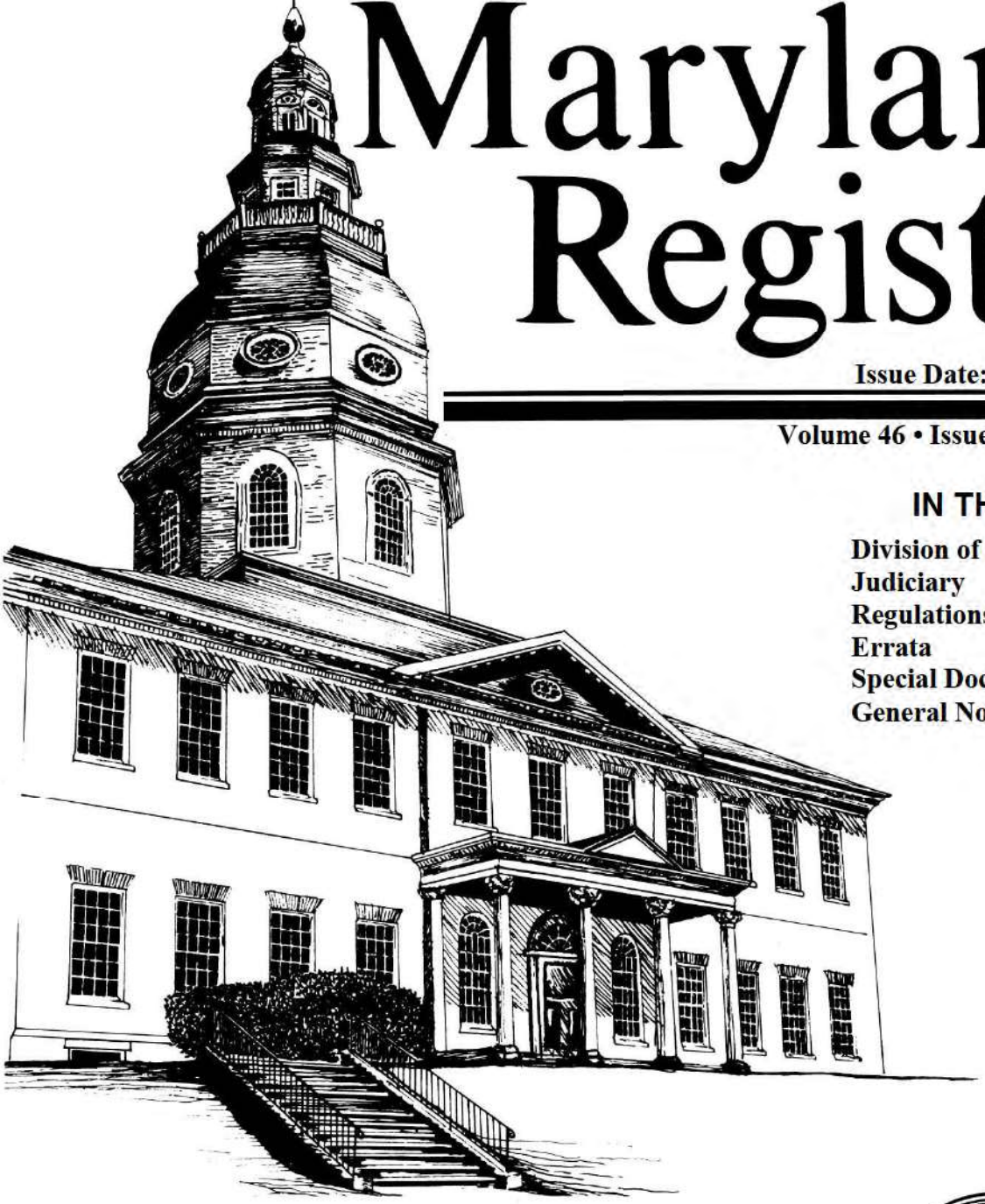
Maryland Register

Issue Date: January 4, 2019

Volume 46 • Issue 1 • Pages 1—40



IN THIS ISSUE

Division of State Documents
Judiciary
Regulations
Errata
Special Documents
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before December 17, 2018, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of December 17, 2018.

Gail S. Klakring
Administrator, Division of State Documents
Office of the Secretary of State

Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

• 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the ''Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed'' which is found online at http://www.dsd.state.md.us/PDF/CumulativeTable.pdf. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are $15.00 per issue.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see ''Opportunity for Public Comment'' at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

Maryland Register (ISSN 0360-2834). Postmaster: Send address changes and other mail to: Maryland Register, State House, Annapolis, Maryland 21401. Tel. 410-260-3876; Fax 410-280-5647. Published biweekly, with cumulative indexes published quarterly, by the State of Maryland, Division of State Documents, State House, Annapolis, Maryland 21401. The subscription rate for the Maryland Register is $225 per year (first class mail). All subscriptions post-paid to points in the U.S. periodicals postage paid at Annapolis, Maryland and additional mailing offices.

Lawrence J. Hogan, Jr., Governor; **John C. Wobensmith**, Secretary of State; **Gail S. Klakring**, Administrator; **Mary D. MacDonald**, Senior Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

Contents

Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register 5

COMAR Research Aids

Table of Pending Proposals 6

Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name		Page
01	Executive Department	11
05	Department of Housing and Community Development	16
08	Department of Natural Resources	15
09	Department of Labor, Licensing, and Regulation	11, 16
10	Maryland Department of Health	12, 22
11	Department of Transportation	12, 25
13A	State Board of Education	26
13B	Maryland Higher Education Commission	12
14	Independent Agencies	1654
26	Department of the Environment	14
31	Maryland Insurance Administration	13
36	Maryland State Lottery and Gaming Control Agency	13

PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

The Division of State Documents

DEPOSITORIES FOR DOCUMENTS INCORPORATED BY REFERENCE 9

The Judiciary

COMMISSION ON JUDICIAL DISABILITIES
NOTICE OF PUBLIC CHARGES AND HEARING IN THE MATTER OF JUDGE AMY NICKERSON — CJD 2018-033 10
COURT OF APPEALS OF MARYLAND
DISCIPLINARY PROCEEDINGS 10

Final Action on Regulations

01 EXECUTIVE DEPARTMENT
SECRETARY OF STATE
Maryland Safe at Home Address Confidentiality Program 11
09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION
REAL ESTATE COMMISSION
General Regulations 11
COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — REAL ESTATE APPRAISERS
Work Experience Requirements 11
General Regulations 11
COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — HOME INSPECTORS
General Regulations 11
Responsibilities of Licensees 11
COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — APPRAISAL MANAGEMENT COMPANIES
General Regulations 12
10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE
MARYLAND HEALTH CARE COMMISSION
State Health Plan for Facilities and Services: Specialized Health Care Services — Cardiac Surgery and Percutaneous Coronary Intervention Services 12
13B MARYLAND HIGHER EDUCATION COMMISSION
FINANCIAL AID
Workforce Development Sequence Scholarship 12
31 MARYLAND INSURANCE ADMINISTRATION
PROPERTY AND CASUALTY INSURANCE
Underwriting Period 13
HEALTH INSURANCE — GENERAL
Standards for Medicare Supplement Policies 13
36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY
GENERAL PROVISIONS
General 13
Administrative Procedures 13
Voluntary Exclusion and Responsible Gaming 13
LOTTERY PROVISIONS
General 13
Retailer Licensing 13
Retailer Requirements 13
Common Provisions for All Lottery Games 13
Specific Game Provisions 13
Claims Procedures 13
Unclaimed Lottery Prizes 13
Voluntary Assignment of Monetary Prizes 13
GAMING PROVISIONS
General 13
TABLE GAMES
Table Game Equipment 13
ONLINE FANTASY COMPETITION
Fantasy Competition 13

Withdrawal of Regulations

26 DEPARTMENT OF THE ENVIRONMENT
REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE
Sewage Disposal and Certain Water Systems for Homes and Other Establishments in the Counties of Maryland Where a Public Sewage System Is Not Available 14

Proposed Action on Regulations

08 DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE SECRETARY
Chesapeake Forest Lands 15
FORESTS AND PARKS
State Forests 15
09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION
DIVISION OF LABOR AND INDUSTRY
Model Performance Code 16
Maryland Building Performance Standards 16
Industrialized Buildings and Manufactured Homes 16
Maryland Accessibility Code 16

Contents

Minimum Livability Code 16
Safety Glazing 16
Maryland Rehabilitation Code Regulations 16
STATE ATHLETIC COMMISSION
Applications and Licensing 22
10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE
MEDICAL CARE PROGRAMS
Dental Services 22
11 DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE ADMINISTRATION — LICENSING OF BUSINESSES AND OCCUPATIONS
Dealers and Salesmen 25
Title Service Agents 25
13A STATE BOARD OF EDUCATION
SPECIFIC SUBJECTS
Gifted and Talented Education
Correction to Notice of Open Meeting 26
CERTIFICATION
Administrators and Supervisors
Correction to Notice of Open Meeting 26

Errata

COMAR 10.34.05.05 27

Special Documents

DEPARTMENT OF THE ENVIRONMENT
SUSQUEHANNA RIVER BASIN COMMISSION
Projects Approved for Consumptive Uses of Water 28
Projects Approved for Consumptive Uses of Water 28
Actions Taken at December 6, 2018, Meeting 29
WATER AND SCIENCE ADMINISTRATION
Final Determination to Modify a Stormwater Permit — Prince George's County, Maryland 30
MARYLAND HEALTH CARE COMMISSION
SCHEDULES FOR CERTIFICATE OF NEED REVIEW 31
DEPARTMENT OF STATE POLICE
HANDGUN ROSTER BOARD
Proposed Additions to Handgun Roster and Notice of Right to Object or Petition 32
DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSPORTATION AUTHORITY
Notice of Submission and Posting of Presolicitation Report for I-495 & I-270 Public-Private Partnership (P3) Program 35
OFFICE OF MINORITY BUSINESS ENTERPRISE
Announcement of Calendar Year 2019 Limitation on the Personal Net Worth (PNW) of a Socially and Economically Disadvantaged Individual as It Relates to Certification of a Minority Business Enterprise (MBE) 35

General Notices

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE
Announcement 36
GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION
Public Hearing 36
Public Meeting 36
BOARD OF DIETETIC PRACTICE
Public Meeting 36
MARYLAND STATE DEPARTMENT OF EDUCATION
Public Hearing 36
EMERGENCY MEDICAL SERVICES BOARD
Public Meeting 36
MARYLAND DEPARTMENT OF HEALTH/ STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE
Public Meeting 36
Public Meeting 36
Public Meeting 36
MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION
Public Meeting 37
MARYLAND HEALTH CARE COMMISSION
Public Meeting 37
Formal Start of Review 37
Notice of Project Change 37
DEPARTMENT OF NATURAL RESOURCES/FISHERIES SERVICE
Public Notice — 2019 Summer Flounder Season, Size Limit and Creel Limit — Effective 1/1/19 37
DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES
Public Notice — Commercial Striped Bass Chesapeake Bay Individual Transferable Quota Gill Net Season Modification 37
Public Notice — Commercial Striped Bass Common Pool Gill Net Season Modification — Effective 12/18/18 37
Public Notice — Commercial Striped Bass Common Pool Gill Net Season Modification — Effective 1/8/19 37
Public Notice — Changes to the Recreational and Commercial Tautog Fishery — Effective 1/1/19 38
Public Notice — 2019 Commercial Atlantic Menhaden Quota and Season — Effective 1/1/19 38
Public Notice — 2019 Recreational Cobia Fishery — Effective 1/1/19 38
Public Notice — 2019 Commercial Shark Catch Limits — Effective 1/1/19 38
Public Notice — 2019 Recreational Black Sea Bass Fishery — Effective 1/1/19 38
BOARD OF OCCUPATIONAL THERAPY PRACTICE
Public Meeting 38
MARYLAND DEPARTMENT OF TRANSPORTATION
Public Hearing 39
MARYLAND DEPARTMENT OF TRANSPORTATION/ OFFICE OF MINORITY BUSINESS ENTERPRISE
Public Meeting 39
DEPARTMENT OF VETERANS AFFAIRS/MARYLAND VETERANS COMMISSION
Public Meeting 39
BOARD OF WELL DRILLERS
Public Meeting 39
DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL
Public Notice 39

Contents

COMAR Online

The Code of Maryland Regulations is available at www.dsd.state.md.us as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.dsd.state.md.us, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title ''Maryland Documents''. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. ''Maryland Documents'' also includes local publications.

Anyone wishing to receive ''Maryland Documents'' should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

CLOSING DATES AND ISSUE DATES through July 2019

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
January 18	December 31	January 9	January 7
February 1	January 14	January 23	January 18**
February 15	January 28	February 6	February 4
March 1	February 11	February 20	February 15**
March 15	February 25	March 6	March 4
March 29	March 11	March 20	March 18
April 12	March 25	April 3	April 1
April 26	April 8	April 17	April 15
May 10	April 22	May 1	April 29
May 24	May 6	May 15	May 13
June 7	May 20	May 29	May 24**
June 21	June 3	June 12	June 10
July 5	June 17	June 26	June 24
July 19	July 1	July 10	July 22

* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.

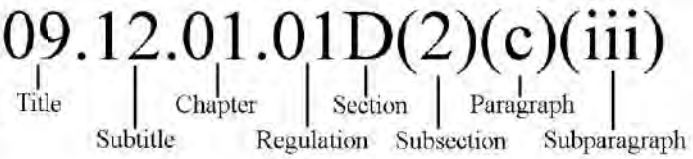
** Note closing date changes

*** Note issue date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.



A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at www.dsd.state.md.us.

Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by "(err)". Regulations referencing a document incorporated by reference are followed by "(ibr)". None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

01 EXECUTIVE DEPARTMENT

01.02.11.01—.10,.14,.16—.22 • 45:23 Md. R. 1073 (11-9-18)

03 COMPTROLLER OF THE TREASURY

03.03.05.04 • 45:18 Md. R. 835 (8-31-18)
03.06.01.33 • 45:19 Md. R. 867 (9-14-18)

04 DEPARTMENT OF GENERAL SERVICES

04.05.01.07 • 45:26 Md. R. 1250 (12-21-18)
04.05.02.02 • 45:26 Md. R. 1250 (12-21-18)

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.02.01.01—.07 • 46:1 Md. R. 16 (1-4-19) (ibr)
05.02.02.01—.12 • 46:1 Md. R. 16 (1-4-19)
05.02.03.01—.07 • 46:1 Md. R. 16 (1-4-19)
05.02.04.01—.18 • 46:1 Md. R. 16 (1-4-19) (ibr)
05.02.06.01,.02 • 46:1 Md. R. 16 (1-4-19)
05.02.07.01—.09 • 46:1 Md. R. 16 (1-4-19) (ibr)
05.16.01.01—.08 • 46:1 Md. R. 16 (1-4-19)

08 DEPARTMENT OF NATURAL RESOURCES

08.01.07.13 • 46:1 Md. R. 16 (1-4-19)
08.02.01.16 • 45:24 Md. R. 1166 (11-26-18)
08.02.04.17 • 45:25 Md. R. 1208 (12-7-18) (ibr)
08.02.05.15 • 45:26 Md. R. 1251 (12-21-18)
08.02.14.10 • 45:24 Md. R. 1166 (11-26-18)
08.02.23.03,.05 • 45:25 Md. R. 1208 (12-7-18)
08.07.01.03,.17 • 46:1 Md. R. 15 (1-4-19)

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

09.08.01.27 • 45:24 Md. R. 1167 (11-26-18)
09.08.07.01,.02 • 45:20 Md. R. 923 (9-28-18)
09.12.50.01—.07 • 46:1 Md. R. 16 (1-4-19) (ibr)
09.12.51.01—.09 • 46:1 Md. R. 16 (1-4-19) (ibr)
09.12.52.01—.18 • 46:1 Md. R. 16 (1-4-19) (ibr)
09.12.53.01—.12 • 46:1 Md. R. 16 (1-4-19)
09.12.54.01—.07 • 46:1 Md. R. 16 (1-4-19)
09.12.55.01,.02 • 46:1 Md. R. 16 (1-4-19)
09.12.58.01—.08 • 46:1 Md. R. 16 (1-4-19)
09.14.02.08 • 46:1 Md. R. 22 (1-4-19)
09.17.01.04 • 45:21 Md. R. 979 (10-12-18)
09.21.02.01 • 45:24 Md. R. 1168 (11-26-18)
09.22.01.16 • 45:23 Md. R. 1077 (11-9-18)
09.24.01.06 • 45:21 Md. R. 980 (10-12-18)
09.26.01.07 • 45:26 Md. R. 1253 (12-21-18)
09.28.02.07 • 45:24 Md. R. 1168 (11-26-18)
09.29.01.06 • 45:24 Md. R. 1169 (11-26-18)
09.32.01.05 • 45:19 Md. R. 869 (9-14-18)
09.34.01.11,.13 • 45:21 Md. R. 982 (10-12-18)
09.35.04.10 • 45:21 Md. R. 982 (10-12-18)
09.38.01.05 • 45:21 Md. R. 983 (10-12-18)

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitles 01—08 (1st volume)

10.01.04.02 • 45:24 Md. R. 1169 (11-26-18)

Subtitle 09 (2nd volume)

10.09.05.01—.05,.07 • 46:1 Md. R. 22 (1-4-19)
10.09.07.08 • 45:23 Md. R. 1077 (11-9-18)
10.09.10.07,.08,.11,.13 • 45:23 Md. R. 1080 (11-9-18)
10.09.20.14 • 45:23 Md. R. 1077 (11-9-18)
10.09.24.02,.03,.08-2 • 45:26 Md. R. 1253 (12-21-18)

10.09.27.06 • 45:23 Md. R. 1077 (11-9-18)
10.09.36.01,.03,.08,.09 • 45:1 Md. R. 21 (1-5-18)
45:10 Md. R. 503 (5-11-18) (err)
10.09.53.07 • 45:23 Md. R. 1077 (11-9-18)
10.09.54.22 • 45:23 Md. R. 1077 (11-9-18)
10.09.56.22 • 45:23 Md. R. 1077 (11-9-18)
10.09.84.24 • 45:23 Md. R. 1077 (11-9-18)

Subtitles 10 — 22 (3rd Volume)

10.13.03.01—.04 • 45:13 Md. R. 675 (6-22-18)
10.21.04.01—.12 • 45:7 Md. R. 357 (3-30-18)
10.21.16.01—.16 • 45:7 Md. R. 357 (3-30-18)
10.21.17.01—.17 • 45:7 Md. R. 357 (3-30-18)
10.21.18.01—.13 • 45:7 Md. R. 357 (3-30-18)
10.21.19.01—.11 • 45:7 Md. R. 357 (3-30-18)
10.21.20.01—.11 • 45:7 Md. R. 357 (3-30-18)
10.21.21.01—.13 • 45:7 Md. R. 357 (3-30-18)
10.21.22.01—.12 • 45:7 Md. R. 357 (3-30-18)
10.21.25.03-2,.05—.13 • 45:7 Md. R. 357 (3-30-18)
10.21.26.01—.12 • 45:7 Md. R. 357 (3-30-18)
10.21.27.01—.08 • 45:7 Md. R. 357 (3-30-18)
10.21.28.01—.12 • 45:7 Md. R. 357 (3-30-18)
10.21.29.01—.09 • 45:7 Md. R. 357 (3-30-18)
10.22.17.06,.07,.08 • 45:26 Md. R. 1255 (12-21-18)
10.22.18.04 • 45:26 Md. R. 1255 (12-21-18)

Subtitles 23 — 36 (4th Volume)

10.24.08.01 • 45:25 Md. R. 1210 (12-7-18) (ibr)
10.24.20.01 • 45:25 Md. R. 1211 (12-7-18) (ibr)
10.27.01.01,.13 • 45:24 Md. R. 1170 (11-26-18)
10.27.06.01—.06 • 45:26 Md. R. 1264 (12-21-18)
10.27.17.01—.06 • 45:26 Md. R. 1265 (12-21-18)
10.32.05.01—.07 • 45:24 Md. R. 1171 (11-26-18)
10.34.05.05 • 45:26 Md. R. 1267 (12-21-18)
10.34.09.02 • 45:26 Md. R. 1267 (12-21-18)
10.36.10.01—.04 • 45:2 Md. R. 114 (1-19-18)

Subtitles 37—66 (5th Volume)

10.42.01.01,.02,.04—.18 • 45:21 Md. R. 989 (10-12-18)
10.42.02.02—.06 • 45:21 Md. R. 989 (10-12-18)
10.42.08.01—.11 • 45:21 Md. R. 989 (10-12-18)
10.42.09.01,.04,.07 • 45:21 Md. R. 989 (10-12-18)
10.47.02.01—.11 • 45:7 Md. R. 357 (3-30-18)
10.47.03.01—.07 • 45:7 Md. R. 357 (3-30-18)
10.47.04.01—.08 • 45:7 Md. R. 357 (3-30-18)
10.47.05.01—.05 • 45:7 Md. R. 357 (3-30-18)
10.60.02.06 • 45:26 Md. R. 1268 (12-21-18)
10.62.01.01 • 45:26 Md. R. 1268 (12-21-18)
10.62.02.05 • 45:26 Md. R. 1268 (12-21-18)
10.62.08.05 • 45:26 Md. R. 1268 (12-21-18)
10.62.19.04 • 45:26 Md. R. 1268 (12-21-18)
10.62.25.05 • 45:26 Md. R. 1268 (12-21-18)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

11.02.03.10 • 45:23 Md. R. 1082 (11-9-18)

Subtitles 11—23 (MVA)

11.12.01.01,.22 • 46:1 Md. R. 25 (1-4-19)
11.12.02.03,.06 • 46:1 Md. R. 25 (1-4-19)

12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

12.04.01.01,.04 • 45:20 Md. R. 936 (9-28-18)
45:22 Md. R. 1033 (10-26-18) (err)
12.04.08.01—.05 • 45:25 Md. R. 1212 (12-7-18)
12.10.10.19 • 45:14 Md. R. 706 (7-6-18)

13A STATE BOARD OF EDUCATION

13A.01.05.01—.12 • 45:23 Md. R. 1083 (11-9-18)
13A.04.07.01—.04,.06 • 45:26 Md. R. 1269 (12-21-18)
46:1 Md. R. 26 (1-4-19) (err)
13A.12.01.05 • 45:23 Md. R. 1087 (11-9-18)
13A.12.01.08-1 • 45:23 Md. R. 1087 (11-9-18)
13A.12.04.03 • 45:26 Md. R. 1270 (12-21-18)
46:1 Md. R. 26 (1-4-19) (err)

13B MARYLAND HIGHER EDUCATION COMMISSION

13B.02.03.02,.20 • 45:26 Md. R. 1271 (12-21-18)
13B.08.10.01—.17 • 45:24 Md. R. 1172 (11-26-18)
13B.08.20.01—.13 • 45:24 Md. R. 1179 (11-26-18)
13B.08.21.01—.22 • 45:26 Md. R. 1272 (12-21-18)

14 INDEPENDENT AGENCIES

14.22.01.01 • 45:25 Md. R. 1215 (12-7-18)
14.35.01.02 • 45:23 Md. R. 1088 (11-9-18)
14.35.07.01—.21 • 45:23 Md. R. 1089 (11-9-18)
14.35.14.01—.10 • 45:23 Md. R. 1099 (11-9-18)
14.35.15.01—.11 • 45:23 Md. R. 1102 (11-9-18)
14.35.16.01—.12 • 45:23 Md. R. 1105 (11-9-18)
14.35.17.01—.09 • 45:23 Md. R. 1109 (11-9-18)

15 DEPARTMENT OF AGRICULTURE

15.01.15.01—.05 • 45:16 Md. R. 781 (8-3-18)
15.01.16.01—.07 • 45:20 Md. R. 939 (9-28-18)
15.15.13.03,.05 • 45:7 Md. R. 380 (3-30-18)

20 PUBLIC SERVICE COMMISSION

20.53.06.02,.06,.07 • 45:25 Md. R. 1215 (12-7-18)
20.53.07.07 • 45:25 Md. R. 1216 (12-7-18)
20.53.08.01—.07 • 45:25 Md. R. 1216 (12-7-18)
20.59.06.06,.07 • 45:25 Md. R. 1217 (12-7-18)
20.59.07.07 • 45:25 Md. R. 1217 (12-7-18)
20.59.08.01—.07 • 45:25 Md. R. 1218 (12-7-18)

21 STATE PROCUREMENT REGULATIONS

21.01.02.01 • 45:20 Md. R. 942 (9-28-18)
21.01.03.01 • 45:20 Md. R. 942 (9-28-18)
21.02.01.05 • 45:20 Md. R. 942 (9-28-18)
21.02.05.04 • 45:20 Md. R. 942 (9-28-18)
21.05.01.01,.02,.05 • 45:20 Md. R. 942 (9-28-18)
21.05.02.04,.05 • 45:20 Md. R. 942 (9-28-18)
21.05.03.01—.03 • 45:20 Md. R. 942 (9-28-18)

21.05.06.01 • 45:20 Md. R. 942 (9-28-18)
21.05.07.01,.04,.05 • 45:20 Md. R. 942 (9-28-18)
21.05.08 • 45:20 Md. R. 942 (9-28-18)
21.05.09.04,.05,.08 • 45:20 Md. R. 942 (9-28-18)
21.05.13.01—.07 • 45:20 Md. R. 942 (9-28-18)
21.07.01.19,.25 • 45:20 Md. R. 942 (9-28-18)
21.07.02.10 • 45:20 Md. R. 942 (9-28-18)
21.07.03.07,.08 • 45:20 Md. R. 942 (9-28-18)
21.10.04.04 • 45:20 Md. R. 942 (9-28-18)
21.11.01.01,.04—.06 • 45:20 Md. R. 942 (9-28-18)
21.11.03.10,.12,.12-1 • 45:20 Md. R. 942 (9-28-18)
21.11.05.01,.04,.07 • 45:20 Md. R. 942 (9-28-18)
21.11.13.01 • 45:20 Md. R. 942 (9-28-18)
21.13.01.17 • 45:20 Md. R. 942 (9-28-18)
45:21 Md. R. 1008 (10-12-18) (err)

22 STATE RETIREMENT AND PENSION SYSTEM

22.01.01.01,.02 • 45:23 Md. R. 1111 (11-9-18)
22.01.02.01—.16 • 45:24 Md. R. 1181 (11-26-18)
22.01.03.02,.03,.05,.07 • 45:23 Md. R. 1112 (11-9-18)
22.01.04.02—.05 • 45:23 Md. R. 1113 (11-9-18)
22.01.05.01,.02 • 45:23 Md. R. 1116 (11-9-18)
22.01.07.02,.03 • 45:23 Md. R. 1116 (11-9-18)
22.01.08.01—.03 • 45:23 Md. R. 1117 (11-9-18)
22.07.02.05 • 45:23 Md. R. 1118 (11-9-18)

31 MARYLAND INSURANCE ADMINISTRATION

31.03.13.02,.04 • 45:14 Md. R. 708 (7-6-18)
45:25 Md. R. 1219 (12-7-18)
31.10.06.02,.28,.30,.31 • 45:23 Md. R. 1119 (11-9-18)

33 STATE BOARD OF ELECTIONS

33.13.01.01 • 45:21 Md. R. 1003 (10-12-18)
33.13.07.01,.02 • 45:21 Md. R. 1003 (10-12-18)
33.13.10.02 • 45:21 Md. R. 1003 (10-12-18)
33.13.15.13 • 45:21 Md. R. 1003 (10-12-18)
33.13.17.01,.02 • 45:21 Md. R. 1003 (10-12-18)
33.13.19.01—.04 • 45:21 Md. R. 1003 (10-12-18)
33.13.20.01,.02 • 45:21 Md. R. 1003 (10-12-18)
33.13.22.01—.07 • 45:21 Md. R. 1003 (10-12-18)

The Division of State Documents

DEPOSITORIES FOR DOCUMENTS INCORPORATED BY REFERENCE

Depositories for Documents Incorporated by Reference into the Code of Maryland Regulations (COMAR)

Annapolis
MD Department of Legislative Services
90 State Circle (21401)
Contact: Cynthia Stiverson
410-946-5400, 301-970-5400,
800-492-7111 x5400 (MD only)
FAX 410-946-5405

MD State Archives
350 Rowe Blvd. (21401)
Contact: Christine Alvey
410-260-6438
FAX 410-974-3895

MD State Law Library
Robert C. Murphy Courts of Appeal
Bldg. 361 Rowe Blvd. (21401)
Contact: Mary Jo Lazun
410-260-1430, 888-216-8156
FAX 410-974-2063

Baltimore
State Library Resource Center
Enoch Pratt Free Library
400 Cathedral St. (21201)
Contact: State Depository and Distribution Program
410-396-1789
FAX 410-396-4570

Law Library
University of Baltimore
1401 North Charles St. (21201)
Contact: Patricia Behles
410-837-4559
FAX 410-837-4570

Thurgood Marshall Law Library
University of Md. Francis King Carey School of Law
501 W. Fayette Street (21201)
410-706-2736
FAX 410-706-2372

Charlotte Hall
Southern MD Regional Library
37600 New Market Rd. (20622)
P.O. Box 459 (20622)
Contact: Susan Grant
301-934-9442
FAX 301-884-0438

College Park
Hornbake Library
University of MD
Marylandia and Rare Books Department (20742)
Contact: Amber Kohl
301-405-9210
FAX 301-314-2709

Frostburg
Frostburg State University
Lewis J. Ort Library
1 Susan Eisel Drive (21532)
Contact: Lisa Hartman
301-687-4734
FAX 301-687-7069

Hagerstown
Government Reference Service of Washington County Free Library
100 South Potomac Street (21740)
Contact: Harry Sachs
301-739-3250 x 149
FAX 301-739-5839

Princess Anne
Frederick Douglass Library
University of MD Eastern Shore (21853)
Contact: Cynthia Nyirenda
410-651-7540
FAX 410-651-6269

Rockville
Montgomery County Public Library
Rockville Branch 21
Maryland Avenue (20850)
Contact: Caren Genison-Perilman
240-777-0170
FAX 240-777-0155

Salisbury
Salisbury University
Blackwell Library
College and Camden Avenues (21801)
Contact: Martha Zimmerman
410-543-6234
FAX 410-543-6203

Towson
Albert S. Cook Library
Towson University
8000 York Road (21252)
Contact: Carl Olson
410-704-3267
FAX 410-704-3829

Washington, D.C.
Library of Congress
Anglo-American Acquisitions Division
Government Documents Section101 Independence Ave., S.E. (20540)
Contact: Richard Yarnall
202-707-9470
FAX 202-707-0380

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Marian Honeczy, Supervisor, Urban and Community Forestry, Maryland Forest Service, 580 Taylor Ave., E-1, Annapolis, MD 21401, or call 410-260-8511, or email to marian.honeczy@maryland.gov, or fax to 410-260-8595. Comments will be accepted through February 4, 2019. A public hearing has not been scheduled.

.03 Hunting and Trapping.

A. — C. (text unchanged)

D. *Baiting Prohibited.*

(1) Except by written permit issued by the Service, on any State-owned or State-controlled properties open to public hunting, an individual may not place or cause to be placed or scatter or distribute:

(a) Shucked or unshucked corn, wheat, or other grain;

(b) Salt; or

(c) Other feed.

(2) An individual may not hunt, shoot, or kill, or attempt to hunt, shoot, or kill, game birds or mammals by the aid of bait, on or over a baited area.

E. Permanent Blinds and Tree Stands.

(1) The blinds or tree stands that an individual is permitted to erect on land owned or controlled by the Service are those brought in and taken with the individual each day. This does not prevent hunting at natural stands of vegetation present and uncut at the hunting site.

(2) Except by written permission from the Service, an individual may not use or construct permanent blinds or tree stands on lands owned or controlled by the Service.

(3) Reed grass (Phragmites australis) may not be used for the construction of blinds on lands owned or controlled by the Service.

17 Pets.

[A. Developed Areas.

(1) Except for guide service dogs, pets of any kind are not allowed on a picnic area, cabin area, camping area, or other restricted area of a State forest.

(2) The Service reserves the right to designate pet areas in a developed area in a State forest. Pets shall be on a leash with a maximum length of 6 feet.

B. Undeveloped Areas.

(1)] Pets shall be kept under reasonable control consistent with the safety of forest users and forest wildlife. *An individual with a pet shall prevent the pet from biting individuals. Pets may not be permitted to disturb forest wildlife outside of hunting activities.*

[(2) The Service reserves the right to designate pet areas in an undeveloped area in a State forest.]

MARK J. BELTON
Secretary of Natural Resources

Title 09
DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

Notice of Proposed Action

[18-349-P-I]

The Secretary of Labor, Licensing, and Regulation and the Secretary of Housing and Community Development jointly propose to:

(1) Recodify existing:

(a) COMAR **05.02.01** to be **COMAR 09.12.50 Model Performance Code**;

(b) COMAR **05.02.02** to be **COMAR 09.12.53 Maryland Accessibility Code**;

(c) COMAR **05.02.03** to be **COMAR 09.12.54 Minimum Livability Code**;

(d) COMAR **05.02.04** to be **COMAR 09.12.52 Industrialized Buildings and Manufactured Homes**;

(e) COMAR **05.02.06** to be **COMAR 09.12.55 Safety Glazing**;

(f) COMAR **05.02.07** to be **COMAR 09.12.51 Maryland Building Performance Standards**; and

(g) COMAR **05.16.01** to be **COMAR 09.12.58 Maryland Rehabilitation Code Regulations**; and

(2) Amend:

(a) Regulations **.01—.05** and **.07** under **COMAR 09.12.50 Model Performance Code**;

(b) Regulations **.03—.04** and **.06—.07** under **COMAR 09.12.51 Maryland Building Performance Standards**;

(c) Regulations **.02**, **.07—.08**, **.10**, and **.17** under **COMAR 09.12.52 Industrialized Buildings and Manufactured Homes**;

(d) Regulations **.05—.06**, **.08—.09**, and **.11** under **COMAR 09.12.53 Maryland Accessibility Code**;

(e) Regulation **.02** under **COMAR 09.12.54 Minimum Livability Code**;

(f) Regulations **.01—.02** under **COMAR 09.12.55 Safety Glazing**; and

(g) Regulation **.04** under **COMAR 09.12.58 Maryland Rehabilitation Code Regulations**.

Statement of Purpose

The purpose of this action is to recodify existing building code regulations from the Department of Housing and Community Development (DHCD), Title 05, to the Department of Labor, Licensing, and Regulation (DLLR), Title 09, Subtitle 12 Division of Labor and Industry, pursuant to Ch. 673, Acts of 2018, which statutorily transferred the Building Codes Unit from DHCD to DLLR.

This action also amends these regulations to update existing incorporated by reference standards to the first edition of the:

(1) 2018 International Building Code;

(2) 2018 International Residential Code for One- and Two-Family Dwellings;

(3) 2018 International Energy Conservation Code;

(4) 2018 International Plumbing Code;

(5) 2018 International Mechanical Code; and

(6) National Electric Code, 2017 Edition (NFPA 70).

As required by Ch. 239, Acts of 2015, this action amends the adoption of the International Energy Conservation Code to allow for innovative approaches in complying with the adopted standards related to the number of air exchanges per hour and makes identical amendments in the International Residential Code for One- and Two-Family Dwellings.

This action removes duplicative language from regulation that resides in statute regarding agritourism to eliminate confusion and avoid conflicts with frequently updated legislation.

Finally, in the Maryland Performance Code and Accessibility chapters this action replaces the outdated lists of special public depositories with a web address where the locations of current depositories is available.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mischelle F. Vanreusel, Regulatory and Grants Coordinator, 1100 North Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to Mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through February 4, 2019. A public hearing on the amendments of the energy code in both the International Energy Conservation Code and the International One- and Two-Family Residential Code will be held January 10, 2019 at 10 a.m., 1100 North Eutaw Street, Conference Room #1, Baltimore, MD 21201.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the following have been declared documents generally available to the public and appropriate for incorporation by reference:

(1) 2018 International Plumbing Code (International Code Council);

(2) National Electrical Code, 2017 Edition (NFPA 70);

(3) 2018 International Mechanical Code (International Code Council);

(4) 2018 International Building Code (International Code Council);

(5) 2018 International Residential Code for One- and Two-Family Dwellings (International Code Council); and

(6) 2018 International Energy Conservation Code (International Code Council).

For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories appears on page 9 of this issue, and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

09.12.50 Model Performance Code

Authority: Public Safety Article, §[§]12-*201(f)*[—12-204], Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Department" means the [Department of Housing and Community Development] *Department of Labor, Licensing, and Regulation*.

(2)—(5) (text unchanged)

(6) "Master control device" means:

(a) A control that is activated when a [personenters] *person enters* the room through the primary room-access method; or

(b) (text unchanged)

(7) "Model Performance Code*"* [and] *or "*Model Code" means the Model Performance Code for building construction as detailed in Regulation .03 of this chapter.

(8) (text unchanged)

[(8)] *(9)* (text unchanged)

(10) (text unchanged)

(11) "Secretary" means the Secretary of [Housing and Community Development,] *Labor, Licensing, and Regulation* or a designated representative.

(12) (text unchanged)

.02 General.

A. Title. These regulations shall be known and may be cited as the [Maryland] Model Performance Code [Regulations]. Except as otherwise indicated, "regulations" as used [here] *in this chapter* shall mean the [Maryland] Model Performance Code [Regulations].

B. Application.

(1) (text unchanged)

(2) For industrialized buildings approved by an approved testing facility under COMAR [05.02.04] *09.12.52* after the effective date of these regulations:

(a) This chapter and the codes incorporated by reference apply to any approved building provided that construction begins prior to 6 months after the Department's adoption of the [2018] *2021* edition of the International Building Code; and

(b) The approved testing facility shall state in its approval letter to the Department and the manufacturer of the building:

(i) (text unchanged)

(ii) That approval will expire for a building unless construction begins prior to 6 months after Department's adoption of the [2018] *2021* edition of the International Building Code.

(3) For industrialized buildings approved by an approved testing facility under COMAR [05.02.04] *09.12.52* prior to the effective date of these regulations, the previous version of [COMAR 05.02.01] *this chapter* and the [2012] *2015* International Building Code shall apply provided that construction begins prior to 6 months after the effective date of these regulations.

C.—D. (text unchanged)

.02-1 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) [2015] International Building Code (International Code Council[, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001]), *which is incorporated by reference in COMAR 09.12.51.04A(1)*.

(2) [2015] *2018* International Plumbing Code (International Code Council[, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001]).

(3) National Electric Code, [2011] *2017* Edition ([National Fire Protection Association, One Batterymarch Park, Quincy Massachusetts 02269] *NFPA 70*).

(4) [2015] International Residential Code for One- and Two-Family Dwellings (International Code Council[, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001]), *which is incorporated by reference in COMAR 09.12.51.04A(2)*.

(5) [2015] *2018* International Mechanical Code (International Code Council[, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001]).

(6) [2015] International Energy Conservation Code (International Code Council[, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001]), *which is incorporated by reference in COMAR 09.12.51.04A(3)*.

(7) (text unchanged)

.03 Model Performance Code.

A. The standards incorporated by reference in Regulation .02-1 of this chapter, and modified as follows, constitute the Model Performance Code for building construction in the State:

(1) For industrialized building construction:

(a) International Building Code with the following modifications:

(i)—(iii) (text unchanged)

(iv) Chapter 11. Chapter 11, related to accessibility requirements, is hereby replaced with the Maryland Accessibility Code set forth in COMAR [05.02.02] *09.12.53*;

(v)—(vi) (text unchanged)

(b) International Plumbing Code with the following modification: Delete all of §404.0 — the subject matter is covered by Maryland Accessibility Code, COMAR [05.02.02.] *09.12.53;*

(c)—(d) (text unchanged)

(e) International Residential Code for One- and Two-Family Dwellings with the following modifications:

(i) Chapter 1. Delete the Section 102.5 Appendices and replace with the following: 102.5 Appendices: All the provisions in the Appendices are adopted as part of the IRC except those in Appendices E, J, and L;

(ii) Add to Section N1102.4.1.2 (R402.4.1.2): Except as provided for in the Simulated Performance Path listed in Section N1105 (R405);

(iii) Add to Section N1102.4.1.2 (R402.4.1.2): Except as provided for in the Energy Rating Index Compliance Alternative Section N1106 (R406);

(iv) Modify Table N1105.5.2(1) (R405.5.2(1)) for Air Exchange Rate line item under the proposed design add "not to exceed 5 air changes per hour" after "The measured air exchange rate"; and

(v) Add exception to Section N1106.2 (R406.2): The maximum of 5 air changes per hour tested in accordance with Section N1102.4.1.2 (R402.4.1.2) may be used to determine the Energy Rating index score;

(f) [2015] International Energy Conservation Code with the following modification:

(i) Add a note to Section [405.2.3] *C405.2.4* Specific Application Controls: For the new construction of hotels, each hotel guest room shall be equipped with a master control device in compliance with COMAR [05.02.07.04D(2)] *09.12.51.04D(2)*;

(ii) Add to Section R402.4.1.2: Except as provided for in the Simulated Performance Path listed in Section R405;

(iii) Add to Section R402.4.1.2: Except as provided for in the Energy Rating Index Compliance Alternative in Section R406;

(iv) Modify Table R405.5.2(1) for Air Exchange Rate line item under the proposed design add "not to exceed 5 air changes per hour" after "The measured air exchange rate"; and

(v) Add exception to Section R406.2: The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score;

(g) If an industrialized building manufacturer desires to or has been requested to construct a building to the [2012] International Green Construction Code (IGCC) standards they may use the IGCC in addition to the other codes in §A(1) with the following modifications:

(i)—(iii) (text unchanged)

(h) (text unchanged)

(2) For all other building construction:

(a) The International Building Code with modifications related to building standards, as adopted under COMAR [05.02.07.04] *09.12.51.04*,

(b)—(d) (text unchanged)

(e) The International Residential Code for One- and Two-Family Dwellings with modifications related to building standards, as adopted under COMAR [05.02.07.04] *09.12.51.04*;

(f) [2015] International Energy Conservation Code with modifications related to building standards, as adopted under COMAR [05.02.07.04] *09.12.51.04*; and

(g) If a builder desires to or has been requested to construct a building to the [2012] International Green Construction Code (IGCC) standards they may use the IGCC in addition to the other codes in §A(2).

[B. The incorporated documents listed above are on deposit in the following public libraries:

(1) Maryland Department of Legislative Reference Library, 90 State Circle, Annapolis, MD 21401, Monday through Friday, 8:30 am—4:30 pm;

(2) State Library Resource Center, Enoch Pratt Central, Maryland Department, Cathedral Street, Baltimore, MD 21201, Monday through Thursday, 9 am—9 pm; Friday and Saturday, 9 am—5 pm; Sunday (October—May), 1 pm—5 pm;

(3) Frostburg State University Library, Midlothian Road and Center Street, Frostburg, MD 21532, Monday through Thursday, 3:30—12 midnight; Friday, 3:30—10 pm; Saturday, 8:30 am—5 pm; Sunday, 1 pm—12 midnight;

(4) Southern Maryland Regional Library, Charles County Public Library Building, Charles and Garrett Streets, La Plata, MD 20642, Monday through Thursday, 9 am—8 pm; Friday, 12 pm—5 pm; Saturday (during school year), 9 am—5 pm;

(5) Salisbury State University Library, College and Camden Avenues, Salisbury, MD 21801, Monday—Friday, 8 am—10 pm; Saturday, 10 am—10 pm; Sunday, 12 pm—10 pm (library closed when school not in session);

(6) Library of Congress, Gifts and Exchanges Division, 10 First Street S.E., Washington, DC 20540, Monday through Friday, 8 am—4:30 pm;

(7) Division of State Documents, 16 Francis Street, Annapolis, MD 21401, Monday through Friday, 8:30 am—4:30 pm;

(8) State Law Library, Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401, Monday, Wednesday, and Friday, 8:30 am—4:30 pm; Tuesday and Thursday, 8:30 am—9 pm; Saturday, 9 am—4 pm.]

B. Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories is available online at www.dsd.state.md.us.

.04 Modifications to Model Performance Code.

A. As stated in Regulation .02B *of this chapter*, the Model Performance Code is not binding on any subdivision of the State unless specifically adopted by it. A copy of the law, ordinance, or resolution adopting the Model Code shall be sent by the governing body of the adopting subdivision to the Secretary. Copies of all

subsequent laws, ordinances, or resolutions pertaining to the Model Code shall similarly be sent by the governing body to the Secretary.

B.—D. (text unchanged)

E. The administrative sections of Article 1 of the [2015] International Building Code are entirely administrative and may require alteration to adapt them to local use. Alterations to these sections of Article 1 are therefore excluded from the requirement of concurrence by the Secretary. However, any alterations shall be forwarded to the Secretary for the Department's records.

.05 Appeals of Code Interpretations or Applications.

A. (text unchanged)

B. Review by this Department shall be granted:

(1) (text unchanged)

(2) If requested by the aggrieved party before commencement of appeal procedures provided by the subdivision. In that case, the Director of [Codes Administration] *the Building Codes Administration* may, in [his] *the Director's* discretion, decline to review the question of interpretation or application and remand the question to the subdivision, because the question is of insufficient importance or can be resolved more readily at a local level, or for other reasons. The action is not reviewable.

(3) (text unchanged)

C. An aggrieved person requesting review by the Department of an application or interpretation of the Model Code shall do so in writing, addressed to the Director of [Codes Administration] *the Building Codes Administration* in the Department, together with a full statement of the circumstances and the reasons for challenge.

D. The Director of [Codes Administration] *the Building Codes Administration* will normally refer the question of interpretation or application to ICC or NFPA, as the case may be, for answer by their respective interpretation services. The Director is not required to refer the question to ICC or NFPA. The Director shall notify the parties of the referral.

E. Within 10 days from the receipt by the Director of [Codes Administration] *the Building Codes Administration* of the request for review, or within 10 days from receipt by the Director of an answer from ICC or NFPA when the question has been referred, the Director shall notify the parties of the Director's decision, with a statement of the reasons for it, including a copy of any communication from ICC or NFPA.

F. Review of an adverse decision of the Director of [Codes Administration] *the Building Codes Administration* shall be by appeal to the Secretary, filed within 30 days after issuance of the decision by the Director.

.07 Training and Certification of Building Inspectors.

In order to assist local jurisdictions to effectively administer the Model *Performance* Code, the Department has the responsibility to train and certify building code enforcement officials in any jurisdiction where the Model Performance Code is in effect.

09.12.51 Maryland Building Performance Standards

Authority: Public Safety Article [§§12-501—12-508] *§§12-503, 12-507(a)(2), 12-508(g), and 12-510(d)*, Annotated Code of Maryland

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1)—(3) (text unchanged)

(4) "Codes Administration" means the [Maryland] *Building* Codes Administration, an administration within the Department.

(5) (text unchanged)

(6) "Department" means the Department of [Housing and Community Development of Maryland] *Labor, Licensing, and Regulation*.

(7)—(17) (text unchanged)

.04 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference:

(1) [2015] *2018* International Building Code (International Code Council[, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001]);

(2) [2015] *2018* International Residential Code for One- and Two-Family Dwellings (International Code Council[, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001]);

(3) [2015] *2018* International Energy Conservation Code (International Code Council[, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001]); and

(4) (text unchanged)

B. Modifications to the [2015] International Building Code.

(1) (text unchanged)

(2) Chapter 1. Delete Exception in the Section 101.2 Scope and replace with the following:

(a) Exception: 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code*;*

(b) Exception: 2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall comply with the Maryland Building Rehabilitation Code set forth in COMAR [05.16.] *09.12.58; and*

(c) Exception: 3. Maintenance of residential structures and premises shall comply with the Minimum Livability Code COMAR [05.02.03] *09.12.54*.

(3)—(5) (text unchanged)

(6) Chapter 11. Chapter 11 of the IBC related to accessibility requirements is hereby replaced with the Maryland Accessibility Code set forth in COMAR [05.02.02] *09.12.53*. A local jurisdiction may adopt and enforce the requirements of Chapter 11 of the IBC to the extent the requirements meet or exceed the requirements set forth in COMAR [05.02.02] *09.12.53*.

(7)—(11) (text unchanged)

(12) Chapter 34.[Add the following exception to section 3401.1 Scope:

Exception:] Any rehabilitation work undertaken in an existing building as defined in COMAR [05.16] *09.12.58* shall comply with the requirements of Maryland Building Rehabilitation Code set forth in COMAR [05.16] *09.12.58*.

C. Modifications to the [2015] International Residential Code for One- and Two-Family Dwellings:

(1) (text unchanged)

(2) ENERGY. Chapter 11. ENERGY EFFICIENCY.

(a) Add to Section N1102.4.1.2 (R402.4.1.2): Except as provided for in the:

(i) Simulated Performance Path listed in Section N1105 (R405); and

(ii) Energy Rating Index Compliance Alternative in Section N1106 (R406);

(b) Modify Table N1105.5.2(1) (R405.5.2(1)) for Air Exchange Rate line item under the proposed design add "not to exceed 5 air changes per hour" after "The measured air exchange rate"; and

(c) Add exception to Section N1106.2 (R406.2): The maximum of 5 air changes per hour tested in accordance with

Section R402.4.1.2 may be used to determine the Energy Rating index score.

[(2)] *(3)* — [(4)] *(5)* (text unchanged)

D. Modifications to the [2015] International Energy Conservation Code.

(1) (text unchanged)

(2) Add a note to Section [405.2.3] *C405.2.4* Specific Application Controls: For the new construction of hotels:

(a)—(b) (text unchanged)

(3) Add to Section R402.4.1.2: Except as provided for in the:

(a) Simulated Performance Path listed in Section R405;

(b) Energy Rating Index Compliance Alternative in Section R406;

(4) Modify Table R405.5.2(1) for Air Exchange Rate line item under the proposed design add "not to exceed 5 air changes per hour" after "The measured air exchange rate"; and

(5) Add exception to Section R406.2: The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score.

E. (text unchanged)

.06 Application of the Standards.

A. (text unchanged)

B. A local jurisdiction shall implement and enforce the Standards and any local amendments within [6] *12* months of the effective date of any amendments by the Department to this chapter.

C. [In Calvert County, Charles County, Dorchester County, Frederick County, Harford County, Prince George's County, St. Mary's County, Somerset County, and Talbot County:

(1) The Standards do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use;

(2) An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of the building for agritourism:

(a) Complies with §C(3) of this regulation;

(b) Occupies only levels of the building on which a ground level exit is located; and

(c) Does not allow more than 50 people to occupy an individual building at any one time;

(3) An agricultural building used for agritourism shall be structurally sound and in good repair; and

(4) An agricultural building used for agritourism does not have to comply with:

(a) The requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or

(b) Any other requirements of the Standards or other building codes as set forth in this subtitle or COMAR 05.16.] *The provisions of Public Safety Article, §12-508, Annotated Code of Maryland, modify and determine the applicability of the Standards to agritourism.*

.07 Utilization of Standards.

A. (text unchanged)

B. Voluntary Dispute Resolution.

(1)—(4) (text unchanged)

(5) Neither a decision by the Codes Administration nor the Department under §B(3) or (4) of this regulation shall constitute a contested case proceeding under the Maryland Administrative Procedure Act and is not subject to the provisions of COMAR [05.01.01] *09.01.02*.

09.12.52 Industrialized Buildings and Manufactured Homes

Authority: Public Safety Article, §12-305, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(9) (text unchanged)

(10) "Regulations" means the [State] Industrialized Buildings and Manufactured Homes Regulations (COMAR [05.02.04.01—.18] *09.12.52.01—.18*).

(11)—(12) (text unchanged)

.07 Reference Standards.

The standards identified in the Model Performance Code which are incorporated by reference in COMAR [05.02.01] *09.12.50* shall constitute the reference standards for industrialized building construction in the State.

.08 Energy Conservation Standards.

All industrialized buildings shall be designed to meet all the applicable energy conservation standards as identified in the State Model Performance Code (COMAR [05.02.01] *09.12.50*). In using these standards, the design shall be based on a minimum of 5,200 degree days.

.10 Label.

A.—B. (text unchanged)

C. State Certification Insignia. In addition to the approved testing facility label and the manufacturer's data plate, each unit shall be marked by a State certification insignia secured from the Department of [Housing and Community Development] *Labor, Licensing, and Regulation* which shall identify the unit by State serial number. This serial number shall be the control number for location in the State.

D. (text unchanged)

.17 Code Enforcement Certification Board.

A. The Secretary shall appoint the members of the Code Enforcement Certification Board, to serve at the Secretary's pleasure. There are nine members of the Board, including four certified code enforcement officials, and one from each of the following areas: licensed architect; registered engineer; representative of the Department of [Housing and Community Development] *Labor, Licensing, and Regulation*; educator; building industry representative. Members of the Board shall be citizens and residents of the United States and the State.

B.—D. (text unchanged)

09.12.53 Maryland Accessibility Code

Authority: [Housing and Community Development Article, §§2-111 and 3-103;] Public Safety Article, [§12-*202*;] *§12-202(b),* Annotated Code of Maryland

.05 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1)—(17) (text unchanged)

(18) "Secretary" means the Secretary of [Housing and Community Development] *the Department of Labor, Licensing, and Regulation*.

(19)—(23) (text unchanged)

.06 Implementation.

A. (text unchanged)

B. Interpretation. The Department of [Housing and Community Development] *Labor, Licensing, and Regulation* shall decide all questions relating to interpretation of this Code and shall determine whether any requests for waivers or exemptions from this Code may be approved.

C. (text unchanged).

.08 Standards Substantially Equivalent to 2010 ADA Standards.

A.— C. (text unchanged)

D. Determination of Substantial Equivalency.

(1)—(5) (text unchanged)

(6) A request for a determination under this regulation does not constitute a contested case proceeding under the Maryland Administrative Procedure Act and is not subject to the provisions of COMAR [05.01.01] *09.01.02*.

.09 Waiver Request.

A. (text unchanged)

B. Procedures.

(1) A written waiver request form and supporting documents shall be submitted in triplicate to the Director, [Maryland] *Building* Codes Administration, Department of [Housing and Community Development] *Labor, Licensing, and Regulation*.

(2) The [Maryland] *Building* Codes Administration shall review the documents submitted for completeness, and shall contact the applicant promptly for any additional information needed to process the request.

(3) Upon receipt of all required documents, the [Maryland] *Building* Codes Administration shall send one copy of the waiver request documents to the local government officials and one copy to the designated disability advisory group.

(4) The local government officials and the designated disability advisory group may provide their written comments jointly or separately to the [Maryland] *Building* Codes Administration within 21 days of dated transmittal from the [Maryland] *Building* Codes Administration.

(5) The [Maryland] *Building* Codes Administration shall review the waiver documents and any comments received from the local building officials and the agency or organization advocating for individuals with disabilities. For historic properties, the [Maryland] *Building* Codes Administration shall make its decisions in consultation with the State historic preservation officer or the officer's designee.

(6) (text unchanged).

(7) Upon completion of the investigation, the Director of the [Maryland] *Building* Codes Administration, or the Director's designee, shall determine if a waiver should be granted or denied based upon factors such as, but not limited to:

(a)—(c) (text unchanged)

(8) (text unchanged)

(9) The applicant may request reconsideration of the decision of the [Maryland] *Building* Codes Administration within 45 days by writing to the [Director] *Commissioner* of the Division of [Credit Assurance] *Labor and Industry* for a final administrative decision. The reconsideration review may include additional site visits and meetings with the applicants, the designated disability advisory group, and local building officials. The decision by the [Director] *Commissioner* of the Division of [Credit Assurance] *Labor and Industry* is final and binding upon the parties.

C. A waiver request and decision on it under §B(7) or (9) of this regulation does not constitute a contested case proceeding under the Maryland Administrative Procedure Act and is not subject to the provisions of COMAR [05.01.01] *09.01.02*.

.11 Copies of Standards and Code.

[A. Copies of the standards and Code referenced in this chapter may be obtained as follows:

(1) The Maryland Department of Housing and Community Development, 100 Community Place, Crownsville, Maryland 21032, telephone (410) 514-7220, TDD (410) 514-7531;

(2) United States Department of Justice, Office of the Americans with Disabilities Act, Civil Rights Division, P. O. 66118, Washington, D.C. 20035-6118, telephone (202) 514-0301(V), TT/TDD (202) 514-0381 or 0383;

(3) Architectural and Transportation Compliance Board, 1331 F Street, N.W., Suite 1000, Washington, D.C. 20004-1111, telephone V and TT/TDD (800) USA-ABLE, or V and TT/TDD (202) 272-5434;

(4) Independence Center for Northern Virginia, 2111 Wilson Boulevard, Suite 400, Arlington, Virginia 22201, telephone (703) 525-3268, V/TT/TDD (800) ADA-4999;

(5) United States Department of Housing and Urban Development (HUD), Office of the General Counsel, 451 Seventh Street, S.W., Washington, D.C. 20410-0500, telephone (202) 755-5570, TDD (800) 543-8294;

(6) Public libraries throughout Maryland.

B. The final rule implementing the Fair Housing Amendments Act of 1988 is available in braille and on tapes at the United States Department of Housing and Urban Development (HUD), Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410-0500, telephone (202) 755-5570, TDD (800) 543-8294.]

Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories is available online at www.dsd.state.md.us.

09.12.54 Minimum Livability Code

Authority: Public Safety Article, §12-203*(c)*, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) "Department" means the Department of [Housing and Community Development] *Labor, Licensing, and Regulation*.

(5)—(10) (text unchanged)

09.12.55 Safety Glazing

Authority: Public Safety Article, [Title 12, Subtitle 4] *§§12-403 and 12-404*, Annotated Code of Maryland

.01 Purpose and Authority.

A. These regulations are adopted pursuant to Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland. This law provides for determinations by the Secretary of [Housing and Community Development] *Labor, Licensing, and Regulation* as to three subjects: Further requirements for standards of safety glazing material; additional glazed elements to be designated "hazardous locations"; and exceptions of certain panels from the definition of "hazardous locations".

B. (text unchanged)

.02 Reference Standards and Specific Hazardous Locations.

A. The reference standards and specific hazardous locations applicable to safety glazing shall be those identified in COMAR [05.02.01] *09.12.50* Maryland Model Performance Code.

B. (text unchanged)

09.12.58 Maryland Building Rehabilitation Code Regulations

Authority: Public Safety Article, §§12-1004 and 12-1007*(a)*, Annotated Code of Maryland

.04 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) "Department" means the Department of [Housing and Community Development] *Labor, Licensing, and Regulation*.

(5)—(6) (text unchanged)

(7) "Minimum Livability Code" means COMAR [05.02.03] *09.12.54*, exclusive of any local amendments or codes that may have been adopted.

(8) "Secretary" means the Secretary of [the Department of Housing and Community Development] *Labor, Licensing, and Regulation*.

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation
KENNETH C. HOLT
Secretary of Housing and Community Development

Subtitle 14 STATE ATHLETIC COMMISSION

09.14.02 Applications and Licensing

Authority: Business Regulation Article, §§4-205, 4-301, and 4-303, Annotated Code of Maryland

Notice of Proposed Action

[18-352-P]

The State Athletic Commission proposes to adopt new Regulation **.08** under **COMAR 09.14.02 Applications and Licensing**. This action was considered at a public meeting of the Commission held on November 28, 2018, notice of which was provided by posting on the Athletic Commission's website pursuant to General Provision Article, §3-302(c)(3)(ii), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or licensee's obligation to respond in writing within 30 days to a written communication from the Commission, to inform the applicant or licensee of the ramifications for failure to respond to a written communication from the Commission and to require an applicant or licensee to notify the Commission in writing of a change of address.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Patrick Pannella, Executive Director, Maryland State Athletic Commission, Department of Labor, Licensing, and Regulation, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6223, or email to patrick.pannella@maryland.gov, or fax to 410-962-8480. Comments will be accepted through February 4, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Athletic Commission during a public meeting to be held on February 20, 2019, at 3 p.m., at the Department of Labor, Licensing, and Regulation, 500 N. Calvert Street, Third Floor, Baltimore, MD 21202.

.08 Failure to Respond.

A. If an applicant or licensee receives from the Commission a written communication requesting a response, the applicant or licensee shall respond within 30 days of the date of the mailing.

B. The Commission shall send a written communication by first-class mail to the last address furnished to the Commission by an applicant or licensee.

C. It is a responsibility of an applicant or licensee to notify the Commission in writing if there has been a change in applicant's or licensee's address.

D. Failure to respond as required by this regulation may be considered by the Commission to be a violation of Business Regulation Article, §4-310(a)(1)(iii) or (iv), Annotated Code of Maryland.

PATRICK PANNELLA
Executive Director
State Athletic Commission

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.05 Dental Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Proposed Action

[18-350-P]

The Secretary of Health proposes to amend Regulations **.01—.05** and **.07** under **COMAR 10.09.05 Dental Services**.

Statement of Purpose

The purpose of this action is to outline parameters for coverage of certain medically necessary dental services for dual eligible participants ages 21 through 64 years old, pursuant to S.B. 284 of 2018, Maryland Medical Assistance Program — Dental Coverage for Adults. Additionally, this proposal adds physician assistants as providers who can be EPSDT-certified, clarifies documentation required in order to be a Medicaid provider of dental services, clarifies language regarding patient record sharing for children who receive services at mobile dental units, and clarifies that the Program does not cover implants.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.