate Bill 449)

AN ACT concerning

#### **Election Law – ~~Election Day Voter~~ Registration and Voting at Precinct Polling Places**

FOR the purpose of providing an exception to the voter registration deadline to allow an individual to appear at a ~~certain~~ precinct polling place ~~to~~ in the individual's county of residence and apply to register to vote ~~or change the voter's address on an existing voter registration~~; requiring a ~~certain~~ an applicant for a voter registration on election day to provide proof of residency; specifying the acceptable forms of proof of residency; requiring an election judge to ~~verify that a certain applicant's residence address is assigned to a certain precinct and to determine whether a certain individual~~ determine whether an applicant for voter registration resides in the precinct and is qualified to become a registered voter; requiring an election judge to process certain applicants for voter registration in a certain manner; ~~requiring an election judge to issue a certain voter a provisional ballot under certain circumstances~~; requiring the State Board of Elections to take ~~certain~~ appropriate measures to notify potential registrants of the correct precinct polling place for the potential registrants' residence addresses except under certain circumstances; requiring an election judge to notify certain individuals of the correct precinct for the voter's residence address; ~~requiring an election judge to verify that a voter's new residence address is assigned to the precinct under certain circumstances; requiring an election judge to process certain voters who apply to change their address in a certain manner~~; requiring the State Board of Elections to adopt regulations and procedures in accordance with the requirements of certain provisions of this Act for the administration of voter registration on election day; and generally relating to ~~election day voter registration~~ registration and voting at precinct polling places.

BY repealing and reenacting, with amendments,  
 Article – Election Law  
 Section 3–302  
 Annotated Code of Maryland  
 (2017 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Election Law  
 Section 3–306  
 Annotated Code of Maryland  
 (2017 Replacement Volume and 2018 Supplement)

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

### Article – Election Law

3–302.

(a) Except as provided under [§ 3–305] **§§ 3–305 AND 3–306** of this subtitle, registration is closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election.

(b) A voter registration application received when registration is closed shall be accepted and retained by a local board, but the registration of the applicant does not become effective until registration reopens.

(c) A voter registration application that is received by the local board after the close of registration shall be considered timely received for the next election provided:

(1) there is sufficient evidence, as determined by the local board pursuant to regulations adopted by the State Board, that the application was mailed on or before registration was closed for that election; or

(2) the application was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board prior to the close of registration.

**3–306.**

**(A) ON ELECTION DAY, AN INDIVIDUAL MAY APPEAR AT ~~THE~~ A PRECINCT POLLING PLACE IN THE INDIVIDUAL’S COUNTY OF RESIDENCE ~~THAT THE LOCAL BOARD HAS ASSIGNED AS THE PRECINCT FOR THE INDIVIDUAL’S RESIDENCE ADDRESS TO:~~**

**~~(1) AND APPLY TO REGISTER TO VOTE; OR~~**

**~~(2) CHANGE THE VOTER’S ADDRESS ON AN EXISTING VOTER REGISTRATION.~~**

**(B) (1) WHEN APPLYING TO REGISTER TO VOTE ON ELECTION DAY, THE APPLICANT SHALL PROVIDE PROOF OF RESIDENCY.**

**(2) THE APPLICANT SHALL PROVE RESIDENCY BY SHOWING THE ELECTION JUDGE:**

**(I) A MARYLAND DRIVER’S LICENSE OR MARYLAND IDENTIFICATION CARD THAT CONTAINS THE APPLICANT’S CURRENT ADDRESS; OR**

(II) IF THE APPLICANT DOES NOT HAVE A DRIVER'S LICENSE OR IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS, A COPY OF AN OFFICIAL DOCUMENT THAT:

1. MEETS THE REQUIREMENTS ESTABLISHED BY THE STATE BOARD; AND
2. CONTAINS THE APPLICANT'S NAME AND CURRENT ADDRESS.

(C) (1) WHEN AN INDIVIDUAL APPLIES TO REGISTER TO VOTE AT ~~THE A~~ PRECINCT POLLING PLACE ~~DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION~~ ON ELECTION DAY, THE ELECTION JUDGE SHALL:

~~(I) VERIFY THE APPLICANT'S RESIDENCE ADDRESS IS ASSIGNED TO THE PRECINCT; AND~~

~~(H) DETERMINE WHETHER THE ~~INDIVIDUAL~~ APPLICANT RESIDES IN THE PRECINCT IN WHICH THE APPLICANT APPLIED AND IS QUALIFIED TO BECOME A REGISTERED VOTER.~~

(2) ~~AFTER VERIFYING THAT~~ IF THE VOTER IS A RESIDENT OF THE PRECINCT AND IS QUALIFIED TO REGISTER TO VOTE, THE ELECTION JUDGE SHALL:

- (I) ISSUE THE VOTER A VOTER AUTHORITY CARD;
- (II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD; AND
- (III) ISSUE THE VOTER A REGULAR BALLOT.

(3) IF THE VOTER IS A RESIDENT OF THE COUNTY BUT NOT THE PRECINCT, IS QUALIFIED TO REGISTER TO VOTE, AND CHOOSES TO VOTE IN THE PRECINCT, THE ELECTION JUDGE SHALL ~~ISSUE THE VOTER A PROVISIONAL BALLOT;~~

- (I) ISSUE THE VOTER A VOTER AUTHORITY CARD;
- (II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD; AND
- (III) ISSUE THE VOTER A PROVISIONAL BALLOT.

(D) (1) ~~THE~~ UNLESS A LOCAL BOARD ELECTS TO MAKE THE NOTIFICATION, THE STATE BOARD SHALL TAKE APPROPRIATE MEASURES TO

NOTIFY POTENTIAL REGISTRANTS OF THE CORRECT PRECINCT POLLING PLACE FOR THE POTENTIAL REGISTRANTS' RESIDENCE ADDRESSES BEFORE EACH ELECTION.

(2) THE ELECTION JUDGE SHALL NOTIFY AN INDIVIDUAL WHO APPLIES TO REGISTER TO VOTE AT THE INCORRECT PRECINCT FOR THE VOTER'S RESIDENCE ADDRESS OF THE CORRECT PRECINCT FOR THE VOTER'S RESIDENCE ADDRESS.

~~(E) (1) WHEN A VOTER APPLIES TO CHANGE THE VOTER'S ADDRESS AT THE PRECINCT POLLING PLACE DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION ON ELECTION DAY, THE ELECTION JUDGE SHALL VERIFY THAT THE VOTER'S NEW RESIDENCE ADDRESS IS ASSIGNED TO THE PRECINCT.~~

~~(2) AFTER VERIFYING THAT THE VOTER IS A RESIDENT OF THE PRECINCT, THE ELECTION JUDGE SHALL:~~

~~(I) ISSUE THE VOTER A VOTER AUTHORITY CARD;~~

~~(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD; AND~~

~~(III) ISSUE THE VOTER A REGULAR BALLOT.~~

~~(3) IF THE VOTER IS A RESIDENT OF THE COUNTY BUT NOT THE PRECINCT, THE ELECTION JUDGE SHALL ISSUE THE VOTER A PROVISIONAL BALLOT.~~

~~(F)~~ (E) THE STATE BOARD SHALL ADOPT REGULATIONS AND PROCEDURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE ADMINISTRATION OF VOTER REGISTRATION ON ELECTION DAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 756

(Senate Bill 496)

AN ACT concerning

Payroll Recovery Act – Sunset Repeal

FOR the purpose of repealing the termination of certain provisions of law that require the Central Payroll Bureau of the Office of the State Comptroller to administer the payroll of certain employees in a certain manner and requiring that certain grievances are handled in a certain manner; and generally relating to the administration of the Central Payroll Bureau's payroll system.

BY repealing and reenacting, with amendments,  
Chapter 783 of the Acts of the General Assembly of 2017  
Section 3

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

### **Chapter 783 of the Acts of 2017**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. [It shall remain effective for a period of 2 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 757**

**(Senate Bill 516)**

AN ACT concerning

### **Clean Energy Jobs**

FOR the purpose of requiring the Small, Minority, and Women–Owned Businesses Account to receive certain money from the Strategic Energy Investment Fund; exempting certain money received by the Small, Minority, and Women–Owned Businesses Account from the requirement to ensure that at least a certain percentage of grants be allocated within certain jurisdictions and communities; requiring the Department of Commerce to make certain grants to certain eligible fund managers for certain purposes; authorizing eligible fund managers to use and to retain certain money for certain purposes, including certain investments, loans, compensation, and interest; requiring the Department to report on certain matters to certain committees of the General Assembly by a certain date each year; establishing the Clean Energy Workforce Account in the Maryland Employment Advancement Right Now Program; providing for the funding of the Account; requiring the Account to be used to provide

grants to support a certain workforce development program programs with certain requirements; establishing certain requirements and goals for certain supported programs; establishing certain funding requirements for certain apprenticeship programs; requiring the Board of Public Works to adopt certain regulations; providing that if a certain person makes a determination that a program made a certain misrepresentation, the program is ineligible to receive a grant from the Account for a certain period of time; requiring the Department of Labor, Licensing, and Regulation to include certain information about the Account *and certain matters* in a certain annual report; establishing certain criteria for qualified offshore wind projects applied for on or after a certain date; altering and extending the minimum required percentage of energy that must be derived from Tier 1 renewable sources in the State's renewable energy portfolio standard in certain years; altering and extending the minimum required percentage of Tier 1 renewable energy that must be derived from solar energy in the State's renewable energy portfolio standard in certain years; altering and extending the minimum required percentage of Tier 1 renewable energy that must be derived from offshore wind energy in the State's renewable energy portfolio standard in certain years and certain energy sources required in those years; altering and extending the minimum required percentage of energy that must be derived from a Tier 2 renewable source in the State's renewable energy portfolio standard in certain years; extending the eligibility of a certain Tier 2 renewable source for inclusion in meeting the State's renewable energy portfolio standard; requiring the Public Service Commission to provide certain additional application periods for consideration of Round 2 offshore wind projects; establishing certain criteria for the Commission to consider with respect to approval of an application for a Round 2 offshore wind project, including limits on certain rate impacts measured in certain dollars; requiring an applicant for a certain offshore wind project to sign a certain memorandum memoranda of understanding as a condition of the Commission's approval of the project; requiring the Commission to report each year to the Governor and certain committees on certain matters; requiring the Commission to approve certain applications for a Round 2 offshore wind project under certain circumstances and conditions; requiring the Commission to approve orders representing a certain minimum nameplate capacity of Round 2 offshore wind project applications under certain circumstances; altering the compliance fee for an electricity supplier that fails to comply with certain renewable energy portfolio standards for certain years; establishing certain compliance fees for an electricity supplier that fails to comply with certain renewable energy portfolio standards for certain years; altering the percentage of certain costs an electricity supplier must incur in order to request the Commission to delay certain obligations; requiring the Power Plant Research Program to conduct a supplemental study on the renewable energy portfolio standard and certain related matters; altering the scope of a certain study and providing for the scope of the supplemental study; providing certain specific subjects that the supplemental study must address; requiring the Program to report to the Governor and the General Assembly on or before a certain ~~dates~~ date; authorizing the Maryland Energy Administration to use the Strategic Energy Investment Fund for certain purposes; providing for certain investments from the Fund for certain jobs training programs from a certain source; providing that certain funding should be directed to certain businesses that support jobs with certain

characteristics; requiring certain loans or grants from the Fund to comply with certain provisions; authorizing the use of certain funds from the Fund by eligible fund managers for certain purposes; requiring at least a certain number of workers participating in a certain project or program to reside within a certain area with respect to the project or program; ~~removing certain forms of energy from the definition of “Tier 1 renewable source” after a certain date; removing certain forms of energy from the definition of a Tier 1 renewable source after a certain date; providing that energy derived from certain forms of energy is not eligible for inclusion in meeting the renewable energy portfolio standard after a certain date;~~ stating and amending the intent of the General Assembly concerning certain matters; defining certain terms and altering certain definitions; making conforming and clarifying changes; altering the termination date of a certain Act; requiring the Power Plant Research Program to study and make recommendations regarding nuclear energy and its role as a renewable energy resource in the State; requiring the Program to report certain findings and recommendations to the Governor and the General Assembly on or before a certain date; providing that existing obligations or contract rights may not be impaired by this Act; making the provisions of this Act severable; ~~providing for a delayed effective date for certain provisions of this Act;~~ providing for the application of this Act; and generally relating to the renewable energy portfolio standard and economic development.

BY repealing and reenacting, without amendments,

Article – Economic Development  
Section 5–1501(a)  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Economic Development  
Section 5–1501(b) through (d) and (g)  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY adding to

Article – Economic Development  
Section 5–1501(g) *and (i)*  
Annotated Code of Maryland  
(2018 Replacement Volume)

BY adding to

Article – Labor and Employment  
Section 11–708.1  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 11-709  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Public Utilities  
 Section ~~7-701(a) and (h)~~, (h), and (s) and 7-705(c) and (d)  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Public Utilities  
 Section ~~7-701(k)~~, and (n), and (r) (r)(8) through (12), 7-702, 7-703, ~~7-704(a)(2)~~  
~~7-704(a)(4)~~ ~~7-704(a)(2) and (4)~~ 7-704(a)(4), 7-704.1, 7-704.2(a)(1) and (c)(1),  
~~7-705(b)~~ 7-705(a), (b), and (e), and 7-714  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – Public Utilities  
 Section 7-701(p-1) and (p-2)  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,  
 Article – State Government  
 Section 9-20B-01(a) ~~and (c)~~ and 9-20B-05(a)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 9-20B-01(d) and 9-20B-05(f) and (i)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing  
 Article – State Government  
 Section 9-20B-05(f-1)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY adding to  
 Article – State Government  
 Section 9-20B-05(f-1), (f-2), ~~and (f-3)~~, and (m)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 393 of the Acts of the General Assembly of 2017  
Section 2

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

**Article – Economic Development**

5–1501.

(a) There is a Small, Minority, and Women–Owned Businesses Account under the authority of the Department.

(b) (1) (i) The Account shall receive money as required under § 9–1A–27 of the State Government Article.

(ii) The Account [may] **SHALL** receive money from the Strategic Energy Investment Fund **AS REQUIRED** under § 9–20B–05 of the State Government Article.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the Department, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the Department as provided under subsection (c) of this section.

(c) (1) In this subsection, “eligible fund manager”:

**(I)** means an entity that has significant financial or investment experience, under criteria developed by the Department; **AND**

**(II) INCLUDES AN ENTITY THAT THE DEPARTMENT DESIGNATES TO MANAGE FUNDS RECEIVED UNDER SUBSECTION (B)(1)(I) OF THIS SECTION.**

(2) Subject to the provisions of paragraph (3) of this subsection, the Department shall make grants to eligible fund managers to provide investment capital and loans to small, minority, and women-owned businesses in the State.

(3) **[The] EXCEPT FOR MONEY RECEIVED FROM THE STRATEGIC ENERGY INVESTMENT FUND, THE** Department shall ensure that eligible fund managers allocate at least 50% of the funds from this Account to small, minority, and women-owned businesses in the jurisdictions and communities surrounding a video lottery facility.

(d) **(1)** Any money received from the Strategic Energy Investment Fund shall be used to benefit small, minority, **[and]** women-owned, **AND VETERAN-OWNED** businesses in the clean energy industry in the State.

**(2) THE DEPARTMENT SHALL MAKE GRANTS TO ELIGIBLE FUND MANAGERS TO PROVIDE INVESTMENT CAPITAL, INCLUDING DIRECT EQUITY INVESTMENTS AND SIMILAR INVESTMENTS AND LOANS TO SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE STATE.**

**(G) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, AN ELIGIBLE FUND MANAGER MAY USE MONEY FROM A GRANT RECEIVED UNDER SUBSECTION (D)(1) OF THIS SECTION TO PAY ORDINARY AND REASONABLE EXPENSES FOR ADMINISTRATIVE, ACTUARIAL, LEGAL, MARKETING, AND TECHNICAL SERVICES AND MANAGEMENT FEES.**

**(2) THE DEPARTMENT SHALL:**

**(I) MAINTAIN ALL MONEY RECEIVED FROM THE STRATEGIC ENERGY INVESTMENT FUND IN A SINGLE ACCOUNT; AND**

**(II) MAKE GRANT ALLOCATIONS TO AN ELIGIBLE FUND MANAGER AS THE MANAGER ADVISES THE DEPARTMENT THAT THE MANAGER HAS APPROVED AND PREPARED TO FUND AN INVESTMENT OR A LOAN.**

**(3) ANY ALLOCATION THAT THE DEPARTMENT MAKES TO AN ELIGIBLE FUND MANAGER FROM THE STRATEGIC ENERGY INVESTMENT FUND SHALL INCLUDE:**

**(I) THE AMOUNT OF THE INVESTMENT OR LOAN; AND**

(II) UP TO AN ADDITIONAL ~~20%~~ 3% OF THE TOTAL INVESTMENT OR LOAN COMMITMENT AMOUNT AS A MANAGEMENT FEE FOR THE BENEFIT AND COMPENSATION OF THE ELIGIBLE FUND MANAGER.

(4) AN ELIGIBLE FUND MANAGER THAT RECEIVES AN ALLOCATION FROM THE STRATEGIC ENERGY INVESTMENT FUND SHALL RETAIN FOR THE MANAGER'S BENEFIT:

(I) ALL MANAGEMENT FEES PAID BY THE DEPARTMENT; AND

(II) ALL INTEREST EARNED FROM A LOAN MADE BY THE ELIGIBLE FUND MANAGER UNDER THIS SUBSECTION.

[(g)] (H) The Legislative Auditor shall audit the utilization of the funds that are allocated to small, minority, and women-owned businesses by eligible fund managers under subsection (c)(3) of this section during an audit of the applicable State unit as provided in § 2-1220 of the State Government Article.

(I) (1) ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE STATUS OF MONEY RECEIVED FROM THE STRATEGIC ENERGY INVESTMENT FUND UNDER SUBSECTION (D) OF THIS SECTION TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

(2) WITH RESPECT TO THE PRECEDING FISCAL YEAR AND EACH RELEVANT PRIOR FISCAL YEAR, THE REPORT SHALL INCLUDE:

(I) THE AMOUNTS RECEIVED FROM THE FUND;

(II) THE AMOUNTS PLACED AS GRANTS WITH ELIGIBLE FUND MANAGERS; AND

(III) WITH RESPECT TO EACH ELIGIBLE FUND MANAGER:

1. THE IDENTITY OF THE MANAGER;

2. THE MONEY PROVIDED TO THE MANAGER;

3. THE INVESTMENTS MADE BY THE MANAGER;

4. THE AMOUNTS RETAINED BY THE MANAGER AS EXPENSES AND MANAGEMENT FEES;

5. THE SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES RECEIVING THE INVESTMENTS; AND

**6. THE STATUS OF THE INVESTMENTS LISTED UNDER ITEM 5 OF THIS ITEM, ALONG WITH ANY RETURN MADE ON EACH INVESTMENT.**

**Article – Labor and Employment**

11-708.1.

(A) **THERE IS A CLEAN ENERGY WORKFORCE ACCOUNT.**

(B) **THE ACCOUNT SHALL BE FUNDED FROM THE STRATEGIC ENERGY INVESTMENT FUND IN ACCORDANCE WITH ~~§ 9-20B-05(F)(10)~~ AND ~~(I) § 9-20B-05(F)(10), (F-2), AND (F-3)~~ OF THE STATE GOVERNMENT ARTICLE.**

(C) (1) **THE ACCOUNT SHALL BE USED TO PROVIDE GRANTS TO SUPPORT A WORKFORCE DEVELOPMENT PROGRAM PROGRAMS THAT PROVIDES PROVIDE:**

(I) **PRE-APPRENTICESHIP JOBS TRAINING ~~IN ACCORDANCE WITH THIS SUBSECTION;~~**

(II) **YOUTH APPRENTICESHIP JOBS TRAINING; AND**

(III) **REGISTERED APPRENTICESHIP JOBS TRAINING.**

(2) **THE ~~PROGRAM~~ A PRE-APPRENTICESHIP JOBS TRAINING PROGRAM MUST:**

(I) **BE DESIGNED TO PREPARE INDIVIDUALS TO ENTER AND SUCCEED IN AN APPRENTICESHIP PROGRAM REGISTERED BY THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL; ~~AND~~**

(II) **INCLUDE:**

1. **TRAINING AND CURRICULUM BASED ON NATIONAL BEST PRACTICES THAT ~~PREPARES~~ PREPARE INDIVIDUALS WITH THE SKILLS AND COMPETENCIES TO ENTER ONE OR MORE STATE-REGISTERED OR U.S. DEPARTMENT OF LABOR-REGISTERED APPRENTICESHIP PROGRAMS THAT PREPARE WORKERS FOR CAREERS IN THE CLEAN ENERGY INDUSTRY;**

2. **A DOCUMENTED STRATEGY FOR INCREASING APPRENTICESHIP OPPORTUNITIES FOR UNEMPLOYED AND UNDEREMPLOYED INDIVIDUALS, INCLUDING:**

**A. RECRUITMENT STRATEGIES TO BRING THESE INDIVIDUALS INTO THE PRE-APPRENTICESHIP JOBS TRAINING PROGRAM;**

B. EDUCATIONAL AND PRE-VOCATIONAL SERVICES TO PREPARE PROGRAM PARTICIPANTS TO MEET THE ENTRY REQUIREMENTS OF ONE OR MORE REGISTERED APPRENTICESHIP PROGRAMS;

C. ACCESS TO APPROPRIATE SUPPORT SERVICES TO ENABLE PROGRAM PARTICIPANTS TO MAINTAIN PARTICIPATION IN THE PROGRAM; AND

D. MECHANISMS TO ASSIST PROGRAM PARTICIPANTS IN IDENTIFYING AND APPLYING TO REGISTERED APPRENTICESHIP PROGRAMS; AND

3. RIGOROUS PERFORMANCE AND EVALUATION METHODS TO ENSURE PROGRAM EFFECTIVENESS AND IMPROVEMENT; AND

(III) HAVE A DOCUMENTED PARTNERSHIP WITH AT LEAST ONE REGISTERED APPRENTICESHIP PROGRAM DESCRIBED IN ITEM (II)2 OF THIS PARAGRAPH.

(3) ELIGIBLE CLEAN ENERGY INDUSTRY JOBS FOR A PRE-APPRENTICESHIP JOBS TRAINING PROGRAM INCLUDE POSITIONS IN:

- (I) RENEWABLE ENERGY;
- (II) ENERGY EFFICIENCY;
- (III) ENERGY STORAGE;
- (IV) RESOURCE CONSERVATION; AND
- (V) ADVANCED TRANSPORTATION.

(4) (I) THIS PARAGRAPH APPLIES TO YOUTH APPRENTICESHIP JOBS TRAINING PROGRAMS AND REGISTERED APPRENTICESHIP JOBS TRAINING PROGRAMS SUPPORTED BY THE ACCOUNT UNDER THIS SUBSECTION.

(II) AN APPRENTICESHIP SPONSOR SHALL RECEIVE AS A GRANT FROM THE ACCOUNT:

1. UP TO \$150,000 FOR A PROGRAM PROPOSAL AND PLANNING EXPENSES; AND

2. \$3,000 FOR EACH SUCCESSFULLY COMPLETED APPRENTICESHIP.

(III) THE YOUTH APPRENTICESHIP JOBS TRAINING PROGRAMS AND THE REGISTERED APPRENTICESHIP JOBS TRAINING PROGRAMS MUST PREPARE WORKERS FOR CAREERS IN THE SOLAR AND WIND SECTORS OF THE CLEAN ENERGY INDUSTRY.

~~(D) A GRANT FROM THE ACCOUNT MAY BE MADE ONLY TO A PROGRAM THAT AGREES TO INITIATE A PROJECT LABOR AGREEMENT.~~

(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "AMERICAN MANUFACTURED GOODS" MEANS GOODS THAT ARE:

1. MANUFACTURED IN THE UNITED STATES; OR
2. ASSEMBLED IN THE UNITED STATES.

(III) "ASSEMBLED IN THE UNITED STATES" MEANS THAT THE FINAL PRODUCTION TAKES PLACE AT A FACILITY WITHIN THE UNITED STATES, REGARDLESS OF THE ORIGIN OF THE COMPONENTS OR SUBCOMPONENTS.

(IV) "MANUFACTURED IN THE UNITED STATES" MEANS:

1. THAT ALL MANUFACTURING PROCESSES TAKE PLACE WITHIN THE UNITED STATES; AND
2. THAT ALL COMPONENT PARTS AND THE MANUFACTURING PROCESSES OF THE COMPONENT PARTS ORIGINATE FROM WITHIN THE UNITED STATES, REGARDLESS OF THE ORIGIN OF THE SUBCOMPONENTS.

(2) A GRANT FROM THE ACCOUNT MAY BE MADE ONLY TO A PROGRAM THAT AGREES TO:

- (I) USE OR SUPPLY AMERICAN MANUFACTURED GOODS; AND
- (II) INITIATE A PROJECT LABOR AGREEMENT.

(3) PARAGRAPH (2)(I) OF THIS SUBSECTION DOES NOT APPLY IF:

(I) THE PRICE OF THE AMERICAN MANUFACTURED GOODS EXCEEDS THE PRICE OF A SIMILAR MANUFACTURED GOOD THAT IS NOT

MANUFACTURED IN THE UNITED STATES BY ~~AN UNREASONABLE AMOUNT~~ MORE THAN 25%;

(II) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED OR AVAILABLE FOR PURCHASE IN THE UNITED STATES IN REASONABLY AVAILABLE QUANTITIES;

(III) THE QUALITY OF THE ITEM OR A SIMILAR ITEM MANUFACTURED IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE QUALITY OF A COMPARABLY PRICED, SIMILAR, AND AVAILABLE ITEM THAT IS NOT MANUFACTURED IN THE UNITED STATES; OR

(IV) THE PROCUREMENT OF A MANUFACTURED GOOD WOULD BE INCONSISTENT WITH THE PUBLIC INTEREST.

(4) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS TO DEFINE THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SUBSECTION:

(I) “REASONABLY AVAILABLE”; AND

(II) ~~“UNREASONABLE AMOUNT”; AND~~

~~(III)~~ “SUBSTANTIALLY LESS”.

(5) IF A COURT OR A FEDERAL OR STATE AGENCY DETERMINES THAT A PROGRAM RECEIVING MONEY FROM THE ACCOUNT HAS MISREPRESENTED THAT GOODS USED IN A PROGRAM TO WHICH PARAGRAPH (2)(I) APPLIES WERE MANUFACTURED OR ASSEMBLED IN THE UNITED STATES, THAT PROGRAM SHALL BE INELIGIBLE TO RECEIVE A GRANT FROM THE ACCOUNT FOR 5 YEARS FOLLOWING THE DATE THAT THE COURT OR FEDERAL OR STATE AGENCY MAKES THE DETERMINATION.

(E) A PROGRAM THAT RECEIVES A GRANT FROM THE ACCOUNT SHALL MEET THE REQUIREMENTS OF THE STATE PREVAILING WAGE LAW UNDER TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

11-709.

(a) On or before December 31 of each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on the Maryland EARN Program.

(b) The report required under subsection (a) of this section shall include:

(1) an identification of training needs statewide, including industries in urgent need of qualified workers;

(2) information on measures being used to track the success and accountability of the Maryland EARN Program, including use of the StateStat accountability process under § 3–1003(b) of the State Finance and Procurement Article;

(3) (i) a description of each strategic industry partnership receiving grant funding and the status of the partnership; and

(ii) the jurisdiction of the State in which each strategic industry partnership is located;

(4) the number of individuals:

(i) by sex, race, national origin, income, county of residence, and educational attainment, participating in each component of the Maryland EARN Program; and

(ii) participating in the Maryland EARN Program who, as a result of the Program, have obtained:

1. a credential or an identifiable skill;
2. a new employment position;
3. a title promotion; or
4. a wage promotion; [and]

(5) an assessment of whether and to what extent the approved strategic industry partnerships utilized existing data concerning:

(i) training needs in the State identified in previous studies; and

(ii) applicable skills needs identified in existing workforce studies, plans, or research; AND

**(6) INFORMATION ON THE SUCCESS OF FUNDING WORKFORCE DEVELOPMENT PROGRAMS UNDER § 11–708.1 OF THIS SUBTITLE.**

**(C) THE INFORMATION REPORTED UNDER SUBSECTION (B)(6) OF THIS SECTION SHALL CONTAIN SPECIFIC INFORMATION CONCERNING THE ENTITIES PROVIDING PRE-APPRENTICESHIP, YOUTH APPRENTICESHIP, AND REGISTERED APPRENTICESHIP JOB TRAINING PROGRAMS FROM THE CLEAN ENERGY WORKFORCE ACCOUNT, INCLUDING:**

- (1) THE NAME AND LOCATION OF EACH PROGRAM;**
- (2) THE POPULATIONS TARGETED BY EACH PROGRAM;**
- (3) THE TRAINING AND CURRICULUM PROVIDED;**
- (4) PROGRAM ENROLLMENT AND GRADUATION RATES; AND**
- (5) THE NUMBER AND TYPES OF PLACEMENTS ACHIEVED BY TRAINEES WHO COMPLETE EACH PROGRAM.**

### Article – Public Utilities

7-701.

(a) In this subtitle the following words have the meanings indicated.

(h) “Offshore wind renewable energy credit” or “OREC” means a renewable energy credit equal to the generation attributes of 1 megawatt-hour of electricity that is derived from offshore wind energy.

(k) “Qualified offshore wind project” means a wind turbine electricity generation facility, including the associated transmission-related interconnection facilities and equipment, that:

(1) is located on the outer continental shelf of the Atlantic Ocean in an area that[;

(i)] the United States Department of the Interior designates for leasing after coordination and consultation with the State in accordance with § 388(a) of the Energy Policy Act of 2005; and

[(ii) is between 10 and 30 miles off the coast of the State;]

(2) interconnects to the PJM Interconnection grid at a point located on the Delmarva Peninsula[; and

(3) the Commission approves under § 7-704.1 of this subtitle].

(n) “Renewable energy credit” or “credit” means a credit equal to the generation attributes of 1 megawatt-hour of electricity that is derived from a Tier 1 renewable source or a Tier 2 renewable source that is located:

(1) in the PJM region;

(2) outside the area described in item (1) of this subsection but in a control area that is adjacent to the PJM region, if the electricity is delivered into the PJM region; or

(3) on the outer continental shelf of the Atlantic Ocean in an area that:

(i) the United States Department of the Interior designates for leasing after coordination and consultation with the State in accordance with § 388(a) of the Energy Policy Act of 2005; and

(ii) is between 10 and [30] **80** miles off the coast of the State.

**(P-1) "ROUND 1 OFFSHORE WIND PROJECT" MEANS A QUALIFIED OFFSHORE WIND PROJECT THAT:**

**(1) IS BETWEEN 10 AND 30 MILES OFF THE COAST OF THE STATE; AND**

**(2) THE COMMISSION APPROVED UNDER § 7-704.1 OF THIS SUBTITLE BEFORE JULY 1, 2017.**

**(P-2) "ROUND 2 OFFSHORE WIND PROJECT" MEANS A QUALIFIED OFFSHORE WIND PROJECT THAT:**

**(1) IS NOT LESS THAN 10 MILES OFF THE COAST OF THE STATE; AND**

**(2) THE COMMISSION APPROVES UNDER § 7-704.1 OF THIS SUBTITLE ON OR AFTER JULY 1, 2017.**

~~(r) "Tier 1 renewable source" means one or more of the following types of energy sources:~~

~~(1) solar energy, including energy from photovoltaic technologies and solar water heating systems;~~

~~(2) wind;~~

~~(3) qualifying biomass;~~

~~(4) methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;~~

~~(5) geothermal, including energy generated through geothermal exchange from or thermal energy avoided by, groundwater or a shallow ground source;~~

~~(6) ocean, including energy from waves, tides, currents, and thermal differences;~~

~~(7) a fuel cell that produces electricity from a Tier 1 renewable source under item (3) or (4) of this subsection;~~

~~(8) a small hydroelectric power plant of less than [30] 60 megawatts in capacity that is licensed or exempt from licensing by the Federal Energy Regulatory Commission;~~

~~(9) poultry litter to energy;~~

~~(10) waste to energy;~~

~~(11) refuse derived fuel; and~~

~~(12) thermal energy from a thermal biomass system.~~

*(s) "Tier 2 renewable source" means hydroelectric power other than pump storage generation.*

7-702.

(a) It is the intent of the General Assembly to:

(1) recognize the economic, environmental, fuel diversity, and security benefits of renewable energy resources;

**(2) REDUCE GREENHOUSE GAS EMISSIONS AND ELIMINATE CARBON-FUELED GENERATION FROM THE STATE'S ELECTRIC GRID BY USING THESE RESOURCES;**

**(3)** establish a market for electricity from these resources in Maryland; and

**[(3)] (4)** lower the cost to consumers of electricity produced from these resources.

(b) The General Assembly finds that:

(1) the benefits of electricity from renewable energy resources, including long-term decreased emissions, a healthier environment, increased energy security, and decreased reliance on and vulnerability from imported energy sources, accrue to the public at large; [and]

(2) electricity suppliers and consumers share an obligation to develop a minimum level of these resources in the electricity supply portfolio of the State; **AND**

**(3) THE STATE NEEDS TO INCREASE ITS RELIANCE ON RENEWABLE ENERGY IN ORDER TO:**

**(I) REDUCE GREENHOUSE GAS EMISSIONS AND MEET THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION GOALS UNDER § 2-1205 OF THE ENVIRONMENT ARTICLE; AND**

**(II) PROVIDE OPPORTUNITIES FOR SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES TO PARTICIPATE IN AND DEVELOP A HIGHLY SKILLED WORKFORCE FOR CLEAN ENERGY INDUSTRIES IN THE STATE.**

7-703.

(a) (1) (i) The Commission shall implement a renewable energy portfolio standard that, except as provided under paragraphs (2) and (3) of this subsection, applies to all retail electricity sales in the State by electricity suppliers.

(ii) If the standard becomes applicable to electricity sold to a customer after the start of a calendar year, the standard does not apply to electricity sold to the customer during that portion of the year before the standard became applicable.

(2) A renewable energy portfolio standard may not apply to electricity sales at retail by any electricity supplier:

(i) in excess of 300,000,000 kilowatt-hours of industrial process load to a single customer in a year;

(ii) to residential customers in a region of the State in which electricity prices for residential customers are subject to a freeze or cap contained in a settlement agreement entered into under § 7-505 of this title until the freeze or cap has expired; or

(iii) to a customer served by an electric cooperative under an electricity supplier purchase agreement that existed on October 1, 2004, until the expiration of the agreement, as the agreement may be renewed or amended.

(3) The portion of a renewable energy portfolio standard that represents offshore wind energy may not apply to electricity sales at retail by any electricity supplier in excess of:

(i) 75,000,000 kilowatt-hours of industrial process load to a single customer in a year; and

(ii) 3,000 kilowatt–hours of electricity in a month to a customer who is an owner of agricultural land and files an Internal Revenue Service form 1040, schedule F.

(b) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE** renewable energy portfolio standard shall be as follows:

(1) in 2006, 1% from Tier 1 renewable sources and 2.5% from Tier 2 renewable sources;

(2) in 2007, 1% from Tier 1 renewable sources and 2.5% from Tier 2 renewable sources;

(3) in 2008, 2.005% from Tier 1 renewable sources, including at least 0.005% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(4) in 2009, 2.01% from Tier 1 renewable sources, including at least 0.01% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(5) in 2010, 3.025% from Tier 1 renewable sources, including at least 0.025% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(6) in 2011, 5.0% from Tier 1 renewable sources, including at least 0.05% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(7) in 2012, 6.5% from Tier 1 renewable sources, including at least 0.1% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(8) in 2013, 8.2% from Tier 1 renewable sources, including at least 0.25% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(9) in 2014, 10.3% from Tier 1 renewable sources, including at least 0.35% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(10) in 2015, 10.5% from Tier 1 renewable sources, including at least 0.5% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(11) in 2016, 12.7% from Tier 1 renewable sources, including at least 0.7% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(12) in 2017:

(i) 13.1% from Tier 1 renewable sources, including:

1. at least 1.15% derived from solar energy; and

2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

(ii) 2.5% from Tier 2 renewable sources;

(13) in 2018:

(i) 15.8% from Tier 1 renewable sources, including:

1. at least 1.5% derived from solar energy; and

2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

(ii) 2.5% from Tier 2 renewable sources;

(14) in 2019:

**(I)** [20.4%] **20.7%** from Tier 1 renewable sources, including:

~~(i)~~ **1.** at least [1.95%] **5.5%** derived from solar energy; and

~~(ii)~~ **2.** an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; ~~and~~

**(II) 2.5% FROM TIER 2 RENEWABLE SOURCES;**

(15) in 2020 [and later]:

**(I)** [25%] **28%** from Tier 1 renewable sources, including:

~~(i)~~ **1.** at least [2.5%] **6%** derived from solar energy; and

~~(ii)~~ **2.** an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; **AND**

**(II) 2.5% FROM TIER 2 RENEWABLE SOURCES;**

**(16) IN 2021, 30.8% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:**

**(I) AT LEAST 7.5% DERIVED FROM SOLAR ENERGY; AND**

**(II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY;**

- (17) IN 2022, 33.1% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:
- (I) AT LEAST 8.5% DERIVED FROM SOLAR ENERGY; AND
  - (II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY;
- (18) IN 2023, 35.4% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:
- (I) AT LEAST 9.5% DERIVED FROM SOLAR ENERGY; AND
  - (II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY;
- (19) IN 2024, 37.7% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:
- (I) AT LEAST 10.5% DERIVED FROM SOLAR ENERGY; AND
  - (II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY;
- (20) IN 2025, 40% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:
- (I) AT LEAST 11.5% DERIVED FROM SOLAR ENERGY; AND
  - (II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE, NOT TO EXCEED 10%, DERIVED FROM OFFSHORE WIND ENERGY;
- (21) IN 2026, 42.5% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:
- (I) AT LEAST 12.5% DERIVED FROM SOLAR ENERGY; AND
  - (II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING AT LEAST 400 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;
- (22) IN 2027, 45.5% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:
- (I) AT LEAST 13.5% DERIVED FROM SOLAR ENERGY; AND
  - (II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING AT LEAST 400 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;
- (23) IN 2028, 47.5% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

(I) AT LEAST 14.5% DERIVED FROM SOLAR ENERGY; AND

(II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING AT LEAST 800 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

(24) IN 2029, 49.5% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

(I) AT LEAST 14.5% DERIVED FROM SOLAR ENERGY; AND

(II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING AT LEAST 800 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS; AND

(25) IN 2030 AND LATER, 50% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

(I) AT LEAST 14.5% DERIVED FROM SOLAR ENERGY; AND

(II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS.

(c) Before calculating the number of credits required to meet the percentages established under subsection (b) of this section, an electricity supplier shall exclude from its total retail electricity sales all retail electricity sales described in subsection (a)(2) and (3) of this section.

(d) Subject to subsections (a) and (c) of this section and in accordance with § 7-704.2 of this subtitle, an electricity supplier shall meet the renewable energy portfolio standard by accumulating the equivalent amount of renewable energy credits that equal the percentages required under this section.

**(E) THE REQUIRED PERCENTAGE OF AN ELECTRIC COOPERATIVE'S RENEWABLE ENERGY PORTFOLIO STANDARD DERIVED FROM SOLAR ENERGY SHALL BE:**

~~(1) 2.5% FROM IN 2020 THROUGH 2029; AND~~

~~(2) 5.0% IN 2030 AND LATER.~~

(a) (4) Energy from a Tier 2 renewable source under § 7–701(s) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard through [2018] 2020 if it is generated at a system or facility that existed and was operational as of January 1, 2004, even if the facility or system was not capable of generating electricity on that date.

7–704.1.

(a) (1) **THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

(I) **THE DEVELOPMENT OF OFFSHORE WIND ENERGY IS IMPORTANT TO THE ECONOMIC WELL-BEING OF THE STATE AND THE NATION; AND**

(II) **IT IS IN THE PUBLIC INTEREST OF THE STATE TO FACILITATE THE CONSTRUCTION OF AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS IN ORDER TO:**

**1. POSITION THE STATE TO TAKE ADVANTAGE OF THE ECONOMIC DEVELOPMENT BENEFITS OF THE EMERGING OFFSHORE WIND INDUSTRY;**

**2. PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY SOURCES THAT INCREASE THE NATION’S INDEPENDENCE FROM FOREIGN SOURCES OF FOSSIL FUELS;**

**3. REDUCE THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF TRADITIONAL FOSSIL FUEL ENERGY SOURCES; AND**

**4. PROVIDE A LONG-TERM HEDGE AGAINST VOLATILE PRICES OF FOSSIL FUELS.**

(2) After the effective date of Commission regulations implementing this section and § 7–704.2 of this subtitle, **AND BEFORE JUNE 30, 2017**, a person may submit an application to the Commission for approval of a proposed **ROUND 1** offshore wind project.

[(2)] (3) (i) On receipt of the application for approval of a [qualified] **ROUND 1** offshore wind project, the Commission shall:

1. open an application period when other interested persons may submit applications for approval of [qualified] **ROUND 1** offshore wind projects; and

2. provide notice that the Commission is accepting applications for approval of [qualified] **ROUND 1** offshore wind projects.

(ii) The Commission shall set the closing date for the application period to be no sooner than 90 days after the notice provided under subparagraph (i) of this paragraph.

**(4) THE COMMISSION SHALL PROVIDE ADDITIONAL APPLICATION PERIODS BEGINNING, RESPECTIVELY:**

**(I) JANUARY 1, 2020, FOR CONSIDERATION OF ROUND 2 OFFSHORE WIND PROJECTS TO BEGIN CREATING ORECS NOT LATER THAN 2026;**

**(II) JANUARY 1, 2021, FOR CONSIDERATION OF ROUND 2 OFFSHORE WIND PROJECTS TO BEGIN CREATING ORECS NOT LATER THAN 2028; AND**

**(III) JANUARY 1, 2022, FOR CONSIDERATION OF ROUND 2 OFFSHORE WIND PROJECTS TO BEGIN CREATING ORECS NOT LATER THAN 2030.**

**[(3)] (5)** In its discretion, the Commission may provide for additional application periods.

(b) Unless extended by mutual consent of the parties, the Commission shall approve, conditionally approve, or deny an application within 180 days after the close of the application period.

(c) An application shall include:

(1) a detailed description and financial analysis of the offshore wind project;

(2) the proposed method of financing the offshore wind project, including documentation demonstrating that the applicant has applied for all current eligible State and federal grants, rebates, tax credits, loan guarantees, or other programs available to offset the cost of the project or provide tax advantages;

(3) a cost–benefit analysis that shall include at a minimum:

(i) a detailed input–output analysis of the impact of the offshore wind project on income, employment, wages, and taxes in the State with particular emphasis on in–State manufacturing employment;

(ii) detailed information concerning assumed employment impacts in the State, including the expected duration of employment opportunities, the salary of each position, and other supporting evidence of employment impacts;

(iii) an analysis of the anticipated environmental benefits, health benefits, and environmental impacts of the offshore wind project to the citizens of the State;

(iv) an analysis of any impact on residential, commercial, and industrial ratepayers over the life of the offshore wind project;

(v) an analysis of any long-term effect on energy and capacity markets as a result of the proposed offshore wind project;

(vi) an analysis of any impact on businesses in the State; and

(vii) other benefits, such as increased in-State construction, operations, maintenance, and equipment purchase;

(4) a proposed OREC pricing schedule for the offshore wind project that shall [set] **SPECIFY** a price for the generation attributes, including the energy, capacity, ancillary services, and environmental attributes;

(5) a decommissioning plan for the project, including provisions for decommissioning as required by the United States Department of the Interior;

(6) a commitment to:

(i) abide by the requirements set forth in subsection (e) of this section; and

(ii) deposit at least \$6,000,000, in the manner required under subsection (g) of this section, into the Maryland Offshore Wind Business Development Fund established under § 9–20C–03 of the State Government Article;

(7) a description of the applicant’s plan for engaging small businesses, as defined in § 14–501 of the State Finance and Procurement Article;

(8) a commitment that the applicant will:

(i) use best efforts to apply for all eligible State and federal grants, rebates, tax credits, loan guarantees, or other similar benefits as those benefits become available; and

(ii) pass along to ratepayers, without the need for any subsequent Commission approval, 80% of the value of any state or federal grants, rebates, tax credits, loan guarantees, or other similar benefits received by the project and not included in the application; and

(9) any other information the Commission requires.

(d) (1) The Commission shall use the following criteria to evaluate and compare proposed offshore wind projects **SUBMITTED DURING AN APPLICATION PERIOD**:

- (i) lowest cost impact on ratepayers of the price set under a proposed OREC pricing schedule;
- (ii) potential reductions in transmission congestion prices within the State;
- (iii) potential changes in capacity prices within the State;
- (iv) potential reductions in locational marginal pricing;
- (v) potential long-term changes in capacity prices within the State from the offshore wind project as it compares to conventional energy sources;
- (vi) the extent to which the cost-benefit analysis submitted under subsection (c)(3) of this section demonstrates positive net economic, environmental, and health benefits to the State;
- (vii) the extent to which an applicant's plan for engaging small businesses meets the goals specified in Title 14, Subtitle 5 of the State Finance and Procurement Article;
- (viii) the extent to which an applicant's plan provides for the use of skilled labor, particularly with regard to the construction and manufacturing components of the project, through outreach, hiring, or referral systems that are affiliated with registered apprenticeship programs under Title 11, Subtitle 4 of the Labor and Employment Article;
- (ix) the extent to which an applicant's plan provides for the use of an agreement designed to ensure the use of skilled labor and to promote the prompt, efficient, and safe completion of the project, particularly with regard to the construction, manufacturing, and maintenance of the project;
- (x) the extent to which an applicant's plan provides for compensation to its employees and subcontractors consistent with wages outlined under §§ 17-201 through 17-228 of the State Finance and Procurement Article;
- (xi) siting and project feasibility;
- (xii) the extent to which the proposed offshore wind project would require transmission or distribution infrastructure improvements in the State;
- (xiii) estimated ability to assist in meeting the renewable energy portfolio standard under § 7-703 of this subtitle; and
- (xiv) any other criteria that the Commission determines to be appropriate.

(2) In evaluating and comparing an applicant's proposed offshore wind project under paragraph (1) of this subsection, the Commission shall contract for the services of independent consultants and experts.

(3) The Commission shall verify that representatives of the United States Department of Defense and the maritime industry have had the opportunity, through the federal leasing process, to express concerns regarding project siting.

(4) (i) In this paragraph, "minority" means an individual who is a member of any of the groups listed in § 14-301(k)(1)(i) of the State Finance and Procurement Article.

(ii) If an applicant is seeking investors in a proposed offshore wind project, it shall take the following steps before the Commission may approve the proposed project:

1. make serious, good-faith efforts to solicit and interview a reasonable number of minority investors;

2. as part of the application, submit a statement to the Commission that lists the names and addresses of all minority investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an application; ~~and~~

3. as a condition to the Commission's approval of the offshore wind project, sign a memorandum of understanding with the Commission that requires the applicant to again make serious, good-faith efforts to interview minority investors in any future attempts to raise venture capital or attract new investors to the offshore wind project; **AND**

**4. AS A CONDITION TO THE COMMISSION'S APPROVAL OF THE OFFSHORE WIND PROJECT, SIGN A MEMORANDUM OF UNDERSTANDING WITH THE COMMISSION THAT REQUIRES THE APPLICANT TO USE BEST EFFORTS AND EFFECTIVE OUTREACH TO OBTAIN, AS A GOAL, CONTRACTORS AND SUBCONTRACTORS FOR THE PROJECT THAT ARE MINORITY BUSINESS ENTERPRISES, TO THE EXTENT PRACTICABLE, AS SUPPORTED BY A DISPARITY STUDY.**

(iii) The Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under subparagraph (ii)1 and 3 of this paragraph.

**(5) AS A CONDITION OF THE COMMISSION'S APPROVAL OF THE OFFSHORE WIND PROJECT, THE APPLICANT SHALL SIGN A MEMORANDUM OF UNDERSTANDING WITH THE COMMISSION AND SKILLED LABOR ORGANIZATIONS THAT REQUIRES THE APPLICANT TO FOLLOW THE PORTIONS OF THE APPLICANT'S**

**PLAN THAT RELATE TO THE CRITERIA SET FORTH IN PARAGRAPH (1)(VIII) AND (IX) OF THIS SUBSECTION.**

**(e) (1) (I) IN THIS PARAGRAPH, “COMMUNITY BENEFIT AGREEMENT” MEANS AN AGREEMENT APPLICABLE TO THE DEVELOPMENT OF ANY QUALIFIED OFFSHORE WIND PROJECT THAT:**

**1. PROMOTES INCREASED OPPORTUNITIES FOR LOCAL BUSINESSES AND SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY;**

**2. ENSURES THE TIMELY, SAFE, AND EFFICIENT COMPLETION OF THE PROJECT BY FACILITATING A STEADY SUPPLY OF HIGHLY SKILLED CRAFT WORKERS WHO SHALL BE PAID NOT LESS THAN THE PREVAILING WAGE RATE DETERMINED BY THE COMMISSIONER OF LABOR AND INDUSTRY UNDER TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

**3. PROMOTES SAFE COMPLETION OF THE PROJECT BY ENSURING THAT AT LEAST 80% OF THE CRAFT WORKERS ON THE PROJECT HAVE COMPLETED AN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION 10-HOUR OR 30-HOUR COURSE;**

**4. PROMOTES CAREER TRAINING OPPORTUNITIES IN THE CONSTRUCTION INDUSTRY FOR LOCAL RESIDENTS, VETERANS, WOMEN, AND MINORITIES;**

**5. PROVIDES FOR BEST EFFORTS AND EFFECTIVE OUTREACH TO OBTAIN, AS A GOAL, THE USE OF A WORKFORCE INCLUDING MINORITIES, TO THE EXTENT PRACTICABLE; AND**

**~~5.~~ 6. REFLECTS A 21ST-CENTURY LABOR-MANAGEMENT APPROACH BASED ON COOPERATION, HARMONY, AND PARTNERSHIP.**

**(II)** [The Commission may not approve an applicant’s proposed offshore wind project unless:

(i) the proposed offshore wind project demonstrates] **IF THE COMMISSION RECEIVES REASONABLE PROPOSALS THAT DEMONSTRATE** positive net economic, environmental, and health benefits to the State, based on the criteria specified in subsection (c)(3) of this section[;], **AND SUBJECT TO SUBPARAGRAPH ~~(H)~~ (III) OF THIS PARAGRAPH, THE COMMISSION SHALL APPROVE ORDERS TO FACILITATE THE FINANCING OF QUALIFIED OFFSHORE WIND PROJECTS, INCLUDING AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS.**

~~(ii)~~ **(III) THE COMMISSION MAY NOT APPROVE AN APPLICANT’S PROPOSED OFFSHORE WIND PROJECT UNLESS:**

**1. FOR A ROUND 1 OFFSHORE WIND PROJECT APPLICATION:**

**A.** the projected net rate impact for an average residential customer, based on annual consumption of 12,000 kilowatt–hours, combined with the projected net rate impact of other [qualified] **ROUND 1** offshore wind projects, does not exceed \$1.50 per month in 2012 dollars, over the duration of the proposed OREC pricing schedule;

~~[(iii)]~~ **B.** the projected net rate impact for all nonresidential customers considered as a blended average, combined with the projected net rate impact of other [qualified] **ROUND 1** offshore wind projects, does not exceed 1.5% of nonresidential customers’ total annual electric bills, over the duration of the proposed OREC pricing schedule; and

~~[(iv)]~~ **C.** the price [set] **SPECIFIED** in the proposed OREC price schedule does not exceed \$190 per megawatt–hour in 2012 dollars; **AND**

**2. FOR A ROUND 2 OFFSHORE WIND PROJECT APPLICATION:**

**A. THE PROJECTED INCREMENTAL NET RATE IMPACT FOR AN AVERAGE RESIDENTIAL CUSTOMER, BASED ON ANNUAL CONSUMPTION OF 12 MEGAWATT–HOURS, COMBINED WITH THE PROJECTED INCREMENTAL NET RATE IMPACT OF OTHER ROUND 2 OFFSHORE WIND PROJECTS, DOES NOT EXCEED 88 CENTS PER MONTH IN 2018 DOLLARS, OVER THE DURATION OF THE PROPOSED OREC PRICING SCHEDULE; ~~AND~~**

**B. THE PROJECTED INCREMENTAL NET RATE IMPACT FOR ALL NONRESIDENTIAL CUSTOMERS CONSIDERED AS A BLENDED AVERAGE, COMBINED WITH THE PROJECTED NET RATE IMPACT OF OTHER ROUND 2 OFFSHORE WIND PROJECTS, DOES NOT EXCEED 0.9% OF NONRESIDENTIAL CUSTOMERS’ TOTAL ANNUAL ELECTRIC BILLS DURING ANY YEAR OF THE PROPOSED OREC PRICING SCHEDULE; AND**

**C. THE PROJECT IS SUBJECT TO A COMMUNITY BENEFIT AGREEMENT.**

(2) (i) When calculating the net benefits to the State under paragraph ~~(1)(i)~~ **(1)(II)** of this subsection, the Commission shall contract for the services of independent consultants and experts.

(ii) When calculating the projected net average rate impacts **FOR ROUND 1 OFFSHORE WIND PROJECTS** under paragraph [(1)(ii) and (iii)] ~~(1)(H)1A AND B~~ **(1)(III)1A AND B** OF THIS SUBSECTION AND **FOR ROUND 2 OFFSHORE WIND PROJECTS UNDER PARAGRAPH** ~~(1)(H)2A AND B~~ **(1)(III)2A AND B** of this subsection, the Commission shall apply the same net OREC cost per megawatt-hour to residential and nonresidential customers.

(f) (1) An order the Commission issues approving a proposed offshore wind project shall:

(i) specify the OREC price schedule, which may not authorize an OREC price greater than, **FOR A ROUND 1 OFFSHORE WIND PROJECT**, \$190 per megawatt-hour in 2012 dollars;

(ii) specify the duration of the OREC pricing schedule, not to exceed 20 years;

(iii) specify the number of ORECs the offshore wind project may sell each year;

(iv) provide that:

1. a payment may not be made for an OREC until electricity supply is generated by the offshore wind project; and

2. ratepayers, purchasers of ORECs, and the State shall be held harmless for any cost overruns associated with the offshore wind project; and

(v) require that any debt instrument issued in connection with a qualified offshore wind project include language specifying that the debt instrument does not establish a debt, obligation, or liability of the State.

(2) An order approving a proposed offshore wind project vests the owner of the qualified offshore wind project with the right to receive payments for ORECs according to the terms in the order.

**(3) ON OR BEFORE MARCH 1 EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE ON:**

**(1) COMPLIANCE BY APPLICANTS WITH THE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS UNDER SUBSECTION (D)(4) OF THIS SECTION; AND**

**(II) WITH RESPECT TO THE COMMUNITY BENEFIT AGREEMENT UNDER SUBSECTION (E)(1) OF THIS SECTION:**

**1. THE AVAILABILITY AND USE OF OPPORTUNITIES FOR LOCAL BUSINESSES AND SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES;**

**2. THE SUCCESS OF EFFORTS TO PROMOTE CAREER TRAINING OPPORTUNITIES IN THE CONSTRUCTION INDUSTRY FOR LOCAL RESIDENTS, VETERANS, WOMEN, AND MINORITIES; AND**

**3. COMPLIANCE WITH THE MINORITY WORKFORCE GOAL UNDER SUBSECTION (E)(1)(I)5 OF THIS SECTION.**

(g) FOR ROUND 2 OFFSHORE WIND PROJECT APPLICATIONS, THE COMMISSION SHALL APPROVE OREC ORDERS REPRESENTING A MINIMUM OF 400 MEGAWATTS OF NAMEPLATE CAPACITY PROPOSED DURING EACH APPLICATION PERIOD UNLESS:

(1) NOT ENOUGH ROUND 2 OFFSHORE WIND PROJECT APPLICATIONS ARE SUBMITTED TO MEET THE NET BENEFIT TEST UNDER SUBSECTION (C)(3) OF THIS SECTION; OR

(2) THE CUMULATIVE NET RATEPAYER IMPACT EXCEEDS THE MAXIMUMS PROVIDED IN SUBSECTION (E)(1)(II)2 OF THIS SECTION.

(H) (1) Within 60 days after the Commission approves the application of a proposed offshore wind project, the qualified offshore wind project shall deposit \$2,000,000 into the Maryland Offshore Wind Business Development Fund established under § 9–20C–03 of the State Government Article.

(2) Within 1 year after the initial deposit under paragraph (1) of this subsection, the qualified offshore wind project shall deposit an additional \$2,000,000 into the Maryland Offshore Wind Business Development Fund.

(3) Within 2 years after the initial deposit under paragraph (1) of this subsection, the qualified offshore wind project shall deposit an additional \$2,000,000 into the Maryland Offshore Wind Business Development Fund.

7–704.2.

(a) (1) The Commission shall determine the offshore wind energy component of the renewable energy portfolio standard under § 7–703(b)(12) through [(15)] (25) of this subtitle based on the projected annual creation of ORECs by qualified offshore wind projects.

(c) (1) Each electricity supplier shall purchase from the escrow account established under this section the number of ORECs required to satisfy the offshore wind energy component of the renewable energy portfolio standard under § 7–703(b)(12) through ~~[(15)]~~ **(25)** of this subtitle.

7–705.

*(a) Each electricity supplier shall submit a report to the Commission each year in a form and by a date specified by the Commission that:*

*(1) (I) demonstrates that the electricity supplier has complied with the applicable renewable energy portfolio standard under § 7–703 of this subtitle and includes the submission of the required amount of renewable energy credits; or*

*[(2)] (II) demonstrates the amount of electricity sales by which the electricity supplier failed to meet the applicable renewable energy portfolio standard; AND*

**(2) DOCUMENTS THE LEVEL OF PARTICIPATION OF MINORITY BUSINESS ENTERPRISES AND MINORITIES IN THE ACTIVITIES THAT SUPPORT THE CREATION OF RENEWABLE ENERGY CREDITS USED TO SATISFY THE STANDARD UNDER § 7–703 OF THIS SUBTITLE, INCLUDING DEVELOPMENT, INSTALLATION, AND OPERATION OF GENERATING FACILITIES THAT CREATE CREDITS.**

(b) (1) This subsection does not apply to a shortfall from the required Tier 1 renewable sources that is to be derived from offshore wind energy.

(2) If an electricity supplier fails to comply with the renewable energy portfolio standard for the applicable year, the electricity supplier shall pay into the Maryland Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article:

(i) except as provided in item (ii) of this paragraph, a compliance fee of:

1. the following amounts for each kilowatt–hour of shortfall from required Tier 1 renewable sources other than the shortfall from the required Tier 1 renewable sources that is to be derived from solar energy:

- A. 4 cents through 2016; [and]
- B. 3.75 cents in 2017 **AND 2018;**
- C. **3 CENTS IN 2019 THROUGH 2023;**
- D. **2.75 CENTS IN 2024;**

- E. 2.5 CENTS IN 2025;**
- F. 2.475 CENTS IN 2026;**
- G. 2.45 CENTS IN 2027;**
- H. 2.25 CENTS IN 2028 AND 2029; AND**
- I. 2.235 CENTS IN 2030** and later;

2. the following amounts for each kilowatt-hour of shortfall from required Tier 1 renewable sources that is to be derived from solar energy:

- A. 45 cents in 2008;
- B. 40 cents in 2009 through 2014;
- C. 35 cents in 2015 and 2016;
- D. 19.5 cents in 2017;
- E. 17.5 cents in 2018;
- F. [15] **10** cents in 2019;
- G. [12.5] **10** cents in 2020;
- H. [10] **8** cents in 2021;
- I. [7.5] **6** cents in 2022;
- J. [6] **4.5** cents in 2023; [and]
- K. [5] **4** cents in 2024;
- L. 3.5 CENTS IN 2025;**
- M. 3 CENTS IN 2026;**
- N. 2.5 CENTS IN 2027 AND 2028;**
- O. 2.25 CENTS IN 2029; AND**
- P. 2.235 CENTS IN 2030** and later; and

3. 1.5 cents for each kilowatt-hour of shortfall from required Tier 2 renewable sources; or

(ii) for industrial process load:

1. for each kilowatt-hour of shortfall from required Tier 1 renewable sources, a compliance fee of:

A. 0.8 cents in 2006, 2007, and 2008;

B. 0.5 cents in 2009 and 2010;

C. 0.4 cents in 2011 and 2012;

D. 0.3 cents in 2013 and 2014;

E. 0.25 cents in 2015 and 2016; and

F. except as provided in paragraph (3) of this subsection, 0.2 cents in 2017 and later; and

2. nothing for any shortfall from required Tier 2 renewable sources.

(3) For industrial process load, the compliance fee for each kilowatt-hour of shortfall from required Tier 1 renewable sources is:

(i) 0.1 cents in any year during which suppliers are required to purchase ORECs under § 7-704.2 of this subtitle; and

(ii) nothing for the year following any year during which, after final calculations, the net rate impact per megawatt-hour from [qualified] **ROUND 1** offshore wind projects exceeded \$1.65 in 2012 dollars.

(c) The Commission may allow an electricity supplier to submit the report required under § 7-505(b)(4) of this title to demonstrate compliance with the renewable energy portfolio standard.

(d) An aggregator or broker who assists an electricity customer in purchasing electricity but who does not supply the electricity or take title to or ownership of the electricity may require the electricity supplier who supplies the electricity to demonstrate compliance with this subtitle.

(e) (1) Notwithstanding the requirements of § 7-703(b) of this subtitle, if the actual or projected dollar-for-dollar cost incurred or to be incurred by an electricity supplier solely for the purchase of Tier 1 renewable energy credits derived from solar energy in any 1 year is greater than or equal to, or is anticipated to be greater than or equal to,

[2.5%] 6.0% of the electricity supplier's total annual electricity sales revenues in Maryland, the electricity supplier may request that the Commission:

(i) delay by 1 year each of the scheduled percentages for solar energy under § 7-703(b) of this subtitle that would apply to the electricity supplier; and

(ii) allow the renewable energy portfolio standard for solar energy for that year to continue to apply to the electricity supplier for the following year.

(2) In making its determination under paragraph (1) of this subsection, the Commission shall consider the actual or projected dollar-for-dollar compliance costs of other electricity suppliers.

(3) If an electricity supplier makes a request under paragraph (1) of this subsection based on projected costs, the electricity supplier shall provide verifiable evidence of the projections to the Commission at the time of the request.

(4) If the Commission allows a delay under paragraph (1) of this subsection:

(i) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay continues for each subsequent consecutive year that the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is greater than or equal to, or is anticipated to be greater than or equal to, [2.5%] 6.0% of the electricity supplier's total annual retail electricity sales revenues in Maryland; and

(ii) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay is increased to the next scheduled percentage increase under § 7-703(b) of this subtitle for each year in which the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is less than, or is anticipated to be less than, [2.5%] 6.0% of the electricity supplier's total annual retail electricity sales revenues in Maryland.

7-714.

(a) The Power Plant Research Program shall conduct a study of the renewable energy portfolio standard and related matters in accordance with this section.

(b) The study shall be a comprehensive review of the history, implementation, overall costs and benefits, and effectiveness of the renewable energy portfolio standard in relation to the energy policies of the State, including:

(1) the availability of all clean energy sources at reasonable and affordable rates, including in-State and out-of-state renewable energy options;

(2) the economic and environmental impacts of the deployment of renewable energy sources in the State and in surrounding areas of the PJM region;

(3) the effectiveness of the standard in encouraging development and deployment of renewable energy sources;

(4) the impact of alterations that have been made in the components of each tier of the standard, the implementation of different specific goals for particular sources, and the effect of different percentages and alternative compliance payment scales for energy in the tiers;

(5) an assessment of alternative models of regulation and market-based tools that may be available or advisable to promote the goals of the standard and the energy policies of the State; and

(6) the potential to alter or otherwise evolve the standard in order to increase and maintain its effectiveness in promoting the State's energy policies.

(c) Particular subjects to be addressed in the study include:

(1) the role and effectiveness that the standard may have in reducing the carbon content of imported electricity and whether existing or new additional complementary policies or programs could help address the carbon emissions associated with electricity imported into the State;

(2) the net environmental and fiscal impacts that may be associated with long-term contracts tied to clean energy projects, including:

(i) ratepayer impacts that resulted in other states from the use of long-term contracts for the procurement of renewable energy for the other states' standard offer service and whether the use of long-term contracts incentivized new renewable energy generation development; and

(ii) ratepayer impacts that may result in the State from the use of long-term contracts for each energy source in the State's Tier 1 and whether, for each of the sources, the use of long-term contracts would incentivize new renewable energy generation development in that source;

(3) whether the standard is able to meet current and potential future targets without the inclusion of certain technologies;

(4) what industries are projected to grow, and to what extent, as a result of incentives associated with the standard;

(5) whether the public health and environmental benefits of the growing clean energy industries supported by the standard are being equitably distributed across overburdened and underserved environmental justice communities;

(6) whether the State is likely to meet its existing goals under the standard and, if the State were to increase those goals, whether electricity suppliers should expect to find an adequate supply to meet the additional demand for credits;

(7) additional opportunities that may be available to promote local job creation within the industries that are projected to grow as a result of the standard;

(8) system flexibility that the State would need under future goals under the standard, including the quantities of system peaking and ramping that may be required;

(9) how energy storage technology and other flexibility resources should continue to be addressed in support of renewable energy and State energy policy, including:

(i) whether the resources should be encouraged through a procurement, a production, or an installation incentive;

(ii) the advisability of providing incentives for energy storage devices to increase hosting capacity of increased renewable on-site generation on the distribution system; and

(iii) discussion of the costs and benefits of energy storage deployment in the State under future goals scenarios for renewable generation;

(10) **(I)** the role of in-State clean energy in achieving greenhouse gas emission reductions and promoting local jobs and economic activity in the State;

**(II) THE IMPACT OF ITEM (I) OF THIS ITEM ON RATEPAYERS WITH RESPECT TO THE REQUIREMENT OF IN-STATE CLEAN ENERGY GENERATION AS AN INCREASING PERCENTAGE OF THE STANDARD; AND**

**(III) THE IMPACT OF ALL ENERGY SOURCES THAT QUALIFY UNDER THE STANDARD WITH RESPECT TO THE REQUIREMENT OF IN-STATE CLEAN ENERGY GENERATION AS AN INCREASING PERCENTAGE OF THE STANDARD;**

(11) an assessment of any change in solar renewable energy credit prices over the immediate 24 months preceding the submission of the interim report required under subsection (e) of this section;

**(12) AN ASSESSMENT OF THE COSTS, BENEFITS, AND ANY LEGAL OR OTHER IMPLICATIONS OF ALLOWING THE LOCATION ANYWHERE IN OR OFF THE COAST OF THE CONTIGUOUS UNITED STATES OF TIER 1 RENEWABLE SOURCES THAT ARE CURRENTLY REQUIRED TO BE LOCATED IN THE PJM REGION OR IN A CONTROL AREA THAT IS ADJACENT TO THE PJM REGION, IF THE ELECTRICITY IS DELIVERED INTO THE PJM REGION;** and

~~(12)~~ **(13)** any other matters the Program considers relevant to the analysis of the issues outlined in this section.

(d) (1) The Commission, the Administration, the Department of the Environment, the Department of Natural Resources, and other State and local units shall cooperate with the Program in the conduct of the study under this section, including sharing of information, data, and resources, subject to appropriate legal protection of commercially sensitive and other information.

(2) The Program shall consult with representatives of various segments of the clean energy industry and other stakeholders.

(e) (1) (i) On or before December 1, 2018, the Program shall submit an interim report on any preliminary findings of the study under this section, including any observations and requests for alteration or clarification of the scope, subjects, procedures, and intergovernmental cooperation that may be required to complete the study and submit a final report under this subsection.

(ii) If the Program determines that any preliminary findings under subparagraph (i) of this paragraph warrant reporting earlier than December 1, 2018, the Program may submit a preliminary interim report on those preliminary findings.

(2) On or before December 1, 2019, the Program shall submit a final report on the findings of the study, including proposals for any alteration of the renewable portfolio standard, alternative mechanisms for furthering the State's energy policies, and related matters, and any proposed legislative or regulatory changes recommended to implement the findings of the study.

(3) The interim, any preliminary interim, and final reports shall be submitted to the Governor and, subject to § 2-1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee.

**(F) (1) THE PROGRAM SHALL CONDUCT A SUPPLEMENTAL STUDY TO ASSESS THE OVERALL COSTS AND BENEFITS OF INCREASING THE RENEWABLE ENERGY PORTFOLIO STANDARD TO A GOAL OF 100% RENEWABLE ENERGY BY 2040.**

**(2) PARTICULAR SUBJECTS TO BE ADDRESSED IN THE SUPPLEMENTAL STUDY SHALL INCLUDE:**

**(I) ALL RELEVANT SUBJECTS LISTED IN SUBSECTIONS (B) AND (C) OF THIS SECTION; ~~AND~~**

**(II) AN ASSESSMENT OF WHETHER ~~CERTAIN~~ ANY IN-STATE INDUSTRIES COULD BE DISPLACED OR NEGATIVELY ECONOMICALLY IMPACTED BY A 100% RENEWABLE ENERGY PORTFOLIO STANDARD, AND RECOMMENDATIONS ON**

HOW TO PROVIDE AND FUND A ~~JUST~~ COMPARABLE TRANSITION FOR WORKERS, INCLUDING WAGE AND BENEFIT PACKAGES, AND COMMUNITIES THAT RELY ON THOSE INDUSTRIES THAT COULD FACE DISPLACEMENT OR BE NEGATIVELY ECONOMICALLY IMPACTED; AND

*(III) THE FINDINGS AND RECOMMENDATIONS OF THE STUDY OF NUCLEAR ENERGY AND ITS ROLE AS A RENEWABLE OR CLEAN ENERGY RESOURCE CONDUCTED BY THE PROGRAM UNDER CHAPTER , § 2 (S.B. 516) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2019.*

~~(3) ON COMPLETION OF THE SUPPLEMENTAL STUDY, THE PROGRAM SHALL USE THE FINDINGS OF THE STUDY TO PUBLISH A COMPREHENSIVE PLAN WITH SPECIFIC RECOMMENDATIONS THAT, IF EXECUTED, WOULD HAVE THE STATE ACHIEVE RECOMMENDATIONS REGARDING THE FEASIBILITY OF IMPLEMENTING A RENEWABLE ENERGY PORTFOLIO STANDARD OF 100% BY 2040.~~

~~(4) ON OR BEFORE JANUARY 1, 2023, THE PROGRAM SHALL SUBMIT THE SUPPLEMENTAL STUDY AND PLAN TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.~~

~~(5) ON REVIEW OF THE SUPPLEMENTAL STUDY AND PLAN, THE GENERAL ASSEMBLY MAY ACT TO REVISE OR INCREASE THE RENEWABLE ENERGY PORTFOLIO STANDARD TARGETS UNDER § 7-703(B) OF THIS SUBTITLE.~~

(4) ON OR BEFORE JANUARY 1, 2024, THE PROGRAM SHALL SUBMIT THE SUPPLEMENTAL STUDY TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

#### Article – State Government

9-20B-01.

(a) In this subtitle the following words have the meanings indicated.

(d) “Clean energy industry” means a group of employers AND BUILDING AND TRADE ASSOCIATIONS that are associated by their promotion of:

(1) products and services that improve energy efficiency and conservation, including products and services provided by:

- (i) electricians;
- (ii) heating, ventilation, and air-conditioning installers;
- (iii) plumbers; and

- (iv) energy auditors; and
- (2) renewable and clean energy resources.

9–20B–05.

- (a) There is a Maryland Strategic Energy Investment Fund.
- (f) The Administration shall use the Fund:
  - (1) to invest in the promotion, development, and implementation of:
    - (i) cost-effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;
    - (ii) renewable and clean energy resources;
    - (iii) climate change programs directly related to reducing or mitigating the effects of climate change; and
    - (iv) demand response programs that are designed to promote changes in electric usage by customers in response to:
      - 1. changes in the price of electricity over time; or
      - 2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;
  - (2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low-income and moderate-income residential sectors;
  - (3) to provide supplemental funds for low-income energy assistance through the Electric Universal Service Program established under § 7–512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Services;
  - (4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7–211 of the Public Utilities Article;
  - (5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9–20B–03 of this subtitle;

(6) to implement energy-related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;

(7) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9-2009 of this title;

(8) to provide grants to encourage combined heat and power projects at industrial facilities; [and]

**(9) ~~SUBJECT TO SUBSECTION~~ SUBSECTIONS (F-1) AND (F-3) OF THIS SECTION, TO PROVIDE \$7,000,000 IN FUNDING FOR ACCESS TO CAPITAL FOR SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY UNDER § 5-1501 OF THE ECONOMIC DEVELOPMENT ARTICLE, ALLOCATED IN ANNUAL INCREMENTS AS FOLLOWS:**

**(I) \$200,000 IN FISCAL YEAR 2021;**

**(II) \$500,000 IN FISCAL YEAR 2022;**

**(III) \$500,000 IN FISCAL YEAR 2023;**

**(IV) \$1,000,000 IN FISCAL YEAR 2024; AND**

**(V) \$1,200,000 IN EACH FISCAL YEAR FROM 2025 THROUGH 2028;**

**(10) ~~SUBJECT TO SUBSECTIONS (F-2) AND (F-3)~~ OF THIS SECTION, TO INVEST IN PRE-APPRENTICESHIP, YOUTH APPRENTICESHIP, AND ~~OTHER WORKFORCE DEVELOPMENT~~ REGISTERED APPRENTICESHIP PROGRAMS TO ESTABLISH CAREER PATHS IN THE CLEAN ENERGY INDUSTRY UNDER § 11-708.1 OF THE LABOR AND EMPLOYMENT ARTICLE, AS FOLLOWS:**

**(I) ~~UP TO \$250,000 EACH YEAR FOR 2 YEARS STARTING IN FISCAL YEAR 2021 TO APPRENTICESHIP SPONSORS TO CREATE CLEAN ENERGY APPRENTICESHIPS; AND~~**

**(II) ~~UP TO \$250,000 EACH YEAR FOR 2 YEARS STARTING IN FISCAL YEAR 2021 TO CAREER AND TECHNICAL EDUCATION SCHOOLS TO LAUNCH AND UPGRADE RELEVANT CAREER AND TECHNICAL EDUCATION PROGRAMS;~~**

**(11) ~~TO PROVIDE THE LESSER OF \$500,000 OR THE ACTUAL TOTAL AMOUNT OF TAX CREDITS CLAIMED UNDER § 10-742 OF THE TAX GENERAL ARTICLE FOR APPRENTICESHIPS IN THE CLEAN ENERGY INDUSTRY IN EACH OF FISCAL YEARS 2021 AND 2022~~ \$1,500,000 FOR GRANTS TO PRE-APPRENTICESHIP JOBS TRAINING PROGRAMS UNDER § 11-708.1(C)(2) OF THE LABOR AND**

**EMPLOYMENT ARTICLE STARTING IN FISCAL YEAR 2021 UNTIL ALL AMOUNTS ARE SPENT; AND**

**(II) \$6,500,000 FOR GRANTS TO YOUTH APPRENTICESHIP JOBS TRAINING PROGRAMS AND REGISTERED APPRENTICESHIP JOBS TRAINING PROGRAMS UNDER § 11-708.1(c)(4) OF THE LABOR AND EMPLOYMENT ARTICLE STARTING IN FISCAL YEAR 2021 UNTIL ALL AMOUNTS ARE SPENT; AND**

**[(9)] ~~(12)~~ (11)** to pay the expenses of the Program.

[(f-1) The Administration may use the Fund, including money that the Fund receives under Public Service Commission Order Number 86372, to provide funding for access to capital for small, minority, and women-owned businesses in the clean energy industry under § 5-1501 of the Economic Development Article.]

**(F-1) (1) ANY FUNDING PROVIDED UNDER SUBSECTION (F)(9) OF THIS SECTION THAT IS NOT SPENT IN A GIVEN FISCAL YEAR SHALL REVERT TO THE FUND IN THE FOLLOWING FISCAL YEAR.**

**(2) FUNDING THAT IS PROVIDED FOR ACCESS TO CAPITAL FOR SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES UNDER SUBSECTION (F)(9) OF THIS SECTION SHALL BE USED TO PROVIDE GRANTS TO ELIGIBLE FUND MANAGERS TO PROVIDE INVESTMENT CAPITAL, INCLUDING EQUITY AND SIMILAR INVESTMENTS, AND LOANS TO SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES IN THE STATE IN THE CLEAN ENERGY INDUSTRY.**

**(3) ELIGIBLE FUND MANAGERS RECEIVING GRANTS UNDER SUBSECTION (F)(9) OF THIS SECTION MAY USE A PORTION OF THE MONEY RECEIVED TO PAY ORDINARY AND REASONABLE EXPENSES FOR ADMINISTRATIVE, ACTUARIAL, LEGAL, MARKETING, AND TECHNICAL SERVICES AND MANAGEMENT FEES.**

**(4) THE ADMINISTRATION MAY PROVIDE ADDITIONAL FUNDING FOR THE PURPOSES STATED IN SUBSECTION (F)(9) OF THIS SECTION.**

**(F-2) AN \$8,000,000 PAYMENT FOR WORKFORCE DEVELOPMENT PROGRAMS UNDER SUBSECTION (F)(10) OF THIS SECTION STARTING IN FISCAL YEAR 2021 SHALL BE DERIVED FROM THE RENEWABLE ENERGY, CLIMATE CHANGE ACCOUNT OF THE FUND.**

**(F-3) FUNDING UNDER SUBSECTION (F)(9) AND (10) OF THIS SECTION FOR ACCESS TO CAPITAL, INVESTMENT, PROMOTION, OR IMPLEMENTATION SHOULD BE DIRECTED ONLY TO BUSINESSES THAT AGREE TO CREATE AND MAINTAIN JOBS THAT PROMOTE FAMILY-SUSTAINING WAGES, EMPLOYER-PROVIDED HEALTH CARE WITH**

**AFFORDABLE DEDUCTIBLES AND CO-PAYS, CAREER ADVANCEMENT TRAINING, FAIR SCHEDULING, EMPLOYER-PAID WORKERS' COMPENSATION AND UNEMPLOYMENT INSURANCE, A RETIREMENT PLAN, PAID TIME OFF, AND THE RIGHT TO BARGAIN COLLECTIVELY FOR WAGES AND BENEFITS.**

(i) (1) IN THIS SUBSECTION, “LOW-INCOME” MEANS HAVING AN ANNUAL HOUSEHOLD INCOME THAT IS AT OR BELOW 175% OF THE FEDERAL POVERTY LEVEL.

(2) Except as provided in paragraph [(2)] (3) of this subsection, compliance fees paid under § 7-705(b) of the Public Utilities Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State THAT ARE OWNED BY OR DIRECTLY BENEFIT LOW-INCOME RESIDENTS OF THE STATE.

[(2)] (3) Compliance fees paid under § 7-705(b)(2)(i)2 of the Public Utilities Article shall be accounted for separately within the Fund and may be used only to make loans and grants to support the creation of new solar energy sources in the State THAT ARE OWNED BY OR DIRECTLY BENEFIT LOW-INCOME RESIDENTS OF THE STATE.

(M) (1) A LOAN OR GRANT MADE AVAILABLE FROM THE FUND TO A UNIT OF STATE OR LOCAL GOVERNMENT SHALL COMPLY WITH §§ 14-416 AND 17-303 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) AT LEAST 80% OF WORKERS PARTICIPATING IN A PROJECT OR PROGRAM THAT RECEIVES MONEY FROM THE FUND MUST RESIDE WITHIN 50 MILES OF THE PROJECT OR PROGRAM, OR ANOTHER DISTANCE DEFINED BY THE LOCAL JURISDICTION WHERE THE PROJECT OR PROGRAM IS LOCATED.

**Chapter 393 of the Acts of 2017**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017. It shall remain effective for a period of [3] 6 years and 1 month and, at the end of June 30, [2020] 2023, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article – Public Utilities~~

~~7-701.~~

~~(r) “Tier 1 renewable source” means one or more of the following types of energy sources:~~

~~(9) poultry litter to energy; AND~~

~~(10) waste to energy;~~

~~(11) refuse derived fuel; and~~

~~(12) thermal energy from a thermal biomass system.~~

#### ~~7-704.~~

~~(a) (2) (i) Energy from a Tier 1 renewable source under § 7-701(r)(1), (5), OR (9), (10), or (11) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.~~

~~(ii) If the owner of a solar generating system in this State chooses to sell solar renewable energy credits from that system, the owner must first offer the credits for sale to an electricity supplier or electric company that shall apply them toward compliance with the renewable energy portfolio standard under § 7-703 of this subtitle.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

### ~~Article — Public Utilities~~

#### ~~7-701.~~

~~(r) “Tier 1 renewable source” means one or more of the following types of energy sources:~~

~~(1) solar energy, including energy from photovoltaic technologies and solar water heating systems;~~

~~(2) wind;~~

~~(3) qualifying biomass;~~

~~(4) methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;~~

~~(5) geothermal, including energy generated through geothermal exchange from or thermal energy avoided by, groundwater or a shallow ground source;~~

~~(6) ocean, including energy from waves, tides, currents, and thermal differences;~~

~~(7) a fuel cell that produces electricity from a Tier 1 renewable source under item (3) or (4) of this subsection;~~

~~(8) a small hydroelectric power plant of less than 30 megawatts in capacity that is licensed or exempt from licensing by the Federal Energy Regulatory Commission;~~

~~(9) poultry litter to energy; AND~~

~~(10) [waste to energy;~~

~~(11) refuse derived fuel; and~~

~~(12)] thermal energy from a thermal biomass system.~~

~~7-704.~~

~~(a) (2) (i) Energy from a Tier 1 renewable source under § 7-701(r)(1), (5), OR (9) [ (10), or (11) ] of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.~~

~~(ii) If the owner of a solar generating system in this State chooses to sell solar renewable energy credits from that system, the owner must first offer the credits for sale to an electricity supplier or electric company that shall apply them toward compliance with the renewable energy portfolio standard under § 7-703 of this subtitle.~~

*SECTION 2. AND BE IT FURTHER ENACTED, That:*

*(a) The Power Plant Research Program shall:*

*(1) conduct a study of nuclear energy and its role as a renewable or clean energy resource that can effectively combat climate change in the State; and*

*(2) include in the study:*

*(i) an evaluation and summary of the current state of nuclear energy in Maryland;*

*(ii) an identification of the benefits of nuclear energy usage in Maryland and the environmental benefits that may help to combat climate change;*

*(iii) an assessment of emerging nuclear energy technologies, including traveling-wave reactors, that may enhance the potential of nuclear energy as a viable renewable energy resource;*

(iv) an assessment of countries and other states in which nuclear energy makes up more than 50% of total energy production that:

1. includes an analysis of the carbon emission reductions undertaken by these countries or states; and

2. examines how these countries or states have paired nuclear energy with other alternative renewable energy resources;

(v) an identification of the potential for a new nuclear power initiative to be deployed in the State using one or more nuclear technologies that include:

1. major barriers to deploying a successful nuclear power initiative; and

2. a time frame for deploying a successful nuclear power initiative;

(vi) an assessment of the practicality of adding nuclear energy to Maryland's Renewable Energy Portfolio Standard; and

(vii) recommendations regarding initiatives for the State and the General Assembly to responsibly and efficiently grow the nuclear energy industry in the State, support new emerging nuclear energy technologies that may improve nuclear energy as a viable renewable energy resource, and utilize nuclear energy as a resource to help the State combat climate change.

(b) On or before January 1, 2020, the Program shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION ~~3~~ 2 ~~3~~. AND BE IT FURTHER ENACTED, That a presently existing obligation or contract right may not be impaired in any way by this Act.

SECTION ~~4~~ 3 ~~4~~. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

~~SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall apply to all renewable energy portfolio standard compliance years beginning after December 31, 2019.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2020.~~

SECTION ~~6~~, ~~4~~, ~~6~~, ~~5~~. AND BE IT FURTHER ENACTED, That, ~~except as provided in Section 5 of this Act~~, this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 758

### (Senate Bill 533)

AN ACT concerning

#### **Sales and Use Tax – ~~Limited Residential Lodging~~ Short-Term Rentals**

FOR the purpose of requiring certain ~~hosting short-term rental~~ platforms to collect the sales and use tax on the sale of the right to occupy certain ~~lodging accommodations short-term rentals~~; ~~requiring that the sales and use tax be stated and shown in a certain manner for certain retail sales or sales for use; prohibiting a hosting platform from collecting certain fees unless the sales and use tax is collected in a certain manner~~; defining certain terms; making conforming changes; and generally relating to requiring certain ~~hosting short-term rental~~ platforms to collect the sales and use tax on the right to occupy certain ~~lodging accommodations~~ short-term rentals.

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 11-101(a), (a-1), ~~(a-2)~~, (a-3), (h)(1), ~~and (k)(1)~~ and (l)(1) and 11-102(a)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section ~~11-101(a-2)~~ 11-101(k)(1), (l)(5) and (6), and (o), ~~11-302~~, and 11-403

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY adding to

Article – Tax – General

Section 11-101(a-4), ~~(e-2), (e-3), and (e-4)~~ (j-1), (j-2), and (j-3)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

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

#### **Article – Tax – General**

11-101.

(a) In this title the following words have the meanings indicated.

(a-1) “Accommodation” means a right to occupy a room or lodgings as a transient guest.

(a-2) (1) “Accommodations intermediary” means a person, other than an accommodations provider, who facilitates the sale or use of an accommodation and charges a buyer the taxable price for the accommodation.

~~(2) “ACCOMMODATIONS INTERMEDIARY” INCLUDES A HOSTING PLATFORM.~~

~~(3)~~ (2) For purposes of this subsection, a person shall be considered to facilitate the sale or use of an accommodation if the person brokers, coordinates, or in any other way arranges for the sale or use of an accommodation by a buyer.

(a-3) “Accommodations provider” means a person that owns, operates, or manages an accommodation and makes the accommodation available for sale or use to a buyer.

(A-4) “BOOKING TRANSACTION” MEANS ANY TRANSACTION IN WHICH THERE IS A RETAIL SALE OF AN ACCOMMODATION.

~~(C-2) “HOSTING PLATFORM” MEANS AN INTERNET-BASED DIGITAL ENTITY THAT:~~

~~(1) ADVERTISES THE AVAILABILITY OF LIMITED RESIDENTIAL LODGING UNITS FOR RENT; AND~~

~~(2) RECEIVES COMPENSATION FOR FACILITATING RESERVATIONS OR PROCESSING BOOKING TRANSACTIONS ON BEHALF OF THE OWNER, OPERATOR, OR MANAGER OF A LIMITED RESIDENTIAL LODGING UNIT.~~

~~(C-3) “LIMITED RESIDENTIAL LODGING” MEANS THE TEMPORARY USE OF A LIMITED RESIDENTIAL LODGING UNIT TO PROVIDE ACCOMMODATION TO TRANSIENT GUESTS FOR LODGING PURPOSES IN EXCHANGE FOR CONSIDERATION.~~

~~(C-4) (1) “LIMITED RESIDENTIAL LODGING UNIT” MEANS A RESIDENTIAL DWELLING UNIT OR A PORTION OF THE UNIT USED FOR LIMITED RESIDENTIAL LODGING.~~

~~(2) “LIMITED RESIDENTIAL LODGING UNIT” INCLUDES A SINGLE-FAMILY HOUSE OR DWELLING, A MULTIFAMILY HOUSE OR DWELLING, AN APARTMENT, A CONDOMINIUM, OR A COOPERATIVE.~~

- (h) (1) “Retail sale” means the sale of:
- (i) tangible personal property; or
  - (ii) a taxable service.

(J-1) “SHORT-TERM RENTAL” MEANS THE TEMPORARY USE OF A SHORT-TERM RENTAL UNIT TO PROVIDE ACCOMMODATION TO TRANSIENT GUESTS FOR LODGING PURPOSES IN EXCHANGE FOR CONSIDERATION.

(J-2) “SHORT-TERM RENTAL PLATFORM” MEANS AN INTERNET-BASED DIGITAL ENTITY THAT:

(1) ADVERTISES THE AVAILABILITY OF SHORT-TERM RENTAL UNITS FOR RENT; AND

(2) RECEIVES COMPENSATION FOR FACILITATING RESERVATIONS OR PROCESSING BOOKING TRANSACTIONS ON BEHALF OF THE OWNER, OPERATOR, OR MANAGER OF A SHORT-TERM RENTAL UNIT.

(J-3) (1) “SHORT-TERM RENTAL UNIT” MEANS A RESIDENTIAL DWELLING UNIT OR A PORTION OF THE UNIT USED FOR SHORT-TERM RENTALS.

(2) “SHORT-TERM RENTAL UNIT” INCLUDES A SINGLE-FAMILY HOUSE OR DWELLING, A MULTIFAMILY HOUSE OR DWELLING, AN APARTMENT, A CONDOMINIUM, OR A COOPERATIVE.

- (k) (1) “Tangible personal property” means:
- (i) corporeal personal property of any nature; ~~or~~
  - (ii) an accommodation; **OR**

**(III) A SHORT-TERM RENTAL.**

(l) (1) “Taxable price” means the value, in money, of the consideration of any kind that is paid, delivered, payable, or deliverable by a buyer to a vendor in the consummation and complete performance of a sale without deduction for any expense or cost, including the cost of:

- (i) any labor or service rendered;

(ii) any material used; or

(iii) any property sold.

(5) “Taxable price” includes, for the sale or use of an accommodation facilitated by an accommodations intermediary **OR A SHORT-TERM RENTAL PLATFORM**, the full amount of the consideration paid by a buyer for the sale or use of an accommodation, but not including any tax that is remitted to a taxing authority.

(6) “Taxable price” does not include, for the sale or use of an accommodation facilitated by an accommodations intermediary **OR A SHORT-TERM RENTAL PLATFORM**, a commission paid by an accommodations provider to a person after facilitating the sale or use of an accommodation.

(o) (1) “Vendor” means a person who:

(i) engages in the business of an out-of-state vendor, as defined in § 11-701 of this title;

(ii) engages in the business of a retail vendor, as defined in § 11-701 of this title;

(iii) holds a special license issued under § 11-707 of this title; [or]

(iv) is an accommodations intermediary; **OR**

**(V) IS A ~~HOSTING~~ SHORT-TERM RENTAL PLATFORM.**

(2) “Vendor” includes, for an out-of-state vendor, a salesman, representative, peddler, or canvasser whom the Comptroller, for the efficient administration of this title, elects to treat as an agent jointly responsible with the dealer, distributor, employer, or supervisor:

(i) under whom the agent operates; or

(ii) from whom the agent obtains the tangible personal property or taxable service for sale.

11-102.

(a) Except as otherwise provided in this title, a tax is imposed on:

(1) a retail sale in the State; and

(2) a use, in the State, of tangible personal property or a taxable service.

~~11-302.~~

~~(A) For each retail sale or sale for use other than a sale under § 11-405, § 11-406, or § 11-410 of this title, the sales and use tax shall be:~~

- ~~(1) stated separately from the sale price; and~~
- ~~(2) shown separately from the sale price on any record of a sale:~~
  - ~~(i) at the time of the sale;~~
  - ~~(ii) when the vendor issues evidence of the sale; or~~
  - ~~(iii) when the vendor uses evidence of the sale.~~

~~(B) FOR EACH RETAIL SALE OR SALE FOR USE OF AN ACCOMMODATION, THE SALES AND USE TAX SHALL BE:~~

- ~~(1) STATED SEPARATELY FROM THE SALE PRICE;~~
- ~~(2) SHOWN SEPARATELY FROM THE SALE PRICE ON ANY RECORD OF SALE; AND~~
- ~~(3) STATED SEPARATELY FROM ANY FEES OR CHARGES IMPOSED BY AN ACCOMMODATIONS INTERMEDIARY THAT ARE NOT IMPOSED BY OR PAYABLE TO AN ACCOMMODATIONS PROVIDER FOR THE USE OF AN ACCOMMODATION:~~
  - ~~(I) AT THE TIME OF THE SALE;~~
  - ~~(II) WHEN THE VENDOR ISSUES EVIDENCE OF THE SALE; OR~~
  - ~~(III) WHEN THE VENDOR USES EVIDENCE OF THE SALE.~~

11-403.

(a) IN THIS SECTION, “SALE” INCLUDES A BOOKING TRANSACTION MADE THROUGH A ~~HOSTING~~ SHORT-TERM RENTAL PLATFORM.

(B) Except as otherwise provided in this subtitle, a vendor shall collect the applicable sales and use tax from the buyer:

- (1) at the time that the sale is made, regardless of when the taxable price is paid;

(2) if the tax is based on a credit or installment sale, at the time that the Comptroller requires by regulation; or

(3) if a sale for use is not taxable when the sale is made, at the time that the use becomes taxable.

**[(b)] (C)** Except as otherwise provided in this title, unless a buyer is otherwise required by regulation to pay the sales and use tax directly to the Comptroller, the buyer shall pay the sales and use tax to the vendor at the time required under subsection **[(a)] (B)** of this section.

**[(c)] (D)** A vendor shall refund to a buyer the proportionate amount of sales and use tax that the buyer has paid if:

- (1) (i) a sale is rescinded or canceled; or
- (ii) the property sold is returned to the vendor; and
- (2) the purchase price is wholly or partially repaid or credited.

~~**(E) A HOSTING PLATFORM MAY NOT COLLECT A FEE FROM THE BUYER OF AN ACCOMMODATION OR AN ACCOMMODATION PROVIDER AS PART OF A BOOKING TRANSACTION UNLESS THE SALES AND USE TAX IS COLLECTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 759

(Senate Bill 543)

AN ACT concerning

### Health – Vital Records – Health Information Exchange Data Access and Security Protocols and Protections

FOR the purpose of authorizing the Secretary of Health to provide certain information to a certain State designated health information exchange for certain purposes under a certain circumstance; requiring the Maryland Department of Health to develop and implement certain security protocols and protections to prohibit certain persons from accessing certain vital records and minimize the disclosure of certain information

from a certain database; requiring certain security protocols and protections to include an auditable record of certain information; and generally relating to access to and security protocols and protections for vital records.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 4–217(a)(1)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4–217(a)(2) and 4–220

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – Health – General

Section 4–217(h)

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

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

### Article – Health – General

4–217.

(a) (1) Except as provided in subsection (b) of this section, the Secretary shall provide, on request, any person authorized by regulations adopted under this subtitle with a certified or abridged copy of a birth, death, or fetal death certificate registered under this subtitle or of the certificate of a marriage performed after June 1, 1951.

(2) Except as provided in subsection (b) of this section **AND SUBJECT TO SUBSECTION (H) OF THIS SECTION**, a local health department or the Motor Vehicle Administration may:

(i) Access electronically from the Department a certified or abridged copy of a birth certificate registered under this subtitle; and

(ii) On request, provide any person authorized by regulations adopted under this subtitle with a certified or abridged copy of a birth certificate registered under this subtitle.

**(H) (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT SECURITY PROTOCOLS AND OTHER PROTECTIONS TO:**

(I) ENSURE A PERSON WITHOUT AUTHORIZATION IS PROHIBITED FROM ACCESSING ANY VITAL RECORDS; AND

(II) MINIMIZE THE DISCLOSURE OF AND THE ACCESS TO MEDICALLY SENSITIVE INFORMATION FROM THE VITAL RECORDS DATABASE BY EMPLOYEES NOT EMPLOYED BY THE DEPARTMENT.

(2) THE SECURITY PROTOCOLS AND OTHER PROTECTIONS DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE AN AUDITABLE RECORD OF THE FOLLOWING INFORMATION:

(I) THE DATE AND TIME A CERTIFIED OR ABRIDGED COPY OF A BIRTH CERTIFICATE WAS PRINTED; AND

(II) THE IDENTIFICATION OF THE EMPLOYEE WHO PRINTED THE CERTIFIED OR ABRIDGED COPY OF THE BIRTH CERTIFICATE; ~~AND~~

~~(III) A SCANNED COPY OF THE GOVERNMENT ISSUED IDENTIFICATION CARD OF THE EMPLOYEE WHO PRINTED THE CERTIFIED OR ABRIDGED COPY OF THE BIRTH CERTIFICATE.~~

4-220.

(a) The Secretary may provide the United States Department of Health and Human Services with copies of vital records or other information that is required for national statistics, on the condition that the information may not be used for other than statistical purposes unless authorized by the Secretary.

(b) On request, the Secretary may provide federal, State, local, and other public or private agencies with copies of vital records or other information for statistical purposes on terms or conditions that the Secretary sets.

(C) ON REQUEST, THE SECRETARY MAY PROVIDE THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE WITH SELECT INFORMATION FROM DEATH CERTIFICATES TO ALLOW LINKAGE OF THE DATA TO THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE MASTER PATIENT INDEX IN ORDER THAT A DATE OF DEATH MAY BE ASSOCIATED AND STORED WITH THE RECORDS OF THOSE PATIENTS WHO HAVE DIED FOR STATISTICAL AND CLINICIAN NOTIFICATION PURPOSES IN ACCORDANCE WITH REGULATIONS OR A DATA SHARING AGREEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

## Chapter 760

### (Senate Bill 546)

AN ACT concerning

#### **Agriculture – Nutrient Management – Monitoring and Enforcement**

FOR the purpose of authorizing the Department of Agriculture to require a certain summary to take the form of an annual implementation report; requiring a certain person to include certain information in an annual implementation report under certain circumstances; requiring a manure broker to provide certain information to a certain person; requiring a person who holds a certain certificate or license to comply with certain reporting requirements and deadlines, including deadlines related to implementation of the Phosphorus Management Tool and the submission of certain soil test phosphorus levels; requiring the State Department of Agriculture, in determining where to focus certain enforcement efforts, to prioritize farms for which the Department of Agriculture has not received certain soil test phosphorus levels; requiring the Department of Agriculture to establish a voluntary certification program for certain commercial manure haulers and brokers; requiring the Department of Agriculture, in consultation with a certain body, to adopt certain regulations relating to the certification of commercial manure haulers and brokers; requiring an applicant for certification as a commercial manure hauler or broker to submit a certain application and pay a certain fee; requiring the Department of Agriculture to certify any person that meets certain requirements; requiring a certified commercial manure hauler or broker to employ certain best management practices, land apply manure in a certain manner, maintain certain records, allow the Department of Agriculture to review certain records at certain times, and submit a certain annual report; requiring the operator of a certain animal feeding operation to arrange for the removal of manure generated at the operation only through a certified commercial manure hauler or broker; establishing a certain fee for a certain certificate; requiring the Department of Agriculture, beginning in a certain year, to include certain information on the production and use of animal manure by farm operations in a certain annual report; requiring a person to hold a certain discharge permit before the person may begin construction, including the clearing or grading of land, on any part of a new concentrated animal feeding operation (CAFO); prohibiting the Department of the Environment from issuing a discharge permit to a person that violates a certain provision of this Act; requiring the Department of the Environment to charge a certain minimum one-time permit application fee for a certain ~~proposed new~~ CAFO; requiring the Department of the Environment to charge a certain minimum annual permit fee for a ~~certain existing CAFO~~ continued coverage of a certain CAFO under a CAFO General Discharge permit; prohibiting the Department of the Environment from waiving the permit fee for a certain ~~user~~ permit; ~~requiring the Department of the Environment to impose certain conditions in a permit for the discharge of pollutants from a certain CAFO; expanding the authorized uses of the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to~~

~~include continuous water quality monitoring by the Department of Natural Resources at certain sites; requiring the Department of Natural Resources to deploy continuous water quality monitoring stations~~ conduct long-term sample collection in certain tributaries as part of a certain program; requiring continuous water quality monitoring stations to be deployed at the Department of Natural Resources to regularly collect samples from certain locations, at a minimum; requiring certain continuous water quality monitoring stations to be located at sites where continuous water quality monitoring stations previously existed certain water quality monitoring to be done in certain locations, to the extent practicable; establishing certain penalties; altering certain penalties; requiring the Department of the Environment to study and make recommendations regarding certain matters and to make a certain report on or before a certain date; defining certain terms; and generally relating to the monitoring and enforcement of laws and regulations relating to nutrient management.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 8–801.1(b), 8–803.1, and 8–807

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY adding to

Article – Agriculture

Section 8–801.1(c) and 8–803(h) and (i)

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 8–803(f) and (g) ~~and 8–805~~

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article – Agriculture~~

~~Section 8–803(h) and (i) and 8–803.10 8–801.1(e)~~

~~Annotated Code of Maryland~~

~~(2016 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Agriculture~~

~~Section 8–803.1 and 8–806~~

~~Annotated Code of Maryland~~

~~(2016 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–301, 9–323, and 9–325, ~~and 9–326~~  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,  
 Article – Natural Resources  
 Section 8–2A–01(a)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 8–2A–01(c)(2)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)~~

BY adding to  
 Article – Natural Resources  
 Section 8–2A–05  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2018 Supplement)

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

### Article – Agriculture

8–801.1.

(b) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A summary of each nutrient management plan shall be filed and updated with the Department at a time and in a form that the Department requires by regulation.

**(2) (I) THE DEPARTMENT MAY REQUIRE AN UPDATED SUMMARY UNDER THIS SUBSECTION TO TAKE THE FORM OF AN ANNUAL IMPLEMENTATION REPORT.**

**(II) IF A PERSON, IN OPERATING A FARM, USES OR PRODUCES ANIMAL MANURE, THE PERSON’S ANNUAL IMPLEMENTATION REPORT SHALL INCLUDE:**

**1. THE AMOUNT OF ANIMAL MANURE IMPORTED TO OR EXPORTED FROM THE PERSON’S FARM;**

**2. FOR ANY ANIMAL MANURE THAT WAS IMPORTED, THE NAME AND LOCATION OF THE SENDING FARM; AND**

3. FOR ANY ANIMAL MANURE THAT WAS EXPORTED, THE NAME AND LOCATION OF THE FARM, ALTERNATIVE USE FACILITY, OR MANURE BROKER THAT RECEIVED THE MANURE.

(III) IF A PERSON RECEIVES ANIMAL MANURE THROUGH A MANURE BROKER, THE BROKER SHALL PROVIDE THE PERSON WITH THE NAME AND LOCATION OF THE SENDING FARM.

[(2)] (3) The Department shall maintain a copy of each summary for 3 years in a manner that protects the identity of the individual for whom the nutrient management plan was prepared.

(C) (1) IF A PERSON FAILS TO FILE A SUMMARY OR ANNUAL IMPLEMENTATION REPORT AS REQUIRED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE PERSON THAT:

(I) THE PERSON IS IN VIOLATION OF THE REQUIREMENT TO FILE A SUMMARY OR ANNUAL IMPLEMENTATION REPORT; AND

(II) THE PERSON IS SUBJECT TO:

1. AFTER 30 DAYS FROM ISSUANCE OF THE NOTICE, AN ADMINISTRATIVE PENALTY OF NOT LESS THAN \$100 AND NOT MORE THAN \$250;

2. AFTER ~~90~~ 60 DAYS FROM ISSUANCE OF THE NOTICE, AN ADMINISTRATIVE PENALTY OF NOT LESS THAN \$250 AND NOT MORE THAN \$1,000; AND

3. AFTER 90 DAYS FROM ISSUANCE OF THE NOTICE, AN ADMINISTRATIVE PENALTY OF NOT ~~MORE~~ LESS THAN \$1,000.

(2) A PENALTY IMPOSED ON A PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ASSESSED WITH CONSIDERATION GIVEN TO:

(I) THE WILLFULNESS OF THE VIOLATION; AND

(II) THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED BY THE VIOLATOR.

(f) The Department shall renew the certificate or license of any applicant for a 3-year term if the applicant:

- (1) Submits a renewal application on the form that the Department requires;
  - (2) Pays to the Department the applicable fee stated in § 8–806 of this subtitle;
  - (3) Complies with applicable continuing education requirements;
  - (4) Complies with applicable record keeping and reporting requirements;
- and
- (5) Otherwise is entitled to be certified or licensed.

(g) (1) The Department may issue a farm operator's plan development certificate to a person operating a farm for the development of that person's own nutrient management plan.

- (2) The certificate is valid provided the person operating the farm:
  - (i) Has paid the one-time fee provided in § 8–806 of this subtitle;
  - (ii) Has passed an examination as determined by the Department;
  - (iii) Complies with applicable continuing education requirements;
  - (iv) Complies with applicable record keeping and reporting requirements; and
  - (v) Otherwise is entitled to be certified.

**(H) A PERSON THAT HOLDS A LICENSE OR ~~PERMIT~~ CERTIFICATE ISSUED UNDER THIS SECTION SHALL COMPLY WITH ALL APPLICABLE REPORTING REQUIREMENTS AND DEADLINES ESTABLISHED BY THE DEPARTMENT, INCLUDING DEADLINES RELATED TO:**

**(1) IMPLEMENTATION OF THE PHOSPHORUS MANAGEMENT TOOL DEVELOPED BY THE UNIVERSITY OF MARYLAND; AND**

**(2) SUBMISSION OF SOIL TEST PHOSPHORUS LEVELS RELATED TO NUTRIENT MANAGEMENT PLANS DEVELOPED IN ACCORDANCE WITH THIS SUBTITLE.**

**(I) IN ADDITION TO ANY PENALTY AUTHORIZED UNDER § 8-805 OF THIS SUBTITLE, A PERSON THAT VIOLATES SUBSECTION (H) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT EXCEEDING \$250.**

8-803.1.

(a) In this section, “gross income” means the actual income that is received in a calendar year that results directly from the farm or agricultural use of the land.

(b) This section does not apply to:

(1) An agricultural operation with less than \$2,500 in gross income; or

(2) A livestock operation with less than eight animal units defined as 1,000 pounds of live animal weight per animal unit.

(c) The Governor shall provide sufficient funding in each fiscal year’s budget to:

(1) Assist in the development of nutrient management plans;

(2) Meet the technical assistance and evaluation requirements of this section;

(3) Meet the State’s requirements for the implementation of the Manure Transportation Project under § 8-704.2 of this title; and

(4) Provide State assistance under the Maryland Agricultural Water Quality Cost Share Program in the Department.

(d) (1) State cost sharing may be made available to help offset the costs of having a nutrient management plan prepared by a certified nutrient management consultant who is not employed by the federal, State, or a local government.

(2) The Secretary of Agriculture shall adopt regulations authorizing the disbursement of State cost sharing funds under this subsection.

(3) The Department may procure the services of a private certified nutrient management consultant to develop nutrient management plans for persons operating a farm.

(e) (1) By December 31, 2001, a person who, in operating a farm, uses chemical fertilizer, shall have a nutrient management plan for nitrogen and phosphorus that meets the requirements of this subtitle.

(2) (i) By December 31, 2001, a person who, in operating a farm, uses sludge or animal manure, shall have a nutrient management plan for nitrogen.

(ii) By July 1, 2004, a person who, in operating a farm, uses sludge or animal manure, shall have a nutrient management plan for nitrogen and phosphorus.

(f) (1) By December 31, 2002, a person who, in operating a farm, uses chemical fertilizer, shall comply with a nutrient management plan for nitrogen and phosphorus that meets the requirements of this subtitle.

(2) (i) By December 31, 2002, a person who, in operating a farm, uses sludge or animal manure, shall comply with a nutrient management plan for nitrogen that meets the requirements of this subtitle.

(ii) By July 1, 2005, a person who, in operating a farm, uses sludge or animal manure, shall comply with a nutrient management plan for nitrogen and phosphorus that meets the requirements of this subtitle.

(g) A person may meet the requirements of subsection (e) of this section by requesting, at least 60 days before the applicable date set forth in subsection (e) of this section, the development of a nutrient management plan by a certified nutrient management consultant.

(h) (1) If a person violates the provisions of subsection (e) of this section, the Department shall notify the person that the person is in violation of the requirement to have a nutrient management plan.

(2) After a reasonable period of time, if the person fails to have a nutrient management plan, the person is subject to an administrative penalty [not to exceed] **OF NOT LESS THAN \$100 AND NOT MORE THAN \$250.**

(i) (1) A person who violates any provision of subsection (f) of this section or of any rule, regulation, or order adopted or issued under this section is subject to:

(i) For a first violation, a warning; and

(ii) For a second or subsequent violation, after an opportunity for a hearing which may be waived in writing by the person accused of a violation, an administrative penalty that may be imposed by the Department of Agriculture.

(2) The penalty imposed on a person under paragraph (1)(ii) of this subsection shall be:

(i) [Up to \$100] **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ~~NOT LESS THAN \$100 AND~~ NOT MORE THAN \$500** for each violation, but not exceeding [~~\$2,000~~] **\$5,000** per farmer or operator per year; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;
2. Any actual harm to the environment or to human health;
3. The available technology and economic reasonableness of controlling, reducing, or eliminating the violation; and
4. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

**(3) IF THE VIOLATION INVOLVED THE KNOWING APPLICATION OF PHOSPHORUS TO A SITE WHERE, BECAUSE OF THE SITE'S SOIL CHARACTERISTICS, DEPARTMENT REGULATIONS PROHIBIT THE APPLICATION OF PHOSPHORUS, THE PENALTY IMPOSED ON A PERSON UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE NOT LESS THAN \$250.**

**[(3)] (4)** (i) Except as provided in subparagraph (ii) of this paragraph, each day a violation occurs is a separate violation under this subsection.

(ii) Daily penalties do not continue to accrue as long as the farmer takes reasonable steps to correct the violation.

**[(4)] (5)** Any penalty imposed under this subsection is payable to the Maryland Agricultural Water Quality Cost Share Program within the Department.

(j) If a person violates any provision of this section, the Department may:

(1) Require repayment of cost share funds under Subtitle 7 of this title for the project that is in violation; or

(2) Deny or restrict future cost share payments under Subtitle 7 of this title.

(k) (1) The Department shall determine compliance with the provisions of this section.

(2) The Department may review the nutrient management plan and records relating to the plan at a location agreed to by the Department and the person operating the farm.

(3) In conducting a site visit and reviewing the nutrient management plan and related records, the Department's evaluation shall be limited solely to determining whether the person operating the farm is in compliance with the provisions of this section or the regulations implementing this section.

- (4) In conducting a site visit, the Department shall:
- (i) Provide the person operating the farm at least 48 hours advance notice;
  - (ii) Enter the property at a reasonable time that allows the person operating the farm to be present; and
  - (iii) Conduct the evaluation in a manner that minimizes any inconvenience to the person operating the farm.
- (5) If a person operating a farm fails to cooperate with the Department's request to conduct a site visit and review of a nutrient management plan and records relating to the plan, that person is subject to subsections (i) and (j) of this section.

**(6) IN DETERMINING WHERE TO FOCUS ENFORCEMENT EFFORTS UNDER THIS SUBSECTION, THE DEPARTMENT SHALL PRIORITIZE FARMS FOR WHICH THE DEPARTMENT HAS NOT RECEIVED SOIL TEST PHOSPHORUS LEVELS, AS REQUIRED BY DEPARTMENT REGULATIONS.**

~~§ 803.10.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "CERTIFIED COMMERCIAL MANURE HAULER OR BROKER" MEANS A COMMERCIAL MANURE HAULER OR COMMERCIAL MANURE BROKER CERTIFIED BY THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION.~~

~~(3) "COMMERCIAL MANURE BROKER" MEANS A PERSON OTHER THAN AN OPERATOR THAT:~~

~~(i) ASSUMES TEMPORARY CONTROL OR OWNERSHIP OF MANURE FROM A PRODUCING FARM; AND~~

~~(ii) ARRANGES FOR THE TRANSPORT AND USE OF THE MANURE AT A RECEIVING FARM OR ALTERNATIVE USE FACILITY.~~

~~(4) "COMMERCIAL MANURE HAULER" MEANS A PERSON THAT TRANSPORTS MANURE:~~

~~(i) AS A CONTRACT AGENT FOR AN OPERATOR OR A COMMERCIAL MANURE BROKER; AND~~

~~(H) UNDER THE DIRECTION OF THE OPERATOR OR COMMERCIAL MANURE BROKER.~~

~~(5) "MANURE" MEANS THE FECAL AND URINARY EXCRETION OF POULTRY AND LIVESTOCK, INCLUDING POULTRY LITTER AND MATERIALS USED AS BEDDING.~~

~~(6) "OPERATOR" MEANS A PERSON THAT OWNS OR OPERATES A FARM.~~

~~(B) (1) THE DEPARTMENT SHALL ESTABLISH A VOLUNTARY CERTIFICATION PROGRAM FOR COMMERCIAL MANURE HAULERS AND BROKERS.~~

~~(2) THE DEPARTMENT, IN CONSULTATION WITH THE NUTRIENT MANAGEMENT ADVISORY COMMITTEE ESTABLISHED UNDER § 8-804 OF THIS SUBTITLE, SHALL ADOPT REGULATIONS ESTABLISHING:~~

~~(I) ELIGIBILITY AND TRAINING REQUIREMENTS FOR CERTIFIED COMMERCIAL MANURE HAULERS AND BROKERS;~~

~~(II) BEST MANAGEMENT PRACTICES FOR CERTIFIED COMMERCIAL MANURE HAULERS AND BROKERS; AND~~

~~(III) RECORD KEEPING AND REPORTING REQUIREMENTS FOR CERTIFIED COMMERCIAL MANURE HAULERS AND BROKERS, CONSISTENT WITH SUBSECTION (D) OF THIS SECTION.~~

~~(C) (1) TO APPLY FOR CERTIFICATION AS A COMMERCIAL MANURE HAULER OR BROKER, AN APPLICANT SHALL:~~

~~(I) SUBMIT TO THE DEPARTMENT AN APPLICATION ON A FORM THE DEPARTMENT REQUIRES; AND~~

~~(II) PAY TO THE DEPARTMENT THE APPLICATION FEE SPECIFIED IN § 8-805 OF THIS SUBTITLE.~~

~~(2) THE DEPARTMENT SHALL CERTIFY ANY PERSON THAT MEETS THE REQUIREMENTS OF THIS SECTION AND ANY REGULATIONS ADOPTED UNDER THIS SECTION.~~

~~(3) THE DEPARTMENT SHALL BY REGULATION ESTABLISH THE TERM OF A CERTIFICATE ISSUED UNDER THIS SECTION.~~

~~(D) A CERTIFIED COMMERCIAL MANURE HAULER OR BROKER SHALL:~~

~~(1) EMPLOY BEST MANAGEMENT PRACTICES, AS IDENTIFIED BY THE DEPARTMENT, WHEN TRANSPORTING, STORING, OR LAND APPLYING MANURE;~~

~~(2) LAND APPLY MANURE ONLY IN ACCORDANCE WITH AN APPROVED NUTRIENT MANAGEMENT PLAN;~~

~~(3) MAINTAIN, FOR A MINIMUM OF 3 YEARS, TRANSPORT AND INVENTORY RECORDS THAT SHOW:~~

~~(I) THE NAME OF EACH PRODUCING FARM AND THE AMOUNT OF MANURE OBTAINED FROM THE PRODUCING FARM;~~

~~(II) THE NAME OF EACH RECEIVING FARM OR ALTERNATIVE USE FACILITY AND THE AMOUNT OF MANURE TRANSPORTED TO THE RECEIVING FARM OR ALTERNATIVE USE FACILITY; AND~~

~~(III) THE AMOUNT OF ANY MANURE STORED OR STOCKPILED BY THE CERTIFIED COMMERCIAL MANURE HAULER OR BROKER;~~

~~(4) ALLOW THE DEPARTMENT TO REVIEW TRANSPORT AND INVENTORY RECORDS DURING NORMAL BUSINESS HOURS; AND~~

~~(5) SUBMIT TO THE DEPARTMENT, ON THE FORM THE DEPARTMENT REQUIRES, AN ANNUAL REPORT SUFFICIENT TO:~~

~~(I) TRACK THE QUANTITY AND LOCATION OF THE MANURE HAULED OR BROKERED BY THE CERTIFIED COMMERCIAL HAULER OR BROKER DURING THE PREVIOUS CALENDAR YEAR; AND~~

~~(II) DEMONSTRATE COMPLIANCE WITH THIS SECTION AND REGULATIONS ADOPTED UNDER THIS SECTION.~~

~~(E) (1) THIS SUBSECTION APPLIES ONLY TO A MARYLAND ANIMAL FEEDING OPERATION (MAFO) OR A CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) AS DEFINED IN REGULATIONS ADOPTED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.~~

~~(2) THE OPERATOR OF AN OPERATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL ARRANGE FOR THE REMOVAL OF MANURE GENERATED AT THE OPERATION ONLY THROUGH A COMMERCIAL MANURE HAULER OR BROKER CERTIFIED UNDER THIS SECTION.~~

~~(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES A PROVISION OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT EXCEEDING \$500 PER VIOLATION.~~

~~(2) A PERSON WHO VIOLATES SUBSECTION (E)(2) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$1,000 PER VIOLATION.~~

~~§ 805.~~

~~Subject to the provisions of the Administrative Procedure Act, the Department may deny, suspend, or revoke a certificate or license for a violation of this subtitle or for a violation of any regulation adopted under this subtitle by the Department.~~

~~§ 806.~~

~~(a) Except for a government agency, the Department shall charge the following fees under this subtitle:~~

~~(1) Certificate (nutrient management consultant) \$50;~~

~~(2) License (individual or sole proprietorship) \$50;~~

~~(3) License (corporation or partnership) \$100;~~

~~(4) Renewal \$150; [and]~~

~~(5) Certificate (farm operator's plan development) \$20; AND~~

~~(6) CERTIFICATE (COMMERCIAL MANURE HAULER OR BROKER).....\$100.~~

~~(b) The Department shall charge an applicant for the full cost of any training provided by the Department under this subtitle.~~

~~(c) All money collected under this subtitle shall be deposited in the General Fund of the State.~~

~~§ 807.~~

(A) On or before December 31 of each year, the Department of Agriculture shall report to the Governor, and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on the farm acreage covered by nutrient management plans and the implementation and evaluation of those plans.

**(B) (1) BEGINNING IN 2020, THE REPORT REQUIRED UNDER THIS SECTION SHALL INCLUDE INFORMATION ON THE PRODUCTION AND USE OF ANIMAL MANURE BY FARM OPERATIONS COVERED BY NUTRIENT MANAGEMENT PLANS DURING THE PREVIOUS YEAR, INCLUDING:**

**(I) THE AMOUNT OF ANIMAL MANURE EXPORTED BY FARM OPERATIONS TO ALTERNATIVE USE FACILITIES OR OTHER FARM OPERATIONS IN THE STATE;**

**(II) THE AMOUNT OF ANIMAL MANURE EXPORTED OUT OF THE STATE BY FARM OPERATIONS; AND**

**(III) THE AMOUNT OF ANIMAL MANURE LAND APPLIED BY FARM OPERATIONS IN THE STATE AND THE SOURCE OF THAT MANURE.**

**(2) THE INFORMATION REQUIRED UNDER THIS SUBSECTION SHALL BE REPORTED:**

**(I) BY GEOGRAPHIC AREA, INCLUDING BY COUNTY OR LOCAL WATERSHED; AND**

**(II) IN A MANNER THAT PROTECTS THE IDENTITY OF INDIVIDUAL FARM OPERATION.**

#### Article – Environment

9–301.

(a) In this subtitle the following words have the meanings indicated.

(b) “Board” means the Water Science Advisory Board.

(c) “CAFO” MEANS A CONCENTRATED ANIMAL FEEDING OPERATION, AS DEFINED IN DEPARTMENT REGULATIONS.

(D) “Discharge permit” means a permit issued by the Department for the discharge of any pollutant or combination of pollutants into the waters of this State.

[(d)] (E) “Person” includes the federal government, this State, any county, municipal corporation, or other political subdivision of this State, or any of their units.

[(e)] (F) “Reclaimed water” means sewage that:

(1) Has been treated to a high quality suitable for various reuses; and

(2) Has a concentration of less than:

- (i) 3 fecal coliform colonies per 100 milliliters;
- (ii) 10 milligrams per liter of 5-day biological oxygen demand; and
- (iii) 10 milligrams per liter of total suspended solids.

**[(f)] (G)** “Sewage” means any human or animal excretion, domestic waste, or industrial waste.

**[(g)] (H)** (1) “Sewerage system” means:

- (i) The channels used or intended to be used to collect and dispose of sewage; and
- (ii) Any structure and appurtenance used or intended to be used to collect or prepare sewage for discharge into the waters of this State.

(2) “Sewerage system” includes any sewer of any size.

(3) “Sewerage system” does not include the plumbing system inside any building served by the sewerage system.

9-323.

(a) **(1)** A person shall hold a discharge permit issued by the Department before the person may construct, install, modify, extend, alter, or operate any of the following if its operation could cause or increase the discharge of pollutants into the waters of this State:

**[(1)] (I)** An industrial, commercial, or recreational facility or disposal system;

**[(2)] (II)** A State-owned treatment facility; or

**[(3)] (III)** Any other outlet or establishment.

**(2) A PERSON SHALL HOLD A ~~DISCHARGE~~ CAFO GENERAL DISCHARGE PERMIT ISSUED BY THE DEPARTMENT BEFORE THE PERSON MAY BEGIN CONSTRUCTION, ~~INCLUDING THE CLEARING OR GRADING OF LAND,~~ ON ANY PART OF A NEW CAFO.**

(b) By rule or regulation, the Department may require a discharge permit for any other activity.

(C) ~~THE DEPARTMENT MAY NOT ISSUE A DISCHARGE CAFO GENERAL DISCHARGE PERMIT TO A PERSON THAT VIOLATES SUBSECTION (A)(2) OF THIS SECTION.~~

9–325.

(a) (1) The Department may adopt rules and regulations that relate to application for, issuance of, revocation of, or modification of discharge permits.

(2) The rules and regulations may require submission of plans, specifications, and other information.

(b) [The] **SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION, THE** rules and regulations adopted under this section shall set a reasonable application fee in an amount designed to cover the cost of the permit procedure.

(c) (1) [The] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE** rules and regulations adopted under this section shall set a reasonable permit fee schedule for industrial users based on:

(i) The anticipated cost of monitoring and regulating the permitted facility;

(ii) The flow of effluent discharge from the permitted facility; and

(iii) The anticipated needs for program development activities that relate to management of the discharge of pollutants into the waters of this State.

~~(2) (i) THE DEPARTMENT SHALL CHARGE AN APPLICATION FEE OF AT LEAST \$5,000 FOR A PROPOSED NEW CAFO THAT WILL:~~

~~1. HOUSE 200,000 OR MORE ANIMALS; OR~~

~~2. HAVE A HOUSE CAPACITY GREATER THAN OR EQUAL TO 200,000 SQUARE FEET.~~

~~(ii) THE DEPARTMENT SHALL CHARGE AN ANNUAL PERMIT FEE OF AT LEAST \$1,500 FOR AN EXISTING CAFO THAT:~~

~~1. HOUSES 200,000 OR MORE ANIMALS; OR~~

~~2. HAS A HOUSE CAPACITY GREATER THAN OR EQUAL TO 200,000 SQUARE FEET.~~

**(2) (I) THE DEPARTMENT SHALL CHARGE A ONE-TIME PERMIT APPLICATION FEE OF AT LEAST \$2,000 ON RECEIPT OF A NOTICE OF INTENT TO SEEK COVERAGE UNDER A CAFO ~~GENERAL~~ DISCHARGE PERMIT FOR:**

**1. A PROPOSED NEW CAFO THAT WILL HAVE A HOUSE CAPACITY OF 350,000 SQUARE FEET OR MORE; OR**

**2. MODIFICATION OF AN EXISTING CAFO TO EXPAND THE HOUSE CAPACITY TO 350,000 SQUARE FEET OR MORE.**

**(II) THE DEPARTMENT SHALL CHARGE AN ANNUAL FEE OF AT LEAST \$1,200 FOR THE CONTINUED COVERAGE UNDER A CAFO ~~GENERAL~~ DISCHARGE PERMIT OF A CAFO WITH A HOUSE CAPACITY OF 350,000 SQUARE FEET OR MORE.**

**[(2)] (3)** In adopting the rules and regulations under this subsection, the Department shall consult with industry and provide that the permit fee not exceed a certain dollar amount.

**(4) THE DEPARTMENT MAY NOT WAIVE THE PERMIT FEE FOR A USER DEFINED IN DEPARTMENT REGULATIONS AS A CAFO ~~GENERAL~~ DISCHARGE PERMIT.**

~~9-326.~~

~~(a) (1) The Department may make the issuance of a discharge permit contingent on any conditions the Department considers necessary to prevent violation of this subtitle.~~

~~(2) In permits for the discharge of pollutants from publicly owned treatment works, the Department:~~

~~(i) May impose as conditions appropriate measures to establish and insure compliance by industrial users with any system of user charges required by State or federal law or by any rule, regulation, or guideline adopted under State or federal law; and~~

~~(ii) Shall impose as conditions requirements for the permit holder to provide information about new introductions of pollutants or substantial changes in the volume or character of pollutants being introduced into the treatment works.~~

**(3) (I) THIS PARAGRAPH APPLIES ONLY TO A CAFO THAT:**

**1. HOUSES 200,000 OR MORE ANIMALS; OR**

~~2. HAS A HOUSE CAPACITY GREATER THAN OR EQUAL TO 200,000 SQUARE FEET.~~

~~(H) IN A PERMIT FOR THE DISCHARGE OF POLLUTANTS FROM A CAFO DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL REQUIRE THE PERMIT HOLDER TO:~~

~~1. INSTALL, USE, AND MAINTAIN ON-SITE MONITORING EQUIPMENT; AND~~

~~2. SUBMIT MONITORING RESULTS TO THE DEPARTMENT ON THE APPROPRIATE MONITORING REPORT FORM.~~

~~(b) Issuance of a discharge permit is contingent on the grant by the permit holder to the Department of a right of entry on the permit site at any reasonable time to inspect and investigate for violation or potential violation of any condition of the permit.~~

#### ~~Article Natural Resources~~

~~§ 2A-01.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(c) (2) "Nonpoint source pollution control project" includes:~~

~~(i) An agricultural best management implementation practice, including cover crops, riparian forested buffer, manure processing, grassed waterways, animal waste storage structures, and livestock fencing;~~

~~(ii) An urban or suburban stormwater practice;~~

~~(iii) A sustainable forest management practice, including a forest stewardship plan or a nonornamental urban and suburban tree planting project;~~

~~(iv) Stream and wetland restoration;~~

~~(v) Riparian buffer planting;~~

~~(vi) A project that demonstrates the effectiveness of an innovative nonpoint source pollution reduction measure provided that the measure is capable of integration into existing nonpoint source pollution programs;~~

~~(vii) Technical assistance necessary to implement a nonpoint source pollution control project;~~

~~(viii) Improvement of a municipal park located on or adjacent to a waterway, provided that the improvement is limited to state of the art and sustainable nonpoint source pollution control measures that demonstrably improve water quality by reducing nitrogen, phosphorus, and sediment pollution; [and]~~

~~(ix) **CONTINUOUS WATER QUALITY MONITORING AT SITES ON THE LOWER EASTERN SHORE CONDUCTED BY THE DEPARTMENT UNDER § 8-2A-05 OF THIS SUBTITLE; AND**~~

~~(x) Strategic monitoring of water quality improvements from nonpoint source pollution control projects that have been funded, in whole or in part, with grants from the Trust Fund.~~

*Article – Natural Resources*

**8-2A-05.**

(A) AS PART OF THE DEPARTMENT'S CHESAPEAKE BAY ~~SHALLOW MAINSTEM AND TIDAL~~ WATER QUALITY MONITORING PROGRAM, THE DEPARTMENT SHALL ~~DEPLOY CONTINUOUS WATER QUALITY MONITORING STATIONS~~ CONDUCT LONG-TERM SAMPLE COLLECTION IN TRIBUTARIES LOCATED ON THE LOWER EASTERN SHORE.

(B) AT A MINIMUM, ~~CONTINUOUS WATER QUALITY MONITORING STATIONS SHALL BE ESTABLISHED IN~~ THE DEPARTMENT SHALL REGULARLY COLLECT SAMPLES FROM EACH OF THE FOLLOWING LOCATIONS:

(1) STATIONS ~~TRQ008~~ TRQ0088 AND TRQ0146, LOCATED IN THE TRANSQUAKING RIVER;

(2) STATION CCM0069, LOCATED IN THE CHICAMACOMICO RIVER;

(3) STATION XDJ9007, LOCATED IN THE NANTICOKE RIVER;

(4) STATION XCI4078, LOCATED IN THE WICOMICO RIVER;

(5) STATIONS BXK0031 AND MNK0146, LOCATED IN THE MANOKIN RIVER; AND

(6) STATIONS POK0087 AND XAK7810, LOCATED IN THE POCOMOKE RIVER.

~~(1) AT A LOCATION IN THE TRANSQUAKING RIVER WITH THE STREAM CODE TRQ0088;~~

~~(2) AT A LOCATION IN THE TRANSQUAKING RIVER WITH THE STREAM CODE TRQ0146;~~

~~(3) AT A LOCATION IN THE CHICAMACOMICO RIVER WITH THE STREAM CODE CCM0069;~~

~~(4) AT A LOCATION IN THE NANTICOKE RIVER WITH THE STREAM CODE XDJ8905;~~

~~(5) AT A LOCATION IN THE WICOMICO RIVER WITH THE STREAM CODE XCJ6023;~~

~~(6) AT A LOCATION IN THE MANOKIN RIVER WITH THE STREAM CODE XBI6387;~~

~~(7) AT A LOCATION IN THE POCOMOKE RIVER WITH THE STREAM CODE POK0087;~~

~~(8) AT A LOCATION IN THE POCOMOKE RIVER WITH THE STREAM CODE POK0187; AND~~

~~(9) AT A LOCATION IN POCOMOKE SOUND WITH THE STREAM CODE XAJ5327.~~

(C) TO THE EXTENT PRACTICABLE, ~~CONTINUOUS WATER QUALITY MONITORING STATIONS DEPLOYED UNDER THIS SECTION SHALL BE LOCATED AT SITES WHERE CONTINUOUS WATER QUALITY MONITORING STATIONS PREVIOUSLY EXISTED~~ WATER QUALITY MONITORING CARRIED OUT UNDER THIS SECTION SHALL BE DONE IN LOCATIONS WHERE WATER QUALITY MONITORING WAS CONDUCTED PRIOR TO DECEMBER 1, 2013, IN ORDER TO ALLOW THE DEPARTMENT AND THE PUBLIC TO ASSESS LONG-TERM WATER QUALITY TRENDS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) the Department of the Environment shall study and make recommendations regarding the feasibility of requiring the installation and use of on-site water quality monitoring equipment at certain concentrated animal feeding operation (CAFO) sites as a condition for issuance of a CAFO ~~General~~ Discharge permit; and

(2) on or before December 1, 2021, the Department shall report its findings and recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2-1246 of the State Government Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 761

### (Senate Bill 554)

AN ACT concerning

#### **State Board of Massage Therapy Examiners – Massage Therapists – Authority to Regulate**

FOR the purpose of authorizing county executives and governing bodies of counties, after consultation with the State Board of Massage Therapy Examiners, to adopt certain ordinances or regulations; repealing the authority of certain county commissioners to adopt certain ordinances or regulations; authorizing certain health officers and local law enforcement to carry out certain provisions of law; altering the scope of a prohibition against the performance or offer of performance of a massage for compensation except under certain circumstances; authorizing law enforcement officers to demand proof of licensure or registration; and generally relating to the practice of massage therapy.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 6–405 and 6–502  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

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

#### **Article – Health Occupations**

6–405.

(a) [(1) In Charles County and Washington County, the county commissioners] **AFTER CONSULTATION WITH THE BOARD, THE COUNTY EXECUTIVE OR ANY GOVERNING BODY OF A COUNTY** may adopt ordinances or regulations relating to massage establishments and [the practices of massage therapists, massage practitioners, and any other individuals who provide massage for compensation.

(2) In Anne Arundel County and Howard County, after consultation with

the Board, the governing body may adopt ordinances or regulations relating to] verification, inspection, and display of licenses issued under this subtitle.

(b) (1) The Charles County Commissioners shall provide that the Director of the Charles County Health Department and the Office of the Sheriff for Charles County have the authority to carry out the provisions of the ordinances or regulations adopted under subsection (a) of this section.

(2) The Washington County Commissioners shall provide that the Washington County Health Officer and the Office of the Sheriff for Washington County have the authority to carry out the provisions of the ordinances or regulations adopted under subsection (a) of this section.

(3) The governing body of Howard County shall provide that the Howard County Health Officer and the Howard County Police Department have the authority to carry out the provisions of the ordinances or regulations adopted under subsection (a) of this section.

(4) The governing body of Anne Arundel County shall provide that the Anne Arundel County Health Officer and the Anne Arundel County Police Department have the authority to carry out the provisions of the ordinances or regulations adopted under subsection (a) of this section.]

**(B) LOCAL HEALTH OFFICERS AND LOCAL LAW ENFORCEMENT HAVE THE AUTHORITY TO CARRY OUT THE PROVISIONS OF THE ORDINANCES OR REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION.**

6-502.

(a) An individual who is not a licensed massage therapist or registered massage practitioner under this title may not advertise or claim by title, abbreviation, sign, card, or any other representation that the individual practices massage, massage therapy, myotherapy, or any synonym or derivation of these terms.

(b) An individual who is a registered massage practitioner under this title, or a business entity that employs an individual who is a registered massage practitioner under this title, may not advertise to the public that the individual or business entity provides health-related therapeutic massage services.

(c) Unless authorized to practice under this title, a person may not use the title “massage therapist”, “MT”, “licensed massage therapist”, “LMT”, “massage practitioner”, “MP”, “registered massage practitioner”, or “RMP”, or any other term or title with the intent to represent that the person practices massage therapy.

(d) (1) [In Charles County and Washington County, an] AN individual may not perform a massage or offer to perform a massage on another individual for

compensation unless the individual who performs the massage or offers to perform a massage is a licensed massage therapist or registered massage practitioner.

(2) A law enforcement officer [in Charles County or Washington County] may demand proof of licensure or registration.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 762

(Senate Bill 596)

AN ACT concerning

### Alcoholic Beverages – Mead – Definition and Tax Rate

FOR the purpose of including mead within the definition of beer for certain purposes; assigning a certain tax rate for mead; defining certain terms; and generally relating to alcoholic beverages.

BY renumbering

Article – Alcoholic Beverages  
Section 1–101(t) through (ee), respectively  
to be Section 1–101(u) through (ff), respectively  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 1–101(a)  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 1–101(c)  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 1–101(t)

Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 5–105  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That Section(s) 1–101(t) through (ee), respectively, of Article – Alcoholic Beverages of the  
Annotated Code of Maryland be renumbered to be Section(s) 1–101(u) through (ff),  
respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
as follows:

### **Article – Alcoholic Beverages**

1–101.

(a) In this article the following words have the meanings indicated.

(c) (1) “Beer” means a brewed alcoholic beverage.

(2) “Beer” includes:

(i) ale;

(ii) porter;

(iii) stout;

(iv) hard cider that:

1. is derived primarily from apples, apple concentrate and  
water, pears, or pear concentrate and water; and

2. contains no other fruit product but contains at least  
one-half of 1% and less than 8.5% of alcohol by volume; [and]

(v) an alcoholic beverage that contains:

1. 6% or less alcohol by volume, derived primarily from the  
fermentation of grain, with not more than 49% of the alcoholic beverage’s overall alcohol  
content by volume obtained from flavors and other added nonbeverage ingredients  
containing alcohol; or

2. more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; AND

**(VI) MEAD.**

**(T) "MEAD" MEANS A FERMENTED ALCOHOLIC BEVERAGE CONSISTING PRIMARILY OF HONEY AND WATER.**

**Article – Tax – General**

5–105.

(a) Except as provided in subsection (d) of this section, the alcoholic beverage tax rate for distilled spirits is:

(1) \$1.50 for each gallon or 39.63 cents for each liter; and

(2) if distilled spirits contain a percentage of alcohol greater than 100 proof, an additional tax, for each 1 proof over 100 proof, of 1.5 cents for each gallon or 0.3963 cents for each liter.

(b) Except as provided in subsection (d) of this section, the alcoholic beverage tax rate for wine is 40 cents for each gallon or 10.57 cents for each liter.

(c) Except as provided in subsection (d) of this section, the alcoholic beverage tax rate on beer **AND MEAD** is 9 cents for each gallon or 2.3778 cents for each liter.

(d) The tax imposed under § 5–102(b) of this subtitle shall equal the amount that the discriminating jurisdiction charges a Maryland licensee or permit holder.

(e) The revenue generated from the tax imposed under subsection (b) of this section on wine produced at wineries licensed under the Alcoholic Beverages Article shall be distributed to the Maryland Wine and Grape Promotion Fund under § 2–1102 of the Agriculture Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 763****(Senate Bill 651)**

AN ACT concerning

**Election Law – Local Boards of Elections – Membership**

FOR the purpose of altering the number of regular members of certain local boards of elections; repealing the position of substitute member of certain local boards; requiring the members of certain local boards to be of certain political parties; requiring that a vacancy on certain local boards be filled in a certain manner; making conforming and clarifying changes; and generally relating to the membership of local boards of elections.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 2–201, 2–204(b), and 11–301(f)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

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

**Article – Election Law**

2–201.

(a) (1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

(b) (1) **(I)** Except as provided in [subsections (j), (k), and (l)] **PARAGRAPHS (2) AND (3)** of this [section] **SUBSECTION**, each local board consists of [three regular members and two substitute] **FIVE REGULAR** members.

[(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) Except as provided in subsection (l) of this section, in the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular

member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.]

**(II) THREE REGULAR MEMBERS SHALL BE OF THE MAJORITY PARTY, AND TWO REGULAR MEMBERS SHALL BE OF THE PRINCIPAL MINORITY PARTY.**

**(2) (I) IN PRINCE GEORGE'S COUNTY, THE LOCAL BOARD CONSISTS OF FIVE REGULAR MEMBERS AND THREE SUBSTITUTE MEMBERS.**

**(II) FOUR REGULAR MEMBERS AND TWO SUBSTITUTE MEMBERS SHALL BE OF THE MAJORITY PARTY, AND ONE REGULAR MEMBER AND ONE SUBSTITUTE MEMBER SHALL BE OF THE PRINCIPAL MINORITY PARTY.**

**(3) (I) IN MONTGOMERY COUNTY, THE LOCAL BOARD CONSISTS OF FIVE REGULAR MEMBERS AND TWO SUBSTITUTE MEMBERS.**

**(II) THREE REGULAR MEMBERS AND ONE SUBSTITUTE MEMBER SHALL BE OF THE MAJORITY PARTY, AND TWO REGULAR MEMBERS AND ONE SUBSTITUTE MEMBER SHALL BE OF THE PRINCIPAL MINORITY PARTY.**

(c) Each regular **MEMBER OF A LOCAL BOARD** and **EACH** substitute member of a local board shall:

(1) be appointed in accordance with subsection (g) of this section;

(2) be a registered voter in the county for which the individual is appointed for the 5 years immediately preceding the appointment; and

(3) be eligible for reappointment.

(d) (1) The term of a member is 4 years and begins on the first Monday in June of each year following a gubernatorial election.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(e) Before taking office, a member shall take and subscribe to the oath prescribed in Article I, § 9 of the Maryland Constitution.

(f) The Governor may remove a member for incompetence, misconduct, or other good cause, upon written charges stating the Governor's grounds for dismissal and after affording the member notice and an ample opportunity to be heard.

(g) (1) The Governor shall request the county central committee representing the majority party or the principal minority party, as appropriate, to submit a list of at

least four eligible individuals from which the Governor may make an appointment of a regular member **OF A LOCAL BOARD** or a substitute member of the local board.

(2) The Governor may reject all of the nominees if the Governor determines them to be unfit or incompetent, in which case the Governor shall notify the State Board in writing and request an additional list of at least four eligible nominees from the county central committee. A third list may be requested in the same manner.

(3) If a list containing the names of four eligible nominees is not submitted within 20 days of a request or if all the nominees on three lists are rejected, the Governor may appoint any eligible person who is a member of the appropriate political party.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, each appointment shall be subject to confirmation by the Senate of Maryland.

(ii) In Caroline, Dorchester, and Kent counties, if there is no resident Senator of the particular county, the confirmation required under subparagraph (i) of this paragraph shall be by the House of Delegates of Maryland.

(iii) If an appointee is rejected, the Governor shall make another appointment from the list or lists submitted under paragraphs (1) and (2) of this subsection. If a list is not provided, or the nominees on three lists are rejected, the Governor may appoint an eligible individual as provided in paragraph (3) of this subsection.

**(H) (1) EXCEPT IN MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY, IF A VACANCY OCCURS ON THE LOCAL BOARD, THE GOVERNOR SHALL APPOINT AN ELIGIBLE PERSON FROM THE SAME POLITICAL PARTY AS THE PREDECESSOR MEMBER TO FILL THE VACANCY IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(2) AN APPOINTMENT MADE WHILE THE GENERAL ASSEMBLY IS NOT IN SESSION SHALL BE CONSIDERED TEMPORARY UNTIL THE APPOINTEE IS CONFIRMED BY THE GENERAL ASSEMBLY.**

**[(h)] (I) (1) [Except as provided in subsections (j), (k), and (l) of this section] THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY.**

**(2) IN THE EVENT OF THE ABSENCE OF A REGULAR MEMBER OR A VACANCY IN THE OFFICE OF A REGULAR MEMBER, THE SUBSTITUTE MEMBER OF THE SAME POLITICAL PARTY SHALL EXERCISE THE POWERS AND DUTIES OF A REGULAR MEMBER UNTIL THE REGULAR MEMBER RETURNS OR THE VACANCY IS FILLED AS PRESCRIBED IN THIS SUBSECTION.**

**(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION**, if a member of a local board dies, resigns, is removed, or becomes ineligible:

(i) the substitute member belonging to the same political party shall become a regular member of the local board; and

(ii) the Governor shall appoint an eligible person from the same political party to be the new substitute member.

**(4) IN PRINCE GEORGE'S COUNTY, IF A VACANCY OCCURS ON THE LOCAL BOARD AMONG THE MEMBERS FROM THE MAJORITY PARTY, THE GOVERNOR SHALL DESIGNATE ONE OF THE SUBSTITUTE MEMBERS FROM THAT PARTY TO FILL THE VACANCY.**

**[(2)] (5)** If a substitute member of a local board becomes a regular member as provided in paragraph **[(1)(ii)] (3)(I)** of this subsection, dies, resigns, is removed, or becomes ineligible when the confirming legislative body is not in session, the Governor shall appoint an eligible person from the same political party as the predecessor substitute member to fill the vacancy. That individual shall serve until the earlier of:

(i) the adjournment of the next session of the General Assembly; or

(ii) the appointment of another individual to fill the same vacancy.

**[(i)] (J)** A board shall meet within 20 days after the beginning of the term to elect one of its regular members as president.

**[(j)] (1)** In Prince George's County, the local board consists of five regular members and three substitute members.

(2) Four regular members and two substitute members shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) If a vacancy occurs on the local board among the members from the majority party, the Governor shall designate one of the substitute members from that party to fill the vacancy.

**(k) (1)** In Montgomery County, the local board consists of five regular members and two substitute members.

(2) Three regular members and one substitute member shall be of the majority party, and two regular members and one substitute member shall be of the principal minority party.

(1) (1) In Allegany County, Baltimore City, Caroline County, Carroll County, Cecil County, Charles County, Frederick County, Harford County, Kent County, Queen Anne's County, Somerset County, Talbot County, Washington County, Wicomico County, and Worcester County, the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.]

2–204.

(b) (1) Consistent with paragraph (2) of this subsection, each substitute member shall be compensated for each day of service as provided in the county budget.

(2) [(i) Except as provided in subparagraph (ii) of this paragraph, a] A substitute member shall be compensated at a rate of at least \$25 for each meeting of the local board that the substitute member attends.

[(ii) 1. In Calvert County, a substitute member shall be paid at least \$50 for each meeting that the substitute member attends.

2. In Garrett County, a substitute member shall be paid the amount set by the County Commissioners under Chapter 91 of the Public Local Laws of Garrett County.]

11–301.

(f) [If] **IN MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY, IF** a member is not present at the scheduled time for vote canvassing, a substitute member of the board of canvassers may be sworn in.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1~~ June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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**Chapter 764****(Senate Bill 792)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Related Event Promoter’s Permit**

FOR the purpose of creating a related event promoter’s permit in Baltimore City; authorizing the Baltimore City Board of License Commissioners to issue a related event promoter’s permit to a certain applicant who has submitted an application to the Board not less than a certain number of days before a certain date; requiring a holder of a State caterer’s license to obtain a certain license from the Board before the holder may act as a participating license holder at a certain event; requiring an applicant to take certain actions before being granted the related event promoter’s permit; requiring certain license holders to sign and date a certain application and pay a certain fee; specifying that an individual who applies for and obtains a related event promoter’s permit is not required to be a resident of or a registered voter in Baltimore City; requiring the Board to take a certain action within a certain time period; specifying that the permit authorizes the holder to conduct a related event; requiring a related event to be held on certain premises; specifying the duration of a permit; specifying a certain application fee and permit fee; establishing certain penalties; defining certain terms; providing for the termination of this Act; and generally relating to related event promoter’s permits in Baltimore City.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 12–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 12–1102.2  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 12–2802  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

12-102.

This title applies only in Baltimore City.

12-1102.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CIAA BASKETBALL TOURNAMENT” MEANS THE ANNUAL BASKETBALL TOURNAMENT OF THE CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION.

(3) (I) “RELATED EVENT” MEANS AN EVENT IN WHICH:

1. A LICENSE HOLDER PARTICIPATES IN A COORDINATED PROMOTION WITH A THIRD-PARTY PROMOTER TO SELL OR PROVIDE ALCOHOLIC BEVERAGES DURING A SPECIFIED TIME; AND

2. AT LEAST 75 INDIVIDUALS ARE REASONABLY ANTICIPATED TO PARTICIPATE.

(II) “RELATED EVENT” INCLUDES AN EVENT FOR WHICH TICKETS ARE SOLD TO THE PUBLIC, INCLUDING A CONCERT, AN ENTERTAINMENT EVENT, A HAPPY HOUR, OR A PARTY.

(4) “RELATED EVENT PROMOTER” MEANS AN INDIVIDUAL, A FOR-PROFIT ORGANIZATION, OR A NONPROFIT ORGANIZATION THAT PROMOTES A SOCIAL EVENT RELATED TO THE CIAA BASKETBALL TOURNAMENT AROUND THE SAME TIME AND LOCATION AS THE CIAA BASKETBALL TOURNAMENT.

(B) THERE IS A RELATED EVENT PROMOTER’S PERMIT.

(C) (1) A RELATED EVENT PROMOTER OR A PARTICIPATING LICENSE HOLDER ON BEHALF OF A RELATED EVENT PROMOTER SHALL APPLY FOR A PERMIT FROM THE BOARD BEFORE THE RELATED EVENT PROMOTER MAY PUBLICIZE, SELL TICKETS FOR, ORGANIZE, OPERATE, PRODUCE, OR STAGE A RELATED EVENT.

(2) A HOLDER OF A STATE CATERER’S LICENSE SHALL OBTAIN A CLASS C PER DIEM BEER, BEER AND WINE, OR BEER, WINE, AND LIQUOR LICENSE FROM THE BOARD BEFORE THE HOLDER MAY ACT AS A PARTICIPATING LICENSE HOLDER AT A RELATED EVENT.

**(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY GRANT THE PERMIT TO AN APPLICANT WHO SUBMITS AN APPLICATION TO THE BOARD AS PROVIDED UNDER TITLE 4 OF THIS ARTICLE AT LEAST 90 DAYS BEFORE THE DATE OF THE RELATED EVENT.**

**(2) BEFORE BEING GRANTED THE PERMIT, AN APPLICANT SHALL:**

**(I) OBTAIN WRITTEN CONSENT FROM A DESIGNEE OF VISIT BALTIMORE;**

**(II) IF REQUIRED BASED ON THE TYPE OF PREMISES TO BE USED:**

**1. OBTAIN A SPECIAL EVENT PERMIT FROM THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION; AND**

**2. PROVIDE A COPY OF THE SPECIAL EVENT PERMIT TO THE BOARD; AND**

**(III) PROVIDE A COMPLETED APPLICATION THAT:**

**1. IS DATED AND NOTARIZED, AND SIGNED BY EACH LICENSE HOLDER THAT WILL PARTICIPATE IN THE RELATED EVENT;**

**2. LISTS EACH PREMISES FOR WHICH THE RELATED EVENT WILL BE HELD; AND**

**3. IS ACCOMPANIED BY ANY OTHER DOCUMENT THAT THE BOARD REQUIRES.**

**(3) AN INDIVIDUAL WHO APPLIES FOR AND IS ISSUED THE PERMIT IS NOT REQUIRED TO BE A RESIDENT OF OR A REGISTERED VOTER IN BALTIMORE CITY.**

**(4) WITHIN 14 DAYS AFTER RECEIVING AN APPLICATION, THE BOARD SHALL GRANT OR DENY THE PERMIT OR REQUEST MORE INFORMATION FROM THE APPLICANT.**

**(5) A PERMIT MAY NOT BE ALTERED WITHIN 30 DAYS BEFORE THE RELATED EVENT IS SCHEDULED TO TAKE PLACE.**

**(E) THE PERMIT AUTHORIZES THE RELATED EVENT PROMOTER AND PARTICIPATING LICENSE HOLDER TO CONDUCT A RELATED EVENT.**

(F) THE PERMIT FOR EACH RELATED EVENT MAY BE IN EFFECT FOR THE TIME STATED ON THE SPECIAL EVENT PERMIT REQUIRED UNDER SUBSECTION (D)(2) OF THIS SECTION.

(G) THE BOARD MAY ADOPT REGULATIONS ESTABLISHING THE REQUIREMENTS FOR:

(1) CONDUCTING A RELATED EVENT, INCLUDING HEALTH AND SAFETY STANDARDS TO BE MET BY THE RELATED EVENT PROMOTER AND PARTICIPATING LICENSE HOLDER; AND

(2) PROVIDING PUBLIC NOTICE OF A RELATED EVENT AT THE PREMISES OF PARTICIPATING LICENSE HOLDERS BY THE RELATED EVENT PROMOTER OR PARTICIPATING LICENSE HOLDERS.

(H) (1) THE APPLICATION FEE IS \$50, PAYABLE ON THE SUBMISSION OF THE APPLICATION.

(2) ~~(I) SUBJECT TO SUBPARAGRAPH (II) PARAGRAPH (3) OF THIS PARAGRAPH SUBSECTION, THE~~ THE PERMIT FEE, PAYABLE WHEN THE PERMIT IS GRANTED, IS:

~~1. \$120; AND~~

~~(I) 1. \$500, IF 75 TO 299 INDIVIDUALS ARE REASONABLY ANTICIPATED TO PARTICIPATE; OR~~

~~2. (II) \$1,500, IF 300 OR MORE INDIVIDUALS ARE REASONABLY ANTICIPATED TO PARTICIPATE; AND.~~

~~2. (H) \$100 FOR EACH LICENSE HOLDER THAT PARTICIPATES IN THE RELATED EVENT.~~

~~(H) (3) ON RECEIPT OF AN APPLICATION, THE BOARD MAY REDUCE THE PERMIT FEE BY NOT MORE THAN 50% IF THE APPLICANT SHOWS THAT THE PROCEEDS FROM THE RELATED EVENT AFTER ADMINISTRATIVE EXPENSES ARE DEDUCTED SHALL BE USED TO BENEFIT AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.~~

12-2802.

(a) For a violation that is cause for suspension of a license, the Board may:

(1) except as provided in subsections (b) and (c) of this section, for a first offense, impose a fine not exceeding \$500 or suspend the license or both; or

(2) except as provided in subsection (c) of this section, for each subsequent offense, impose a fine not exceeding \$3,000 or suspend the license or both.

(b) For a first offense of selling alcoholic beverages to an individual under the age of 21 years, the Board may impose a fine not exceeding \$1,000 or suspend the license or both.

(c) (1) For the offense of publicizing, selling tickets for, organizing, operating, producing, facilitating, or staging a pub crawl with the knowledge or a reason to know that a pub crawl promoter's permit required under § 12-1101.1 of this title has not been obtained, the Board shall impose a fine of not less than \$1,000 and not more than \$3,000 or suspend the license or both.

(2) A person who violates § 12-1101.1 of this title may not be granted a promoter's permit for at least 1 year.

**(D) (1) FOR THE OFFENSE OF PUBLICIZING, SELLING TICKETS FOR, ORGANIZING, OPERATING, PRODUCING, FACILITATING, OR STAGING A RELATED EVENT WITH THE KNOWLEDGE OR A REASON TO KNOW THAT A RELATED EVENT PROMOTER'S PERMIT REQUIRED UNDER § 12-1102.2 OF THIS TITLE HAS NOT BEEN OBTAINED, THE BOARD SHALL IMPOSE A FINE OF NOT LESS THAN \$1,000 AND NOT MORE THAN \$3,000 OR SUSPEND THE LICENSE OR BOTH.**

**(2) A PERSON WHO VIOLATES § 12-1102.2 OF THIS TITLE MAY NOT BE GRANTED A RELATED EVENT PROMOTER'S PERMIT FOR AT LEAST 1 YEAR.**

**(E) FOR THE OFFENSE BY A HOLDER OF A STATE CATERER'S LICENSE OF PARTICIPATING IN A CIAA BASKETBALL TOURNAMENT RELATED EVENT WITHOUT FIRST OBTAINING A CLASS C PER DIEM BEER, BEER AND WINE, OR BEER, WINE, AND LIQUOR LICENSE REQUIRED UNDER § 12-1102.2 OF THIS TITLE, THE COMPTROLLER SHALL IMPOSE A FINE OF NOT LESS THAN \$1,000 AND NOT MORE THAN \$3,000 OR SUSPEND THE STATE CATERER'S LICENSE OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 4 years and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

AN ACT concerning

**University of Maryland Joint Steering Council – Renaming ~~and~~, Duties, and Funding**

FOR the purpose of renaming the University of Maryland Joint Steering Council to be the MPowering Joint Steering Council; requiring the Council to explore opportunities to create certain apprenticeship programs; requiring the Governor to include a certain appropriation in the annual State budget for the Council and the University of Maryland Baltimore County; requiring a certain appropriation to be used to supplement, and not supplant, funding otherwise appropriated for the Council and the University of Maryland Baltimore County; requiring the Council to submit a certain report to the General Assembly on or before a certain date; altering a certain definition; and generally relating to the University of Maryland Joint Steering Council.

BY repealing and reenacting, without amendments,

Article – Education

Section 12–301(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 12–301(c) and 12–304

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

**Article – Education**

12–301.

(a) In this subtitle the following words have the meanings indicated.

(c) “Council” means the [University of Maryland] **MPOWERING** Joint Steering Council established under § 12–304 of this subtitle.

12–304.

(a) There is [a University of Maryland] **AN MPOWERING** Joint Steering Council.

(b) The Council consists of members appointed by the President of the College Park Campus and the President of the Baltimore Campus.

(c) The Council shall:

(1) Develop guidelines for faculty appointments that are joint between the College Park Campus and the Baltimore Campus;

(2) Make recommendations to the presidents on joint faculty appointments;

(3) Make recommendations to the presidents identifying competitor state peers for the University of Maryland;

(4) Establish a process by which undergraduate and graduate programs are evaluated to determine whether the students, the University of Maryland, and the State would benefit from alignment and collaboration and make recommendations to the presidents;

(5) Carry out the programs and policies established under the MPower program as directed by the presidents;

**(6) EXPLORE OPPORTUNITIES TO CREATE REGISTERED APPRENTICESHIP PROGRAMS IN NURSING AND OTHER FIELDS THAT INCLUDE INTEGRATION OF HIGH SCHOOL CAREER AND TECHNOLOGY EDUCATION PROGRAMS AND UNIVERSITY OF MARYLAND GRADUATE AND UNDERGRADUATE PROGRAMS;** and

~~(6)~~ **(7)** Perform any other duties assigned by the presidents.

**(D) (1) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET FOR THE COUNCIL A GENERAL FUND APPROPRIATION IN THE FOLLOWING AMOUNTS:**

~~(I) \$2,500,000 IN FISCAL YEAR 2020;~~

~~(II) \$5,000,000 IN FISCAL YEAR 2021;~~

~~(III) \$7,500,000 IN FISCAL YEAR 2022; AND~~

~~(IV) \$10,000,000 IN FISCAL YEAR 2023 AND EACH FISCAL YEAR~~

~~THEREAFTER.~~

**(I) \$2,000,000 IN FISCAL YEAR 2021;**

**(II) \$4,000,000 IN FISCAL YEAR 2022;**

**(III) \$6,000,000 IN FISCAL YEAR 2023;**

(IV) \$8,000,000 IN FISCAL YEAR 2024; AND

(V) \$10,000,000 IN FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER.

(2) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET FOR THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY, TO FURTHER ITS MISSION AS A RESEARCH UNIVERSITY AND TO COMPLEMENT THE ECONOMIC DEVELOPMENT AND RESEARCH ACTIVITIES OF THE MPOWERING JOINT STEERING COUNCIL, A GENERAL FUND APPROPRIATION IN THE FOLLOWING AMOUNTS:

(I) \$400,000 IN FISCAL YEAR 2021;

(II) \$800,000 IN FISCAL YEAR 2022;

(III) \$1,200,000 IN FISCAL YEAR 2023;

(IV) \$1,600,000 IN FISCAL YEAR 2024; AND

(V) \$2,000,000 IN FISCAL YEAR 2025 AND EACH YEAR THEREAFTER.

~~(2)~~ (3) THE MONEY APPROPRIATED UNDER PARAGRAPH (1) PARAGRAPHS (1) AND (2) OF THIS SUBSECTION IS SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE COUNCIL OR THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2020, the MPowering Joint Steering Council shall report on its research into opportunities to create registered apprenticeship programs as required by § 12-304(c)(6) of the Education Article, as enacted by Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 766

(Senate Bill 927)

AN ACT concerning

**Carroll County – Alcoholic Beverages Licenses – Class D Beer License**

FOR the purpose of altering the authorization of certain license holders in Carroll County to sell beer at retail for off–premises consumption; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 16–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 16–604  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

16–102.

This title applies only in Carroll County.

16–604.

(a) There is a Class D beer license.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail:

(I) at the place described in the license for [on– and off–premises]  
**ON–PREMISES** consumption; **AND**

(II) **AT THE DISCRETION OF THE BOARD, FOR OFF–PREMISES  
 CONSUMPTION.**

(2) A license may not be issued for a drugstore.

(c) The annual license fee is \$250.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 767

### (Senate Bill 946)

AN ACT concerning

#### State Prescription Drug Benefits – Retiree Benefits – Revisions

FOR the purpose of authorizing certain retirees who participate in a certain prescription drug benefit plan with a spouse or dependent child to elect to have the spouse or dependent child covered under a certain State prescription drug benefit plan; authorizing certain surviving spouses and surviving dependent children to elect to enroll in a certain State prescription drug benefit plan; requiring the Department of Budget and Management, on or before a certain date, to establish the Maryland State Retiree Prescription Drug Coverage Program; authorizing the Department to establish certain out-of-pocket limits under the Maryland State Retiree Prescription Drug Coverage Program for certain retirees; authorizing the Maryland State Retiree Prescription Drug Coverage Program to include a certain health reimbursement account or other program; authorizing certain individuals to enroll in the Maryland State Retiree Prescription Drug Coverage Program during a certain open enrollment or special enrollment period; requiring the Department, on or before a certain date, to establish the Maryland State Retiree Catastrophic Prescription Drug Assistance Program; authorizing the Department to establish a certain maximum reimbursement amount under the Maryland State Retiree Catastrophic Prescription Drug Assistance Program for certain retirees; authorizing the Maryland State Retiree Catastrophic Prescription Drug Assistance Program to reimburse participants through a certain health reimbursement account or other program; authorizing certain individuals to enroll in the Maryland State Retiree Catastrophic Prescription Drug Assistance Program during a certain open enrollment or special enrollment period; requiring the Department, on or before a certain date, to establish the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program to reimburse participants for certain costs through a certain health reimbursement account or other program; authorizing the Department to establish maximum reimbursement amounts on a certain basis under the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program; ~~authorizing certain individuals to enroll~~ *providing that certain individuals shall be automatically enrolled* in the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program ~~during a certain open enrollment or special enrollment period;~~ altering the date by which the Secretary of Budget and Management is required to provide a certain notice to certain individuals; altering the information required to be included in a certain notice; ~~requiring the Department to provide certain counseling to Medicare-eligible retirees for a certain purpose; requiring the~~

~~Department to take certain actions in providing certain counseling requiring the Department to ensure Medicare-eligible retirees have access to certain services; requiring the Department to develop a certain plan for communicating to Medicare-eligible retirees the availability of certain programs and services; requiring the Department to submit a report on the plan by a certain date; requiring the report to include certain information; providing for the manner in which certain counseling may be provided; authorizing the Department to make an emergency procurement for certain services under certain circumstances; requiring the Department to submit certain quarterly reports to the Governor and certain committees of the General Assembly; requiring the Department to adopt certain regulations; providing for the application of certain provisions of this Act; making conforming changes; providing that, notwithstanding any other provision of law, the elimination of certain State prescription drug benefits, the establishment of certain programs, and the provision of a certain notice shall begin on a certain date under certain circumstances; requiring the Secretary of Budget and Management to provide certain notice to certain retirees not later than a certain date; declaring the intent of the General Assembly; making this Act an emergency measure; and generally relating to retirees from State employment and State prescription drug benefits.~~

BY repealing and reenacting, without amendments,  
 Article – State Personnel and Pensions  
 Section ~~2-508(d)~~ 2-508 and 2-509  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 2-509.1  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2018 Supplement)

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

### **Article – State Personnel and Pensions**

2-508.

(a) (1) In this section the following words have the meanings indicated.

(2) “Creditable service” means:

(i) service credited toward a retirement allowance under Division II of this article;

(ii) service while a member of the Judges’ Retirement System under Title 27 of this article;

(iii) service while an employee was employed by the Domestic Relations Division of the Anne Arundel County Circuit Court, prior to transfer on or before July 1, 2002 into the State Personnel Management System, in accordance with § 2–510 of the Courts Article; or

(iv) service while a member of the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(3) (i) “Retiree” means:

1. a former State employee who receives a retirement allowance under Division II of this article;

2. a former employee of the Medical System Corporation, as defined in § 13–301 or § 13–401 of the Education Article, who receives a retirement allowance from the Employees’ Retirement System of the State of Maryland or the Employees’ Pension System of the State of Maryland under Title 22 or Title 23 of this article; or

3. a former employee of the Maryland Transit Administration who receives a Maryland Transit Administration retirement allowance under § 7–206 of the Transportation Article.

(ii) “Retiree” does not include:

1. a member of the faculty or staff of a community college;

2. a teacher or a staff member employed by a county board of education; or

3. an individual who retired under an optional program under Title 30 of this article.

(4) “State service” means service with the State by:

(i) an employee while a member of the Employees’ Retirement System or the Employees’ Pension System under Title 22 or Title 23 of this article;

(ii) a member of the Judges’ Retirement System under Title 27 of this article;

(iii) a teacher while a member of the Teachers’ Retirement System or Teachers’ Pension System under Title 22 or Title 23 of this article;

(iv) a correctional officer, while a member of the Correctional Officers’ Retirement System under Title 25 of this article;

(v) an employee of the Medical System Corporation, as defined in § 13–301 or § 13–401 of the Education Article, while a member of the Employees’ Retirement System of the State of Maryland or the Employees’ Pension System of the State of Maryland under Title 22 or Title 23 of this article;

(vi) a State Police officer while a member of the State Police Retirement System under Title 24 of this article;

(vii) a law enforcement officer while a member of the Law Enforcement Officers’ Pension System under Title 26 of this article; or

(viii) an employee while a member of the Maryland Transit Administration Plan under § 7–206 of the Transportation Article.

(b) (1) This subsection applies to a retiree who:

(i) began State service on or before June 30, 2011; or

(ii) 1. began State service on or after July 1, 2011; and

2. is a retiree of the Judges’ Retirement System.

(2) A retiree may enroll and participate in the health insurance benefit options established under the Program if the retiree:

(i) ended State service with at least 10 years of creditable service and within 5 years before the age at which a vested retirement allowance normally would begin;

(ii) ended State service with at least 16 years of creditable service;

(iii) ended State service on or before June 30, 1984;

(iv) retired directly from State service with a State retirement allowance on or after July 1, 1984, and had at least 5 years of creditable service; or

(v) retired directly from State service with a State disability retirement allowance on or after July 1, 1984.

(3) (i) The surviving spouse or dependent child of a deceased retiree who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic allowance under Division II of this article or the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(ii) Subparagraph (i) of this paragraph does not apply to a deceased retiree's spouse or dependent child who receives an Option 1, Option 4, or Option 7 benefit under Division II of this article or a lump-sum payment of benefits under the Maryland Transit Administration Retirement Plan under § 7-206 of the Transportation Article.

(4) (i) If a retiree receives a State disability retirement allowance or has 16 or more years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to the same State subsidy allowed a State employee.

(ii) In all other cases, if a retiree has at least 5 years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to 1/16 of the State subsidy allowed a State employee for each year of the retiree's creditable service up to 16 years.

(iii) Notwithstanding subparagraph (ii) of this paragraph and subsection (a)(4)(i) of this section, if a retiree is an additional employee or agent of the State Racing Commission, for the purposes of determining a retiree's State subsidy, creditable service shall be determined with respect to service as an additional employee or agent beginning from the initial date of employment or January 1, 1986, whichever is later.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, this subsection applies to a retiree who begins State service on or after July 1, 2011.

(ii) This subsection does not apply to:

1. a retiree of the Judges' Retirement System; or
2. a former Governor of Maryland who began serving as Governor on or after January 21, 2015.

(2) A retiree may enroll and participate in the health insurance benefit options established under the Program if the retiree:

- (i) ends State service with at least 25 years of creditable service;
- (ii) ends State service with at least 10 years of creditable service within 5 years before the age at which a vested retirement allowance normally would begin;
- (iii) retires directly from State service with a State retirement allowance and has 10 years of creditable service; or
- (iv) retires directly from State service with a State disability retirement allowance.

(3) (i) The surviving spouse or dependent child of a deceased retiree who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic

allowance under Division II of this article or the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(ii) Subparagraph (i) of this paragraph does not apply to a deceased retiree's spouse or dependent child who receives an Option 1, Option 4, or Option 7 benefit under Division II of this article or a lump-sum payment of benefits under the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(4) (i) If a retiree receives a State disability retirement allowance or has 25 or more years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to the same State subsidy allowed a State employee.

(ii) In all other cases, if a retiree has at least 10 years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to 1/25 of the State subsidy allowed a State employee for each year of the retiree's creditable service up to 25 years.

(iii) Notwithstanding subparagraph (ii) of this paragraph and subsection (a)(4)(i) of this section, if a retiree is an additional employee or agent of the State Racing Commission, for the purposes of determining a retiree's State subsidy, creditable service shall be determined with respect to service as an additional employee or agent beginning from the initial date of employment.

(d) (1) Notwithstanding subsections (b) and (c) of this section and §§ 2–509 and 2–509.1 of this subtitle, the State may establish separate health insurance benefit options for retirees that differ from those for active State employees.

(2) Subject to § 2–509.1 of this subtitle, on or after July 1, 2011, the health insurance benefit option for retirees shall include a prescription drug benefit that:

(i) has the same co-payments, coinsurance, and deductible that apply to the prescription drug benefit for active State employees;

(ii) requires:

1. retirees who qualify for the maximum State subsidy to pay 25% of the premium for the prescription drug benefit; and

2. retirees who qualify for a partial State subsidy to pay 25% of the premium for the prescription drug benefit plus the proportional additional amount required under subsections (b)(4)(ii) and (c)(4)(ii) of this section; and

(iii) requires retirees to pay out-of-pocket limits equal to:

1. \$1,500 for the retiree only; and

2. \$2,000 for the retiree and the retiree's family.

2-509.

(a) (1) This subsection applies to a retiree of an optional retirement program under Title 30 of this article who began service as an employee of the State in the Executive, Legislative, or Judicial Branch of government on or before June 30, 2011.

(2) (i) Subject to subparagraph (ii) of this paragraph, an individual may enroll and participate in the health insurance benefit options established under the Program if the individual retired under an optional program under Title 30 of this article and:

1. ended service with a State institution of higher education with at least 10 years of service and was at least age 57;

2. ended service with a State institution of higher education with at least 16 years of service; or

3. retired directly from and had at least 5 years of service with a State institution of higher education with a periodic distribution of benefits on or after July 1, 1984.

(ii) 1. For purposes of this subsection only, years of service shall be calculated as follows:

A. except as provided in subparagraph 2 of this subparagraph, a year of service means a period of 12 months during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program; or

B. if an employee's work year is an academic year of at least 9 but less than 12 months, a year of service means a period equal to the academic year during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program.

2. To determine eligibility for health insurance benefits under this section, each year of service shall be multiplied by the participant's percentage of full-time employment for that year of service.

(iii) The surviving spouse or dependent child of a deceased individual who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic distribution of benefits under an optional retirement program under Title 30 of this article.

(3) (i) An enrollee under this section who was in service with a State institution of higher education at the time of the retirement is entitled to the same State

subsidy allowed a retiree under § 2-508(b)(4) of this subtitle. However, except as provided in subparagraph (ii) of this paragraph, the subsidy shall apply only to the costs of coverage for the enrollee and may not apply to any additional costs of coverage for the enrollee's spouse or children.

(ii) If the enrollee has 25 or more years of service as an employee of the State in the Executive, Legislative, or Judicial Branch of government, the enrollee or the enrollee's surviving spouse or dependent child is entitled to the same State subsidy allowed a retiree with 16 or more years of creditable service under § 2-508(b)(4)(i) of this subtitle.

(b) (1) This subsection applies to a retiree of an optional retirement program under Title 30 of this article who begins service as an employee of the State in the Executive, Legislative, or Judicial Branch of government on or after July 1, 2011.

(2) (i) Subject to subparagraph (ii) of this paragraph, an individual may enroll and participate in the health insurance benefit options established under the Program if the individual retired under an optional program under Title 30 of this article and:

1. ended service with a State institution of higher education with at least 10 years of service and was at least age 57;

2. ended service with a State institution of higher education with at least 25 years of service; or

3. retired directly from and had at least 10 years of service with a State institution of higher education with a periodic distribution of benefits on or after July 1, 2011.

(ii) 1. For purposes of this paragraph only, years of service shall be calculated as follows:

A. except as provided in subparagraph 2 of this subparagraph, a year of service means a period of 12 months during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program; or

B. if an employee's work year is an academic year of at least 9 but less than 12 months, a year of service means a period equal to the academic year during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program.

2. To determine eligibility for health insurance benefits under this section, each year of service shall be multiplied by the participant's percentage of full-time employment for that year of service.

(iii) The surviving spouse or dependent child of a deceased individual who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic distribution of benefits under an optional retirement program under Title 30 of this article.

(3) (i) An enrollee under this subsection who was in service with a State institution of higher education at the time of the retirement is entitled to the same State subsidy allowed a retiree under § 2–508(c)(4) of this subtitle. However, except as provided in subparagraph (ii) of this paragraph, the subsidy shall apply only to the costs of coverage for the enrollee and may not apply to any additional costs of coverage for the enrollee’s spouse or children.

(ii) If the enrollee has 25 or more years of service as an employee of the State in the Executive, Legislative, or Judicial Branch of government, the enrollee or the enrollee’s surviving spouse or dependent child is entitled to the same State subsidy allowed a retiree with 25 or more years of creditable service under § 2–508(c)(4)(i) of this subtitle.

2–509.1.

(a) **(1)** Except as provided in subsection (b) of this section, the State shall continue to include a prescription drug benefit plan in the health insurance benefit options established under the Program and available to retirees under §§ 2–508 and 2–509 of this subtitle notwithstanding the enactment of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 or any other federal law permitting states to discontinue prescription drug benefit plans to retirees of a state.

**(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:**

**(I) A RETIREE MAY ELECT TO COVER THE RETIREE’S SPOUSE OR DEPENDENT CHILD UNDER THE STATE PRESCRIPTION DRUG BENEFIT PLAN UNDER §§ 2–508 AND 2–509 OF THIS SUBTITLE; AND**

**(II) IF A SURVIVING SPOUSE OR SURVIVING DEPENDENT CHILD OF A RETIREE IS ELIGIBLE TO ENROLL IN THE STATE PRESCRIPTION DRUG BENEFIT PLAN UNDER § 2–508 OR § 2–509 OF THIS SUBTITLE, THE SURVIVING SPOUSE OR SURVIVING DEPENDENT CHILD MAY ELECT TO ENROLL IN THE STATE PRESCRIPTION DRUG BENEFIT PLAN.**

(b) Except as provided in subsection (c) of this section, on January 1, 2019, the State shall discontinue prescription drug benefits for:

- (1) a Medicare–eligible retiree;
- (2) the Medicare–eligible spouse or surviving spouse of a retiree; and

(3) a Medicare-eligible dependent child or surviving dependent child of a retiree.

(c) (1) If a retiree is eligible to participate in the prescription drug benefit plan under Medicare, but the retiree's spouse or dependent child is not eligible to participate in a Medicare prescription drug benefit plan, the retiree may elect to cover the retiree's spouse or dependent child under the State prescription drug benefit plan.

(2) If the surviving spouse or surviving dependent child of a retiree is eligible to enroll in the State prescription drug benefit plan under **§ 2-508 OR § 2-509** of this subtitle, but is not eligible to participate in the prescription drug benefit plan under Medicare, the surviving spouse or surviving dependent child may elect to enroll in the State prescription drug benefit plan.

**(D) (1) THIS SUBSECTION APPLIES ONLY TO A RETIREE, A RETIREE'S SPOUSE OR SURVIVING SPOUSE, AND A RETIREE'S DEPENDENT CHILD OR SURVIVING DEPENDENT CHILD:**

**(I) WHO IS ENROLLED IN A PRESCRIPTION DRUG BENEFIT PLAN UNDER MEDICARE; ~~AND~~**

**(II) IF THE RETIREE IS RETIRED ON OR BEFORE DECEMBER 31, ~~2018~~ 2019; AND**

**(III) IF THE RETIREE IS ELIGIBLE UNDER § 2-508 OR § 2-509 OF THIS SUBTITLE TO ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM.**

**(2) (I) ~~ON~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT SHALL ESTABLISH A MARYLAND STATE RETIREE PRESCRIPTION DRUG COVERAGE PROGRAM THAT ~~REQUIRES PARTICIPANTS TO PAY~~ REIMBURSES A PARTICIPANT FOR OUT-OF-POCKET ~~LIMITS EQUAL TO~~ COSTS THAT EXCEED THE LIMITS ESTABLISHED FOR NON-MEDICARE-ELIGIBLE RETIREES IN § 2-508(D)(2)(III) OF THIS SUBTITLE.**

**(II) THE DEPARTMENT MAY ESTABLISH AN OUT-OF-POCKET LIMIT HIGHER THAN THE LIMITS ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A RETIREE WHO QUALIFIES FOR A PARTIAL STATE SUBSIDY.**

**(3) THE MARYLAND STATE RETIREE PRESCRIPTION DRUG COVERAGE PROGRAM ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY INCLUDE:**

(I) A HEALTH REIMBURSEMENT ACCOUNT ESTABLISHED IN ACCORDANCE WITH § 105(H) OF THE INTERNAL REVENUE CODE; OR

(II) ANOTHER PROGRAM THAT PROVIDES ASSISTANCE WITH PRESCRIPTION DRUG COSTS.

(4) A RETIREE, A RETIREE'S SPOUSE OR SURVIVING SPOUSE, AND A RETIREE'S DEPENDENT CHILD OR SURVIVING DEPENDENT CHILD MAY ENROLL IN THE MARYLAND STATE RETIREE PRESCRIPTION DRUG COVERAGE PROGRAM DURING THE OPEN ENROLLMENT PERIOD OR ANY SPECIAL ENROLLMENT PERIOD FOR RETIREE HEALTH INSURANCE BENEFIT OPTIONS.

(E) (1) THIS SUBSECTION APPLIES ONLY TO A RETIREE, A RETIREE'S SPOUSE OR SURVIVING SPOUSE, AND A RETIREE'S DEPENDENT CHILD OR SURVIVING DEPENDENT CHILD:

(I) WHO IS ENROLLED IN A PRESCRIPTION DRUG BENEFIT PLAN UNDER MEDICARE; AND

(II) IF THE RETIREE:

1. BEGAN STATE SERVICE ON OR BEFORE JUNE 30, 2011; ~~AND~~

2. RETIRED ON OR AFTER JANUARY 1, ~~2019~~ 2020; AND

3. IS ELIGIBLE UNDER § 2-508 OR § 2-509 OF THIS SUBTITLE TO ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM.

(2) (I) ~~ON~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT SHALL ESTABLISH A MARYLAND STATE RETIREE CATASTROPHIC PRESCRIPTION DRUG ASSISTANCE PROGRAM THAT REIMBURSES A PARTICIPANT FOR OUT-OF-POCKET COSTS AFTER THE PARTICIPANT HAS ENTERED CATASTROPHIC COVERAGE UNDER A PRESCRIPTION DRUG BENEFIT PLAN UNDER MEDICARE.

(II) THE DEPARTMENT MAY ESTABLISH A MAXIMUM REIMBURSEMENT AMOUNT FOR A RETIREE WHO QUALIFIES FOR A PARTIAL STATE SUBSIDY.

(3) THE MARYLAND STATE RETIREE CATASTROPHIC PRESCRIPTION DRUG ASSISTANCE PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY PROVIDE REIMBURSEMENTS THROUGH:

(I) A HEALTH REIMBURSEMENT ACCOUNT ESTABLISHED IN ACCORDANCE WITH § 105(H) OF THE INTERNAL REVENUE CODE; OR

(II) ANOTHER PROGRAM THAT PROVIDES ASSISTANCE WITH PRESCRIPTION DRUG COSTS.

(4) A RETIREE, A RETIREE'S SPOUSE OR SURVIVING SPOUSE, AND A RETIREE'S DEPENDENT CHILD OR SURVIVING DEPENDENT CHILD MAY ENROLL IN THE MARYLAND STATE RETIREE CATASTROPHIC PRESCRIPTION DRUG ASSISTANCE PROGRAM DURING THE OPEN ENROLLMENT PERIOD OR ANY SPECIAL ENROLLMENT PERIOD FOR RETIREE HEALTH INSURANCE BENEFIT OPTIONS.

(F) (1) THIS SUBSECTION APPLIES ONLY TO A RETIREE, A RETIREE'S SPOUSE OR SURVIVING SPOUSE, AND A RETIREE'S DEPENDENT CHILD OR SURVIVING DEPENDENT CHILD:

(I) WHO IS ENROLLED IN ~~A PRESCRIPTION DRUG BENEFIT PLAN UNDER MEDICARE:~~

1. THE MARYLAND STATE RETIREE PRESCRIPTION DRUG COVERAGE PROGRAM ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION; OR

2. THE MARYLAND STATE RETIREE CATASTROPHIC PRESCRIPTION DRUG ASSISTANCE PROGRAM ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION; AND

(II) IF THE RETIREE IS ELIGIBLE UNDER § 2-508 OR § 2-509 OF THIS SUBTITLE TO ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM.

(2) (I) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT SHALL ESTABLISH A MARYLAND STATE RETIREE LIFE-SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM THAT REIMBURSES A PARTICIPANT FOR OUT-OF-POCKET COSTS FOR A LIFE-SUSTAINING PRESCRIPTION DRUG THAT IS:

1. COVERED BY ~~A~~ THE PRESCRIPTION DRUG BENEFIT PLAN IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM; AND

2. NOT COVERED BY THE PRESCRIPTION DRUG BENEFIT PLAN UNDER MEDICARE IN WHICH THE PARTICIPANT IS ENROLLED; ~~AND.~~

~~3. ON A LIST DEVELOPED BY THE DEPARTMENT.~~

(II) THE DEPARTMENT SHALL DEVELOP A LIST OF THE PRESCRIPTION DRUGS THAT QUALIFY FOR REIMBURSEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) THE DEPARTMENT MAY ESTABLISH MAXIMUM REIMBURSEMENT AMOUNTS ~~BASED ON WHETHER~~ FOR A RETIREE WHO QUALIFIES ~~FOR THE MAXIMUM STATE SUBSIDY OR FOR~~ A PARTIAL STATE SUBSIDY.

(3) THE MARYLAND STATE RETIREE LIFE-SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY PROVIDE REIMBURSEMENTS THROUGH:

(I) A HEALTH REIMBURSEMENT ACCOUNT ESTABLISHED IN ACCORDANCE WITH § 105(H) OF THE INTERNAL REVENUE CODE; OR

(II) ANOTHER PROGRAM THAT PROVIDES ASSISTANCE WITH PRESCRIPTION DRUG COSTS.

(4) A RETIREE, A RETIREE'S SPOUSE OR SURVIVING SPOUSE, AND A RETIREE'S DEPENDENT CHILD OR SURVIVING DEPENDENT CHILD ~~MAY ENROLL~~ SHALL BE AUTOMATICALLY ENROLLED IN THE MARYLAND STATE RETIREE LIFE-SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM ~~DURING THE OPEN ENROLLMENT OR ANY SPECIAL ENROLLMENT PERIOD FOR RETIREE HEALTH INSURANCE BENEFIT OPTIONS~~ ON ENROLLMENT IN:

(I) THE MARYLAND STATE RETIREE PRESCRIPTION DRUG COVERAGE PROGRAM ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION; OR

(II) THE MARYLAND STATE RETIREE CATASTROPHIC PRESCRIPTION DRUG ASSISTANCE PROGRAM ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.

[(d)] ~~(F)~~ (G) (1) Subject to paragraph ~~[(2)]~~ ~~(3)~~ of this subsection, not later than July 1, ~~[2018]~~ ~~2019~~ OF EACH YEAR, the Secretary shall provide written certified notice [to the individuals listed in subsection (b) of this section] of the change in the State prescription drug benefit plan under this section TO THE INDIVIDUALS WHO WILL BE ELIGIBLE ON OR AFTER JANUARY 1, 2020, BECOME ELIGIBLE IN THE NEXT CALENDAR YEAR TO ENROLL IN THE:

(I) MARYLAND STATE RETIREE PRESCRIPTION DRUG COVERAGE PROGRAM; ~~OR~~

(II) MARYLAND STATE RETIREE CATASTROPHIC  
PRESCRIPTION DRUG ASSISTANCE PROGRAM; OR

(III) MARYLAND STATE RETIREE LIFE-SUSTAINING  
PRESCRIPTION DRUG ASSISTANCE PROGRAM.

(2) The notice shall include information regarding:

(i) coverage options available in the Medicare prescription drug benefit plan, INCLUDING OPTIONS THAT ARE SIMILAR TO THE PRESCRIPTION DRUG BENEFIT PLAN IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM; [and]

(ii) the potential for significant penalties if an individual does not promptly choose a Medicare prescription drug benefit plan immediately on termination of the individual's participation in the State prescription drug benefit plan; ~~AND~~

(III) THE PROGRAMS AVAILABLE UNDER SUBSECTIONS (D) ~~AND~~,  
(E), AND (F) OF THIS SECTION; AND

(IV) ANY ADDITIONAL RESOURCES MADE AVAILABLE BY THE  
DEPARTMENT IN ACCORDANCE WITH THIS SECTION.

~~(C) (1) THE DEPARTMENT SHALL PROVIDE ONE ON ONE COUNSELING TO MEDICARE ELIGIBLE RETIREES TO ASSIST THE RETIREE IN SELECTING A MEDICARE PART D PRESCRIPTION DRUG PLAN BASED ON THE RETIREE'S SPECIFIC MEDICAL AND MEDICATION NEEDS.~~

~~(2) IN PROVIDING THE COUNSELING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL:~~

~~(I) CONTRACT TO PROVIDE THE SERVICES; AND~~

~~(II) PROVIDE THE COUNSELING:~~

~~1. FOR A PERIOD BEGINNING AT LEAST 3 MONTHS BEFORE THE MEDICARE OPEN ENROLLMENT PERIOD THROUGH THE END OF THE OPEN ENROLLMENT PERIOD; AND~~

~~2. IN THE 12 MONTH PERIOD AFTER A RETIREE BECOMES ELIGIBLE FOR MEDICARE.~~

~~(3) THE COUNSELING PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PROVIDED OVER THE PHONE OR IN PERSON.~~

(H) (1) THE DEPARTMENT SHALL ENSURE MEDICARE-ELIGIBLE RETIREES HAVE ACCESS TO ONE-ON-ONE COUNSELING SERVICES TO ASSIST RETIREES IN SELECTING A MEDICARE PRESCRIPTION DRUG BENEFIT PLAN.

(2) THE DEPARTMENT SHALL DEVELOP A PLAN TO COMMUNICATE TO MEDICARE-ELIGIBLE RETIREES THE AVAILABILITY OF:

(I) THE PROGRAMS UNDER SUBSECTIONS (D), (E), AND (F) OF THIS SECTION; AND

(II) SERVICES AND INFORMATION REGARDING PRESCRIPTION DRUG BENEFIT PLANS UNDER MEDICARE.

(3) ON OR BEFORE DECEMBER 31, 2019, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE PLAN DEVELOPED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) THE REPORT REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL INCLUDE:

(I) OPTIONS FOR PROVIDING ONE-ON-ONE COUNSELING, INCLUDING:

1. IN-PERSON, OVER-THE-PHONE, OR WEB-BASED COUNSELING;

2. THE TIMES AT WHICH ONE-ON-ONE COUNSELING WILL BE AVAILABLE;

3. A PLAN TO ENSURE EQUITABLE GEOGRAPHIC ACCESS TO ONE-ON-ONE COUNSELING; AND

4. ENTERING INTO A STATEWIDE CONTRACT WITH AN EMPLOYEE BENEFITS ADMINISTRATOR OR SIMILAR ENTITY TO PROVIDE ONE-ON-ONE COUNSELING SERVICES;

(II) PLANS FOR HOLDING SEMINARS IN EVERY COUNTY OF THE STATE TO PROVIDE INFORMATION REGARDING ELIGIBILITY FOR AND AVAILABLE BENEFITS UNDER THE PROGRAMS ESTABLISHED UNDER SUBSECTIONS (D), (E), AND (F) OF THIS SECTION;

(III) PLANS FOR PROVIDING ACCESS TO A WEB-BASED OVERVIEW AND INTERACTIVE WEBSITE THAT PROVIDE INFORMATION ON:

1. MEDICARE PRESCRIPTION DRUG BENEFIT PLANS;  
AND

2. SUBSIDY AND FINANCIAL ASSISTANCE PROGRAMS FOR LOW-INCOME INDIVIDUALS; AND

(IV) PLANS FOR PROVIDING A TOLL-FREE HOTLINE FOR REPORTING ISSUES AND CONCERNS REGARDING THE SERVICES PROVIDED IN ACCORDANCE WITH THIS PARAGRAPH.

~~(H)~~ (I) SUBJECT TO THE REQUIREMENTS OF § 13-108 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE DEPARTMENT MAY MAKE AN EMERGENCY PROCUREMENT FOR:

(1) STAFF REQUIRED TO CARRY OUT THE PROVISIONS OF THIS SECTION; AND

(2) A THIRD PARTY TO ADMINISTER HEALTH REIMBURSEMENT ACCOUNTS ESTABLISHED UNDER THIS SECTION.

(J) THE DEPARTMENT SHALL SUBMIT QUARTERLY REPORTS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE HOUSE APPROPRIATIONS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS, ON:

(1) THE STATUS OF ESTABLISHING THE PROGRAMS UNDER SUBSECTIONS (D), (E), AND (F) OF THIS SECTION, INCLUDING:

(I) THE STATUS OF PROCURING ANY CONTRACTS NECESSARY TO OPERATE THE PROGRAMS; AND

(II) THE PRESCRIPTION DRUGS DETERMINED TO QUALIFY FOR REIMBURSEMENT UNDER THE MARYLAND STATE RETIREE LIFE-SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM UNDER SUBSECTION (F) OF THIS SECTION;

(2) THE AVAILABILITY OF ONE-ON-ONE COUNSELING SERVICES REQUIRED UNDER SUBSECTION (H) OF THIS SECTION;

(3) THE DETAILS OF THE HEALTH REIMBURSEMENT ACCOUNTS OR OTHER PROGRAMS TO PROVIDE ASSISTANCE WITH PRESCRIPTION DRUG COSTS FOR

**INDIVIDUALS ENROLLED IN THE PROGRAMS UNDER SUBSECTIONS (D), (E), AND (F) OF THIS SECTION, INCLUDING:**

**(I) THE SPECIFIC OUT-OF-POCKET COSTS ELIGIBLE FOR REIMBURSEMENT;**

**(II) THE REQUIRED PROCESS FOR RECEIVING REIMBURSEMENT;**

**(III) THE METHOD OF REIMBURSEMENT;**

**(IV) THE TIMING OF REIMBURSEMENT; AND**

**(V) A PLAN TO USE DEBIT CARDS TO PROCESS REIMBURSEMENTS IN A CONVENIENT AND EFFICIENT MANNER; AND**

**(4) IN TOTAL AND BY CATEGORY FOR THE PREVIOUS QUARTER, THE NUMBER OF ISSUES AND CONCERNS REPORTED TO THE HOTLINE.**

**(K) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, if the final resolution of the injunction issued in the U.S. District Court for the District of Maryland in Fitch v. State of Maryland et al, Case No. 1:18 CV-0287-PM (D. Md.) occurs on a date that is:

(1) less than 9 months before the first day of the next State health benefits open enrollment period, the following shall begin on the first day of the second State health benefits plan year immediately following the resolution:

(i) the elimination of the State prescription drug benefits for Medicare-eligible retirees, Medicare-eligible spouses or surviving spouses of retirees, and Medicare-eligible dependent children or surviving dependent children of retirees under § 2-509.1(b) of the State Personnel and Pensions Article;

(ii) the establishment of the Maryland State Retiree Prescription Drug Coverage Program, the Maryland State Retiree Catastrophic Prescription Drug Assistance Program, and the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program in § 2-509.1(d), (e), and (f) of the State Personnel and Pensions Article, respectively, as enacted by Section 1 of this Act; and

(iii) the provision of written certified notice to individuals under § 2-509.1(g) of the State Personnel and Pensions Article, as enacted by Section 1 of this Act;  
or

(2) 9 months or more before the first day of the next State health benefits open enrollment period, the following shall begin on the first day of the State health benefits plan year immediately following the resolution following the next open enrollment period:

(i) the elimination of the State prescription drug benefits for Medicare-eligible retirees, Medicare-eligible spouses or surviving spouses of retirees, and Medicare-eligible dependent children or surviving dependent children of retirees under § 2-509.1(b) of the State Personnel and Pensions Article;

(ii) the establishment of the Maryland State Retiree Prescription Drug Coverage Program, the Maryland State Retiree Catastrophic Prescription Drug Assistance Program, and the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program in § 2-509.1(d), (e), and (f) of the State Personnel and Pensions Article, respectively, as enacted by Section 1 of this Act; and

(iii) the provision of written certified notice to individuals under § 2-509.1(g) of the State Personnel and Pensions Article, as enacted by Section 1 of this Act.

*SECTION 3. AND BE IT FURTHER ENACTED, That, not later than September 1, 2019, the Secretary of Budget and Management shall provide written certified notice of the provisions of this Act to all:*

*(1) Medicare-eligible State retirees;*

*(2) Medicare-eligible spouses and surviving spouses of State retirees;*

*(3) Medicare-eligible dependent children and surviving dependent children of State retirees; and*

*(4) State employees who are eligible, on or before December 31, 2019, to:*

*(i) enroll in a prescription drug benefit plan under Medicare; and*

*(ii) retire from State employment.*

*SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Budget and Management establish the Maryland State Retiree Prescription Drug Coverage Program, the Maryland State Retiree Catastrophic Prescription Drug Assistance Program, and the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program in § 2-509.1(d), (e), and (f) of the State Personnel and Pensions Article, respectively, in a manner that allows retirees to access reimbursement at the time of prescription drug purchase, through a mechanism such as debit cards.*

*SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Budget and Management attend at least one meeting each*

year of the Joint Committee on Pensions to update the Committee on implementation of the provisions of this Act.

SECTION ~~2~~ ~~3~~ 6. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 768

(Senate Bill 955)

AN ACT concerning

### **Kent County Alcoholic Beverages Act of 2019**

FOR the purpose of authorizing a holder of a Class D beer, wine, and liquor license in Kent County to sell alcoholic beverages for off-premises consumption as well as on-premises consumption; repealing a certain provision of law concerning Sunday sales under a Class D license; increasing the maximum number of rooms that a facility with a Class B (country inn) beer, wine, and liquor license may offer to the public as sleeping accommodations; decreasing the minimum number of permanently installed seats required in a theater with a theater beer, wine, and liquor license; authorizing a licensed theater to regularly present cinematic as well as live entertainment; altering the hours of sale for a licensed theater; and generally relating to alcoholic beverages licenses in Kent County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 24–102  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 24–904, 24–1002, and 24–1004  
Annotated Code of Maryland  
(2016 Volume and 2018 Supplement)

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

**Article – Alcoholic Beverages**

24–102.

This title applies only in Kent County.

24–904.

(a) There is a Class D beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for **[on–premises] ON– AND OFF–PREMISES** consumption.

(c) **[On Sunday, a license holder may sell only beer and wine for off–premises consumption.**

(d)] The license may not be issued for use by a drugstore.

**[(e) (D)]** The annual license fee is \$1,500.

24–1002.

(a) There is a Class B (country inn) beer, wine, and liquor license.

(b) The Board may issue the Class B (country inn) beer, wine, and liquor license for the use of a country inn that:

(1) is licensed by the county to operate as a country inn;

(2) excluding the resident management quarters, has not more than **[10] 15** rooms that the public for consideration may use for sleeping accommodations for a specified time; and

(3) has a kitchen facility for the guests that is separate from the kitchen facility for the resident management quarters.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption to a guest if:

(1) the name and address of the guest appear on the registry that the country inn maintains; and

(2) the guest is an occupant of a sleeping room in the country inn.

(d) The license holder may sell beer, wine, and liquor during the hours and days

as set out for a Class B beer, wine, and liquor license under § 24–2004 of this title.

(e) The license does not authorize the sale of beer, wine, and liquor to an individual who is registered as a guest at the country inn only to obtain beer, wine, and liquor.

(f) If the country inn ceases to be operated as a country inn, the license is void.

(g) The annual license fee is \$550.

24–1004.

(a) There is a theater beer, wine, and liquor license.

(b) The Board may issue the license to an applicant for the use of a theater that:

(1) is housed in a building;

(2) has a capacity to hold at least [150] **100** permanently installed seats;

and

(3) regularly presents live **OR CINEMATIC** entertainment.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail for on–premises consumption.

(d) [The] **EXCEPT FROM 2 A.M. TO 6 A.M., THE** license holder may sell beer, wine, and liquor[:

(1) for 2 hours before the entertainment begins;

(2) during the entertainment; and

(3) for 1 hour after the entertainment ends] **WHEN THE THEATER IS OPEN TO THE PUBLIC.**

(e) The license may not be transferred to another location.

(f) The annual license fee is \$500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 769

### (Senate Bill 960)

AN ACT concerning

#### Harford County – Alcoholic Beverages – Seasonal Closing

FOR the purpose of altering the number of months that the Board of License Commissioners for Harford County may authorize for a seasonally operated licensed premises to be closed under certain circumstances; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 22–102  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 22–2202  
 Annotated Code of Maryland  
 (2016 Volume and 2018 Supplement)

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

#### Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–2202.

The Board may authorize the closing of a licensed premises for not more than [6] 9 months if:

- and
- (1) the Board determines that the licensed premises is seasonally operated;
- and
- (2) the license holder submits a written request to the Board at least 30 days before:
    - (i) the anticipated date of closing; and

- (ii) the anticipated date of reopening.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## **Chapter 770**

### **(Senate Bill 1004)**

AN ACT concerning

#### **Election Law – Election Calendar and Processes – Revisions**

FOR the purpose of altering the date by which the Clerk of the Court of Appeals and the Clerk of the Court of Special Appeals are required to provide a certain notice to the State Board of Elections; repealing the requirement that the Anne Arundel County Board of Education provide a certain notice to the State Board; altering the deadline for the filing of a certain certificate of candidacy; altering the deadline for the filing of a certain petition to challenge a certain candidate's residency; requiring that certain judicial proceedings be conducted in a certain manner; requiring the Court of Appeals to give priority to hear and decide certain appeals in a certain manner; altering the deadline for the filing of a certificate of withdrawal of candidacy; altering the deadline for the filing of a certificate of declination; requiring that the name of a certain individual appear on a certain ballot except under certain circumstances; applying certain provisions of law regarding a vacancy in candidacy for a primary election to a vacancy that occurs because of the death, disqualification, or withdrawal of an unopposed candidate; requiring the vote cast by a certain central committee in the filling of a certain vacancy in candidacy or nomination to be the share of the total registered voters of a certain district as reported in a certain report of the State Board, rather than of the population of the district as reported in a certain census; altering the deadline for the filing of a certificate of designation of candidacy by a certain central committee under certain circumstances; altering the deadline by which the State central committee is required to fill a certain vacancy in candidacy; altering the deadline by which a certain successor nominee must file a certificate of candidacy with the State Board; altering the deadline by which a certain vacancy in nomination must be filled for certain elections; repealing the requirement that a certain local board change the ballots and take appropriate measures to notify the voters of certain information under certain circumstances; altering the deadlines by which certain election officials must make certain certifications; altering the deadline by which judicial review of a certain determination must be sought; altering the deadline by which judicial review of a certain petition must be sought; altering the deadlines by which certain information regarding certain ballot questions is

required to be prepared and certified; repealing the requirement that certain local boards provide a copy of certain questions to the State Board; providing that certain information may be prepared before a certain petition is certified under a certain provision of law; altering the deadline by which a certain petition relating to a certain question must be filed with a certain entity; altering the deadline by which the Secretary of State must certify the names of certain candidates for nomination by a principal political party for a certain election; altering the deadline by which a certain candidate must file a certain petition; altering the deadline by which the State Board must certify and publicly display the content and arrangement of certain ballots; repealing the requirement that the State Board publicly display certain ballots within a certain period of time after certification; altering the number of days after which the State Board may begin printing ballots under certain circumstances; authorizing the State Administrator of Elections, instead of a local board, to implement a change in how a voter may cast a valid ballot under certain circumstances; repealing the requirement that a local board reprint ballots under certain circumstances or affix stickers to ballots under certain circumstances; requiring the State Administrator, rather than the local board, to notify certain candidates regarding certain changes or corrections affecting the ballot under certain circumstances; authorizing certain persons to take certain actions to correct an administrative error on a ballot; altering the deadline by which a certain voter may seek judicial review to require the correction of an administrative error under certain circumstances; making a stylistic change; and generally relating to revisions of the election calendar and processes.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 5–301, 5–303, 5–305, 5–502, 5–801, 5–901, 5–1002, 5–1003, 5–1004(b),  
6–209, 6–210, 7–103(c), 7–104, 8–502(c) and (d), 9–207, 9–208, and 9–209

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing

Article – Election Law

Section 5–1204

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 7–103(b)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

**Article – Election Law**

5–301.

(a) An individual may become a candidate for a public or party office only if:

(1) the individual files a certificate of candidacy in accordance with this subtitle; and

(2) the individual does not file a certificate of withdrawal under Subtitle 5 of this title.

(b) The appropriate board shall determine whether an individual filing a certificate of candidacy meets the requirements of this article, including:

(1) the voter registration and party affiliation requirements under Subtitle 2 of this title; and

(2) the campaign finance reporting requirements under Title 13 of this article.

(c) (1) On the certificate of candidacy, a candidate shall designate how the candidate's name is to appear on the ballot.

(2) Except as provided in paragraph (3) of this subsection, a candidate shall file a certificate of candidacy in which the candidate lists any given name, an initial letter of any other given name, and surname.

(3) A candidate may file a certificate of candidacy in a name different than that specified under paragraph (2) of this subsection if the candidate files an affidavit, under penalties of perjury, attesting that the candidate is generally known by that other name in:

(i) press accounts concerning the candidate, if any; or

(ii) if press accounts do not exist, the candidate's everyday encounters with members of the community.

(4) Except for the use of quotation marks to enclose a portion of a name, the use of symbols, titles, degrees, or other professional designations on a certificate of candidacy is prohibited.

(d) A candidate who seeks nomination by petition shall file a certificate of candidacy as provided in § 5–703 of this title.

(e) A write-in candidate shall file a certificate of candidacy as provided under this subtitle.

(f) (1) (i) On or before **THE FIRST MONDAY IN** August [31] in the year in which a judge of the Court of Appeals must stand for continuance in office, the Clerk of the Court of Appeals shall provide written notice to the State Board of the name of the judge that is to be placed on the ballot at the next succeeding general election together with the identification of the judicial circuit from which the qualified voters of that circuit may cast a vote for the judge's continuance in office.

(ii) On or before **THE FIRST MONDAY IN** August [31] in the year in which a judge of the Court of Special Appeals must stand for continuance in office, the Clerk of the Court of Special Appeals shall provide written notice to the State Board of the name of the judge that is to be placed on the ballot at the next succeeding general election together with:

1. the identification of the judicial circuit from which the qualified voters of that circuit may cast a vote for the judge's continuance in office; or
2. a statement that the voters of the entire State may cast a vote for the judge's continuance in office.

(2) An incumbent judge of the Court of Appeals or Court of Special Appeals is not required to file a certificate of candidacy for an election for continuance in office.

(g) (1) A candidate for President or Vice President of the United States nominated by a national party convention is not required to file a certificate of candidacy under this section.

(2) If more than one written notice naming different presidential and vice presidential nominees is provided to the State Board by persons purporting to be the presiding officer of the same party convention, the State Board shall require the chairman of the State party to provide written reaffirmation of the party's nominees within 5 days after the State Board's demand.

[(h) (1) On or before August 31 in the year in which a member of the Anne Arundel County Board of Education must stand for continuance in office, the Anne Arundel County Board of Education shall provide written notice to the State Board of the name of the member that is to be placed on the ballot at the next succeeding general election.

(2) An incumbent member of the Anne Arundel County Board of Education is not required to file a certificate of candidacy for an election for continuance in office.]

5-303.

(a) Except as provided in subsections (b) and (c) of this section:

(1) in the year in which the Governor is elected, a certificate of candidacy shall be filed not later than 9 p.m. on the last Tuesday in February in the year in which the primary election will be held; and

(2) for any other regularly scheduled election, a certificate of candidacy shall be filed not later than 9 p.m. on the [Wednesday that is 83 days] **95TH DAY** before the day on which the primary election will be held.

(b) A certificate of candidacy for an office to be filled by a special election under this article shall be received and filed in the office of the appropriate board not later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the special primary election specified by the Governor in the proclamation for the special primary election.

(c) The certificate of candidacy for the election of a write-in candidate shall be filed by the earlier of:

(1) 7 days after a total expenditure of at least \$51 is made to promote the candidacy by a campaign finance entity of the candidate; or

(2) 5 p.m. on the 7th day preceding the start of early voting for which the certificate is filed.

5–305.

(a) This section applies only to a petition that will affect the right of a candidate to have the candidate's name appear on the ballot in a primary or general election.

(b) A registered voter who is a resident of the district or other geographic area in which a candidate is seeking office may file a petition with the circuit court for that district or geographic area to challenge the candidate's residency as provided in § 5–202 of this title.

(c) **[(1)]** The petition must be filed **[9]** **15** days after the filing dates provided in § 5–303 of this subtitle and §§ 5–703(c) and 5–703.1(c) of this title **FOR WHICH THE CANDIDATE FILED A CERTIFICATE OF CANDIDACY.**

**[(2)] (D) (1)** Judicial review of any petition that is filed under subsection (b) of this section shall be expedited by the circuit court that hears the cause to the extent necessary in consideration of the deadlines established by law, and in no case longer than 7 days from the date the petition is filed.

**(2) A JUDICIAL PROCEEDING UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:**

**(I) THE CASE SHALL BE HEARD AND DECIDED WITHOUT A JURY AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND**

(II) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE COURT OF APPEALS WITHIN 5 DAYS AFTER THE DATE OF THE DECISION OF THE CIRCUIT COURT.

(3) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.

5-502.

(a) Subject to § 5-402 of this title, an individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal on the form prescribed by the State Board within [2] 10 days after the filing date established under § 5-303 of this title.

(b) An individual who has filed a certificate of candidacy for the special election to fill a vacancy for Representative in Congress may withdraw the certificate on the prescribed form within 2 days after the filing date established in the proclamation issued by the Governor.

5-801.

(a) A nominee may decline the nomination by filing a certificate of declination on the prescribed form.

(b) The certificate of declination shall be under oath and filed:

(1) with the board at which the certificate of candidacy was filed; and

(2) (i) in the year of a gubernatorial election, by the [70th day] **FIRST TUESDAY IN AUGUST IMMEDIATELY** preceding the general election; or

(ii) in the year of a presidential election, by the [70th day] **FIRST TUESDAY IN AUGUST IMMEDIATELY** preceding the general election.

(c) If a certificate of declination is filed under this section:

(1) the certificate of nomination to which the certificate of declination relates is void;

(2) a vacancy in nomination is created to be filled in accordance with the provisions of Subtitle 10 of this title;

(3) the name of the individual who declined the nomination may not appear on the ballot unless the individual is selected to fill that vacancy; and

(4) the filing fee for the certificate of candidacy of that individual may not be refunded.

**(D) THE NAME OF EACH INDIVIDUAL WHO DOES NOT DECLINE A NOMINATION SHALL APPEAR ON THE GENERAL ELECTION BALLOT UNLESS, BY THE 85TH DAY PRECEDING THE GENERAL ELECTION, THE INDIVIDUAL'S DEATH OR DISQUALIFICATION IS KNOWN TO THE BOARD WITH WHICH THE CERTIFICATE OF CANDIDACY WAS FILED.**

5-901.

(a) This section does not apply to a vacancy in nomination in the office of a Governor and Lieutenant Governor unit.

(b) This section applies to a vacancy in candidacy for a primary election that occurs because:

**(1) OF THE DEATH, DISQUALIFICATION, OR WITHDRAWAL OF AN UNOPPOSED CANDIDATE; OR**

**(2)** no candidate for the political party files a certificate of candidacy for the election.

(c) (1) Except for a vacancy in candidacy for the election of a member of the Senate of Maryland or the House of Delegates as provided in paragraph (2) of this subsection, the vacancy in candidacy for a political party that is entitled to have a candidate on the ballot for an office elected by the voters of more than one county shall be filled by the State central committee or governing body of that political party.

(2) (i) In a State legislative district or a State delegate district comprising more than one county, a vacancy in candidacy for a political party that is entitled to have a candidate on the ballot shall be filled by a vote of the central committee in the counties in the district.

(ii) In filling the vacancy in candidacy under subparagraph (i) of this paragraph, the central committee of each county where the vacancy occurs shall cast a vote proportionate to its share of the [population] **TOTAL REGISTERED VOTERS** of the district as reported in the most recent [decennial census of the United States] **STATISTICAL REPORT BY THE STATE BOARD**.

(iii) If no person receives a majority of the votes cast under subparagraph (ii) of this paragraph, or if there is a tie vote by the central committees, the vacancy in candidacy shall be filled by the State central committee of the political party.

(d) For any public or party office not described in subsection (c) of this section, a vacancy in candidacy under this section shall be filled by the central committee of the political party in the county in which the office is located.

(e) **(1)** A central committee authorized to fill a vacancy in candidacy for an office under this section **BECAUSE OF THE WITHDRAWAL OF AN UNOPPOSED CANDIDATE OR BECAUSE NO CANDIDATE FILED FOR THE OFFICE** shall file a certificate of designation of candidacy with the appropriate board designated to receive the certificate of candidacy for that office **[5]** 4 days after the **[filing]** **WITHDRAWAL** date provided in **[§ 5-303]** **§ 5-502** of this title.

**(2) A CENTRAL COMMITTEE AUTHORIZED TO FILL A VACANCY IN CANDIDACY FOR AN OFFICE UNDER THIS SECTION BECAUSE OF THE DEATH OR DISQUALIFICATION OF AN UNOPPOSED CANDIDATE SHALL FILE A CERTIFICATE OF DESIGNATION WITH THE APPROPRIATE BOARD DESIGNATED TO RECEIVE THE CERTIFICATE OF CANDIDACY FOR THAT OFFICE 4 DAYS AFTER THE DEATH OR DISQUALIFICATION BECOMES KNOWN TO THE APPLICABLE BOARD IN ACCORDANCE WITH § 5-504 OF THIS TITLE.**

(f) The individual designated by a central committee under subsection (e) of this section to fill a vacancy shall file a certificate of candidacy in accordance with Subtitle 3 of this title with the appropriate board by the date specified for the applicable central committee to file a certificate of designation under subsection (e) of this section.

5-1002.

(a) This section applies only to a nominee for statewide office, except for a Governor and Lieutenant Governor unit.

(b) **(1) (I)** A vacancy in nomination that occurs because a nominee **[dies,]** declines the nomination**[, or is disqualified for any cause]** shall be filled by the State central committee of the political party to which the nominee belongs by the **[60th]** **88TH** day before the general election.

**(II) A VACANCY IN NOMINATION THAT OCCURS BECAUSE A NOMINEE DIES OR IS DISQUALIFIED FOR ANY CAUSE SHALL BE FILLED BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY TO WHICH THE NOMINEE BELONGS BY THE 81ST DAY BEFORE THE GENERAL ELECTION.**

**(2) (i)** The State central committee shall file a certificate of designation for the nominee with the State Board.

**(ii)** The successor nominee designated by the State central committee under subparagraph (i) of this paragraph shall file a certificate of candidacy with the State Board.

5–1003.

(a) This section applies to a vacancy in nomination for Representative in Congress, State Senator, or member of the House of Delegates, if the district includes more than one county.

(b) (1) A vacancy in nomination under this section that occurs because the nominee dies, withdraws the candidacy, or is disqualified for any reason shall be filled by:

(i) a vote of the central committees of the political party in each of the counties included in the district of that nominee; or

(ii) a State central committee for a nonprincipal political party that does not have local central committees.

(2) The central committee of each county shall cast a vote that is proportionate to its share of the [population] **TOTAL REGISTERED VOTERS** in that district as reported in the most recent [decennial census of the United States] **STATISTICAL REPORT BY THE STATE BOARD** and promptly notify its State central committee of the results of its vote.

(3) (i) If no person receives a majority of the votes cast under paragraph (2) of this subsection, or if there is a tie vote by the central committees, the vacancy in nomination shall be filled by the State central committee.

(ii) In the event of a tie vote, the nominee selected by the State central committee shall be one of the candidates involved in the tie.

(4) Following the [death,] declination[, or disqualification] of the nominee, by the [60th] **88TH** day before the general election:

(i) the State central committee shall file a certificate of designation for the nominee with the State Board; and

(ii) the successor nominee designated by the State central committee under item (i) of this paragraph shall file a certificate of candidacy with the State Board.

**(5) FOLLOWING THE DEATH OR DISQUALIFICATION OF THE NOMINEE, BY THE 81ST DAY BEFORE THE GENERAL ELECTION:**

**(I) THE STATE CENTRAL COMMITTEE SHALL FILE A CERTIFICATE OF DESIGNATION FOR THE NOMINEE WITH THE STATE BOARD; AND**

**(II) THE SUCCESSOR NOMINEE DESIGNATED BY THE STATE CENTRAL COMMITTEE UNDER ITEM (I) OF THIS PARAGRAPH SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE STATE BOARD.**

5-1004.

(b) **(1)** If a nominee for an office that is entirely in one county [dies,] declines the nomination[, becomes disqualified,] or gains a tie vote with another candidate in a primary election, the vacancy in nomination shall be filled by the [60th] **88TH** day before the general election.

**(2) IF A NOMINEE FOR AN OFFICE THAT IS ENTIRELY IN ONE COUNTY DIES OR BECOMES DISQUALIFIED, THE VACANCY IN NOMINATION SHALL BE FILLED BY THE 81ST DAY BEFORE THE GENERAL ELECTION.**

[5-1204.

(a) If a vacancy in candidacy is properly filled and certified to the appropriate board within the time prescribed under this title and the State Administrator, in consultation with the election director of the local board, determines that there is sufficient time for the local board to change the ballots with the correct names, the local board shall change the ballots.

(b) If a vacancy in candidacy is properly filled and certified to the appropriate board within the time prescribed under this title, and the State Administrator, in consultation with the election director of the local board, determines that there is not sufficient time for the local board to change the ballots with the correct names, the local board shall take appropriate measures to notify the voters of:

- (1) the change in candidacy;
- (2) the procedure to be used by the voter to record the voter's vote; and
- (3) the procedure to be used by the local board to conduct the canvass.]

6-209.

(a) **(1)** A person aggrieved by a determination made under § 6-202, § 6-206, or § 6-208(a)(2) of this subtitle may seek judicial review:

(i) in the case of a statewide petition, a petition to refer an enactment of the General Assembly pursuant to Article XVI of the Maryland Constitution, or a petition for a congressional or General Assembly candidacy, in the Circuit Court for Anne Arundel County; or

(ii) as to any other petition, in the circuit court for the county in which the petition is filed.

(2) The court may grant relief as it considers appropriate to [assure] ENSURE the integrity of the electoral process.

[(3) Judicial review shall be expedited by each court that hears the cause to the extent necessary in consideration of the deadlines established by law.]

**(3) A JUDICIAL PROCEEDING UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:**

**(I) THE CASE SHALL BE HEARD AND DECIDED WITHOUT A JURY AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND**

**(II) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE COURT OF APPEALS WITHIN 5 DAYS AFTER THE DATE OF THE DECISION OF THE CIRCUIT COURT.**

**(4) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.**

(b) Pursuant to the Maryland Uniform Declaratory Judgments Act and upon the complaint of any registered voter, the circuit court of the county in which a petition has been or will be filed may grant declaratory relief as to any petition with respect to the provisions of this title or other provisions of law.

6–210.

(a) (1) A request for an advance determination under § 6–202 of this subtitle shall be submitted at least 30 days, but not more than 2 years and 1 month, prior to the deadline for the filing of the petition.

(2) Except as provided in paragraph (3) of this subsection, within 5 business days of receiving a request for an advance determination, the election authority shall make the determination.

(3) Within 10 business days of receiving a request for an advance determination of the sufficiency of a summary of a local law or charter amendment contained in a petition under § 6–202(b) of this subtitle, the election director shall make the determination.

(b) Within 2 business days after an advance determination under § 6–202 of this subtitle, or a determination of deficiency under § 6–206 or § 6–208 of this subtitle, the chief election official of the election authority shall notify the sponsor of the determination.

(c) The verification and counting of validated signatures on a petition shall be completed within 20 days after the filing of the petition.

(d) Within [2 business days] **1 BUSINESS DAY** of the completion of the verification and counting processes, or, if judicial review is pending, within [2 business days] **1 BUSINESS DAY** after a final judicial decision, the appropriate election official shall make the certifications required by § 6–208 of this subtitle.

(e) (1) Except as provided in paragraph (2) of this subsection, any judicial review of a determination, as provided in § 6–209 of this subtitle, shall be sought by the ~~{10th} SECOND~~ day following the determination to which the judicial review relates.

(2) (i) If the petition seeks to place the name of an individual or a question on the ballot at any election, except a presidential primary election, judicial review shall be sought by the day specified in paragraph (1) of this subsection or the [63rd] **69TH** day preceding that election, whichever day is earlier.

(ii) If the petition seeks to place the name of an individual on the ballot for a presidential primary election in accordance with § 8–502 of this article, judicial review of a determination made under § 6–208(a)(2) of this subtitle shall be sought by the 5th day following the determination to which the judicial review relates.

**(3) (I) A JUDICIAL PROCEEDING UNDER THIS SUBSECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:**

**1. THE CASE SHALL BE HEARD AND DECIDED WITHOUT A JURY AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND**

**2. AN APPEAL SHALL BE TAKEN DIRECTLY TO THE COURT OF APPEALS WITHIN 5 DAYS AFTER THE DATE OF THE DECISION OF THE CIRCUIT COURT.**

**(II) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND DECIDE AN APPEAL BROUGHT UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.**

7–103.

(b) Each question shall appear on the ballot containing the following information:

(1) a question number or letter as determined under subsection (d) of this section;

(2) a brief designation of the type or source of the question;

- (3) a brief descriptive title in boldface type;
- (4) a condensed statement of the purpose of the question; and
- (5) the voting choices that the voter has.

(c) (1) The Secretary of State shall prepare and certify to the State Board, not later than the [third Monday in August] **95TH DAY BEFORE THE GENERAL ELECTION**, the information required under subsection (b) of this section, for all statewide ballot questions and all questions relating to an enactment of the General Assembly which is petitioned to referendum.

(2) The State Board shall prepare and certify to the appropriate local board, not later than the [second Monday in August] **105TH DAY BEFORE THE GENERAL ELECTION**, the information required under subsection (b) of this section for all questions that have been referred to the voters of one county or part of one county pursuant to an enactment of the General Assembly.

(3) (i) The county attorney of the appropriate county shall prepare and certify to the [appropriate local board] **STATE BOARD**, not later than the [third Monday in August] **95TH DAY BEFORE THE GENERAL ELECTION**, the information required under subsection (b) of this section for each question to be voted on in a single county or part of a county, except a question covered by paragraph (1) or paragraph (2) of this subsection.

(ii) If the information required under subsection (b) of this section has not been timely certified under subparagraph (i) of this paragraph, the clerk of the circuit court for the jurisdiction shall prepare and certify that information to the [local board] **STATE BOARD** not later than the [fourth Monday] **FIRST FRIDAY** in August.

[(iii) A local board shall provide a copy of each certified question to the State Board within 48 hours after receipt of the certification from the certifying authority.]

(4) (i) The municipal attorney of the appropriate municipal corporation shall prepare and certify to the State Board, not later than the [third Monday] ~~**FIRST FRIDAY in August**~~ **95TH DAY BEFORE THE GENERAL ELECTION**, the information required under subsection (b) of this section for each question to be voted on in the municipal corporation, except a question covered by paragraphs (1) through (3) of this subsection.

(ii) If the information required under subsection (b) of this section has not been timely certified under subparagraph (i) of this paragraph, the clerk of the circuit court for the county in which the municipal corporation is located shall prepare and certify that information to the State Board not later than the ~~fourth Monday~~ **FIRST FRIDAY** in August.

**(5) THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR A QUESTION THAT IS BEING PLACED ON THE BALLOT BY PETITION MAY BE PREPARED BEFORE THE PETITION IS CERTIFIED UNDER § 6-208 OF THIS ARTICLE.**

7-104.

(a) A petition for the election of a charter board may not be filed unless all of the signatures attached to the petition have been written by the signers within 6 months of the date when the petition is presented to the board.

(b) A petition relating to a question arising under Article XI-A of the Maryland Constitution shall be filed with the appropriate governmental body or officer not later than the [second Monday in August in the year of the] **99TH DAY BEFORE THE GENERAL** election at which the question is to be voted on.

(c) (1) The responsible officers of a petition sponsor's ballot issue committee shall be a party to any proceeding to test the validity of the petition.

(2) The proceeding shall be filed in the county where the petition sponsor resides or maintains its principal place of business.

8-502.

(c) (1) The Secretary of State shall certify to the State Board the names of candidates for nomination by a principal political party no later than [90] **113** days before the primary election.

(2) The Secretary of State shall certify the name of a presidential candidate on the ballot when the Secretary has determined, in the Secretary's sole discretion and consistent with party rules, that the candidate's candidacy is generally advocated or recognized in the news media throughout the United States or in Maryland, unless the candidate executes and files with the Secretary of State an affidavit stating without qualification that the candidate is not and does not intend to become a candidate for the office in the Maryland primary election.

(d) A candidate who seeks to be placed on the ballot by the petition process specified in subsection (b)(2) of this section shall file the petition, in the form prescribed by the State Board, on the [Wednesday that is 83 days] **95TH DAY** before the day of the election.

9-207.

(a) The State Board shall certify **AND PUBLICLY DISPLAY** the content and arrangement of each ballot:

- (1) for a primary election, at least ~~[55]~~ **64** days before the election;
- (2) for a general election, at least ~~[55]~~ **64** days before the election;
- (3) for a special primary election, at least 18 days before the election; and
- (4) for a special general election, not later than a date specified in the Governor's proclamation.

(b) The Court of Appeals, on petition of the State Board, may establish a later date in extraordinary circumstances.

(c) ~~[Within 24 hours after certification, the]~~ **THE** State Board shall publicly display the content and arrangement of each certified ballot on its ~~[Web site]~~ **WEBSITE**.

(d) Except pursuant to a court order under § 9–209 of this subtitle, or as provided in § 9–208 of this subtitle, the content and arrangement of the ballot may not be modified after the second day of the public display.

(e) Unless a delay is required by court order, the State Board may begin to print the ballots after ~~[2]~~ **CERTIFICATION AND 3** days of public display and correct any noted errors.

9–208.

(a) ~~[If]~~ **AFTER THE PRINTING OF BALLOTS HAS BEGUN AND IF** an error or a change in circumstances **AFFECTING THE BALLOTS** requires [a local board to make a change in a ballot after the ballots have been printed, with the approval of the State Board the local board shall act as provided in this section] **THE STATE BOARD TO IMPLEMENT A CHANGE IN HOW A VOTER MAY CAST A VALID BALLOT, THE STATE ADMINISTRATOR SHALL DETERMINE WHAT MEASURES A LOCAL BOARD MAY TAKE TO NOTIFY VOTERS OF THE ERROR OR CHANGE IN CIRCUMSTANCES FOR A VOTER TO CAST A VALID VOTE FOR THAT ELECTION;**

**(1) THE ERROR OR CHANGE IN CIRCUMSTANCES; AND**

**(2) THE MANNER IN WHICH THE VOTERS MAY CAST VALID BALLOTS FOR THAT ELECTION.**

(b) (1) If there is sufficient time, the local board shall reprint the ballot.

(2) If there is insufficient time for reprinting the ballot and if the voting system can accommodate it, the local board shall print a sufficient number of stickers incorporating the change or correction. The stickers shall be consistent with the printed ballots and be affixed to the ballots in the appropriate places.

(3) If there is insufficient time for reprinting the ballots and if the voting system cannot accommodate stickers, the local board shall notify the voters of the change or correction in accordance with regulations adopted by the State Board.

(c) After any change or correction on a ballot, the local board] **THE STATE ADMINISTRATOR** shall immediately take all reasonable steps to notify all candidates on the ballot and any other persons whom the [local board] **STATE ADMINISTRATOR** considers appropriate:

**(1) ON DISCOVERY OF ANY CHANGE OR CORRECTION AFFECTING THE BALLOTS AFTER THE PRINTING OF BALLOTS HAS BEGUN; OR**

**(2) WHEN THE STATE ADMINISTRATOR IMPLEMENTS A CHANGE UNDER SUBSECTION (A) OF THIS SECTION.**

9–209.

(a) Within 2 days after the content and arrangement of the ballot are certified under § 9–207 of this subtitle, a registered voter may seek judicial review of the content and arrangement, or to correct any [other] **ADMINISTRATIVE** error, by filing a sworn petition with the circuit court for Anne Arundel County.

(b) The circuit court may require the State Board to:

- (1) correct an **ADMINISTRATIVE** error;
- (2) show cause why an **ADMINISTRATIVE** error should not be corrected; or
- (3) take any other action required to provide appropriate relief.

(c) If an **ADMINISTRATIVE** error is discovered after the ballots have been [printed] **PUBLICLY DISPLAYED**, and the State [Board] **ADMINISTRATOR** fails to correct the **ADMINISTRATIVE** error, a registered voter may seek judicial review not later than the [second Monday] **62ND DAY** preceding the election.

**(D) (1) A JUDICIAL PROCEEDING UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:**

**(I) THE CASE SHALL BE HEARD AND DECIDED WITHOUT A JURY AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND**

**(II) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE COURT OF APPEALS WITHIN 5 DAYS OF THE DATE OF THE DECISION OF THE CIRCUIT COURT.**

(2) THE COURT OF APPEALS SHALL GIVE PRIORITY TO HEAR AND DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Chapter 771

(Senate Bill 1030)

AN ACT concerning

### The ~~Education~~ Blueprint for Maryland's Future

FOR the purpose of stating findings and declarations of the General Assembly; establishing the public policy of the State; establishing principles of The Blueprint for Maryland's Future that are intended to transform Maryland's early childhood, primary, and secondary education system to the levels of high-performing systems around the world; stating certain actions necessary to achieve certain principles; stating certain requirements necessary to establish a world-class education system in Maryland under The Blueprint for Maryland's Future; altering a certain Consumer Price Index used for calculating the target per pupil foundation amount and the student transportation amount for education; requiring the State to provide a certain supplemental grant to certain county boards of education through a certain fiscal year; establishing a Concentration of Poverty School Grant Program; stating the purpose of the Program; requiring the State to distribute certain grants to each county board and the State Department of Education in certain fiscal years; requiring each county board to distribute a certain amount to each eligible school; requiring each eligible school to employ certain staff or provide certain coverage using certain grant funds; requiring a county that provides certain positions or services from funds outside of those made from a certain appropriation in a certain fiscal year to continue to provide certain positions or services in certain fiscal years; requiring certain eligible schools to use certain funds to provide wraparound services to students enrolled in the school or to complete a certain assessment, subject to certain circumstances; establishing the responsibilities of a certain community ~~schools~~ school coordinator; ~~authorizing a certain health care practitioner to work under certain programs or entities~~ requiring the Department in consultation with the Maryland Department of Health and the Department of Human Services to develop certain guidelines on trauma informed interventions that will assist schools with becoming a trauma informed school; ~~requiring the Department to distribute and publish guidelines on trauma informed interventions on a certain website~~ authorizing a certain health care practitioner to work under certain programs or

*entities*; altering the fiscal years in which a certain definition is applicable; extending by 1 fiscal year the requirement for the State to provide a supplemental prekindergarten grant to certain eligible county boards; renaming the Commission on Innovation and Excellence in Education Fund to be The Blueprint for Maryland's Future Fund; altering the purpose and use of the Fund; altering the source of revenue distributed to the Fund to include revenues collected and remitted by marketplace facilitators and certain out-of-state vendors, under certain circumstances; establishing the Teacher Collaborative Grant Program; stating the purpose of the Program; requiring the Department to administer the Program in a certain manner; authorizing a county board or a teacher preparation program to submit a certain application to receive a grant under the Program; specifying certain eligibility criteria for a grant under the Program; requiring a certain practicum design and a certain professional development program under the Program; requiring a certain peer assistance and review program under the Program; requiring the Department to establish certain processes and procedures; requiring the Department to conduct a certain evaluation at a certain frequency; requiring the State to distribute at least a certain amount in certain fiscal years for the Program; authorizing the Department to retain a certain amount to hire staff necessary to administer the Program; requiring the Department to report, on or before certain dates, certain information about the Program to the Governor and the General Assembly; establishing the Maryland Office of the Inspector General of Education; providing that the Office is an independent unit of the State; providing for the purpose of the Office; requiring all expenses and operations related to the Office to be separately identified and independent of any other unit of State government; establishing the Inspector General in the Office; providing for the eligibility, professional qualifications, appointment, term, and removal of the Inspector General; providing for the salary of the Inspector General and funding for the Office; providing for the Inspector General's duties and powers when investigating the management and affairs of certain entities; prohibiting the Inspector General from taking certain actions under certain circumstances; authorizing a person to have an attorney present during contact with the Inspector General; providing that a certain circuit court may grant appropriate relief after conducting a certain hearing; prohibiting certain entities from taking adverse, retaliatory action against an individual because the individual cooperated with or provided information to the Inspector General; providing that certain records produced by the Inspector General are not subject to the Public Information Act; authorizing the Inspector General to appoint and employ certain professional and clerical staff; requiring the Office, on or before a certain date each year, to submit a certain report to the State Superintendent, the State Board of Education, the Interagency Commission on School Construction, the Governor, and the General Assembly; altering and establishing certain dates by which a certain commission and the Department shall submit certain reports; altering the termination date of certain Acts of the General Assembly; providing that a local school system shall be subject to a certain performance evaluation; establishing the Teacher Salary Incentive Grant Program; stating the purpose of the Program; requiring the Department to administer the Program; authorizing a county board, including the Baltimore City Board of School Commissioners, to submit a certain application to receive a grant under the

Program; specifying certain eligibility criteria for a grant under the Program; requiring the State to distribute certain amounts to each county board, including the Baltimore City Board of School Commissioners, and the Department for certain purposes in certain fiscal years; providing that a county board that did not receive a certain grant in a certain fiscal year must submit certain documentation to apply for a grant in a certain fiscal year; requiring certain funding that is not needed for a certain purpose to be used for another purpose; establishing the Workgroup to Study the Maryland State Department of Education and the Maryland Higher Education Commission; providing for the membership, chair, staffing, and purpose of the Workgroup; requiring the Department and the Maryland Higher Education Commission to provide information to the Workgroup, as requested; requiring the Workgroup to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; requiring each county board ~~and~~, including the Baltimore City Board of School Commissioners, to distribute certain funds to certain schools for certain purposes subject to a certain circumstance; stating a certain charge and recommendation of a certain commission; stating that the transition to a certain information technology system shall include a certain capability; requiring the Department and the Maryland Department of Health to develop a certain memorandum of understanding on or before a certain date; stating the intent of the General Assembly that the Governor transfer or release certain funds that are restricted in a certain fiscal year budget bill for certain purposes in accordance with this Act; providing that, if the Governor does not transfer or release certain funds for certain purposes, a certain amount shall be distributed in a certain fiscal year in addition to certain funds required to be distributed under this Act; requiring each county board, including the Baltimore City Board of School Commissioners, to report on or before certain dates to the House Committee on Ways and Means, the House Appropriations Committee, the Senate Education, Health, and Environmental Affairs Committee, and the Senate Budget and Taxation Committee on how certain funds were distributed and spent; requiring the Governor to appropriate a certain amount to a certain fund ~~for a~~ in certain fiscal ~~year~~ years; *providing that a certain portion of a certain appropriation is contingent on certain amounts being equal to a certain sum; stating the intent of the General Assembly that the Commission on Innovation and Excellence in Education include in its final report a certain implementation schedule; stating the intent of the General Assembly that certain local appropriations in a certain fiscal year be considered part of the increased local funding required by The Blueprint for Maryland's Future funding formulas to be recommended by the Commission on Innovation and Excellence in Education; requiring the Department and the Maryland Department of Health to consult with the Council on Advancement of School-Based Health Centers and certain stakeholders to develop a certain plan and report certain findings and recommendations to the Governor and the General Assembly on or before a certain date; providing that The Blueprint for Maryland's Future Fund is the successor of the Commission on Innovation and Excellence in Education Fund; providing that a certain name of a certain fund in laws and other documents means the name of the successor fund; requiring the publisher of the Annotated Code, in consultation with a certain State entity, to correct cross-references and terminology in the Code that are rendered incorrect by this Act; defining certain terms; making certain provisions*

of this Act contingent on the taking effect of ~~another Act~~ certain other Acts and the transfer or release of certain funds by the Governor; and generally relating to programs and funding to implement The Blueprint for Maryland's Future.

BY adding to

Article – Education

Section 1–301 through 1–303 to be under the new subtitle “Subtitle 3. The Blueprint for Maryland's Future”; ~~and 5–203, 5–403, and 6–123; and 9.9–101 through 9.9–105~~ to be under the new title “Title 9.9. Maryland Office of the Inspector General for Education”

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 5–202(a)(1) and 5–207(a)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 5–202(a)(13)(ii) and (i), 5–205(c)(2), 5–207(a)(3), ~~and 5–218, and 5–219~~

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Chapter 701 of the Acts of the General Assembly of 2016, as amended by Chapter

361 of the Acts of the General Assembly of 2018

Section 1(a)

BY repealing and reenacting, with amendments,

Chapter 701 of the Acts of the General Assembly of 2016, as amended by Chapter

361 of the Acts of the General Assembly of 2018

Section 1(h) and 4

BY repealing and reenacting, without amendments,

Chapter 702 of the Acts of the General Assembly of 2016, as amended by Chapter

361 of the Acts of the General Assembly of 2018

Section 1(a)

BY repealing and reenacting, with amendments,

Chapter 702 of the Acts of the General Assembly of 2016, as amended by Chapter

361 of the Acts of the General Assembly of 2018

Section 1(h) and 4

BY repealing and reenacting, without amendments,

Chapter 715 of the Acts of the General Assembly of 2017, as amended by Chapter 361 of the Acts of the General Assembly of 2018  
Section 2(a)

BY repealing and reenacting, with amendments,  
Chapter 715 of the Acts of the General Assembly of 2017, as amended by Chapter 361 of the Acts of the General Assembly of 2018  
Section 2(d)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 5–219  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)  
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 2–1303  
Annotated Code of Maryland  
(2016 Replacement Volume and 2018 Supplement)

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

### **Article – Education**

#### **SUBTITLE 3. THE BLUEPRINT FOR MARYLAND’S FUTURE.**

##### **1–301.**

**(A) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE BLUEPRINT FOR MARYLAND’S FUTURE BASED ON THE POLICY RECOMMENDATIONS DESCRIBED IN THE JANUARY 2019 INTERIM REPORT OF THE MARYLAND COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION ESTABLISHED BY CHAPTERS 701 AND 702 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2016 IS NECESSARY TO TRANSFORM MARYLAND’S EDUCATION SYSTEM TO WORLD-CLASS STUDENT ACHIEVEMENT LEVELS.**

**(B) THIS SUBTITLE CONSTITUTES THE PUBLIC POLICY OF THE STATE.**

##### **1–302.**

**(A) THE FOLLOWING PRINCIPLES OF THE BLUEPRINT FOR MARYLAND’S FUTURE ARE INTENDED TO TRANSFORM MARYLAND’S EARLY CHILDHOOD, PRIMARY, AND SECONDARY EDUCATION SYSTEM TO THE LEVELS OF**

HIGH-PERFORMING SYSTEMS AROUND THE WORLD SO THAT MARYLAND'S EDUCATION SYSTEM:

(1) PROVIDES ITS STUDENTS WITH INSTRUCTION AND SKILLS SET TO INTERNATIONAL STANDARDS THAT WILL ENABLE THEM TO BE SUCCESSFUL IN THE 21ST-CENTURY ECONOMY AND PRODUCTIVE CITIZENS OF THE STATE;

(2) GIVES ITS CHILDREN ACCESS TO EDUCATIONAL EXPERIENCES AND OPPORTUNITIES BEGINNING IN EARLY CHILDHOOD THAT ENABLE THEM TO REACH THEIR FULL PROMISE AND POTENTIAL AND BE READY FOR SUCCESS IN COLLEGE AND A REWARDING CAREER BY THE END OF HIGH SCHOOL; AND

(3) ELEVATES OVERALL STUDENT PERFORMANCE TO BE AMONG THE WORLD'S BEST AND ELIMINATES ACHIEVEMENT AND OPPORTUNITY GAPS BETWEEN STUDENTS FROM DIFFERENT FAMILY INCOMES, RACES, ETHNICITIES, ABILITIES AND DISABILITIES, AND OTHER DEFINING CHARACTERISTICS.

(B) ACHIEVING THE PRINCIPLES OF THE BLUEPRINT FOR MARYLAND'S FUTURE WILL REQUIRE A SUSTAINED AND COORDINATED STATEWIDE EFFORT AND A STRONG ACCOUNTABILITY SYSTEM THAT WILL HOLD ALL ENTITIES ACCOUNTABLE FOR IMPLEMENTING THE POLICIES EFFECTIVELY SO THAT THE PUBLIC AND ESPECIALLY PARENTS WILL HAVE CONFIDENCE THAT THE INVESTMENT IN THE POLICIES OUTLINED IN § 1-303 OF THIS SUBTITLE WILL ACHIEVE THE DESIRED OUTCOMES.

1-303.

THE FOUNDATION OF A WORLD-CLASS EDUCATION SYSTEM IN MARYLAND UNDER THE BLUEPRINT FOR MARYLAND'S FUTURE FOR EDUCATION WILL REQUIRE:

(1) EARLY SUPPORT AND INTERVENTIONS FOR YOUNG CHILDREN AND THEIR FAMILIES, INCLUDING:

(I) COORDINATING AND PROVIDING SERVICES FOR CHILDREN AND FAMILIES WITH THE GREATEST NEED THROUGH CENTERS LOCATED IN THE NEEDIEST COMMUNITIES; AND

(II) EXPANDING ACCESS TO HIGH-QUALITY, FULL-DAY PREKINDERGARTEN PROGRAMS ~~AT NO COST~~ FOR 3-YEAR-OLDS AND 4-YEAR-OLDS ~~FROM LOW-INCOME FAMILIES~~ THROUGH A MIXED DELIVERY SYSTEM;

(2) HIGH-QUALITY DIVERSE TEACHERS AND SCHOOL LEADERS IN EVERY SCHOOL, REQUIRING:

(I) ELEVATION OF THE TEACHING PROFESSION TO A PROFESSION COMPARABLE TO OTHER FIELDS, WITH COMPARABLE COMPENSATION, THAT REQUIRE A SIMILAR AMOUNT OF EDUCATION AND CREDENTIALING WITH CAREER LADDERS THAT ALLOW THE ADVANCEMENT OF TEACHERS AND PRINCIPALS BASED ON KNOWLEDGE, SKILLS, PERFORMANCE, AND RESPONSIBILITIES;

(II) TEACHER PREPARATION PROGRAMS IN THE STATE'S POSTSECONDARY INSTITUTIONS THAT ARE RIGOROUS AND PREPARE TEACHER CANDIDATES TO HAVE THE KNOWLEDGE, SKILLS, AND COMPETENCIES NEEDED TO IMPROVE STUDENT PERFORMANCE AND TO TEACH ALL STUDENTS SUCCESSFULLY REGARDLESS OF THE STUDENT'S ECONOMIC BACKGROUND, RACE, ETHNICITY, AND LEARNING ABILITY OR DISABILITY; AND

(III) STATE EXIT STANDARDS FROM TEACHER PREPARATION PROGRAMS AND STATE STANDARDS FOR TEACHER LICENSURE THAT REQUIRE PROSPECTIVE TEACHERS TO DEMONSTRATE THAT THEY HAVE THE KNOWLEDGE, SKILLS, AND COMPETENCIES TO SUCCESSFULLY TEACH STUDENTS FROM ALL BACKGROUNDS;

(3) AN INSTRUCTIONAL SYSTEM THAT IS BENCHMARKED TO WORLD-CLASS STANDARDS AND FULLY ALIGNED FROM PREKINDERGARTEN THROUGH 12TH GRADE TO A COLLEGE AND CAREER READINESS STANDARD, INCLUDING:

(I) A COLLEGE AND CAREER READINESS STANDARD SET TO WORLD-CLASS STANDARDS THAT CERTIFIES THAT BY THE END OF 10TH GRADE, AND NOT LATER THAN THE END OF 12TH GRADE, A STUDENT HAS THE REQUISITE LITERACY IN ENGLISH AND MATHEMATICS TO BE SUCCESSFUL IN FIRST-YEAR, CREDIT-BEARING COURSEWORK AT A MARYLAND COMMUNITY COLLEGE OR OPEN ENROLLMENT POSTSECONDARY INSTITUTION;

(II) PATHWAYS FOR STUDENTS WHO ACHIEVE COLLEGE AND CAREER READINESS BY THE END OF 10TH GRADE TO CHOOSE TO PURSUE:

1. HIGHLY COMPETITIVE COLLEGE PREPARATORY PROGRAMS;

2. EARLY COLLEGE PROGRAMS THAT ~~PROVIDE:~~

A. PROVIDE COLLEGE CREDIT AND ALLOW A STUDENT TO EARN AN ASSOCIATE DEGREE IN HIGH SCHOOL AT NO COST TO THE STUDENT; AND

**B. DETERMINE ELIGIBILITY THROUGH OTHER FACTORS INCLUDING ASSESSMENTS, ACADEMIC PERFORMANCE REVIEWS, AND GUIDANCE COUNSELOR RECOMMENDATIONS; AND**

**3. ~~CAREER SUBJECT TO ITEM (III) OF THIS ITEM,~~ CAREER CAREER AND TECHNOLOGY EDUCATION PROGRAMS, INCLUDING EXPANDED OPPORTUNITIES FOR SCIENCE-BASED, CERTIFIED AGRICULTURE EDUCATION, THAT:**

**A. ARE DEVELOPED IN PARTNERSHIP WITH THE PRIVATE SECTOR;**

**B. INCLUDE AN APPRENTICESHIP OR OTHER WORKPLACE EXPERIENCE ~~OR AN APPRENTICESHIP;~~ AND**

**C. LEAD TO AN INDUSTRY-RECOGNIZED CREDENTIAL BY THE END OF HIGH SCHOOL; ~~AND~~**

**~~(III) CAREER AND TECHNOLOGY OPPORTUNITIES THAT INCLUDE EXPANDED OPPORTUNITIES FOR SCIENCE-BASED, CERTIFIED AGRICULTURE EDUCATION; AND~~**

**~~(IV)~~ (III) PATHWAYS FOR THOSE STUDENTS WHO HAVE NOT ACHIEVED THE COLLEGE AND CAREER READINESS STANDARD BY THE END OF 10TH GRADE THAT ENABLE THEM TO ACHIEVE THE STANDARD BY THE END OF 12TH GRADE;**

**(4) A SYSTEM DESIGNED TO MEET THE NEEDS OF ALL STUDENTS SO THEY CAN BE SUCCESSFUL, INCLUDING THE CAPABILITY TO:**

**(I) QUICKLY IDENTIFY STUDENTS WHO ARE FALLING BEHIND GRADE LEVEL; AND**

**(II) PROVIDE THE APPROPRIATE, INDIVIDUALIZED INSTRUCTION AND SUPPORTS NEEDED TO GET THE STUDENT BACK ON TRACK FOR COLLEGE AND CAREER READINESS;**

**(5) ADDITIONAL SUPPORTS AND SERVICES FOR STUDENTS WHO NEED THEM TO STAY ON TRACK FOR COLLEGE AND CAREER READINESS, INCLUDING:**

**(I) STUDENTS FROM LOW-INCOME FAMILIES AS A PROXY FOR THE NUMBER OF STUDENTS WHO MAY NEED ADDITIONAL SUPPORTS TO PERFORM AT GRADE LEVEL AND STAY ON TRACK FOR COLLEGE AND CAREER READINESS;**

(II) STUDENTS FROM FAMILIES WHERE ENGLISH IS NOT THE PRIMARY LANGUAGE; AND

(III) STUDENTS WITH DISABILITIES;

(6) EQUITABLE LEARNING OUTCOMES REGARDLESS OF A STUDENT'S FAMILY INCOME, RACE, ETHNICITY, DISABILITY, OR OTHER CHARACTERISTICS;

(7) ADDITIONAL RESOURCES, SUPPORTS, AND SERVICES FOR CHILDREN IN MARYLAND WHO ARE LIVING IN COMMUNITIES WITH GREAT NEEDS, INCLUDING HIGH POVERTY RATES, HIGH CRIME RATES, AND LACK OF ACCESS TO ADEQUATE HEALTH CARE AND SOCIAL SERVICES, WITH RESOURCES PROVIDED AT THE SCHOOL LEVEL AND IN THE COMMUNITY;

(8) FUNDING THAT IS SUFFICIENT TO ENABLE STUDENTS TO ACHIEVE THE STATE'S PERFORMANCE STANDARDS AND THAT IS DISTRIBUTED EQUITABLY TO SCHOOL SYSTEMS AND SCHOOLS ACROSS THE STATE; AND

(9) A STRONG SYSTEM OF ACCOUNTABILITY WITH THE AUTHORITY TO HOLD ALL OF THE ENTITIES THAT ARE AN INTEGRAL PART OF THE EDUCATION SYSTEM ACCOUNTABLE FOR IMPLEMENTING THE BLUEPRINT FOR MARYLAND'S FUTURE AND ENSURING THAT FUNDS ARE BEING SPENT EFFECTIVELY CONSISTENT WITH THE POLICY FRAMEWORK TO ENSURE THAT ALL STUDENTS ARE SUCCESSFUL.

5–202.

(a) (1) In this section the following words have the meanings indicated.

(13) "Target per pupil foundation amount" means:

(ii) Except as provided in items (iii) and (iv) of this paragraph, in subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for All Urban Consumers for the [Washington–Baltimore metropolitan area] **WASHINGTON METROPOLITAN AREA**, or any successor index, for the second prior fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for All Urban Consumers for the [Washington–Baltimore metropolitan area] **WASHINGTON METROPOLITAN AREA**, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year;

(i) (1) In this subsection, “total direct education aid” means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program including funds for the Geographic Cost of Education under this section;

(ii) Transportation aid under § 5–205 of this subtitle;

(iii) Funding for compensatory education under § 5–207 of this subtitle;

(iv) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(v) Funding for special education students under § 5–209 of this subtitle;

(vi) Funding for the guaranteed tax base program under § 5–210 of this subtitle; and

(vii) Funding for grants provided under this subsection.

(2) For fiscal year 2012 only, if a county board’s total direct education aid in the current fiscal year is less than the prior fiscal year by more than 6.5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 6.5%.

(3) For fiscal year 2013 only, if a county board’s total direct education aid in the current fiscal year is less than the prior fiscal year by more than 5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 5%.

(4) For fiscal year 2014 only, if a county board’s total direct education aid in the current fiscal year is less than the prior fiscal year by more than 1%, then the State shall provide a grant to the county board equal to 25% of the decrease in total direct education aid from the prior fiscal year to the current fiscal year.

(5) (i) For fiscal years 2015 through 2017, a county board is eligible for a State grant under this paragraph if a county board’s:

1. Full–time equivalent enrollment is less than 5,000;

2. Full-time equivalent enrollment in the current fiscal year is less than the prior fiscal year; and

3. Total direct education aid in the current fiscal year is less than the prior fiscal year by more than 1%.

(ii) The State shall provide a grant to a county board that is eligible under subparagraph (i) of this paragraph.

(iii) The grant shall be equal to 50% of the decrease in total direct education aid from the prior fiscal year to the current fiscal year.

(6) (i) 1. In this paragraph the following words have the meanings indicated.

2. “3-year moving average full-time equivalent enrollment” means the average of the full-time equivalent enrollment in the 3 previous school years.

3. “Total direct education aid” means the sum of the amounts listed in paragraph (1)(i) through (vi) of this subsection.

(ii) A county board is eligible for a supplemental State grant under this paragraph if a county’s 3-year moving average full-time equivalent enrollment is greater than the full-time equivalent enrollment in the previous school year.

(iii) For each of fiscal years 2018 through [2020] **2021**, the State shall provide a supplemental grant to an eligible county board that equals:

1. The quotient of the total direct education aid of a county board divided by the full-time equivalent enrollment of the county in the previous school year; multiplied by

2. The difference between the 3-year moving average full-time equivalent enrollment in the county and the full-time equivalent enrollment in the county in the previous school year.

(iv) The State shall distribute the supplemental grant at the same time the State distributes funds to county boards under this subtitle.

### **5-203.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “COMMUNITY SCHOOL” MEANS A PUBLIC SCHOOL THAT ESTABLISHES A SET OF STRATEGIC PARTNERSHIPS BETWEEN THE SCHOOL AND OTHER COMMUNITY RESOURCES THAT PROMOTE STUDENT ACHIEVEMENT, POSITIVE LEARNING CONDITIONS, AND THE WELL-BEING OF STUDENTS BY PROVIDING WRAPAROUND SERVICES.

(3) “ELIGIBLE FOR FREE OR REDUCED PRICE MEALS” MEANS ELIGIBLE FOR FREE OR REDUCED PRICE MEALS BASED ON ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.

(4) (I) “ELIGIBLE SCHOOL” MEANS A PUBLIC SCHOOL IN WHICH AT LEAST 80% OF THE STUDENTS WERE ELIGIBLE:

~~(H)~~ 1. FOR FISCAL YEAR 2020, FOR FREE OR REDUCED PRICE MEALS IN THE ~~2016-2017~~ 2017-2018 SCHOOL YEAR; AND

~~(H)~~ 2. FOR FISCAL YEAR 2021, FOR FREE OR REDUCED PRICE MEALS IN THE:

~~1.~~ A. 2017-2018 SCHOOL YEAR; OR

~~2.~~ B. 2018-2019 SCHOOL YEAR.

(II) “ELIGIBLE SCHOOL” DOES NOT INCLUDE A SCHOOL THAT IS ELIGIBLE TO RECEIVE FUNDING UNDER THIS SECTION BUT HAS CLOSED.

(5) “PROGRAM” MEANS THE CONCENTRATION OF POVERTY SCHOOL GRANT PROGRAM ESTABLISHED UNDER THIS SECTION.

~~(6) “RESTORATIVE PRACTICE COACH” MEANS AN INDIVIDUAL WHO HAS SUCCESSFULLY PARTICIPATED IN TRAINING ON DIRECT SERVICES MEDIATION, CONFLICT MANAGEMENT, AND COMMUNITY CONFERENCING FOR STUDENTS AND FAMILIES.~~

~~(7) “TRAUMA-INFORMED INTERVENTION” MEANS A METHOD FOR UNDERSTANDING AND RESPONDING TO AN INDIVIDUAL WITH SYMPTOMS OF CHRONIC INTERPERSONAL TRAUMA OR TRAUMATIC STRESS.~~

~~(8) “TRAUMA-INFORMED SCHOOL” MEANS A SCHOOL THAT:~~

~~(I) ACKNOWLEDGES THE WIDESPREAD IMPACT OF TRAUMA AND UNDERSTANDS THE POTENTIAL PATHS FOR RECOVERY;~~

~~(II) RECOGNIZES THE SIGNS AND SYMPTOMS OF TRAUMA IN STUDENTS, TEACHERS, AND STAFF;~~

~~(III) INTEGRATES INFORMATION ABOUT TRAUMA INTO POLICIES, PROCEDURES, AND PRACTICES; AND~~

~~(IV) ACTIVELY RESISTS RETRAUMATIZING A STUDENT, TEACHER, OR STAFF MEMBER WHO HAS EXPERIENCED TRAUMA.~~

~~(6)~~ ~~(9)~~ (7) “WRAPAROUND SERVICES” INCLUDES:

(I) EXTENDED LEARNING TIME, INCLUDING BEFORE AND AFTER SCHOOL, WEEKENDS, SUMMER SCHOOL, AND AN EXTENDED SCHOOL YEAR;

(II) SAFE TRANSPORTATION TO SCHOOL;

(III) VISION AND DENTAL CARE SERVICES;

(IV) ESTABLISHING OR EXPANDING SCHOOL-BASED HEALTH CENTER SERVICES;

(V) ADDITIONAL SOCIAL WORKERS, MENTORS, COUNSELORS, PSYCHOLOGISTS, AND RESTORATIVE PRACTICE COACHES;

~~(V)~~ (VI) ENHANCING PHYSICAL WELLNESS, INCLUDING PROVIDING HEALTHY FOOD FOR IN-SCHOOL AND OUT-OF-SCHOOL TIME AND LINKAGES TO COMMUNITY PROVIDERS;

~~(VI)~~ (VII) ENHANCING BEHAVIORAL HEALTH SERVICES, INCLUDING ACCESS TO MENTAL HEALTH PRACTITIONERS AND PROVIDING PROFESSIONAL DEVELOPMENT TO SCHOOL STAFF TO PROVIDE TRAUMA-INFORMED INTERVENTIONS;

~~(VII)~~ (VIII) PROVIDING FAMILY AND COMMUNITY ENGAGEMENT AND SUPPORTS, INCLUDING INFORMING PARENTS OF ACADEMIC COURSE OFFERINGS, LANGUAGE CLASSES, WORKFORCE DEVELOPMENT TRAINING, OPPORTUNITIES FOR CHILDREN, AND AVAILABLE SOCIAL SERVICES AS WELL AS EDUCATING FAMILIES ON HOW TO MONITOR A CHILD’S LEARNING;

~~(VIII)~~ (IX) ESTABLISHING AND ENHANCING LINKAGES TO JUDY CENTERS AND OTHER EARLY EDUCATION PROGRAMS THAT FEED INTO THE SCHOOL;

~~(IX)~~ (X) ENHANCING STUDENT ENRICHMENT EXPERIENCES;

~~(X)~~ (XI) IMPROVING STUDENT ATTENDANCE;

~~(XI)~~ (XII) IMPROVING THE LEARNING ENVIRONMENT AT THE SCHOOL; AND

~~(XII)~~ (XIII) ANY OTHER PROFESSIONAL DEVELOPMENT FOR TEACHERS AND SCHOOL STAFF TO QUICKLY IDENTIFY STUDENTS WHO ARE IN NEED OF THESE RESOURCES.

(B) (1) THERE IS A CONCENTRATION OF POVERTY SCHOOL GRANT PROGRAM IN THE STATE.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO ELIGIBLE SCHOOLS WITH A HIGH CONCENTRATION OF STUDENTS WHO ARE ELIGIBLE FOR FREE OR REDUCED PRICE MEALS.

(C) (1) (I) FOR EACH OF FISCAL YEARS 2020 AND 2021, THE STATE SHALL DISTRIBUTE A GRANT TO EACH COUNTY BOARD EQUAL TO \$248,833 FOR EACH ELIGIBLE SCHOOL IN THE COUNTY.

(II) ~~EACH~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, EACH COUNTY BOARD SHALL DISTRIBUTE DIRECTLY TO EACH ELIGIBLE SCHOOL AN AMOUNT EQUAL TO \$248,833.

(III) IF A LOCAL SCHOOL SYSTEM HAS AT LEAST 40 ELIGIBLE SCHOOLS, THE COUNTY BOARD MAY, ON BEHALF OF ELIGIBLE SCHOOLS, EXPEND THE FUNDS DISTRIBUTED BY THE STATE UNDER THIS PARAGRAPH, PROVIDED THAT A PLAN IS DEVELOPED IN CONSULTATION WITH THE ELIGIBLE SCHOOLS THAT ENSURES THAT THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION ARE MET.

(2) FOR EACH OF FISCAL YEARS 2020 AND 2021, THE STATE SHALL DISTRIBUTE TO THE DEPARTMENT AN AMOUNT EQUAL TO \$126,170 TO FUND ONE DIRECTOR OF COMMUNITY SCHOOLS IN THE DEPARTMENT.

(D) (1) (I) ~~EACH ELIGIBLE SCHOOL SHALL EMPLOY ONE COMMUNITY SCHOOLS SCHOOL COORDINATOR STAFF POSITION AND ONE HEALTH CARE PRACTITIONER STAFF POSITION~~ IN THE ELIGIBLE SCHOOL.

(II) 1. EACH ELIGIBLE SCHOOL SHALL PROVIDE FULL-TIME COVERAGE BY AT LEAST ONE PROFESSIONAL HEALTH CARE PRACTITIONER DURING SCHOOL HOURS, INCLUDING ANY EXTENDED LEARNING TIME, WHO IS A LICENSED PHYSICIAN, A LICENSED PHYSICIAN'S ASSISTANT, OR A LICENSED REGISTERED NURSE, PRACTICING WITHIN THE SCOPE OF THE HEALTH CARE PRACTITIONER'S LICENSE.

2. A HEALTH CARE PRACTITIONER PROVIDING COVERAGE UNDER THIS SUBPARAGRAPH MAY WORK UNDER A SCHOOL HEALTH SERVICES PROGRAM, A COUNTY HEALTH DEPARTMENT, OR A SCHOOL-BASED HEALTH CENTER, OR A COMMUNITY PARTNERED SCHOOL BEHAVIORAL HEALTH SERVICES PROGRAM.

3. THIS SUBPARAGRAPH MAY NOT BE CONSTRUED TO:

A. REQUIRE THAT AN ELIGIBLE SCHOOL HIRE A FULL-TIME HEALTH CARE PRACTITIONER STAFF POSITION; OR

B. PRECLUDE THE HIRING OF ANY OTHER HEALTH CARE PRACTITIONERS THAT MEET THE NEEDS OF THE STUDENTS.

(2) ~~POSITIONS REQUIRED~~ REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) IF THE GRANT PROVIDED TO AN ELIGIBLE SCHOOL EXCEEDS THE COST TO EMPLOY THE POSITIONS AND PROVIDE THE COVERAGE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ELIGIBLE SCHOOL ~~SHALL~~ MAY ONLY USE THE EXCESS FUNDS TO PROVIDE ~~WRAPAROUND~~:

(I) WRAPAROUND SERVICES TO THE STUDENTS ENROLLED IN THE ELIGIBLE SCHOOL; AND

(II) THE ASSESSMENT REQUIRED UNDER SUBSECTION (E) OF THIS SECTION.

(4) IF AN ELIGIBLE SCHOOL, AS OF JUNE 30, 2019, EMPLOYS ~~INDIVIDUALS IN THE POSITIONS~~ AN INDIVIDUAL IN A POSITION OR HAS THE COVERAGE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AT LEAST THE SAME AMOUNT OF FUNDS SHALL BE PROVIDED TO THE ELIGIBLE SCHOOL TO BE USED FOR THOSE POSITIONS OR COVERAGE IN FISCAL YEARS 2020 AND 2021 AS OF JUNE 30, 2019, SHALL INSTEAD BE USED TO PROVIDE WRAPAROUND SERVICES TO THE STUDENTS ENROLLED IN THE ELIGIBLE SCHOOL.

(E) (1) THE COMMUNITY ~~SCHOOLS~~ SCHOOL COORDINATOR SHALL BE RESPONSIBLE FOR ESTABLISHING A COMMUNITY SCHOOL, INCLUDING COMPLETING AN ASSESSMENT BY JULY 1, 2020, OF THE NEEDS OF THE STUDENTS IN THE SCHOOL FOR APPROPRIATE WRAPAROUND SERVICES TO ENHANCE THE SUCCESS OF ALL STUDENTS IN THE SCHOOL.

~~(2) THE HEALTH CARE PRACTITIONER MAY WORK UNDER A SCHOOL HEALTH SERVICES PROGRAM, A COUNTY HEALTH DEPARTMENT, A SCHOOL-BASED HEALTH CENTER, OR A COMMUNITY PARTNERED SCHOOL BEHAVIORAL HEALTH SERVICES PROGRAM. THE ASSESSMENT PERFORMED UNDER THIS SUBSECTION SHALL:~~

~~(I) BE DONE IN COLLABORATION WITH THE:~~

- ~~1. THE PRINCIPAL AND SCHOOL;~~
- ~~2. A SCHOOL HEALTH CARE PRACTITIONER; AND~~
- ~~3. A PARENT TEACHER ORGANIZATION OR A SCHOOL FAMILY COUNCIL; AND~~

~~(II) INCLUDE AN ASSESSMENT OF THE PHYSICAL, BEHAVIORAL, AND EMOTIONAL HEALTH NEEDS OF STUDENTS, THEIR FAMILIES, AND THEIR COMMUNITIES.~~

~~(F) A COUNTY THAT PROVIDES A SCHOOL NURSE, SCHOOL HEALTH SERVICES, OR COMMUNITY SCHOOL SERVICES FROM FUNDS OUTSIDE OF THOSE MADE IN THE FISCAL YEAR 2019 LOCAL APPROPRIATION TO THE COUNTY BOARD SHALL CONTINUE TO PROVIDE AT LEAST THE SAME RESOURCES TO AN ELIGIBLE SCHOOL IN FISCAL YEARS 2020 AND 2021.~~

~~(G) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH AND THE DEPARTMENT OF HUMAN SERVICES, SHALL DEVELOP GUIDELINES ON TRAUMA-INFORMED INTERVENTIONS THAT WILL ASSIST SCHOOLS WITH:~~

~~(I) IMPLEMENTING A COMPREHENSIVE TRAUMA-INFORMED POLICY AT THE SCHOOL;~~

~~(II) THE IDENTIFICATION OF A STUDENT, TEACHER, OR STAFF MEMBER WHO HAS EXPERIENCED TRAUMA;~~

~~(III) THE APPROPRIATE MANNER FOR RESPONDING TO A STUDENT, TEACHER, OR STAFF MEMBER WHO HAS EXPERIENCED TRAUMA;~~

~~(IV) FOR SCHOOLS PARTICIPATING IN THE HANDLE WITH CARE PROGRAM, THE APPROPRIATE MANNER FOR RESPONDING TO A STUDENT WHO IS IDENTIFIED AS A "HANDLE WITH CARE" STUDENT; AND~~

~~(V) BECOMING A TRAUMA-INFORMED SCHOOL.~~

~~(2) THE DEPARTMENT SHALL:~~

~~(I) DISTRIBUTE THE GUIDELINES DEVELOPED UNDER THIS SUBSECTION TO EACH LOCAL SCHOOL SYSTEM; AND~~

~~(II) PUBLISH THE GUIDELINES ON TRAUMA INFORMED INTERVENTIONS ON THE DEPARTMENT'S WEBSITE.~~

5–205.

(c) (2) Subject to the limitations under paragraph (3) of this subsection, for fiscal year 2004 and every year thereafter the amount of a county's base grant for student transportation shall be equal to the amount of the county's base grant for student transportation for the previous year increased by the same percentage as the increase in the private transportation category of the Consumer Price Index for all urban consumers, for the [Washington–Baltimore metropolitan area] **WASHINGTON METROPOLITAN AREA**, as of July of the fiscal year preceding the year for which the amount is being calculated, plus an additional amount equal to the product of:

(i) The total amount of funds distributed by the State as base grants for student transportation for the previous fiscal year divided by the statewide full-time equivalent enrollment for the previous fiscal year; and

(ii) The difference between the full-time equivalent enrollment in a county for the current fiscal year and the full-time equivalent enrollment in the county for the previous fiscal year, or, if the full-time equivalent enrollment in a county for the current fiscal year is less than the full-time equivalent enrollment in the county for the previous fiscal year, zero.

5–207.

(a) (1) In this section the following words have the meanings indicated.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, “compensatory education enrollment count” means the number of students eligible for free or reduced price meals for the prior fiscal year.

(ii) For fiscal years 2017 through [2022] **2025**, “compensatory education enrollment count” means:

1. The number of students eligible for free or reduced price meals for the prior fiscal year; or

2. For county boards that participate, in whole or in part, in the United States Department of Agriculture community eligibility provision, the number of students equal to the greater of:

A. The sum of the number of students in participating schools identified by direct certification for the prior fiscal year, plus the number of students identified by the income information provided by the family to the school system on an alternative form developed by the Department for the prior fiscal year, plus the number of students eligible for free and reduced price meals from any schools not participating in the community eligibility provision for the prior fiscal year; or

B. Subject to subparagraph (iii) of this paragraph, the number of students eligible for free and reduced price meals at schools not participating in the community eligibility provision for the prior fiscal year, plus the product of the percentage of students eligible for free and reduced price meals at participating schools for the fiscal year prior to opting into the community eligibility provision multiplied by the prior fiscal year enrollment.

(iii) For the purpose of the calculation under subparagraph (ii)2B of this paragraph, the schools participating in the community eligibility provision during the pilot year may use the percentage of students identified for free and reduced price meals during the pilot year.

5–218.

(a) (1) In this section the following words have the meanings indicated.

(2) “Eligible child” means a child:

(i) Whose parent or guardian enrolls the child in a public prekindergarten program; and

(ii) Who is 4 years old on September 1 of the school year in which the parent or legal guardian enrolls the child in a public prekindergarten program.

(3) “Eligible county board” means a county board that makes a full–day public prekindergarten program available for **[all]** eligible children.

(4) “State share of the per pupil foundation amount” means the quotient of the State share of the foundation program for a county divided by the full–time equivalent enrollment of the county.

(b) For each of fiscal years 2018 through **[2020] 2021**, the State shall provide a supplemental prekindergarten grant to an eligible county board that equals the percentage of the State share of the per pupil foundation amount multiplied by the number of full–time equivalent eligible children enrolled in a public full–day prekindergarten program on September 30 of the previous school year:

- (1) For fiscal year 2018, 50%;
- (2) For fiscal year 2019, 75%; [and]
- (3) For fiscal year 2020, 100%; AND
- (4) **FOR FISCAL YEAR 2021, 100%.**

(c) The State shall distribute the supplemental prekindergarten grant at the same time the State distributes funds to county boards under this subtitle.

5-219.

(a) In this section, “Fund” means [the Commission on Innovation and Excellence in Education] **THE BLUEPRINT FOR MARYLAND’S FUTURE Fund.**

(b) There is [a Commission on Innovation and Excellence in Education] **THE BLUEPRINT FOR MARYLAND’S FUTURE Fund.**

(c) The purpose of the Fund is to assist in providing adequate funding for early childhood education and primary and secondary education to provide a world-class education to students so they are prepared for college and a career in the global economy of the 21st century, based on the [final] recommendations of the Commission on Innovation and Excellence in Education.

(d) The Department shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) Revenue distributed to the Fund under § 2-605.1 of the Tax – General Article;

(2) Money appropriated in the State budget for the Fund; and

(3) Any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may be used only to assist in providing adequate funding for early childhood education and primary and secondary education [through revised education

funding formulas] based on the [final] recommendations of the Commission on Innovation and Excellence in Education, INCLUDING REVISED EDUCATION FUNDING FORMULAS.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

**6-123.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “COLLABORATIVE” MEANS A SIGNED AGREEMENT OUTLINING COMMITMENTS OF A PARTNERSHIP AMONG AT LEAST ONE COUNTY BOARD, ONE TEACHER PREPARATION PROGRAM, AND ONE EXCLUSIVE EMPLOYEE REPRESENTATIVE TO IMPROVE TEACHER EDUCATION TO PREPARE TEACHERS FOR HIGHER TEACHER STANDARDS AND INTEGRATE TEACHER INDUCTION, PROFESSIONAL DEVELOPMENT, AND ADVANCEMENT TO MEET THE GOALS OF THE JANUARY 2019 INTERIM REPORT OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION ESTABLISHED UNDER CHAPTERS 701 AND 702 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2016.**

**(3) “EXCLUSIVE EMPLOYEE REPRESENTATIVE” MEANS AN EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN A COUNTY.**

**(4) “PROGRAM” MEANS THE TEACHER COLLABORATIVE GRANT PROGRAM.**

**(5) “PUBLIC SCHOOL EMPLOYEE” HAS THE MEANING STATED IN § 6-401 OF THIS TITLE.**

**(6) “TEACHER PREPARATION PROGRAM” MEANS A PROGRAM OF UNDERGRADUATE OR GRADUATE STUDIES THAT:**

**(I) PREPARES AN INDIVIDUAL TO TEACH; AND**

**(II) IS OFFERED AT AN INSTITUTION OF HIGHER EDUCATION IN THE STATE THAT IS ACCREDITED OR APPROVED TO OPERATE UNDER THIS ARTICLE.**

**(B) (1) THERE IS A TEACHER COLLABORATIVE GRANT PROGRAM.**

**(2) THE PURPOSE OF THE PROGRAM IS TO:**

**(I) PROVIDE FUNDS FOR COLLABORATIVES TO DEVELOP STATE-OF-THE-ART PROFESSIONAL EDUCATION FOR PROSPECTIVE AND CURRENT TEACHERS THAT REFLECTS INTERNATIONAL AND NATIONAL BEST PRACTICES; AND**

**(II) AWARD GRANTS TO MULTIPLE COLLABORATIVES IN VARIOUS REGIONS OF THE STATE THAT WILL DEVELOP MODEL PROFESSIONAL DEVELOPMENT PROGRAMS THAT CAN BE REPLICATED IN LOCAL SCHOOL SYSTEMS THROUGHOUT THE STATE.**

**(3) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM IN CONSULTATION WITH THE MARYLAND HIGHER EDUCATION COMMISSION.**

**(C) (1) A COUNTY BOARD OR TEACHER PREPARATION PROGRAM MAY SUBMIT AN APPLICATION TO THE DEPARTMENT TO RECEIVE A GRANT TO FORM A TEACHER COLLABORATIVE THAT IS IN FURTHERANCE OF THE PURPOSE OF THE PROGRAM.**

**(2) TO BE ELIGIBLE FOR A GRANT, AN APPLICATION SHALL IDENTIFY A SIGNED PARTNERSHIP AGREEMENT AMONG AT LEAST ONE COUNTY BOARD, ONE TEACHER PREPARATION PROGRAM, AND ONE EXCLUSIVE EMPLOYEE REPRESENTATIVE TO FORM A TEACHER COLLABORATIVE TO DESIGN AND IMPLEMENT AT LEAST TWO OF THE FOLLOWING:**

**(I) A 21ST-CENTURY PRACTICUM FOR TEACHER CANDIDATES TO GAIN TEACHING EXPERIENCE IN THE CLASSROOM;**

**(II) A PROFESSIONAL DEVELOPMENT PROGRAM FOR EXISTING TEACHERS; AND**

**(III) A PEER ASSISTANCE AND REVIEW PROGRAM TO SUPPORT:**

**1. INDUCTION AND MENTORING PROGRAMS FOR NEW TEACHERS AND STRUGGLING TEACHERS; AND**

**2. EFFECTIVE TEACHER EVALUATION SYSTEMS.**

**(3) A PRACTICUM DESIGN DEVELOPED UNDER THE PROGRAM SHALL REQUIRE:**

(I) PROSPECTIVE TEACHERS TO COMPLETE A FULL SCHOOL YEAR OF PRACTICAL TEACHING EXPERIENCE BEFORE COMPLETING A TEACHER PREPARATION PROGRAM THAT:

1. SHALL BE COMPLETED WITHIN THE EXISTING DEGREE REQUIREMENTS TO GRADUATE FROM THE TEACHER PREPARATION PROGRAM, IF POSSIBLE; AND

2. MAY BE COMPLETED AT ANY TIME DURING THE TEACHER PREPARATION PROGRAM AS DETERMINED BY THE COLLABORATIVE;

(II) A COUNTY BOARD AND TEACHER PREPARATION PROGRAM JOINTLY TO IDENTIFY A PLACEMENT FOR A TEACHER CANDIDATE AND COMPENSATE A MENTOR TEACHER TO SUPERVISE AND COACH THE TEACHER CANDIDATE;

(III) PUBLIC SCHOOLS OFFERING THE PRACTICUM TO:

1. BE ORGANIZED IN A CAREER LADDER SYSTEM; AND

2. CONSIST OF DIVERSE STUDENT BODIES THAT REFLECT THE DIVERSITY OF PUBLIC SCHOOLS IN THE STATE OR THE GEOGRAPHIC AREA WHERE THE SCHOOL IS LOCATED;

(IV) MEMBERS OF THE PUBLIC SCHOOL FACULTY WHO ARE PROFESSOR MASTER TEACHERS ON THE CAREER LADDER TO HOLD APPOINTMENTS TO TEACH AS CLINICAL OR ADJUNCT FACULTY AT THE TEACHER PREPARATION PROGRAM;

(V) MEMBERS OF THE PUBLIC SCHOOL FACULTY WHO ARE LEAD TEACHERS OR MASTER TEACHERS ON THE CAREER LADDER TO BE RESPONSIBLE FOR DESIGNING THE PUBLIC SCHOOL'S INDUCTION AND MENTORING PROGRAM FOR NEW TEACHERS AND STRUGGLING TEACHERS; AND

(VI) MEMBERS OF THE PUBLIC SCHOOL FACULTY AND THE TEACHER PREPARATION PROGRAM FACULTY TO BE FULLY TRAINED TO UNDERSTAND AND IMPLEMENT INTERNATIONAL AND NATIONAL BEST PRACTICES FOR TEACHER PREPARATION AND PROFESSIONAL DEVELOPMENT.

(4) A PROFESSIONAL DEVELOPMENT PROGRAM DEVELOPED UNDER THE PROGRAM SHALL PROVIDE TRAINING AND EDUCATION IN ONE OR MORE OF THE FOLLOWING:

(I) CULTURALLY RESPONSIVE PEDAGOGY, CONTENT KNOWLEDGE, AND ~~PRACTICE~~ BEST PRACTICES IN TEACHING DIVERSE STUDENTS

AND COMMUNICATING WITH DIVERSE STUDENT FAMILIES, INCLUDING INDIVIDUALS OF ALL RACES, RELIGIONS, SEXUAL ORIENTATIONS, AND GENDER IDENTITIES;

~~(II) EVALUATION AND USE OF RESEARCH AND DATA~~ EFFECTIVE USE OF RESEARCH, DATA, AND HIGH-QUALITY INSTRUCTIONAL MATERIALS, INCLUDING DIGITAL RESOURCES AND TECHNOLOGY, TO IMPROVE STUDENT PERFORMANCE;

~~(III) RACIAL AWARENESS, CULTURAL COMPETENCY, RELIGIOUS TOLERANCE, AND RESTORATIVE PRACTICES TO BE ABLE TO TEACH STUDENTS FROM DIVERSE BACKGROUNDS WITH DIFFERENT LEARNING ABILITIES AND NEEDS AND TO COMMUNICATE EFFECTIVELY WITH STUDENT FAMILIES;~~

~~(IV)~~ (III) EFFECTIVE MANAGEMENT OF STUDENT BEHAVIOR, INCLUDING TRAINING IN THE USE OF RESTORATIVE PRACTICES AND TRAUMA-INFORMED APPROACHES TO MEET STUDENT NEEDS;

~~(V)~~ (IV) CONDUCTING ASSESSMENTS OF TYPICAL LEARNING CHALLENGES FOR A STUDENT AND METHODS TO HELP THE STUDENT OVERCOME THOSE CHALLENGES, INCLUDING EFFECTIVE TOOLS AND STRATEGIES TO MEET THE NEEDS OF STUDENTS WITH DISABILITIES AND IMPLEMENT INDIVIDUALIZED EDUCATION PROGRAMS AND 504 PLANS; AND

(V) RECOGNITION OF STUDENT MENTAL HEALTH DISORDERS.

~~(VI) AWARENESS OF AND SENSITIVITY TO THE SEXUAL ORIENTATION AND GENDER IDENTITY OF STUDENTS AND THEIR FAMILIES;~~

~~(VII) IMPLEMENTING INDIVIDUALIZED EDUCATION PROGRAMS AND 504 PLANS FOR STUDENTS WITH DISABILITIES;~~

~~(VIII) AWARENESS OF TRAUMA-INFORMED APPROACHES TO MEET STUDENTS' NEEDS;~~

~~(IX) RECOGNITION OF STUDENT MENTAL HEALTH DISORDERS;~~

AND

~~(VI)~~ ~~(X)~~ IDENTIFICATION AND EFFECTIVE USE OF HIGH-QUALITY INSTRUCTIONAL MATERIALS, DIGITAL RESOURCES, AND COMPUTER TECHNOLOGY.

(5) (I) A PEER ASSISTANCE AND REVIEW PROGRAM DEVELOPED UNDER THE PROGRAM SHALL USE:

1. LEAD TEACHERS OR MASTER TEACHERS ON THE CAREER LADDER TO MENTOR NEW TEACHERS AND SUPPORT EXISTING TEACHERS WHO ARE STRUGGLING OR LOW PERFORMING; AND

2. AN EFFECTIVE TEACHER EVALUATION SYSTEM TO PROVIDE RIGOROUS, RELIABLE, AND RELEVANT FEEDBACK FOR EDUCATORS.

(II) A TEACHER EVALUATION SYSTEM DEVELOPED UNDER THIS PARAGRAPH SHALL:

1. DEFINE THE KNOWLEDGE AND SKILLS EXPECTED OF A TEACHER;

2. UTILIZE DOCUMENTED PERFORMANCE MEASURES TO PROVIDE PERSONALIZED FEEDBACK THAT IS ALIGNED WITH THE TEACHER'S STRENGTHS, NEEDS, AND PROFESSIONAL LEARNING CONTEXT; AND

3. USE A PEER OBSERVATION-BASED PROCESS TO EVALUATE A TEACHER THAT:

A. CAN BE LINKED TO STUDENT LEARNING OUTCOMES;

B. REQUIRES THE COMPETENCY OF THE EVALUATOR TO BE ASSESSED;

C. REQUIRES STAKEHOLDERS, TEACHERS AND TEACHER CANDIDATES, AND EVALUATORS TO BE FULLY TRAINED TO UNDERSTAND THE EVALUATION PROCESS; AND

D. INCLUDES POSTOBSERVATION CONFERENCES BETWEEN THE TEACHER AND EVALUATOR TO ENCOURAGE REFLECTION OF THE TEACHER'S TEACHING PRACTICE.

(6) AN APPLICATION SHALL INCLUDE:

(I) A DESCRIPTION OF AT LEAST TWO OF THE PROPOSED:

1. ~~THE PROPOSED PRACTICUM~~ PRACTICUM DESIGN FOR TEACHER CANDIDATES;

~~(H)~~ 2. ~~A DESCRIPTION OF THE PROPOSED PROFESSIONAL~~ PROFESSIONAL DEVELOPMENT PROGRAM FOR EXISTING TEACHERS; OR

~~(III)~~ 3. ~~A DESCRIPTION OF THE PROPOSED PEER PEER ASSISTANCE AND REVIEW PROGRAM;~~

~~(IV)~~ (II) EVIDENCE THAT THE TEACHER PREPARATION PROGRAM IN THE COLLABORATIVE SUBMITTED A GRANT APPLICATION TO A NATIONAL PROGRAM, IF APPLICABLE, TO INCREASE THE QUALITY AND DIVERSITY OF THE TEACHER CANDIDATE POPULATION; AND

~~(V)~~ (III) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(D) (1) THE DEPARTMENT SHALL ESTABLISH PROCESSES AND PROCEDURES FOR ACCEPTING AND EVALUATING APPLICATIONS.

(2) GRANTS SHALL BE AWARDED ON A COMPETITIVE BASIS.

(3) THE DEPARTMENT SHALL MAKE AWARDS IN A TIMELY FASHION.

(4) THE DEPARTMENT SHALL ENSURE TO THE EXTENT PRACTICABLE GEOGRAPHIC DIVERSITY AMONG THE GRANTEES.

(5) A GRANT MADE UNDER THIS SECTION MAY BE RENEWED BY THE DEPARTMENT AFTER A 3-YEAR PERIOD UNLESS PERFORMANCE CRITERIA INDICATE THAT THE TEACHER COLLABORATIVE HAS NOT MADE SUFFICIENT PROGRESS IN IMPLEMENTING THE PROGRAMS SPECIFIED IN THE APPLICATION.

(E) (1) THE DEPARTMENT SHALL CONDUCT AN EVALUATION AT LEAST ONCE DURING EACH GRANT PERIOD OF THE PRACTICUM DESIGNS, PROFESSIONAL DEVELOPMENT PROGRAMS, AND PEER ASSISTANCE AND REVIEW PROGRAMS IN THE PROGRAM TO DETERMINE WHETHER TO RECOMMEND THAT ONE OR MULTIPLE PROGRAMS SHOULD BE REPLICATED THROUGHOUT THE STATE.

(2) THE DEPARTMENT SHALL ESTABLISH CRITERIA FOR THE EVALUATION, INCLUDING THE TYPE AND FORMAT OF DATA TO BE COLLECTED BY A TEACHER COLLABORATIVE.

(F) (1) FOR EACH OF FISCAL YEARS 2020 AND 2021, THE STATE SHALL DISTRIBUTE AT LEAST \$2,500,000 TO THE DEPARTMENT FOR THE TEACHER COLLABORATIVE GRANT PROGRAM.

(2) THE DEPARTMENT MAY RETAIN UP TO 3% OF THE APPROPRIATION REQUIRED UNDER THIS SUBSECTION TO HIRE STAFF NECESSARY TO ADMINISTER THE PROGRAM.

(G) ON OR BEFORE DECEMBER 1, 2019, AND ON OR BEFORE DECEMBER 1 OF 2020 AND 2021, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON:

- (1) THE NUMBER OF GRANT APPLICATIONS RECEIVED UNDER THE PROGRAM;
- (2) THE NUMBER OF GRANTS AWARDED UNDER THE PROGRAM; AND
- (3) THE CURRENT STATUS OF EACH GRANTEE AND THE GRANTEE'S ACTIVITIES FUNDED UNDER THE PROGRAM.

*SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:*

*Article – Education*

TITLE 9.9. MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION.

9.9-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “INSPECTOR GENERAL” MEANS THE INSPECTOR GENERAL IN THE MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION.

(C) “OFFICE” MEANS THE MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION.

9.9-102.

(A) THERE IS A MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION.

(B) THE OFFICE IS AN INDEPENDENT UNIT OF THE STATE.

(C) THE PURPOSE OF THE OFFICE IS TO PROVIDE ACCOUNTABILITY AND TRANSPARENCY IN THE EXPENDITURE OF PUBLIC FUNDS FOR EDUCATION IN THE STATE.

(D) ALL EXPENSES AND OPERATIONS RELATED TO THE ADMINISTRATION OF THE OFFICE SHALL BE SEPARATELY IDENTIFIED AND INDEPENDENT OF ANY OTHER UNIT OF STATE GOVERNMENT.

9.9-103.

(A) THERE IS AN INSPECTOR GENERAL IN THE MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION.

(B) (1) AN INDIVIDUAL IS ELIGIBLE TO BE THE INSPECTOR GENERAL ONLY IF THE INDIVIDUAL EXECUTES AN AFFIDAVIT STATING THAT THE INDIVIDUAL WILL NOT ACCEPT APPOINTMENT TO, OR BE A CANDIDATE FOR, A STATE OR LOCAL OFFICE:

(I) DURING THE PERIOD OF SERVICE AS THE INSPECTOR GENERAL; AND

(II) FOR AT LEAST 3 YEARS IMMEDIATELY AFTER THE INDIVIDUAL LAST SERVES AS THE INSPECTOR GENERAL.

(2) THE INSPECTOR GENERAL SHALL RENEW THE AFFIDAVIT EVERY 2 YEARS DURING THE PERIOD OF SERVICE.

(3) A FAILURE TO RENEW THE AFFIDAVIT UNDER THIS SUBSECTION SHALL SUBJECT THE INSPECTOR GENERAL TO REMOVAL FROM OFFICE UNDER THIS SECTION.

(C) (1) THE INSPECTOR GENERAL SHALL BE APPOINTED UNANIMOUSLY BY ~~A MAJORITY VOTE OF~~ THE GOVERNOR, THE ATTORNEY GENERAL, AND THE STATE TREASURER, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.

(2) THE TERM OF THE INSPECTOR GENERAL IS 5 YEARS, BEGINNING JULY 1 AFTER THE APPOINTMENT OF THE INSPECTOR GENERAL.

(3) AT THE END OF A TERM, THE INSPECTOR GENERAL SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(4) IF A VACANCY OCCURS IN THE OFFICE, AN INTERIM INSPECTOR GENERAL SHALL BE APPOINTED AS A SUCCESSOR TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.

(D) THE INSPECTOR GENERAL MAY BE REMOVED UNANIMOUSLY BY ~~A MAJORITY VOTE OF~~ THE GOVERNOR, THE ATTORNEY GENERAL, AND THE STATE TREASURER FOR:

(1) MISCONDUCT IN OFFICE;

- OR
- (2) PERSISTENT FAILURE TO PERFORM THE DUTIES OF THE OFFICE;
- (3) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF JUSTICE.

(E) (1) ~~THE~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE INSPECTOR GENERAL SHALL BE PROFESSIONALLY QUALIFIED THROUGH EXPERIENCE OR EDUCATION IN AT LEAST ONE OF THE FOLLOWING AREAS:

- ~~(1)~~ (I) LAW;
- ~~(2)~~ (II) AUDITING;
- ~~(3)~~ (III) GOVERNMENT OPERATIONS;
- ~~(4)~~ (IV) FINANCIAL MANAGEMENT; OR
- ~~(5)~~ (V) EDUCATION POLICY.

(2) IF THE INSPECTOR GENERAL IS PROFESSIONALLY QUALIFIED IN THE AREA OF EDUCATION POLICY, THE INSPECTOR GENERAL ALSO SHALL BE PROFESSIONALLY QUALIFIED THROUGH EXPERIENCE OR EDUCATION IN AT LEAST ONE OF THE OTHER AREAS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

(F) (1) THE INSPECTOR GENERAL IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET.

(2) FUNDING FOR THE OFFICE SHALL BE AS PROVIDED IN THE STATE BUDGET.

9.9-104.

(A) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE INSPECTOR GENERAL SHALL BE RESPONSIBLE FOR EXAMINING AND INVESTIGATING THE MATTERS LISTED IN SUBSECTION (B) OF THIS SECTION WITH RESPECT TO THE MANAGEMENT AND AFFAIRS OF THE FOLLOWING ENTITIES:

- ~~(1)~~ (I) COUNTY BOARDS, LOCAL SCHOOL SYSTEMS, AND PUBLIC SCHOOLS;
- ~~(2)~~ (II) NONPUBLIC SCHOOLS THAT RECEIVE STATE FUNDS;
- ~~(3)~~ (III) THE DEPARTMENT; AND

~~(4)~~ (IV) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION.

(2) THE INSPECTOR GENERAL MAY NOT EXAMINE OR INVESTIGATE A NONPUBLIC SCHOOL THAT DOES NOT RECEIVE STATE FUNDS.

(B) THE INSPECTOR GENERAL MAY RECEIVE AND INVESTIGATE COMPLAINTS OR INFORMATION CONCERNING:

(1) INSTANCES OF FRAUD, WASTE, OR ABUSE INVOLVING THE USE OF PUBLIC FUNDS AND PROPERTY;

(2) VIOLATIONS OF CIVIL RIGHTS, AS DEFINED IN FEDERAL OR STATE LAWS, OF STUDENTS OR EMPLOYEES OF THE ENTITIES LISTED IN SUBSECTION (A) OF THIS SECTION;

(3) WHETHER POLICIES AND PROCEDURES GOVERNING THE PREVENTION AND REPORTING OF CHILD ABUSE AND NEGLECT COMPLY WITH APPLICABLE FEDERAL AND STATE LAWS ON CHILD ABUSE AND NEGLECT; AND

(4) COMPLIANCE WITH OTHER APPLICABLE FEDERAL AND STATE LAWS.

(C) (1) THE INSPECTOR GENERAL MAY NOT DISCLOSE THE IDENTITY OF THE SOURCE OF A COMPLAINT OR INFORMATION PROVIDED UNDER SUBSECTION (B) OF THIS SECTION UNLESS THE INSPECTOR GENERAL:

(I) OBTAINS THE WRITTEN CONSENT OF THE SOURCE; OR

(II) DETERMINES THAT DISCLOSURE OF THE IDENTITY OF THE SOURCE IS NECESSARY AND UNAVOIDABLE DURING THE COURSE OF THE INVESTIGATION.

(2) IF THE INSPECTOR GENERAL DETERMINES THAT DISCLOSURE OF THE IDENTITY OF A SOURCE IS NECESSARY AND UNAVOIDABLE, THE INSPECTOR GENERAL SHALL NOTIFY THE SOURCE IN WRITING AT LEAST 7 DAYS BEFORE DISCLOSURE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, DURING AN INVESTIGATION CONDUCTED IN ACCORDANCE WITH THIS TITLE, THE INSPECTOR GENERAL SHALL HAVE ACCESS TO ALL RECORDS, DATA, REPORTS, CONTRACTS, CORRESPONDENCE, OR OTHER DOCUMENTS OF AN ENTITY LISTED

UNDER SUBSECTION (A) OF THIS SECTION THAT IS THE SUBJECT OF THE INVESTIGATION.

(2) THE INSPECTOR GENERAL MAY NOT ACCESS OR COMPEL THE PRODUCTION OF DOCUMENTS THAT ARE:

(I) PROTECTED UNDER THE ATTORNEY-CLIENT PRIVILEGE;  
OR

(II) CONFIDENTIAL OR PRIVILEGED UNDER APPLICABLE PROVISIONS OF FEDERAL OR STATE LAW.

(E) (1) (I) DURING AN INVESTIGATION CONDUCTED IN ACCORDANCE WITH THIS TITLE, THE INSPECTOR GENERAL MAY:

1. SEEK AND OBTAIN SWORN TESTIMONY; AND

2. ISSUE SUBPOENAS AS NECESSARY TO COMPEL THE PRODUCTION OF DOCUMENTS AND RECORDS OR THE ATTENDANCE OF WITNESSES.

(II) A SUBPOENA MAY BE SERVED IN THE SAME MANNER AS ONE ISSUED BY A CIRCUIT COURT.

(2) (I) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY CONTACT WITH THE INSPECTOR GENERAL.

(II) THE INSPECTOR GENERAL SHALL ADVISE A PERSON OF THE RIGHT TO COUNSEL WHEN A SUBPOENA IS SERVED.

(3) (I) 1. THE INSPECTOR GENERAL IMMEDIATELY MAY REPORT THE FAILURE OF A PERSON TO OBEY A LAWFULLY SERVED SUBPOENA TO THE CIRCUIT COURT OF THE COUNTY THAT HAS JURISDICTION.

2. THE INSPECTOR GENERAL SHALL PROVIDE A COPY OF THE SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT COURT.

(II) AFTER CONDUCTING A HEARING AT WHICH THE PERSON WHO ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA HAS AN OPPORTUNITY TO BE HEARD AND REPRESENTED BY COUNSEL, THE CIRCUIT COURT MAY GRANT APPROPRIATE RELIEF.

(F) A STATE OR LOCAL AGENCY, COUNTY BOARD, NONPUBLIC SCHOOL, OR PUBLIC OFFICIAL MAY NOT TAKE ADVERSE, RETALIATORY ACTION AGAINST AN

INDIVIDUAL BECAUSE THE INDIVIDUAL COOPERATED WITH OR PROVIDED INFORMATION TO THE INSPECTOR GENERAL.

(G) RECORDS OR INFORMATION PROVIDED TO, PREPARED FOR, OR OBTAINED BY THE INSPECTOR GENERAL IN CONNECTION WITH AN INVESTIGATION ARE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT.

(H) IF THE INSPECTOR GENERAL FINDS OR HAS REASONABLE GROUNDS TO BELIEVE THAT THERE HAS BEEN A CRIMINAL VIOLATION OF FEDERAL OR STATE LAW, THE INSPECTOR GENERAL SHALL NOTIFY AND REFER THE MATTER TO THE APPROPRIATE FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AUTHORITY, LOCAL STATE'S ATTORNEY'S OFFICE, OFFICE OF THE ATTORNEY GENERAL, OFFICE OF THE STATE PROSECUTOR, OR FEDERAL AGENCY.

(I) IF THE INSPECTOR GENERAL IDENTIFIES AN ISSUE OF CONCERN THAT WOULD NOT CONSTITUTE A CRIMINAL VIOLATION OF STATE LAW, THE INSPECTOR GENERAL MAY REPORT THE ISSUE OF CONCERN TO THE STATE SUPERINTENDENT, THE STATE BOARD, THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(J) THE INSPECTOR GENERAL MAY APPOINT AND EMPLOY PROFESSIONAL AND CLERICAL STAFF, INCLUDING ATTORNEYS, ACCOUNTANTS, AUDITORS, ANALYSTS, AND INVESTIGATORS, AS APPROPRIATED IN THE ANNUAL STATE BUDGET, TO CONDUCT THE WORK OF THE OFFICE.

9.9-105.

(A) ON OR BEFORE DECEMBER 1 EACH YEAR, THE OFFICE SHALL SUBMIT A REPORT TO THE STATE SUPERINTENDENT, THE STATE BOARD, THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(B) THE REPORT SHALL INCLUDE INFORMATION ON:

(1) THE OFFICE'S GOALS AND PRIORITIES FOR THE UPCOMING YEAR;

(2) THE OFFICE'S ACTIVITIES DURING THE PRECEDING YEAR;

(3) THE NUMBER OF INCIDENTS, IN THE AGGREGATE, AND A GENERAL SUMMARY OF THE NATURE OF THE REPORTED INCIDENTS, REFERRED TO THE APPROPRIATE FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AUTHORITY,

**LOCAL STATE'S ATTORNEY'S OFFICE, OFFICE OF THE ATTORNEY GENERAL, OFFICE OF THE STATE PROSECUTOR, OR FEDERAL AGENCY DURING THE PRECEDING YEAR;**

**(4) SPECIFIC FINDINGS AND RECOMMENDATIONS RELATING TO:**

**(I) INSTANCES OF FRAUD, WASTE, OR ABUSE INVOLVING THE USE OF PUBLIC FUNDS AND PROPERTY;**

**(II) VIOLATIONS OF THE CIVIL RIGHTS OF STUDENTS OR EMPLOYEES;**

**(III) POLICIES AND PROCEDURES RELATED TO CHILD ABUSE AND NEGLECT AND COMPLIANCE WITH APPLICABLE FEDERAL AND STATE LAWS; AND**

**(IV) COMPLIANCE WITH OTHER APPLICABLE FEDERAL AND STATE LAWS; AND**

**(5) ANY REGULATORY OR STATUTORY CHANGES NECESSARY TO ENSURE COMPLIANCE WITH APPLICABLE FEDERAL AND STATE LAWS.**

*SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:*

**Chapter 701 of the Acts of 2016, as amended by Chapter 361 of the Acts of 2018**

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) There is a Commission on Innovation and Excellence in Education.

(2) The Commission shall review the findings of the Study on Adequacy of Funding for Education in the State of Maryland that is to be completed on or before December 1, 2016, and provide recommendations on preparing students in the State to meet the challenges of a changing global economy, to meet the State's workforce needs, to be prepared for postsecondary education and the workforce, and to be successful citizens in the 21st century.

(h) (1) On or before December 31, [2016] 2017, the Commission shall provide a preliminary report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee.

(2) On or before December 31, 2018, the Commission shall provide [a final] AN INTERIM report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee.

**(3) ON OR BEFORE DECEMBER 1, 2019, THE COMMISSION SHALL PROVIDE A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE COMMITTEE ON WAYS AND MEANS, AND THE HOUSE APPROPRIATIONS COMMITTEE.**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016. It shall remain effective for a period of **3 years AND 7 MONTHS** and, at the end of [May] **DECEMBER 31, 2019**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Chapter 702 of the Acts of 2016, as amended by Chapter 361 of the Acts of 2018**

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) There is a Commission on Innovation and Excellence in Education.

(2) The Commission shall review the findings of the Study on Adequacy of Funding for Education in the State of Maryland that is to be completed on or before December 1, 2016, and provide recommendations on preparing students in the State to meet the challenges of a changing global economy, to meet the State's workforce needs, to be prepared for postsecondary education and the workforce, and to be successful citizens in the 21st century.

(h) (1) On or before December 31, [2016] **2017**, the Commission shall provide a preliminary report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee.

(2) On or before December 31, **2018**, the Commission shall provide [a final] AN INTERIM report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee.

**(3) ON OR BEFORE DECEMBER 1, 2019, THE COMMISSION SHALL PROVIDE A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE COMMITTEE ON WAYS AND MEANS, AND THE HOUSE APPROPRIATIONS COMMITTEE.**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016. It shall remain effective for a period of **3 years AND 7 MONTHS** and, at the end of **[May] DECEMBER 31, 2019**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Chapter 715 of the Acts of 2017, as amended by Chapter 361 of the Acts of 2018**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before September 1, 2018, the State Department of Education, in consultation with the Department of Budget and Management and the Department of Legislative Services, shall contract with a public or private entity to conduct an independent study of the individualized education program (IEP) process in the State, including the procedures relating to the identification, evaluation, and educational placement of a child, the provision of a free and appropriate education, and the dispute resolution procedures provided under § 8-413 of the Education Article.

(2) The entity that conducts the study shall seek input from special education teachers, special education advocates, and special education organizations.

(d) On or before **[September 1, 2019] DECEMBER 1, 2019**, the State Department of Education shall report the findings and recommendations of the study, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Education~~

~~5-403.~~

~~(A) A LOCAL SCHOOL SYSTEM SHALL BE SUBJECT TO A PERFORMANCE EVALUATION CONDUCTED BY THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY IN ACCORDANCE WITH § 2-1234 OF THE STATE GOVERNMENT ARTICLE, INCLUDING:~~

~~(1) AN EVALUATION OF WHETHER OR NOT THE SCHOOL SYSTEM IS COMPLYING WITH FEDERAL AND STATE LAWS AND REGULATIONS;~~

~~(2) AN ANALYSIS OF GRADING STANDARDS, GRADUATION REQUIREMENTS, ASSESSMENTS, PROCUREMENT, AND EQUITABLE USE OF RESOURCES AMONG THE SCHOOLS WITHIN THE SYSTEM EVALUATED; AND~~

~~(3) AN EVALUATION OF INSTANCES OF FRAUD, WASTE, AND ABUSE.~~

~~(B) A PERFORMANCE EVALUATION CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION MAY BE PERFORMED CONCURRENTLY WITH OR SEPARATELY FROM AN AUDIT CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS IN ACCORDANCE WITH § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Education~~

~~5-219.~~

~~(a) In this section, “Fund” means The Blueprint for Maryland’s Future Fund.~~

~~(b) There is The Blueprint for Maryland’s Future Fund.~~

~~(c) The purpose of the Fund is to assist in providing adequate funding for early childhood education and primary and secondary education to provide a world class education to students so they are prepared for college and a career in the global economy of the 21st century, based on the recommendations of the Commission on Innovation and Excellence in Education.~~

~~(d) The Department shall administer the Fund.~~

~~(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.~~

~~(f) The Fund consists of:~~

~~(1) Revenue distributed to the Fund under [§ 2-605.1] §§ 2-605.1 AND 2-1303 of the Tax General Article;~~

~~(2) Money appropriated in the State budget for the Fund; and~~

~~(3) Any other money from any other source accepted for the benefit of the Fund.~~

~~(g) The Fund may be used only to assist in providing adequate funding for early childhood education and primary and secondary education based on the recommendations of the Commission on Innovation and Excellence in Education, including revised education funding formulas.~~

~~(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.~~

~~(2) Any interest earnings of the Fund shall be credited to the Fund.~~

~~(i) Expenditures from the Fund may be made only in accordance with the State budget.~~

### ~~Article — Tax — General~~

#### ~~2-1303.~~

~~(A) After making the distributions required under §§ 2-1301 through 2-1302.1 of this subtitle, the Comptroller shall pay:~~

~~(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under § 10-130 of the Economic Development Article; and~~

~~(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO THE BLUEPRINT FOR MARYLAND'S FUTURE FUND ESTABLISHED UNDER § 5-219 OF THE EDUCATION ARTICLE, REVENUES COLLECTED AND REMITTED BY:~~

~~(I) A MARKETPLACE FACILITATOR; OR~~

~~(H) A PERSON THAT ENGAGES IN THE BUSINESS OF AN OUT-OF-STATE VENDOR AND WHO IS REQUIRED TO COLLECT AND REMIT SALES AND USE TAX AS SPECIFIED IN COMAR 03.06.01.33B(5); AND~~

~~(3) the remaining sales and use tax revenue into the General Fund of the State.~~

~~(B) FOR EACH FISCAL YEAR, THE COMPTROLLER SHALL PAY INTO THE GENERAL FUND OF THE STATE THE FIRST \$100,000,000 OF REVENUES COLLECTED AND REMITTED BY:~~

~~(1) A MARKETPLACE FACILITATOR; OR~~

~~(2) A PERSON THAT ENGAGES IN THE BUSINESS OF AN OUT-OF-STATE VENDOR AND WHO IS REQUIRED TO COLLECT AND REMIT SALES AND USE TAX AS SPECIFIED IN COMAR 03.06.01.33B(5).~~

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Salary increase” means the average percent increase in the salaries for teachers in the county over the prior fiscal year that does not include one-time stipends or payments ~~or~~, promotions, retirement benefits, or other benefits.

(ii) “Salary increase” may include salary increases for cost-of-living adjustments, increments, step increases, interval movements, pathway movements, or similar salary increases received by employees as a regular part of the operation of a personnel system or negotiated schedule between a public school employer and exclusive representative for an employee organization.

(3) ~~(i)~~ “Teacher” means a certificated public school employee who:

~~(i)~~ is not an administrator; and

~~(ii)~~ as of April 1, 2019, is part of a collective bargaining unit that includes classroom teachers. primarily responsible and accountable for teaching the students in the class.

~~(ii)~~ ~~“Teacher” includes:~~

~~1. Consulting teachers;~~

~~2. Guidance counselors;~~

~~3. Librarians; and~~

~~4. Media specialists.~~

~~(iii)~~ ~~“Teacher” does not include:~~

~~1. Curriculum specialists;~~

~~2. Instructional aides;~~

~~3. Attendance personnel;~~

~~4. Psychologists;~~

~~5. Social workers; or~~

~~6. Clerical personnel.~~

(4) “Teacher salary base” means the total salaries and wages of teachers employed by a county board for the fiscal year preceding the fiscal year for which the grant is calculated, excluding one-time stipends or payments, retirement, and other benefits.

(b) There is a Teacher Salary Incentive Grant Program.

(c) (1) The purpose of the Program is to provide grants to county boards to increase teacher salaries to improve recruitment and retention of high-quality teachers.

(2) The State Department of Education shall administer the Program.

(d) (1) On or before ~~July 1~~ June 30, 2019, and on or before June 30, 2020, a county board, including the Baltimore City Board of School Commissioners, may submit an application to the State Department of Education to receive a State grant for the immediately following fiscal year as specified in subsection (f) of this section.

(2) (i) The application shall include:

~~(i)~~ 1. The estimated teacher salary base for the county board for the current fiscal year;

~~(ii)~~ 2. The Except as provided in subparagraph (ii) of this paragraph, the negotiated salary increase for teachers for the current and next fiscal year, expressed in total dollar amounts and as a percentage, broken out between cost-of-living adjustment, steps or increments, interval movements, pathway movements, and other increases;

~~(iii)~~ 3. Documentation that a total salary increase for teachers of at least 3% over the current fiscal year was ~~negotiated and~~ funded in fiscal year 2020;

~~(iv)~~ 4. The proposed additional salary increase for teachers, expressed in dollar amounts and as a percentage, broken out between cost-of-living adjustment, steps or increments, interval movements, pathway movements, and other increases, if the State grant amount specified in subsection (f) of this section is received; and

~~(v)~~ 5. Any other information necessary to determine eligibility for the Program.

(ii) For a school system that has a personnel system with interval movements and pathway movements for teachers, the application shall include the planned and funded salary increases for the current and next fiscal years.

(e) (1) Subject to paragraphs (2) and (3) of this subsection and except as provided in paragraph (4) of this subsection, in each of fiscal years 2020 and 2021, the State shall provide a grant to a county board, including the Baltimore City Board of School Commissioners, under the Program as specified in subsection (f) of this section if the county board provides a negotiated and funded average salary increase for teachers of at least 3% in fiscal year 2020.

(2) A State grant may be used only to provide an additional salary increase for teachers above the 3% salary increase required in paragraph (1) of this subsection in fiscal year 2020.

(3) In negotiating the use of the State grant, priority should be given to increasing:

(i) Starting teacher salaries; and

(ii) Salaries for teachers with less than 5 years of teaching experience.

(4) (i) For a county that receives a State grant in fiscal year 2020, in order to continue to receive the grant in fiscal year 2021, a county board must submit documentation to the Department that the required salary increase in paragraph (2) of this subsection is funded in fiscal year 2021.

(ii) For a county that did not receive a State grant in fiscal year 2020, in order to apply for the grant in fiscal year 2021 the county board must submit documentation showing that the salary increase required in paragraph (1) of this subsection will be funded in fiscal year 2021.

(f) For each of fiscal years 2020 and 2021, the State shall ~~provide \$75,000,000~~ distribute \$75,000,001 as grants to county boards that are eligible under this section as follows:

- |     |                           |              |
|-----|---------------------------|--------------|
| (1) | Allegany County.....      | \$992,058;   |
| (2) | Anne Arundel County ..... | \$5,417,212; |
| (3) | Baltimore City.....       | \$8,432,994; |
| (4) | Baltimore County.....     | \$9,846,034; |
| (5) | Calvert County .....      | \$1,493,954; |
| (6) | Caroline County .....     | \$706,381;   |
| (7) | Carroll County.....       | \$2,255,287; |

- (8) Cecil County .....\$1,552,837;
- (9) Charles County .....\$2,819,158;
- (10) Dorchester County .....\$525,025;
- (11) Frederick County .....\$4,073,708;
- (12) Garrett County.....\$268,492;
- (13) Harford County .....\$3,460,022;
- (14) Howard County .....\$4,389,463;
- (15) Kent County .....\$55,218;
- (16) Montgomery County .....\$8,109,168;
- (17) Prince George’s County.....\$13,386,052;
- (18) Queen Anne’s County .....\$544,458;
- (19) St. Mary’s County .....\$1,710,662;
- (20) Somerset County.....\$340,287;
- (21) Talbot County.....\$114,126;
- (22) Washington County .....\$2,520,132;
- (23) Wicomico County..... \$1,821,795; and
- (24) Worcester County..... \$165,478.

~~SECTION 4. AND BE IT FURTHER ENACTED, That, for each of fiscal years 2020 and 2021, in addition to the State aid provided under Title 5, Subtitle 2 of the Education Article, the State shall distribute to each county board of education and the Baltimore City Board of School Commissioners \$83,333 to fund a full-time mental health services coordinator staff position as required under § 7-1511 of the Education Article.~~

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) Subject to subsection (b) of this section, for each of fiscal years 2020 and 2021, in addition to the amount distributed under § 5-209 of the Education Article, the State shall distribute a total of ~~\$137,500,000~~ \$65,468,589 for the education of students with disabilities. The following proportions of the total amount, rounded to the nearest whole

dollar, shall be distributed to the county boards of education ~~and~~, including the Baltimore City Board of School Commissioners, for the education of students with disabilities:

(1)	Allegany County.....	1.98%;
(2)	Anne Arundel County .....	6.37%;
(3)	Baltimore City.....	14.87%;
(4)	Baltimore County.....	12.93%;
(5)	Calvert County .....	1.46%;
(6)	Caroline County .....	0.92%;
(7)	Carroll County.....	2.54%;
(8)	Cecil County .....	2.48%;
(9)	Charles County .....	3.42%;
(10)	Dorchester County .....	0.57%;
<del>(11)</del>	<del>Frederick County .....</del>	<del>4.52%;</del>
(11)	<u>Frederick County .....</u>	<u>4.53%</u>
(12)	Garrett County.....	0.26%;
(13)	Harford County .....	4.42%;
(14)	Howard County .....	4.18%;
(15)	Kent County .....	0.19%;
(16)	Montgomery County .....	13.95%;
(17)	Prince George’s County.....	15.45%;
(18)	Queen Anne’s County .....	0.60%;
(19)	St. Mary’s County .....	1.82%;
(20)	Somerset County.....	0.63%;
(21)	Talbot County.....	0.35%;

- (22) Washington County ..... 2.95%;
- (23) Wicomico County..... 2.58%; and
- (24) Worcester County..... 0.55%.

(b) If any of the funding provided in subsection (a) of this section is not needed to fully implement individualized education programs and 504 plans for students with disabilities, each county board of education, including the Baltimore City Board of School Commissioners, shall use the remaining funding to implement other recommendations made by the Commission on Innovation and Excellence in Education in the Commission’s January 2019 Interim Report.

SECTION 6. AND BE IT FURTHER ENACTED, That, for each of fiscal years 2020 and 2021, in addition to the State aid provided under Title 5, Subtitle 2 of the Education Article, the State shall distribute to each county board of education, including the Baltimore City Board of School Commissioners, \$83,333 to fund a full-time mental health services coordinator staff position as required under § 7-1511 of the Education Article.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup to Study the Maryland State Department of Education and the Maryland Higher Education Commission.

(b) The Workgroup consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House; and

(3) three members appointed by the Governor.

(c) (1) The Governor, the President of the Senate, and the Speaker of the House jointly shall select the chair of the Workgroup.

(2) If the Governor, the President of the Senate, and the Speaker of the House have not jointly selected the chair of the Workgroup on or before August 1, 2019, the President of the Senate and the Speaker of the House jointly shall select the chair of the Workgroup.

(d) The Department of Legislative Services, in consultation with the Governor’s Office, shall provide staff for the Workgroup.

(e) (1) The Workgroup shall study and make recommendations regarding the capability of the Maryland State Department of Education and the Maryland Higher

Education Commission to carry out their responsibilities and duties and to implement The Blueprint for Maryland’s Future described in Title 1, Subtitle 3 of the Education Article, as enacted by Section 1 of this Act.

(2) The Maryland State Department of Education and the Maryland Higher Education Commission shall provide information to the Workgroup, as requested.

(f) On or before December 31, 2019, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION ~~6~~ 8. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section the following words have the meanings indicated.

(2) “Struggling learner” means a student who is ~~performing~~ performing below grade level in English language arts or reading in kindergarten through grade 3.

(3) (i) “Transitional supplemental instruction” means additional academic support for struggling learners using evidence–based programs and strategies that meet the expectations of strong or moderate evidence as defined in the federal Every Student Succeeds Act.

(ii) “Transitional supplemental instruction” includes:

- 1. one–on–one and small–group tutoring with a certified teacher, a teaching assistant, or any other trained professional; ~~and~~
- 2. cross–age peer tutoring; and
- 3. screening, identifying, and addressing literacy deficits.

(b) For each of fiscal years 2020 and 2021, in addition to the State aid distributed under Title 5, Subtitle 2 of the Education Article, the State shall distribute the following amounts to the county boards of education ~~and~~, including the Baltimore City Board of School Commissioners, to provide transitional supplemental instruction in accordance with subsections (c) and (d) of this section:

- (1) Allegany County.....\$254,620;
- (2) Anne Arundel County .....\$1,201,303;
- (3) Baltimore City.....\$4,106,651;
- (4) Baltimore County.....\$2,639,455;
- (5) Calvert County .....\$271,549;

(6)	Caroline County .....	\$274,271;
(7)	Carroll County.....	\$428,955;
(8)	Cecil County .....	\$440,613;
(9)	Charles County .....	\$772,300;
(10)	Dorchester County .....	\$248,272;
(11)	Frederick County .....	\$855,705;
(12)	Garrett County.....	\$84,599;
(13)	Harford County .....	\$629,850;
(14)	Howard County .....	\$804,970;
(15)	Kent County .....	\$47,683;
(16)	Montgomery County .....	\$2,735,361;
(17)	Prince George's County.....	\$4,819,614;
(18)	Queen Anne's County .....	\$133,820;
(19)	St. Mary's County .....	\$457,721;
(20)	Somerset County.....	\$111,326;
(21)	Talbot County.....	\$93,315;
(22)	Washington County .....	\$828,151;
(23)	Wicomico County.....	\$680,937; and
(24)	Worcester County.....	\$78,959.

(c) (1) Each county board of education ~~and~~, including the Baltimore City Board of School Commissioners, shall distribute the funds appropriated under subsection (b) of this section to the public schools in the district to address the needs of struggling learners in kindergarten through grade 3.

(2) (i) Subject to subparagraph (ii) of this paragraph, priority in providing transitional supplemental instruction shall be given to literacy.

(ii) A school district or school may use the funds for additional mathematics instruction if it is determined that this is a priority for the students in the district or school.

(d) A school district or school is encouraged to, on a pilot basis, experiment with new ~~and promising~~ evidence-based means of screening, identifying, and addressing literacy deficits.

**SECTION ~~7~~ 9. AND BE IT FURTHER ENACTED, That:**

(a) The Commission on Innovation and Excellence in Education was charged with recommending an appropriate proxy for poverty to be used in the compensatory education formula under § 5–207 of the Education Article.

(b) In its January 2019 Interim Report, the Commission recommended that Maryland transition to using counts of students whose families qualify for certain thresholds of Medicaid in addition to the direct certification system that is being developed by the State Department of Education.

(c) The transition to using Medicaid data cannot start until a new information technology system is developed that will enable the State Department of Education to verify student eligibility.

(d) The State Department of Education shall include the capability to verify student eligibility using Medicaid data in the new information technology system currently under development.

(e) The State Department of Education and the Maryland Department of Health shall develop a memorandum of understanding to allow Medicaid eligibility data to be shared between the departments and local education agencies on or before December 1, 2020.

SECTION 10. AND BE IT FURTHER ENACTED, That it is intent of the General Assembly that the Governor transfer or release the funds that are restricted in the fiscal year 2020 operating budget bill (Chapter 565 of the Acts of the General Assembly of 2019) for the purposes stated in the budget bill in accordance with this Act. If the Governor does not transfer or release the funds restricted in the fiscal year 2020 operating budget bill (Chapter 565 of the Acts of the General Assembly of 2019) for the purposes specified in this Act, that amount shall be distributed in fiscal year 2021 in addition to the fiscal year 2021 funds required to be distributed under this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, and on or before December 1, 2020, each county board of education, including the Baltimore City Board of School Commissioners, shall report, in accordance with § 2–1246 of the State Government Article, to the House Committee on Ways and Means, the House Appropriations Committee, the Senate Education, Health, and Environmental Affairs Committee, and the Senate Budget and Taxation Committee on how the funds distributed

in accordance with this Act were ~~spent~~ allocated, including funds ~~spent~~ allocated at the school level, to begin to implement The Blueprint for Maryland's Future and the policy recommendations of the Commission on Innovation and Excellence in Education, as identified in its January 2019 Interim Report.

~~SECTION 8. 12. AND BE IT FURTHER ENACTED, That, for fiscal year 2021, the Governor shall appropriate \$387,000,000 to the Commission on Innovation and Excellence in Education Fund established under § 5-210 of the Education Article to be used to implement the Commission's final recommendations:~~

(a) The Governor shall appropriate ~~\$57,000,000~~ \$58,000,000 to The Blueprint for Maryland's Future Fund in fiscal year 2021, in addition to the ~~\$298,000,000~~ \$297,000,000 otherwise required to be distributed in fiscal year 2021 by this Act.

(b) (1) ~~The Subject to paragraph (2) of this subsection, the~~ Governor shall appropriate ~~\$370,000,000~~ \$500,000,000 to The Blueprint for Maryland's Future Fund in fiscal year 2022. ~~In addition, the Governor shall appropriate \$130,000,000 to The Blueprint for Maryland's Future Fund in fiscal year 2022, contingent on additional revenues available as a result of legislation enacted in the 2019 and 2020 legislative sessions to implement the recommendations of the Commission on Innovation and Excellence in Education.~~

(2) Of the \$500,000,000 to be appropriated to The Blueprint for Maryland's Future Fund under paragraph (1) of this subsection, \$130,000,000 of the required funding is contingent on the sum equaling at least \$130,000,000 of:

(i) the Board of Revenue Estimates' December 2020 estimate of fiscal year 2022 revenues resulting from legislation enacted at the 2019 and 2020 legislative sessions of the General Assembly; and

(ii) the amount of available special fund revenue dedicated to implementing the recommendations of the Commission on Innovation and Excellence in Education that results from legislation enacted at the 2019 and 2020 legislative sessions of the General Assembly.

~~SECTION 9. 13. AND BE IT FURTHER ENACTED, That, for each of fiscal years 2020 and 2021, the State shall distribute at least \$250,000 to the State Department of Education to, in consultation with the Department of Legislative Services, enter into agreements, including through third-party contracts as appropriate, to provide outreach and educational materials and deliver appropriate training to elected officials, superintendents, members of boards of education, teachers and school principals, parents, students, and members of the public on the vision, skills, and knowledge needed to implement The Blueprint for Maryland's Future described in Title 1, Subtitle 3 of the Education Article, as enacted by Section 1 of this Act.~~

SECTION 14. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Commission on Innovation and Excellence in Education include in its

final report an implementation schedule that phases in the final recommendations of the Commission as evenly as practicable over the phase-in period.

SECTION ~~10~~ 15. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that increases in local appropriations to county boards of education above any additional amount required to meet maintenance of effort under § 5–202 of the Education Article in fiscal year 2020 should be considered part of the increased local funding required by The Blueprint for Maryland’s Future funding formulas to be recommended by the Commission on Innovation and Excellence in Education.

SECTION 16. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

5–403.

(A) A LOCAL SCHOOL SYSTEM SHALL BE SUBJECT TO A PERFORMANCE EVALUATION CONDUCTED BY THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY IN ACCORDANCE WITH § 2–1234 OF THE STATE GOVERNMENT ARTICLE, INCLUDING:

(1) AN EVALUATION OF WHETHER OR NOT THE SCHOOL SYSTEM IS COMPLYING WITH FEDERAL AND STATE LAWS AND REGULATIONS;

(2) AN ANALYSIS OF GRADING STANDARDS, GRADUATION REQUIREMENTS, ASSESSMENTS, PROCUREMENT, AND EQUITABLE USE OF RESOURCES AMONG THE SCHOOLS WITHIN THE SYSTEM EVALUATED; AND

(3) AN EVALUATION OF INSTANCES OF FRAUD, WASTE, AND ABUSE.

(B) A PERFORMANCE EVALUATION CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION MAY BE PERFORMED CONCURRENTLY WITH OR SEPARATELY FROM AN AUDIT CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS IN ACCORDANCE WITH § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

SECTION 17. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

5–219.

(a) In this section, “Fund” means The Blueprint for Maryland’s Future Fund.

(b) There is The Blueprint for Maryland’s Future Fund.

(c) The purpose of the Fund is to assist in providing adequate funding for early childhood education and primary and secondary education to provide a world-class education to students so they are prepared for college and a career in the global economy of the 21st century, based on the recommendations of the Commission on Innovation and Excellence in Education.

(d) The Department shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) Revenue distributed to the Fund under [§ 2-605.1] §§ 2-605.1 AND 2-1303 of the Tax – General Article;

(2) Money appropriated in the State budget for the Fund; and

(3) Any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may be used only to assist in providing adequate funding for early childhood education and primary and secondary education based on the recommendations of the Commission on Innovation and Excellence in Education, including revised education funding formulas.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

### Article – Tax – General

#### 2-1303.

(A) After making the distributions required under §§ 2-1301 through 2-1302.1 of this subtitle, the Comptroller shall pay:

(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under § 10-130 of the Economic Development Article; [and]

**(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO THE BLUEPRINT FOR MARYLAND’S FUTURE FUND ESTABLISHED UNDER § 5-219 OF THE EDUCATION ARTICLE, REVENUES COLLECTED AND REMITTED BY:**

**(I) A MARKETPLACE FACILITATOR; OR**

**(II) A PERSON THAT ENGAGES IN THE BUSINESS OF AN OUT-OF-STATE VENDOR AND THAT IS REQUIRED TO COLLECT AND REMIT SALES AND USE TAX AS SPECIFIED IN COMAR 03.06.01.33B(5); AND**

**(3) the remaining sales and use tax revenue into the General Fund of the State.**

**(B) FOR EACH FISCAL YEAR, THE COMPTROLLER SHALL PAY INTO THE GENERAL FUND OF THE STATE THE FIRST \$100,000,000 OF REVENUES COLLECTED AND REMITTED BY:**

**(1) A MARKETPLACE FACILITATOR; OR**

**(2) A PERSON THAT ENGAGES IN THE BUSINESS OF AN OUT-OF-STATE VENDOR AND THAT IS REQUIRED TO COLLECT AND REMIT SALES AND USE TAX AS SPECIFIED IN COMAR 03.06.01.33B(5).**

**SECTION 18. AND BE IT FURTHER ENACTED, That:**

**(a) The Maryland Department of Health and the State Department of Education shall consult with the Council on Advancement of School-Based Health Centers and other interested stakeholders on a plan to build a sustainable sponsorship model by expanding the type of organizations that can sponsor school-based health centers.**

**(b) On or before November 1, 2019, the Maryland Department of Health and the State Department of Education shall report their findings and recommendations under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.**

**SECTION ~~16~~ 19. AND BE IT FURTHER ENACTED, That, as provided in § 5-219 of the Education Article, as enacted by Section 1 of this Act:**

**(a) The Blueprint for Maryland’s Future Fund is the successor of the Commission on Innovation and Excellence in Education Fund.**

**(b) In every law, executive order, rule, regulation, policy, or document created by an official, an employee, or a unit of the State, the name of that fund means the name of the successor fund.**

SECTION ~~17~~ 20. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor's note following the section affected.

*SECTION 21. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the Governor's transfer or release of funds that are restricted in the fiscal year 2020 budget bill (Chapter 565, Acts of the General Assembly of 2019), that are authorized to be transferred by the Budget Reconciliation and Financing Act of 2019 (Chapter 16, Acts of the General Assembly of 2019), and that are authorized to be expended from The Blueprint for Maryland's Future Fund established in Section 5-219 of the Education Article, as enacted by Section 1 of this Act, for implementation of the recommendations of the Commission on Innovation and Excellence in Education.*

SECTION ~~11~~ ~~18~~ 22. AND BE IT FURTHER ENACTED, That Section ~~2~~ 16 of this Act shall take effect contingent on the taking effect of Chapters 510 and 511 of the Acts of the General Assembly of 2019, and if Chapters 510 and 511 do not become effective, Section ~~2~~ 16 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION ~~10~~ 23. AND BE IT FURTHER ENACTED, That Section ~~3~~ 17 of this Act shall take effect contingent on the taking effect of Chapter 735 of the Acts of the General Assembly of 2019, and if Chapter 735 does not take effect, Section ~~3~~ 17 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION ~~12~~ ~~20~~ 24. AND BE IT FURTHER ENACTED, That, subject to ~~Section 11~~ Sections ~~18 and 19~~ 21, 22, and 23 of this Act, this Act shall take effect June 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

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## Chapter 772

(Senate Bill 1031)

AN ACT concerning

**Environment – Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund – Funding, Reallocation, and Reimbursements**

FOR the purpose of altering the basis for calculating a certain license fee credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and the Oil Contaminated Site Environmental Cleanup Fund; expanding, for certain fiscal

years, the purposes for which the Department of the Environment may use money in the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund; extending the deadline by which the owner of a certain eligible heating oil tank may apply for reimbursement of certain costs from the Oil Contaminated Site Environmental Cleanup Fund; and generally relating to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and the Oil Contaminated Site Environmental Cleanup Fund.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 4-411(c)(1), (f), and (g) and 4-705(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2018 Supplement)

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

### Article – Environment

4-411.

(c) (1) A license required under this section shall be secured from the Department of the Environment subject to the terms and conditions set forth in this section. The fee on any barrel shall be imposed only once, at the point of first transfer in the State. The license fee shall be:

(i) Credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and based on:

1. Before [July 1, 2019] **JULY 1, 2021**, a 7.75 cents per barrel fee for oil transferred in the State; and

2. On or after [July 1, 2019] **JULY 1, 2021**, a 5 cents per barrel fee for oil transferred in the State; and

(ii) Until [July 1, 2019] **JULY 1, 2021**, based on an additional 0.25 cent per barrel fee for oil transferred in the State and credited to the Oil Contaminated Site Environmental Cleanup Fund as described in Subtitle 7 of this title.

(f) (1) There is a Maryland Oil Disaster Containment, Clean-Up and Contingency Fund for the Department to use to develop equipment, personnel, and plans; for contingency actions to respond to, contain, clean-up, and remove from the land and waters of the State discharges of oil, petroleum products, and their by-products into, upon, or adjacent to the waters of the State; and restore natural resources damaged by discharges. The Fund may also be used by the Department for oil-related activities in water pollution control programs. The cost of containment, clean-up, removal, and restoration, including attorneys' fees and litigation costs, shall be reimbursed to the State by the person

responsible for the discharge. The reimbursement shall be credited to the Fund. The Fund shall be limited in accordance with the limits set forth in this section. To this sum shall be credited every license fee, fine, if imposed by the circuit court for any county, and any other charge related to this subtitle. To this Fund shall be charged every expense the Department of the Environment has which relates to this section.

(2) Notwithstanding any other provision of this section, in fiscal years **[2018 and] 2019, 2020, AND 2021** only, the Fund may be used to pay costs associated with the purposes of the Oil Contaminated Site Environmental Cleanup Fund specified in § 4-704 of this title.

(g) Money in the Fund not needed currently to meet the Department of the Environment's obligations in the exercise of its responsibility under this section shall be deposited with the State Treasurer to the credit of the Fund, and may be invested as provided by law. Interest received on the investment shall be credited to the Fund. The Secretary of the Environment shall determine the proper allocation of the moneys credited to the Fund only for the following purposes:

(1) Administrative expenses, personnel expenses, and equipment costs of the Department related to the purposes of this section;

(2) Prevention, control, containment, clean-up, and removal of discharges into, upon, or adjacent to waters of the State of discharges of oil, petroleum products and their by-products, and the restoration of natural resources damaged by such discharges;

(3) Development of containment and clean-up equipment, plans, and procedures in accordance with the purposes of this section;

(4) Paying insurance costs by the State to extend or implement the benefits of the Fund;

(5) Expenses related to oil-related activities in the Department's water pollution control programs; and

(6) In fiscal years **[2018 and] 2019, 2020, AND 2021** only, paying costs associated with the purposes of the Oil Contaminated Site Environmental Cleanup Fund specified in § 4-704 of this title.

4-705.

(b) Until **[June 30, 2019] JUNE 30, 2021**, the owner of a heating oil tank eligible under § 4-704(b)(1)(iii) of this subtitle may apply to the Fund for reimbursement no later than 6 months after the completion of rehabilitation for usual, customary, and reasonable costs incurred on or after October 1, 2000 in performing site rehabilitation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

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## Joint Resolutions

Signed by the President of the Senate  
and the Speaker of the House of Delegates  
or Enacted by Operation of the Maryland Constitution

### Joint Resolution 1

#### (House Joint Resolution 9)

A House Joint Resolution concerning

#### Freedom of the Press Day

FOR the purpose of designating June 28 as Freedom of the Press Day; and generally relating to Freedom of the Press Day.

WHEREAS, The Founding Fathers of the United States recognized the critical importance of a free press to the nation's democracy through the inclusion of the right to a free press in the First Amendment to the Constitution of the United States of America; and

WHEREAS, Other nations do not enjoy this right; and

WHEREAS, Members of the United States armed forces have given the ultimate sacrifice to protect this right; and

WHEREAS, This right is threatened in the United States and around the world by acts of violence and dangerous, irresponsible rhetoric; and

WHEREAS, The General Assembly honors on June 28 the loss of the lives of Gerald Fischman, Rob Hiaasen, John McNamara, Rebecca Smith, and Wendi Winters of the Capital Gazette, who were murdered conducting work as journalists in Annapolis, Maryland; and

WHEREAS, The Annapolis community, Anne Arundel County, the State of Maryland, the United States of America, and citizens of the world mourn the loss of the lives of these journalists, as well as journalists both domestic and international, who have died in the line of duty; and

WHEREAS, The General Assembly of Maryland desires that June 28 be recognized as Freedom of the Press Day in Maryland to memorialize the lives lost on June 28, 2018, at the Capital Gazette offices and to honor and protect all journalists serving a vital role in our State's democratic process to inform residents of the happenings of their governments; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the General Assembly of Maryland designates June 28 as Freedom of the Press Day; and be it further

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of the House of Delegates.

**Signed by the President and the Speaker, April 18, 2019.**

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## **Joint Resolution 2**

**(Senate Joint Resolution 2)**

A Senate Joint Resolution concerning

### **Freedom of the Press Day**

FOR the purpose of designating June 28 as Freedom of the Press Day; and generally relating to Freedom of the Press Day.

WHEREAS, The Founding Fathers of the United States recognized the critical importance of a free press to the nation's democracy through the inclusion of the right to a free press in the First Amendment to the Constitution of the United States of America; and

WHEREAS, Other nations do not enjoy this right; and

WHEREAS, Members of the United States armed forces have given the ultimate sacrifice to protect this right; and

WHEREAS, This right is threatened in the United States and around the world by acts of violence and dangerous, irresponsible rhetoric; and

WHEREAS, The General Assembly honors on June 28 the loss of the lives of Gerald Fischman, Rob Hiaasen, John McNamara, Rebecca Smith, and Wendi Winters of the Capital Gazette, who were murdered conducting work as journalists in Annapolis, Maryland; and

WHEREAS, The Annapolis community, Anne Arundel County, the State of Maryland, the United States of America, and citizens of the world mourn the loss of the lives of these journalists, as well as journalists both domestic and international, who have died in the line of duty; and

WHEREAS, The General Assembly of Maryland desires that June 28 be recognized as Freedom of the Press Day in Maryland to memorialize the lives lost on June 28, 2018, at the Capital Gazette offices and to honor and protect all journalists serving a vital role in our State's democratic process to inform residents of the happenings of their governments; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the General Assembly of Maryland designates June 28 as Freedom of the Press Day; and be it further

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of the House of Delegates.

**Signed by the President and the Speaker, April 18, 2019.**

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