



Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before February 25, 2019, 5 p.m.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 February 25, 2019.

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.

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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)

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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.

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Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.03 Crabs

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

Notice of Final Action

[19-001-F]

On March 5, 2019, the Acting Secretary of Natural Resources adopted amendments to Regulations .03, .06, and .11 under COMAR 08.02.03 Crabs. This action, which was proposed for adoption in 46:2 Md. R. 55—56 (January 18, 2019), has been adopted as proposed.

Effective Date: March 25, 2019.

JEANNIE HADDAWAY-RICCIO
Acting Secretary of Natural Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

Notice of Final Action

[18-349-F-I]

On February 28, 2019, the Acting Secretary of Labor, Licensing, and Regulation and the Secretary of Housing and Community Development adopted:

(1) The recodification of 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) Amendments to:

(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.

This action, which was proposed for adoption in 46:1 Md. R. 16—22 (January 4, 2019), has been adopted with the nonsubstantive changes below.

Effective Date: March 25, 2019.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 09.12.51.04: In response to comments received requesting emphasis and clarification of maintaining the baseline design criteria of 3 air changes per hour (ACH) related to energy code requirements before applying prescribed provisions of up to 5 ACH for measured air exchange, language will be added to reiterate the design criteria as unchanged. This change merely reflects directly into the regulation the effect of the adoptive language as applied to the incorporated by reference sections and tables.

09.12.51 Maryland Building Performance Standards

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

.04 Incorporation by Reference.

A.—B. (proposed text unchanged)

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

(1) (proposed text unchanged)

(2) *ENERGY. Chapter 11. ENERGY EFFICIENCY.*

(a) (proposed text unchanged)

(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 with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design" 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 with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design.

(3)—(5) (proposed text unchanged)

D. Modifications to the International Energy Conservation Code.

(1)—(3) (proposed text unchanged)

(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 with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” 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 with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design.*

E. (proposed text unchanged)

JAMES E. RZEPKOWSKI
Acting Secretary of Labor, Licensing, and Regulation

KENNETH C. HOLT
Secretary of Housing and Community Development

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 62 NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION

Notice of Final Action [18-325-F]

On March 5, 2019, the Secretary of Health adopted:

(1) Amendments to Regulation .01 under COMAR 10.62.01

Definitions;

(2) New Regulation .05 under COMAR 10.62.02 **General Regulations;**

(3) Amendments to Regulation .05 under COMAR 10.62.08 **Medical Cannabis Grower License;**

(4) Amendments to Regulation .04 under COMAR 10.62.19 **Medical Cannabis Processor License;** and

(5) Amendments to Regulation .05 under COMAR 10.62.25 **Medical Cannabis Dispensary License.**

This action, which was proposed for adoption in 45:26 Md. R. 1268—1269 (December 21, 2018), has been adopted as proposed.

Effective Date: March 25, 2019.

ROBERT R. NEALL
Secretary of Health

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADEMIC REGULATIONS

13B.02.03 Academic Programs—Degree-Granting Institutions

Authority: Education Article, §§11-105(u), 11-201, 11-202, and 11-206,
Annotated Code of Maryland

Notice of Final Action [18-323-F]

On February 19, 2019, the Maryland Higher Education Commission adopted amendments to Regulations .02 and .20 under COMAR 13B.02.03 **Academic Programs—Degree-Granting Institutions**. This action, which was proposed for adoption in 45:26 Md. R. 1271—1272 (December 21, 2018), has been adopted as proposed.

Effective Date: March 25, 2019.

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education

Subtitle 08 FINANCIAL AID

13B.08.10 Delegate Howard P. Rawlings Educational Excellence Awards Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-301—18-309,
Annotated Code of Maryland

Notice of Final Action [18-317-F]

On January 23, 2019, the Maryland Higher Education Commission adopted new Regulations .01—.17 under a new chapter, COMAR 13B.08.10 **Delegate Howard P. Rawlings Educational Excellence Awards Program**. This action, which was proposed for adoption in 45:24 Md. R. 1172—1179 (November 26, 2018), has been adopted as proposed.

Effective Date: March 25, 2019.

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education