

# SENATE BILL 749

P5

EMERGENCY BILL

0lr0481

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By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: February 3, 2020

Assigned to: Rules

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 17, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Annual Corrective Bill**

3 FOR the purpose of correcting certain errors or omissions in certain articles of the  
4 Annotated Code and in certain uncodified laws; clarifying language; correcting  
5 certain obsolete references; reorganizing certain sections of the Annotated Code;  
6 ratifying certain corrections made by the publishers of the Annotated Code;  
7 providing that this Act is not intended to affect any law other than to correct  
8 technical errors; providing for the correction of certain errors and obsolete provisions  
9 by the publishers of the Annotated Code; providing for the effect and construction of  
10 certain provisions of this Act; and making this Act an emergency measure.

11 BY repealing and reenacting, with amendments,  
12 Article – Agriculture  
13 Section 14–101(a) and 14–202(e)(2) and (f)(1)(i)  
14 Annotated Code of Maryland  
15 (2016 Replacement Volume and 2019 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Alcoholic Beverages  
18 Section 1–304(a)(1)  
19 Annotated Code of Maryland  
20 (2016 Volume and 2019 Supplement)  
21 (As enacted by Chapter 12 of the Acts of the General Assembly of 2019)

22 BY repealing and reenacting, with amendments,

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Alcoholic Beverages

Section 4–109(a)(11), 9–2701(a)(17) through (20), 10–2701(a)(16) through (19), 11–2701(a)(13) through (16), 12–2102(a)(3), 12–2701(a)(16) through (19), 13–2701(a)(15) through (18), 14–2701(a)(17) through (20), 15–2701(a)(18) through (21), 16–2701(a)(16) through (19), 17–2701(a)(17) through (20), 18–2701(a)(17) through (20), 19–2005(b)(2), 19–2701(a)(15) through (18), 20–2701(a)(18) through (21), 21–1501(b)(4), 21–2701(a)(17) through (20), 22–2701(a)(15) through (18), 23–2701(a)(15) through (18), 24–2701(a)(15) through (18), 25–2701(a)(16) through (19), 26–1019(f), 26–1601(a)(1)(xvi)4., 26–2701(a)(14) through (17), 27–2701(a)(15) through (18), 28–2701(a)(15) through (18), 29–2701(a)(17) through (20), 30–2701(a)(18) through (21), 31–2701(a)(16) through (19), 32–2701(a)(16) through (19), and 33–2701(a)(17) through (20)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 9–2701(a)(17), 10–2701(a)(16), 11–2701(a)(13), 12–2701(a)(16), 13–2701(a)(15), 14–2701(a)(17), 15–2701(a)(18), 16–2701(a)(16), 17–2701(a)(17), 18–2701(a)(17), 19–2701(a)(15), 20–2701(a)(18), 21–2701(a)(17), 22–2701(a)(15), 23–2701(a)(15), 24–2701(a)(15), 25–2701(a)(16), 26–2701(a)(14), 27–2701(a)(15), 28–2701(a)(15), 29–2701(a)(17), 30–2701(a)(18), 31–2701(a)(16), 32–2701(a)(16), and 33–2701(a)(17)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 6–307(b)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 17–206(a) and 17–1808(c)(2)(xx) and (3)(vii)

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY adding to

Article – Commercial Law

Section 13–301(14)(xxxi)

Annotated Code of Maryland

(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 13–301(14)(xxxi) through (xxxiii), 13–320(b)(1)(iv), and 24–304(d)(3)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 1–603(d), 3–8A–01(dd), 3–8A–03(d)(1), 3–8A–06(a)(2), 3–8A–10(k), (m), and  
(n), 3–8A–19(e)(4) and (5), 3–8A–23(a)(3) and (5), and 3–8A–33(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2019 Supplement)

BY repealing

Article – Courts and Judicial Proceedings

Section 3–8A–10(l) and 3–8A–19(e)(3)

Annotated Code of Maryland

(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–601.1(m) and 9–801(g)(2)

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5–424(2)(ii)2., 5–525(a)(1)(iii), 6–601(f)(2), 10–303(a), 10–329(1)(ii),  
10–463(e), 10–473(a), and 11–312(a)(2)(iv)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 4–126(a), 7–203(c)(2)(v)6., 7–424.3(a)(2), 7–1508(b)(3)(ii)2., 8–603(b)(4)(ii),  
12–108(c), 16–102(a)(1), 16–103(f)(2), 16–202(b)(7)(i), 16–302.1(e)(1) and  
(f)(1), 16–411(c)(4)(i), 16–605(a)(1), 16–606(e)(2), 18–501(c), 18–507(a), and  
24–1207

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 5–1001(h)(1)

Annotated Code of Maryland

(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

- 1 Article – Environment  
2 Section 16–101(p)  
3 Annotated Code of Maryland  
4 (2014 Replacement Volume and 2019 Supplement)
- 5 BY repealing and reenacting, with amendments,  
6 Article – Estates and Trusts  
7 Section 2–206(b)(1) and 15–102(a)(3)(i)  
8 Annotated Code of Maryland  
9 (2017 Replacement Volume and 2019 Supplement)
- 10 BY repealing and reenacting, with amendments,  
11 Article – Family Law  
12 Section 2–410(a)(4), 4–501(m)(6) and (o)(2)(ii)3., 5–403, 5–539(b)(5), 5–539.1(g)(1),  
13 5–1202(a)(4) and (5), and 10–322(b)(4)  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume)
- 16 BY repealing and reenacting, with amendments,  
17 Article – Financial Institutions  
18 Section 4–802(e)(2); the subtitle designation “Subtitle 6. Mortgage Loan Originators”  
19 immediately preceding Section 11–601(a); and 11–606.1(b), 11–607(c)(2), and  
20 11–618  
21 Annotated Code of Maryland  
22 (2011 Replacement Volume and 2019 Supplement)
- 23 BY repealing and reenacting, without amendments,  
24 Article – Financial Institutions  
25 Section 11–601(a)  
26 Annotated Code of Maryland  
27 (2011 Replacement Volume and 2019 Supplement)
- 28 BY repealing and reenacting, with amendments,  
29 Article – General Provisions  
30 Section 7–414(a)  
31 Annotated Code of Maryland  
32 (2019 Replacement Volume)
- 33 BY repealing and reenacting, with amendments,  
34 Article – Health – General  
35 Section 7–307(c), 7.5–402(a)(4)(ii), 10–713(a)(3)(iii), 13–1201(f), 13–1204(b),  
36 13–3301(p)(1), 13–3309(j)(1), 15–130(c), 15–132(b)(1), 17–103.1(f),  
37 18–204(b)(1), 18–332(b)(2), 19–305(b)(2)(ii), and 24–604(b)  
38 Annotated Code of Maryland  
39 (2019 Replacement Volume)
- 40 BY repealing

Article – Health – General  
Section 13–1201(e)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY adding to

Article – Health – General  
Section 13–1201(f)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations  
Section 14–509(b); the subtitle designation “Subtitle 5B. Radiation Therapy,  
Radiography, Nuclear Medicine Technology, and Radiology Assistance”  
immediately preceding Section 14–5B–01(a); and 14–5B–01(q) and  
14–5B–04(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations  
Section 14–5B–01(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development  
Section 4–222(b)(3), 4–226(a)(1)(ii), 4–804(5), 6–201(h)(6), 6–308.2(e)(1), 8–104(a)(1),  
9–305(b)(1), 16–111(a), 16–112(a), and 16–204(a)(1)  
Annotated Code of Maryland  
(2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services  
Section 5–505(e)  
Annotated Code of Maryland  
(2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance  
Section 8–301(b)(1) and (2)(i)2., 15–831(b)(2), 15–842(a)(2), 15–1301(o)(1)(i),  
15–1303(a), 18–101(f)(3)(ii)2., and 27–1001(f)(2)(ii); and 31–101(a), (a–1),  
(a–2), (b–1)(2), (c–1), (e)(1), (f), (j), (k), (l)(2), (q), (s), (v), (x), (y), (z), and  
(aa)(2)(v), 31–102(b)(3) and (d), 31–103(b), 31–104(j)(1), 31–105(b)(3), (c)(6)  
and (7), and (f), 31–106(a), (b), (c)(1), (d), (e)(1), (f)(2), and (g)(1), 31–107(b)(1),  
(e)(11), and (f)(1), 31–108(b)(8), (13), and (18) and (e), 31–109(b), 31–110(d),

31–113(p)(7)(ii), 31–113.1(a), (b)(2)(i) and (v), (3)(ii)3. and 6., and (4), and  
(c)(2)(i) and (v), (3)(ii)5., and (4), 31–114(a), 31–115(b)(1), (3), (5)(vi) and (vii),  
(6)(ii), and (9), (h)(1) and (5)(i), (i)(1) and (5)(i), and (k)(1)(i),  
31–116(a)(2)(ii), (d)(1), and (f)(1)(ii), 31–117(c)(2), and 31–118(a) and (d)(2) to  
be under the new subtitle “Subtitle 1. Maryland Health Benefit Exchange”

Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use  
Section 10–103(b)(15)

Annotated Code of Maryland  
(2012 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 1–702(e), 4–745(d)(1), and 5–1601(k)(2)(i), (z)(3)(i), and (hh)

Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities  
Section 7–714(e)(2)

Annotated Code of Maryland  
(2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement  
Section 7–324(f)(4)

Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government  
Section 2–709(b)(3), 8–403(38), 9–1A–04(d)(19)(i), and 9–1A–29(h)(2) and (j)

Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions  
Section 12–108(2) and 29–202(b)(6)(i)

Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General  
Section 10–205(b) and 13–825(h)(1)(i)1., (ii)1., and (iii)1.

Annotated Code of Maryland  
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 9–105(c)(5)(ii), 9–110(a)(6) through (8), 9–230(b)(2)(ii), 9–317(g)(1)(iii),  
9–318(b)(1)(i)1., and 9–323(b)(2)(i)3.  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing  
Article – Tax – Property  
Section 9–110(a)(5)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 15–212(c)(14), 16–206(b)(2) and (4)(i), 21–706.1(h)(4)(i), 21–809(b)(1)(viii)3.,  
and 25–201(b)(10)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

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

### **Article – Agriculture**

14–101.

(a) In this [subtitle] **TITLE** the following words have the meanings indicated.

DRAFTER’S NOTE:

Error: Stylistic error in § 14–101(a) of the Agriculture Article.

Occurred: As a result of Ch. 228, Acts of 2019, which divided Title 14 of the  
Agriculture Article into three subtitles. Correction suggested by the Attorney General in  
the Bill Review Letter for H.B. 1123 (Ch. 228) of 2019 (footnote 2), dated April 26, 2019.

14–202.

(e) In order to carry out the purpose of the Program:

(2) A person that grows or cultivates hemp under the Program may  
purchase or otherwise obtain seeds that produce plants that meet the definition of “hemp”  
under § 14–101 of this [subtitle] **TITLE**.

(f) (1) In accordance with paragraph (2) of this subsection and subject to paragraphs (3) and (4) of this subsection, a person that grows or cultivates hemp under the Program shall:

(i) Verify that the plants grown or cultivated by the person meet the definition of “hemp” under § 14–101 of this [subtitle] **TITLE**;

**DRAFTER’S NOTE:**

Error: Stylistic errors in § 14–202(e)(2) and (f)(1)(i) of the Agriculture Article.

Occurred: As a result of Ch. 228, Acts of 2019, which divided Title 14 of the Agriculture Article into three subtitles. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 1123 (Ch. 228) of 2019 (footnote 2), dated April 26, 2019.

**Article – Alcoholic Beverages**

1–304.

(a) A member of the Commission may not:

(1) have a direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests, in the [alcohol, tobacco, or motor fuel] **ALCOHOL OR TOBACCO** industries;

**DRAFTER’S NOTE:**

Error: Incorrect word usage in § 1–304(a)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 12, Acts of 2019.

4–109.

(a) A license application shall state:

(11) [whether] **THAT** the applicant has a financial interest in the business to be conducted under the license;

**DRAFTER’S NOTE:**

Error: Stylistic error in § 4–109(a)(11) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

9–2701.



(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(17) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(17)] (18) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(18)] (19) [§ 6–327] § 6–328** (“Tax evasion”);

**[(19)] (20) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(20)] (21) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 9–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

10–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the City without exception or variation:

**(16) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(16)] (17) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(17)] (18) [§ 6–327] § 6–328** (“Tax evasion”);

**[(18)] (19) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(19)] (20) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 10–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

11–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(13) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(13)] (14) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(14)] (15) [§ 6–327] § 6–328** (“Tax evasion”);

**[(15)] (16) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(16)] (17) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 11–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

12–2102.

(a) In this section, “adult entertainment” means:

(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]

DRAFTER’S NOTE:

Error: Extraneous conjunction in § 12–2102(a)(3) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

12–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the City without exception or variation:

**(16) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(16)] (17) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

1           [(17)] (18)   [§ 6–327] § 6–328 (“Tax evasion”);

2           [(18)] (19)   [§ 6–328] § 6–329 (“Destruction of evidence”); and

3           [(19)] (20)   [§ 6–329] § 6–330 (“Perjury”).

4       DRAFTER’S NOTE:

5       Error: Omitted cross–reference in § 12–2701(a) of the Alcoholic Beverages Article.

6       Occurred: Ch. 41, § 2, Acts of 2016.

7   13–2701.

8       (a)   The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of  
9   this article apply in the county without exception or variation:

10           (15) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR  
11   CRYSTALLINE FORM PROHIBITED”);

12           [(15)] (16)   [§ 6–326] § 6–327 (“Unlicensed out–of–state sale of alcoholic  
13   beverages”);

14           [(16)] (17)   [§ 6–327] § 6–328 (“Tax evasion”);

15           [(17)] (18)   [§ 6–328] § 6–329 (“Destruction of evidence”); and

16           [(18)] (19)   [§ 6–329] § 6–330 (“Perjury”).

17       DRAFTER’S NOTE:

18       Error: Omitted cross–reference in § 13–2701(a) of the Alcoholic Beverages Article.

19       Occurred: Ch. 41, § 2, Acts of 2016.

20   14–2701.

21       (a)   The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of  
22   this article apply in the county without exception or variation:

23           (17) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR  
24   CRYSTALLINE FORM PROHIBITED”);

25           [(17)] (18)   [§ 6–326] § 6–327 (“Unlicensed out–of–state sale of alcoholic  
26   beverages”);

1           [(18)] **(19)**   [§ 6–327] **§ 6–328** (“Tax evasion”);

2           [(19)] **(20)**   [§ 6–328] **§ 6–329** (“Destruction of evidence”); and

3           [(20)] **(21)**   [§ 6–329] **§ 6–330** (“Perjury”).

4       DRAFTER’S NOTE:

5       Error: Omitted cross–reference in § 14–2701(a) of the Alcoholic Beverages Article.

6       Occurred: Ch. 41, § 2, Acts of 2016.

7   15–2701.

8       (a)    The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of  
9   this article apply in the county without exception or variation:

10           **(18) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR**  
11 **CRYSTALLINE FORM PROHIBITED”);**

12           [(18)] **(19)**   [§ 6–326] **§ 6–327** (“Unlicensed out–of–state sale of alcoholic  
13 beverages”);

14           [(19)] **(20)**   [§ 6–327] **§ 6–328** (“Tax evasion”);

15           [(20)] **(21)**   [§ 6–328] **§ 6–329** (“Destruction of evidence”); and

16           [(21)] **(22)**   [§ 6–329] **§ 6–330** (“Perjury”).

17       DRAFTER’S NOTE:

18       Error: Omitted cross–reference in § 15–2701(a) of the Alcoholic Beverages Article.

19       Occurred: Ch. 41, § 2, Acts of 2016.

20   16–2701.

21       (a)    The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of  
22   this article apply in the county without exception or variation:

23           **(16) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR**  
24 **CRYSTALLINE FORM PROHIBITED”);**

25           [(16)] **(17)**   [§ 6–326] **§ 6–327** (“Unlicensed out–of–state sale of alcoholic  
26 beverages”);

1           [(17)] (18)   [§ 6–327] § 6–328 (“Tax evasion”);

2           [(18)] (19)   [§ 6–328] § 6–329 (“Destruction of evidence”); and

3           [(19)] (20)   [§ 6–329] § 6–330 (“Perjury”).

4       DRAFTER’S NOTE:

5       Error: Omitted cross–reference in § 16–2701(a) of the Alcoholic Beverages Article.

6       Occurred: Ch. 41, § 2, Acts of 2016.

7   17–2701.

8       (a)    The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of  
9   this article apply in the county without exception or variation:

10           (17) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR  
11   CRYSTALLINE FORM PROHIBITED”);

12           [(17)] (18)   [§ 6–326] § 6–327 (“Unlicensed out–of–state sale of alcoholic  
13   beverages”);

14           [(18)] (19)   [§ 6–327] § 6–328 (“Tax evasion”);

15           [(19)] (20)   [§ 6–328] § 6–329 (“Destruction of evidence”); and

16           [(20)] (21)   [§ 6–329] § 6–330 (“Perjury”).

17       DRAFTER’S NOTE:

18       Error: Omitted cross–reference in § 17–2701(a) of the Alcoholic Beverages Article.

19       Occurred: Ch. 41, § 2, Acts of 2016.

20   18–2701.

21       (a)    The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of  
22   this article apply in the county without exception or variation:

23           (17) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR  
24   CRYSTALLINE FORM PROHIBITED”);

25           [(17)] (18)   [§ 6–326] § 6–327 (“Unlicensed out–of–state sale of alcoholic  
26   beverages”);

1           [(18)] **(19)**   [§ 6–327] **§ 6–328** (“Tax evasion”);

2           [(19)] **(20)**   [§ 6–328] **§ 6–329** (“Destruction of evidence”); and

3           [(20)] **(21)**   [§ 6–329] **§ 6–330** (“Perjury”).

4       DRAFTER’S NOTE:

5       Error: Omitted cross–reference in § 18–2701(a) of the Alcoholic Beverages Article.

6       Occurred: Ch. 41, § 2, Acts of 2016.

7   19–2005.

8       (b)    A holder of a Class B beer, wine, and liquor (on–sale) license may sell beer,  
9   wine, and liquor:

10       (2)   except as provided in § 19–2006 of this subtitle, on Sunday, from [noon  
11   to 2 a.m. the following day] **10 A.M. TO MIDNIGHT.**

12       DRAFTER’S NOTE:

13       Error: Erroneous hours of sale reference in § 19–2005(b)(2) of the Alcoholic  
14   Beverages Article.

15       Occurred: Ch. 41, § 2, Acts of 2016.

16   19–2701.

17       (a)    The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of  
18   this article apply in the county without exception or variation:

19               **(15) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR**  
20   **CRYSTALLINE FORM PROHIBITED”);**

21       [(15)] **(16)**   [§ 6–326] **§ 6–327** (“Unlicensed out–of–state sale of alcoholic  
22   beverages”);

23       [(16)] **(17)**   [§ 6–327] **§ 6–328** (“Tax evasion”);

24       [(17)] **(18)**   [§ 6–328] **§ 6–329** (“Destruction of evidence”); and

25       [(18)] **(19)**   [§ 6–329] **§ 6–330** (“Perjury”).

26       DRAFTER’S NOTE:

Error: Omitted cross-reference in § 19–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

20–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(18) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(18)] (19) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(19)] (20) [§ 6–327] § 6–328** (“Tax evasion”);

**[(20)] (21) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(21)] (22) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 20–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

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:

(4) § 4–209 (“Hearing”), subject to § 21–1309 of this [subtitle] **TITLE**; and

DRAFTER’S NOTE:

Error: Stylistic error in § 21–1501(b)(4) of the Alcoholic Beverages Article.

Occurred: Chs. 590 and 591, Acts of 2016.

21–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

(17) § 6-326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);

[(17)] (18) [§ 6-326] § 6-327 (“Unlicensed out-of-state sale of alcoholic beverages”);

[(18)] (19) [§ 6-327] § 6-328 (“Tax evasion”);

[(19)] (20) [§ 6-328] § 6-329 (“Destruction of evidence”); and

[(20)] (21) [§ 6-329] § 6-330 (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 21-2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

22-2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

(15) § 6-326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);

[(15)] (16) [§ 6-326] § 6-327 (“Unlicensed out-of-state sale of alcoholic beverages”);

[(16)] (17) [§ 6-327] § 6-328 (“Tax evasion”);

[(17)] (18) [§ 6-328] § 6-329 (“Destruction of evidence”); and

[(18)] (19) [§ 6-329] § 6-330 (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 22-2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

23-2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:



1           **(15) § 6-326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR**  
2 **CRYSTALLINE FORM PROHIBITED”);**

3           **[(15)] (16) [§ 6-326] § 6-327** (“Unlicensed out-of-state sale of alcoholic  
4 beverages”);

5           **[(16)] (17) [§ 6-327] § 6-328** (“Tax evasion”);

6           **[(17)] (18) [§ 6-328] § 6-329** (“Destruction of evidence”); and

7           **[(18)] (19) [§ 6-329] § 6-330** (“Perjury”).

8       DRAFTER’S NOTE:

9       Error: Omitted cross-reference in § 23-2701(a) of the Alcoholic Beverages Article.

10      Occurred: Ch. 41, § 2, Acts of 2016.

11      24-2701.

12      (a)    The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of  
13 this article apply in the county without exception or variation:

14           **(15) § 6-326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR**  
15 **CRYSTALLINE FORM PROHIBITED”);**

16           **[(15)] (16) [§ 6-326] § 6-327** (“Unlicensed out-of-state sale of alcoholic  
17 beverages”);

18           **[(16)] (17) [§ 6-327] § 6-328** (“Tax evasion”);

19           **[(17)] (18) [§ 6-328] § 6-329** (“Destruction of evidence”); and

20           **[(18)] (19) [§ 6-329] § 6-330** (“Perjury”).

21      DRAFTER’S NOTE:

22      Error: Omitted cross-reference in § 24-2701(a) of the Alcoholic Beverages Article.

23      Occurred: Ch. 41, § 2, Acts of 2016.

24      25-2701.

25      (a)    The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of  
26 this article apply in the county without exception or variation:

**(16) § 6-326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(16)] (17) [§ 6-326] § 6-327 (“Unlicensed out-of-state sale of alcoholic beverages”);**

**[(17)] (18) [§ 6-327] § 6-328 (“Tax evasion”);**

**[(18)] (19) [§ 6-328] § 6-329 (“Destruction of evidence”); and**

**[(19)] (20) [§ 6-329] § 6-330 (“Perjury”).**

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 25-2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

26-1019.

(f) The license holder is not subject to the restrictions on the sale of beer, wine, and liquor on Sunday in **[§ 26-1004(i)(2)] § 26-2004(J)(2)** of this title.

DRAFTER’S NOTE:

Error: Erroneous cross-reference in § 26-1019(f) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

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:

(xvi) Class B-DD beer, wine, and liquor:

4. **[subject to paragraph (3) of this subsection,]** under § 26-1614(a)(4) of this subtitle, 6;

DRAFTER’S NOTE:

Error: Extraneous phrase in § 26-1601(a)(1)(xvi)4 of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

26-2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(14) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(14)] (15) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(15)] (16) [§ 6–327] § 6–328** (“Tax evasion”);

**[(16)] (17) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(17)] (18) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 26–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

27–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(15) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(15)] (16) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(16)] (17) [§ 6–327] § 6–328** (“Tax evasion”);

**[(17)] (18) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(18)] (19) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 27–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

28–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(15) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(15)] (16) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(16)] (17) [§ 6–327] § 6–328** (“Tax evasion”);

**[(17)] (18) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(18)] (19) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 28–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

29–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(17) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(17)] (18) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(18)] (19) [§ 6–327] § 6–328** (“Tax evasion”);

**[(19)] (20) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(20)] (21) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 29–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

30–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(18) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(18)] (19) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(19)] (20) [§ 6–327] § 6–328** (“Tax evasion”);

**[(20)] (21) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(21)] (22) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 30–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

31–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(16) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(16)] (17) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(17)] (18) [§ 6–327] § 6–328** (“Tax evasion”);

**[(18)] (19) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(19)] (20) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 31–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

32–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(16) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(16)] (17) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(17)] (18) [§ 6–327] § 6–328** (“Tax evasion”);

**[(18)] (19) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(19)] (20) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 32–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

33–2701.

(a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of this article apply in the county without exception or variation:

**(17) § 6–326 (“SALE OF ALCOHOLIC BEVERAGES IN POWDER OR CRYSTALLINE FORM PROHIBITED”);**

**[(17)] (18) [§ 6–326] § 6–327** (“Unlicensed out-of-state sale of alcoholic beverages”);

**[(18)] (19) [§ 6–327] § 6–328** (“Tax evasion”);

**[(19)] (20) [§ 6–328] § 6–329** (“Destruction of evidence”); and

**[(20)] (21) [§ 6–329] § 6–330** (“Perjury”).

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 33–2701(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, § 2, Acts of 2016.

**Article – Business Occupations and Professions**

1 6–307.

2 (b) The State Board shall grant a waiver under this section only if the applicant:

3 (1) pays the application fee established by the **STATE** Board under § 6–205  
4 of this title;

5 DRAFTER’S NOTE:

6 Error: Omitted word in § 6–307(b)(1) of the Business Occupations and Professions  
7 Article.

8 Occurred: Ch. 49, Acts of 1998.

9 **Article – Business Regulation**

10 17–206.

11 (a) This section does not apply to:

12 (1) a console machine license, pinball machine license, Wicomico County  
13 pinball machine license, or Garrett County amusement device license issued under Subtitle  
14 4 of this title;

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

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

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

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

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

24 [(7)] (6) a vending machine license issued under Subtitle 19 of this title;  
25 or

26 [(8)] (7) a license to do business as a trading stamp issuer issued under  
27 Subtitle 20 of this title.

28 DRAFTER’S NOTE:

Error: Obsolete cross-reference in § 17–206(a)(5) of the Business Regulation Article.

Occurred: As a result of Ch. 115, Acts of 2016, which repealed provisions of law relating to licenses for keeping juke boxes in the State and in Harford County.

17–1808.

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

(xx) \$750, if the value is more than \$500,000 but not more than \$750,000; [or] AND

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

(vii) \$1,500, if the value is more than \$300,000 but not more than \$750,000; [or] AND

DRAFTER’S NOTE:

Error: Erroneous conjunctions in § 17–1808(c)(2)(xx) and (3)(vii) of the Business Regulation Article.

Occurred: Ch. 4, § 2, Acts of 1992.

## Article – Commercial Law

13–301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

**(XXXI) SECTION 14–1324 OF THIS ARTICLE;**

**[(xxxi)] (XXXII) Section 14–1326 of this article;**

**[(xxxii)] (XXXIII) the federal Military Lending Act; or**

**[(xxxiii)] (XXXIV) the federal Servicemembers Civil Relief Act; or**

DRAFTER’S NOTE:

Error: Omitted cross-reference in § 13–301(14) of the Commercial Law Article.

Occurred: As a result of Ch. 453, Acts of 2015, which provided that a violation of §



1 14–1324 of the Commercial Law Article is an unfair or deceptive trade practice within the  
2 meaning of Title 13 of the Commercial Law Article.

3 13–320.

4 (b) (1) Before a prospective student signs an enrollment agreement, completes  
5 registration, or makes a financial commitment to a private career school, for–profit  
6 institution of higher education, or for–profit institution of higher education that is required  
7 to register with the Commission, the school or institution shall provide to the student the  
8 following information:

9 (iv) The [school] SCHOOL’S or institution’s cancellation and refund  
10 policy;

11 DRAFTER’S NOTE:

12 Error: Grammatical error in § 13–320(b)(1)(iv) of the Commercial Law Article.

13 Occurred: Chs. 835 and 836, Acts of 2018.

14 24–304.

15 (d) (3) A transfer of receivership property may be free and clear of a  
16 nonresidential lease if the tenant of the nonresidential lease has the rights provided to the  
17 tenant under [§ 24–305(h)(2)] **§ 24–305(G)(2)** of this title.

18 DRAFTER’S NOTE:

19 Error: Erroneous cross–reference in § 24–304(d)(3) of the Commercial Law Article.

20 Occurred: Ch. 284, Acts of 2019.

## 21 **Article – Courts and Judicial Proceedings**

22 1–603.

23 (d) To [assure] **ENSURE** that the services of the District Court are readily and  
24 practicably available in all areas of District 8 and to [assure] **ENSURE** that these services  
25 are provided to all citizens of District 8 with a minimum of inconvenience and a maximum  
26 of availability, there shall be a court facility physically located in each of the following areas  
27 of that district, and at least one judge shall sit regularly in each location:

28 (1) The Towson area;

29 (2) The Catonsville area; and

30 (3) The Essex area.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 1–603(d) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 2, § 1, Acts of the First Special Session of 1973; and Ch. 566, Acts of 1996.

3–8A–01.

(dd) “Violation” means a violation for which a citation is issued under:

(1) § 5–601 of the Criminal Law Article involving the use or possession of less than 10 grams of marijuana;

(2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(3) [§ 10–108 of the Criminal Law Article;

(4)] § 10–132 of the Criminal Law Article;

[(5)] (4) § 10–136 of the Criminal Law Article; or

[(6)] (5) § 26–103 of the Education Article.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 3–8A–01(dd) of the Courts and Judicial Proceedings Article.

Occurred: As a result of Ch. 396, Acts of 2019, which repealed § 10–108 of the Criminal Law Article.

3–8A–03.

(d) The court does not have jurisdiction over:

(1) A child at least 14 years old alleged to have done an act [which,] **THAT**, if committed by an adult, would be a crime punishable by life imprisonment, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article;

DRAFTER'S NOTE:

Error: Grammatical error in § 3–8A–03(d)(1) of the Courts and Judicial Proceedings Article.

1 Occurred: Ch. 554, Acts of 1975.

2 3–8A–06.

3 (a) The court may waive the exclusive jurisdiction conferred by § 3–8A–03 of this  
4 subtitle with respect to a petition alleging delinquency by:

5 (2) A child who has not reached his 15th birthday, but who is charged with  
6 committing an act [which] **THAT**, if committed by an adult, would be punishable by life  
7 imprisonment.

8 DRAFTER'S NOTE:

9 Error: Grammatical error in § 3–8A–06(a)(2) of the Courts and Judicial Proceedings  
10 Article.

11 Occurred: Ch. 554, Acts of 1975.

12 3–8A–10.

13 (k) (1) If the intake officer receives a citation [other than a citation authorized  
14 under § 10–108 of the Criminal Law Article], the intake officer may:

15 (i) Refer the child to an alcohol or substance abuse education or  
16 rehabilitation program;

17 (ii) Assign the child to a supervised work program for not more than  
18 20 hours for the first violation and not more than 40 hours for the second or subsequent  
19 violation;

20 (iii) Require the parent or guardian of the child to withdraw the  
21 parent's or guardian's consent to the child's license to drive, and advise the Motor Vehicle  
22 Administration of the withdrawal of consent; or

23 (iv) Forward the citation to the State's Attorney.

24 (2) The intake officer shall forward the citation[, other than a citation  
25 authorized under § 10–108 of the Criminal Law Article,] to the State's Attorney if:

26 (i) The parent or guardian of the child refuses to withdraw consent  
27 to the child's license to drive;

28 (ii) The child fails to comply with an alcohol or substance abuse  
29 education or rehabilitation program referral; or

30 (iii) The child fails to comply with a supervised work program

1 assignment.

2 **[(l)] (1)** If the intake officer receives a citation authorized under § 10–108 of the  
3 Criminal Law Article, the intake officer may:

4 (i) Refer the child to a smoking cessation clinic, or other suitable  
5 presentation of the hazards associated with tobacco use;

6 (ii) Assign the child to a supervised work program for not more than  
7 20 hours for the first violation and not more than 40 hours for a second or subsequent  
8 violation; or

9 (iii) Forward the citation to the State’s Attorney.

10 (2) The intake officer shall forward the citation authorized under § 10–108  
11 of the Criminal Law Article to the State’s Attorney if the child fails to comply with a  
12 smoking program referral or a supervised work program assignment described under  
13 paragraph (1) of this subsection.]

14 **[(m)] (L)** (1) Except as provided in paragraph (2) of this subsection, within 15  
15 days after a law enforcement officer takes a child into custody under this subtitle the law  
16 enforcement officer shall file a complaint with an intake officer.

17 (2) If a child is referred to a diversion program, the law enforcement officer  
18 may file the complaint with an intake officer more than 30 days after but no later than 120  
19 days after the law enforcement officer took the child into custody.

20 **[(n)] (M)** The court may dismiss a petition or a peace order request for failure to  
21 comply with this section only if the respondent has demonstrated actual prejudice.

22 DRAFTER’S NOTE:

23 Error: Obsolete cross–reference in § 3–8A–10(k) and (l) of the Courts and Judicial  
24 Proceedings Article.

25 Occurred: As a result of Ch. 396, Acts of 2019, which repealed § 10–108 of the  
26 Criminal Law Article.

27 3–8A–19.

28 (e) **[(3)] (i)** The provisions of paragraphs (1) and (2) of this subsection do not  
29 apply to a child found to have committed a violation of § 10–108 of the Criminal Law Article.

30 (ii) In making a disposition on a finding that the child has committed  
31 a violation of § 10–108 of the Criminal Law Article, the court may:

32 1. Counsel the child or the parent or both, or order the child

1 to participate in a smoking cessation clinic, or other suitable presentation of the hazards  
2 associated with tobacco use that is in the best interest of the child;

3                               2.       Impose a civil fine of not more than \$25 for the first  
4 violation and a civil fine of not more than \$100 for a second or subsequent violation; or

5                               3.       Order the child to participate in a supervised work  
6 program for not more than 20 hours for the first violation and not more than 40 hours for  
7 a second or subsequent violation.]

8                   **[(4)] (3)**       (i)       In making a disposition on a finding that the child has  
9 committed a violation of Title 4, Subtitle 5 or § 9–504 or § 9–505 of the Criminal Law  
10 Article, the court may order the Motor Vehicle Administration to initiate an action, under  
11 the Maryland Vehicle Law, to suspend the driving privilege of a child for a specified period  
12 not to exceed:

13                               1.       For a first offense, 6 months; and

14                               2.       For a second or subsequent offense, 1 year or until the  
15 person is 21 years old, whichever is longer.

16                               (ii)       If a child subject to a suspension under this paragraph does not  
17 possess the privilege to drive on the date of the disposition, the suspension shall commence:

18                               1.       If the child is at an age that is eligible to obtain the  
19 privilege to drive on the date of the disposition, on the date of the disposition; or

20                               2.       If the child is younger than an age that is eligible to obtain  
21 the privilege to drive on the date of the disposition, on the date the child is eligible to obtain  
22 driving privileges.

23                   **[(5)] (4)**       (i)       In making a disposition on a finding that the child has  
24 committed a violation under § 21–1128 of the Transportation Article, the court shall order  
25 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to  
26 suspend the driving privilege of a child licensed to operate a motor vehicle by the Motor  
27 Vehicle Administration for a specified period of not less than 30 days nor more than 90  
28 days.

29                               (ii)       If a child subject to a suspension under this paragraph does not  
30 possess the privilege to drive on the date of the disposition, the suspension shall commence:

31                               1.       If, on the date of the disposition, the child is at an age that  
32 makes a child eligible to obtain the privilege to drive, on the date of the disposition; or

33                               2.       If, on the date of the disposition, the child is younger than  
34 an age that makes a child eligible to obtain the privilege to drive, on the date the child is  
35 eligible to obtain driving privileges.

## 1 DRAFTER'S NOTE:

2 Error: Obsolete cross-reference in 3-8A-19(e)(3) of the Courts and Judicial  
3 Proceedings Article.

4 Occurred: As a result of Ch. 396, Acts of 2019, which repealed § 10-108 of the  
5 Criminal Law Article.

6 3-8A-23.

7 (a) (3) Subject to paragraph (4) of this subsection, an adjudication of a child as  
8 delinquent by reason of the child's violation of the State vehicle laws, including a violation  
9 involving an unlawful taking or unauthorized use of a motor vehicle under § 7-105 or §  
10 7-203 of the Criminal Law Article or § 14-102 of the Transportation Article or driving an  
11 off-highway recreational vehicle on a highway under [§ 13-401(b)(2)] **§ 13-401(B)** of the  
12 Transportation Article shall be reported by the clerk of the court to the Motor Vehicle  
13 Administration, which shall assess points against the child under Title 16, Subtitle 4 of the  
14 Transportation Article, in the same manner and to the same effect as if the child had been  
15 convicted of the offense.

16 (5) (i) An adjudication of a child as delinquent by reason of the child's  
17 violation of § 13-401(b)(2), § 20-102, § 20-103, or § 21-904 of the Transportation Article or  
18 a finding that a child has committed a delinquent act by reason of the child's violation of [§  
19 13-401(b)(2),] **§ 13-401(B) OF THE TRANSPORTATION ARTICLE FOR DRIVING AN**  
20 **OFF-HIGHWAY RECREATIONAL VEHICLE ON A HIGHWAY, OR OF § 20-102, § 20-103, or**  
21 **§ 21-904 of the Transportation Article**, without an adjudication of the child as delinquent,  
22 shall be reported by the clerk of the court to the Motor Vehicle Administration that shall  
23 suspend the child's license to drive as provided in § 16-206(b) of the Transportation Article:

24 1. For 6 months for a first adjudication as delinquent or  
25 finding of a delinquent act for a violation of [§ 13-401(b)(2),] **§ 13-401(B) OF THE**  
26 **TRANSPORTATION ARTICLE FOR DRIVING AN OFF-HIGHWAY RECREATIONAL**  
27 **VEHICLE ON A HIGHWAY, OR OF § 20-102, § 20-103, or § 21-904 of the Transportation**  
28 **Article**; and

29 2. For 1 year for a second or subsequent adjudication as  
30 delinquent or finding of a delinquent act for a violation of [§ 13-401(b)(2),] **§ 13-401(B) OF**  
31 **THE TRANSPORTATION ARTICLE FOR DRIVING AN OFF-HIGHWAY RECREATIONAL**  
32 **VEHICLE ON A HIGHWAY, OR OF § 20-102, § 20-103, or § 21-904 of the Transportation**  
33 **Article**.

34 (ii) In the case of a finding, without an adjudication, that a child has  
35 violated [§ 13-401(b)(2),] **§ 13-401(B) OF THE TRANSPORTATION ARTICLE FOR**  
36 **DRIVING AN OFF-HIGHWAY RECREATIONAL VEHICLE ON A HIGHWAY, OR OF § 20-102,**  
37 **§ 20-103, or § 21-904 of the Transportation Article**, the Motor Vehicle Administration shall

retain the report in accordance with § 16–117(b)(2) of the Transportation Article pertaining to records of licensees who receive a disposition of probation before judgment.

DRAFTER’S NOTE:

Error: Incorrect cross–reference in § 3–8A–23(a)(3) and (5) of the Courts and Judicial Proceedings Article. The general prohibition against driving an unregistered vehicle on a highway is found under § 13–401(b)(1) of the Transportation Article, while § 13–401(b)(2) of that article requires the clerk of the court to report these violations that involve the use of an off–highway recreational vehicle to the Motor Vehicle Administration for the imposition of enhanced administrative penalties. The references to registration violations “for driving an off–highway recreational vehicle on a highway” are added to clarify that those registration violations are the only registration violations reported by the clerk of the court to the Motor Vehicle Administration for the imposition of the enhanced administrative penalties.

Occurred: Ch. 641, Acts of 2013, which added § 13–401(b)(2) of the Transportation Article and established a reporting requirement for the courts for a subset of violations of § 13–401(b)(1), but did not establish a new violation of the motor vehicle law.

3–8A–33.

(a) A law enforcement officer authorized to make arrests shall issue a citation to a child if the officer has probable cause to believe that the child is violating:

(1) § 5–601 of the Criminal Law Article involving the use or possession of less than 10 grams of marijuana;

(2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(3) [§ 10–108 of the Criminal Law Article;

(4)] § 10–132 of the Criminal Law Article;

[(5)] (4) § 10–136 of the Criminal Law Article; or

[(6)] (5) § 26–103 of the Education Article.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 3–8A–33(a) of the Courts and Judicial Proceedings Article.

Occurred: As a result of Ch. 396, Acts of 2019, which repealed § 10–108 of the Criminal Law Article.

5–601.1.

(m) A citation for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana and the official record of a court regarding the citation are not subject to public inspection and may not be included on the public [Web site] **WEBSITE** maintained by the Maryland Judiciary if:

(1) the defendant has prepaid the fine;

(2) the defendant has pled guilty to or been found guilty of the Code violation and has fully paid the fine and costs imposed for the violation;

(3) the defendant has received a probation before judgment and has fully paid the fine and completed any terms imposed by the court;

(4) the case has been removed from the stet docket after the defendant fully paid the fine and completed any terms imposed by the court;

(5) the State has entered a nolle prosequi;

(6) the defendant has been found not guilty of the charge; or

(7) the charge has been dismissed.

**DRAFTER’S NOTE:**

Error: Stylistic error in § 5–601.1(m) of the Criminal Law Article.

Occurred: Ch. 158, Acts of 2016.

9–801.

(g) “Underlying crime” means:

(2) a violation of § 3–203 (second degree assault), § 3–1102 (sex trafficking), § 3–1103 (forced marriage), **OR** § 4–203 (wearing, carrying, or transporting a handgun) **OF THIS ARTICLE**, § 9–302 (inducing false testimony or avoidance of subpoena), § 9–303 (retaliation for testimony), **OR** § 9–305 (intimidating or corrupting juror) **OF THIS TITLE**, **OR** § 11–304 [(receiving earnings of prostitute),] **(RECEIVING EARNINGS OF PROSTITUTE)** or § 11–307 (house of prostitution) of this article;

**DRAFTER’S NOTE:**

Error: Stylistic error in § 9–801(g)(2) of the Criminal Law Article.



1 Occurred: Ch. 496, Acts of 2007.

2 **Article – Economic Development**

3 5–424.

4 The Fund shall be used:

5 (2) to pay expenses of the Authority, including expenses:

6 (ii) related to:

7 2. funding of reserves; [or] AND

8 DRAFTER’S NOTE:

9 Error: Erroneous conjunction in § 5–424(2)(ii)2 of the Economic Development Article.

10 Occurred: Ch. 306, § 2, Acts of 2008.

11 5–525.

12 (a) (1) The Authority may use the Fund to guarantee a loan made to an  
13 applicant only if:

14 (iii) the maximum amount payable by the Authority under the  
15 [guarantee] **GUARANTY** does not exceed \$2,000,000; and

16 DRAFTER’S NOTE:

17 Error: Incorrect word usage in § 5–525(a)(1)(iii) of the Economic Development  
18 Article.

19 Occurred: Ch. 306, § 2, Acts of 2008.

20 6–601.

21 (f) “Governing body” means:

22 (2) the governing entity of A private nonprofit [institutions] **INSTITUTION**  
23 of higher education; or

24 DRAFTER’S NOTE:

25 Error: Stylistic error in § 6–601(f)(2) of the Economic Development Article.

26 Occurred: Chs. 532 and 533, Acts of 2014.

1 10–303.

2 (a) The General Assembly finds that, for the benefit of the people of the State, the  
3 increase of their commerce, welfare, and prosperity, and the improvement of their health  
4 and living conditions[, that]:

5 (1) it is essential that:

6 (i) people have the fullest opportunity to learn and to develop  
7 intellectual capacities;

8 (ii) educational institutions in the State have the appropriate means  
9 to assist people in achieving required levels of learning and development of intellectual  
10 capacities;

11 (iii) health care institutions in the State have appropriate means to  
12 expand and establish hospitals and other related health care facilities; and

13 (iv) educational institutions and health care institutions in the State  
14 are able to finance projects at the least cost to their users;

15 (2) existing facilities for education and health care and existing financing  
16 vehicles available to these institutions are insufficient to meet these needs; and

17 (3) these institutions are not able with present means to improve and  
18 adequately finance sufficient facilities, in order to provide the facilities at the least cost to  
19 their users.

20 DRAFTER'S NOTE:

21 Error: Extraneous word in § 10–303(a) of the Economic Development Article.

22 Occurred: Ch. 306, § 2, Acts of 2008.

23 10–329.

24 A sinking fund:

25 (1) may be held:

26 (ii) for a particular project and for the bonds issued for that project;

27 AND

28 DRAFTER'S NOTE:

29 Error: Omitted conjunction in § 10–329(1)(ii) of the Economic Development Article.

Occurred: Ch. 306, § 2, Acts of 2008.

10–463.

(e) “Fund” means the Cybersecurity Investment Fund established under § 10–464 of this [part] **SUBTITLE**.

**DRAFTER’S NOTE:**

Error: Stylistic error in § 10–463(e) of the Economic Development Article.

Occurred: Chs. 534 and 535, Acts of 2014.

10–473.

(a) In this [subtitle] **PART** the following words have the meanings indicated.

**DRAFTER’S NOTE:**

Error: Stylistic error in § 10–473(a) of the Economic Development Article.

Occurred: As a result of Ch. 141, § 2, Acts of 2015.

11–312.

(a) Except as otherwise provided in this section, in exercising its corporate powers, the authority:

(2) is not subject to the following provisions of the State Finance and Procurement Article:

(iv) Title 6, Subtitle 1 [(Revenues:)] (Studies and Estimates);

**DRAFTER’S NOTE:**

Error: Stylistic error in § 11–312(a)(2)(iv) of the Economic Development Article.

Occurred: Ch. 306, § 2, Acts of 2008.

## **Article – Education**

4–126.

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

(2) “Alternative] **SECTION**, “**ALTERNATIVE** financing methods” includes

1 one or more of the following methods:

2                    **[(i)] (1)**        Sale–leaseback arrangements, in which a county board  
3 agrees to transfer title to a property, including improvements, to a private entity that  
4 simultaneously agrees to lease the property back to the county board and, on a specified  
5 date, transfer title back to the county board;

6                    **[(ii)] (2)**        Lease–leaseback arrangements, in which a county board  
7 leases a property to a private entity that improves the property and leases the property,  
8 with the improvements, back to the county board;

9                    **[(iii)] (3)**        Public–private partnership agreements, in which a county  
10 board contracts with a county revenue authority or a private entity for the acquisition,  
11 design, construction, improvement, renovation, expansion, equipping, or financing of a  
12 public school, and may include provisions for cooperative use of the school or an adjacent  
13 property and generation of revenue to offset the cost of construction or use of the school;

14                   **[(iv)] (4)**        Performance–based contracting, in which a county board  
15 enters into an energy performance contract to obtain funding for a project with guaranteed  
16 energy savings over a specified time period;

17                   **[(v)] (5)**        Preference–based arrangements, by which a local  
18 governing body gives preference first to business entities located in the county and then to  
19 business entities located in other counties in the State for any construction that is not  
20 subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and  
21 Procurement Article;

22                   **[(vi)] (6)**        Design–build arrangements, that permit a county board to  
23 contract with a design–build business entity for the combined design and construction of  
24 qualified education facilities, including financing mechanisms where the business entity  
25 assists the local governing body in obtaining project financing; and

26                   **[(vii)] (7)**        Design–construct–operate–maintain–finance  
27 arrangements that permit a county board to contract with a county revenue authority or a  
28 private entity for the design, construction, operation, and maintenance of a public school  
29 under terms agreed to by the parties.

30                   DRAFTER’S NOTE:

31                   Error: Stylistic error in § 4–126(a) of the Education Article.

32                   Occurred: Ch. 14, Acts of 2018.

33                   7–203.

34                   (c)        (2)        (v)        6.        No school quality indicator described under [paragraph (2)]

of this subsection] **THIS PARAGRAPH** may be weighted as less than 10% of the total amount of the composite score.

**DRAFTER’S NOTE:**

Error: Stylistic error in § 7–203(c)(2)(v)6 of the Education Article.

Occurred: As a result of a correction by the publisher of the Annotated Code in the 2018 Replacement Volume of the Education Article made pursuant to Ch. 62, § 6, Acts of 2017.

7–424.3.

(a) (2) “Bullying, harassment, [and] **OR** intimidation” has the meaning stated in § 7–424 of this subtitle.

**DRAFTER’S NOTE:**

Error: Incorrect word usage in § 7–424.3(a)(2) of the Education Article.

Occurred: Ch. 366, Acts of 2018.

7–1508.

(b) (3) Each local law enforcement agency shall:

(ii) 2. Enroll individuals assigned to be school resource officers in the training program developed under **ITEM 1 OF** this [subparagraph] **ITEM**.

**DRAFTER’S NOTE:**

Error: Stylistic error in § 7–1508(b)(3)(ii)2 of the Education Article.

Occurred: Ch. 30, § 4, Acts of 2018.

8–603.

(b) The Program shall provide and maintain:

(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:

(ii) Instruction on learning the language or communication options in [subparagraph] **ITEM** (i) of this [paragraph] **ITEM**.

**DRAFTER’S NOTE:**

Error: Stylistic error in § 8–603(b)(4)(ii) of the Education Article.

Occurred: Chs. 742 and 743, Acts of 2018.

12–108.

(c) (1) The Chancellor may:

[(1)] (I) Have the additional staff provided in the University budget; and

[(2) (i)] (II) [Create] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, CREATE** any position within the system administration office [and within existing funds available to the system administration office, to the extent the cost of the position, including the cost of any fringe benefits, is funded from existing funds].

**(2) (I) THE COST OF ANY POSITION, INCLUDING THE COST OF ANY FRINGE BENEFITS ASSOCIATED WITH THE POSITION, THAT IS CREATED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE PAID WITH EXISTING FUNDS AVAILABLE TO THE SYSTEM ADMINISTRATION OFFICE.**

(ii) [This paragraph] **PARAGRAPH (1)(II) OF THIS SUBSECTION** may not be construed to require any additional State General Fund support.

(iii) The total number of positions authorized under [this paragraph] **PARAGRAPH (1)(II) OF THIS SUBSECTION** shall be limited as specified annually in the State budget bill.

DRAFTER'S NOTE:

Error: Tabulation and stylistic errors in § 12–108(c)(2) of the Education Article.

Occurred: Ch. 345, Acts of 1995.

16–102.

(a) Each board of trustees:

(1) Shall elect one of its members as its [chairman] **CHAIR**;

DRAFTER'S NOTE:

Error: Obsolete terminology in § 16–102(a)(1) of the Education Article.

Occurred: Ch. 22, § 2, Acts of 1978.

1 16–103.

2 (f) (2) Except as provided in § 16–105(h) of this subtitle, the president of the  
3 community college and the [chairman] **CHAIR** of the board of trustees may execute a  
4 conveyance or other legal document under an appropriate resolution of the board.

5 DRAFTER’S NOTE:

6 Error: Obsolete terminology in § 16–103(f)(2) of the Education Article.

7 Occurred: Ch. 22, § 2, Acts of 1978.

8 16–202.

9 (b) (7) Each board of regional community college trustees shall:

10 (i) Elect one of its members as its [chairman] **CHAIR**;

11 DRAFTER’S NOTE:

12 Error: Obsolete terminology in § 16–202(b)(7)(i) of the Education Article.

13 Occurred: Ch. 22, § 2, Acts of 1978.

14 16–302.1.

15 (e) (1) The board shall specify or authorize the [chairman] **CHAIR** or other  
16 member of the board to specify:

17 (i) The principal amount of a note;

18 (ii) The rate or rates of interest payable on a note or the method of  
19 determining the rate or rates of interest payable on a note;

20 (iii) Subject to paragraph (2) of this subsection, the date of maturity  
21 of a note, the payment provisions of a note, and the optional and mandatory prepayment  
22 provisions of a note, including any mandatory sinking fund installments for the note; and

23 (iv) Other matters, details, forms, documents, and procedures  
24 relating to the authorization, issuance, execution, sale, delivery, and payment of a note and  
25 the security for a note.

26 (f) (1) A note shall be executed on behalf of the board by the manual or  
27 facsimile signature of the [chairman] **CHAIR** of the board or other member of the board  
28 authorized by resolution of the board.

29 DRAFTER’S NOTE:

Error: Obsolete terminology in § 16–302.1(e)(1) and (f)(1) of the Education Article.

Occurred: Ch. 165, Acts of 2001.

16–411.

(c) (4) (i) Each year, the Nominating Committee shall elect one of its members as its [chairman] **CHAIR**.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 16–411(c)(4)(i) of the Education Article.

Occurred: Ch. 22, § 2, Acts of 1978.

16–605.

(a) Each year prior to June 30 the Board of Trustees:

(1) Shall elect a [chairman] **CHAIR** and vice [chairman] **CHAIR** from among its members; and

DRAFTER’S NOTE:

Error: Obsolete terminology in § 16–605(a)(1) of the Education Article.

Occurred: Ch. 695, § 3, Acts of 1999.

16–606.

(e) (2) The president of the College and the [chairman] **CHAIR** of the Board of Trustees may execute a conveyance or other legal document under an appropriate resolution of the Board of Trustees.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 16–606(e)(2) of the Education Article.

Occurred: Ch. 695, § 3, Acts of 1999.

18–501.

(c) Money appropriated to the Commission for scholarships awarded under this section that [are] **IS** 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.



1 DRAFTER'S NOTE:

2 Error: Grammatical error in § 18–501(c) of the Education Article.

3 Occurred: As a result of a correction by the publisher of the Annotated Code in the  
4 2018 Replacement Volume of the Education Article made pursuant to Ch. 62, § 6, Acts of  
5 2017.

6 18–507.

7 (a) Beginning in fiscal year 1996, each Delegate may authorize the Office [of  
8 Student Financial Assistance] to award all or a portion of the funds authorized under this  
9 subtitle to eligible recipients of a Delegate Howard P. Rawlings Educational Excellence  
10 Award who reside in the Delegate's legislative district.

11 DRAFTER'S NOTE:

12 Error: Extraneous language in § 18–507(a) of the Education Article.

13 Occurred: As a result of a correction by the publisher of the Annotated Code in the  
14 2018 Replacement Volume of the Education Article made pursuant to Chs. 315 and 429, §  
15 6, Acts of 2002.

16 24–1207.

17 If the University establishes a police department under this subtitle, the police  
18 department shall establish at least one Police Athletic/Activity League in Baltimore City  
19 through the National Association of Police Athletic/Activities [League,] **LEAGUES**, Inc., at  
20 its own expense.

21 DRAFTER'S NOTE:

22 Error: Incorrect word usage in § 24–1207 of the Education Article.

23 Occurred: Ch. 25, § 2, Acts of 2019.

24 **Article – Environment**

25 5–1001.

26 (h) (1) A person may represent any product made in whole or in part from used  
27 oil to be substantially equivalent to a product made from new oil for a particular end use if  
28 the product conforms fully with the specifications applicable to that product made from new  
29 oil or if substantial equivalency has been determined in accordance with rules prescribed  
30 by the Federal Trade Commission under § [383(d)(1)(a)] **383(D)(1)(A)** of the **FEDERAL**  
31 Energy Policy and Conservation Act[, P.L. 94–163]. Otherwise, the product must be

represented as made from previously used oil.

DRAFTER'S NOTE:

Error: Capitalization and stylistic errors in § 5–1001(h)(1) of the Environment Article.

Occurred: Ch. 230, Acts of 1978.

16–101.

(p) “State wetlands” means any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the State by valid grant, lease, [patent] **PATENT**, or grant confirmed by Article 5 of the Maryland Declaration of Rights shall be considered “private wetland” to the extent of the interest transferred.

DRAFTER'S NOTE:

Error: Omitted comma in § 16–101(p) of the Environment Article.

Occurred: Ch. 4, Acts of the First Special Session of 1973.

**Article – Estates and Trusts**

2–206.

(b) (1) For taking probate of wills and furnishing 2 certified copies of the will and codicils, granting letters of administration and furnishing 12 certificates of letters, issuing warrants to appraise, entering on estate docket, filing elections of surviving spouses to take intestate shares, filing renunciations and disclaimers, filing and recording wills, bonds, inventories, accounts of sale, releases, administration accounts, petitions and orders, and other papers filed in the administration of decedents' estates not otherwise specified in subsections (c) through (l) of this section, the probate fees **SHALL BE AS STATED** under paragraph (2) of this subsection.

DRAFTER'S NOTE:

Error: Omitted words in § 2–206(b)(1) of the Estates and Trusts Article.

Occurred: Ch. 656, § 2, Acts of 1989.

15–102.

(a) (3) (i) “Fiduciary” means a trustee [acting]:

1                   **1.     ACTING** under a deed, will, **OR** declaration of trust or  
2 other instrument in the nature of a trust, **WHETHER THE TRUST OR ESTATE IS CREATED**  
3 **BEFORE OR AFTER THE EFFECTIVE DATE OF THIS SUBTITLE**; or [appointed]

4                   **2.     APPOINTED** by a [court,] **COURT OR** a committee or  
5 guardian of the property of a minor or a disabled person, whether [the trust or estate be  
6 created or] the appointment **IS** made [prior or subsequent to] **BEFORE OR AFTER** the  
7 effective date of this subtitle.

8           DRAFTER'S NOTE:

9           Error: Stylistic errors in § 15–102(a)(3)(i) of the Estates and Trusts Article.

10          Occurred: Ch. 11, § 2, Acts of 1974.

11                                   **Article – Family Law**

12   2–410.

13           (a)     (4)     (i)     In Anne Arundel County, from the remaining \$15, the clerk shall  
14 pay \$4 of each fee to the [Annarrundel] **ANNE ARUNDEL** County Trust for Preservation,  
15 Inc.

16                   (ii)    The [Annarrundel] **ANNE ARUNDEL** County Trust for  
17 Preservation, Inc. shall report annually to the Anne Arundel County Executive and the  
18 Maryland Historical Trust on the use of all funds received under this section, including a  
19 detailed record of the expenditures and receipts of all funds transferred from the Anne  
20 Arundel County Committee of the Historical Trust.

21                   (iii)   The Anne Arundel County Executive or the Maryland Historical  
22 Trust may request at any time an audit of the financial records of the [Annarrundel] **ANNE**  
23 **ARUNDEL** County Trust for Preservation, Inc.

24           DRAFTER'S NOTE:

25           Error: Misspellings in § 2–410(a)(4) of the Family Law Article.

26          Occurred: Ch. 180, Acts of 1987.

27   4–501.

28           (m)    “Person eligible for relief” includes:

29                   (6)    an individual who has a child in common with the respondent; [or] **AND**

30                   (o)    (2)   “Petitioner” includes:

(ii) the following persons who may seek relief from abuse on behalf of a minor or vulnerable adult:

3. a person related to the child or vulnerable adult by blood, marriage, or adoption; [or] **AND**

**DRAFTER'S NOTE:**

Error: Erroneous conjunctions in § 4–501(m)(6) and (o)(2)(ii)3 of the Family Law Article.

Occurred: Ch. 10, § 3, Acts of 2001; Ch. 354, Acts of 2015.

5–403.

The local department shall determine whether a subsidy is necessary to [assure] **ENSURE** a child's adoption because of the child's special circumstances, including:

- (1) physical or mental disability;
- (2) emotional disturbance;
- (3) recognized high risk of physical or mental disease;
- (4) age;
- (5) sibling relationship; and
- (6) racial or ethnic factors.

**DRAFTER'S NOTE:**

Error: Incorrect word usage in § 5–403 of the Family Law Article.

Occurred: Ch. 296, § 2, Acts of 1984.

5–539.

(b) The State Board shall:

(5) [subject to § 2–1257 of the State Government Article,] report to [the General Assembly and] the Secretary of Human Services **AND, SUBJECT TO § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY** on the first day of each year on the status of children in out-of-home placement in this State.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–539(b)(5) of the Family Law Article.

Occurred: Ch. 153, Acts of 2007.

5–539.1.

(g) (1) The State Board shall submit[, subject to § 2–1257 of the State Government Article, to the General Assembly and] **TO** the Secretary of Human Services **AND, SUBJECT TO § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY** on or before January 1 of each year and prepare and make available to the public a report containing a summary of its activities, findings, and recommendations under this section.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–539.1(g)(1) of the Family Law Article.

Occurred: Ch. 153, Acts of 2007.

5–1202.

(a) On or before December 1, 2000, the Secretary of Human Services and the Secretary of Health shall, after consultation with a broad range of child welfare professionals, substance abuse experts, judges, attorneys, managed care organizations, health care providers, local departments, local health departments, and child advocates, develop a statewide protocol for integrating child welfare and substance abuse treatment services that includes at a minimum the following:

(4) placing qualified addictions specialists, including an [addiction] **ADDICTIONS** specialist under § 5–314 of the Human Services Article, in all child welfare offices, based on a caseload formula developed by the Department;

(5) in all cases accepted for child abuse and neglect investigation or out-of-home placement, [assuring] **ENSURING** that parents are screened for substance abuse and, where there is any reasonable suspicion of substance abuse, [assuring] **ENSURING** that qualified [addiction] **ADDICTIONS** specialists have the:

(i) information needed regarding the circumstances of the family and any evidence that substance abuse exists; and

(ii) opportunity to consult with the parents and children;

DRAFTER'S NOTE:

Error: Misspelling in § 5–1202(a)(4) and (5) of the Family Law Article and incorrect word usage in § 5–1202(a)(5) of the Family Law Article.

Occurred: Chs. 550 and 551, Acts of 2000; Ch. 398, Acts of 2005.  
10–322.

(b) The State information agency shall:

(4) obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, [drivers'] **DRIVER'S** licenses, and Social Security.

DRAFTER'S NOTE:

Error: Grammatical error in § 10–322(b)(4) of the Family Law Article.

Occurred: Ch. 667, § 2, Acts of 1996.

## Article – Financial Institutions

4–802.

(e) (2) The notice of filing of application shall be published in the Maryland Register as provided in the State Documents [Laws] **LAW**.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4–802(e)(2) of the Financial Institutions Article.

Occurred: Ch. 355, Acts of 1986.

### Subtitle 6. Mortgage **LOAN** Originators.

11–601.

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

DRAFTER'S NOTE:

Error: Obsolete language in the subtitle designation immediately preceding § 11–601(a) of the Financial Institutions Article.

1 Occurred: As a result of Ch. 4, Acts of 2009, which altered the defined term “mortgage  
2 originator” to be “mortgage loan originator”.

3 11–606.1.

4 (b) A written test [shall] **MAY** not be treated as a qualified written test for  
5 purposes of subsection (a) of this section unless the test adequately measures the  
6 applicant’s knowledge and comprehension in appropriate subject areas, including:

7 (1) Ethics;

8 (2) Federal law and regulations relating to mortgage origination;

9 (3) State law and regulations relating to mortgage origination; and

10 (4) Federal and State law and regulations relating to fraud, consumer  
11 protection, the nontraditional mortgage product marketplace, and fair lending issues.

12 DRAFTER’S NOTE:

13 Error: Stylistic error in § 11–606.1(b) of the Financial Institutions Article.

14 Occurred: Ch. 4, Acts of 2009.

15 11–607.

16 (c) If the Commissioner notifies an applicant that the application is incomplete:

17 (2) The application [shall] **MAY** not be approved until after the applicant  
18 supplies or completes all items and steps identified in the Commissioner’s notice.

19 DRAFTER’S NOTE:

20 Error: Stylistic error in § 11–607(c)(2) of the Financial Institutions Article.

21 Occurred: Ch. 590, Acts of 2005.

22 11–618.

23 The employment of a mortgage **LOAN** originator licensed under this subtitle by a  
24 mortgage lender does not relieve the mortgage lender of a responsibility under this subtitle  
25 or under Subtitle 5 of this title, a rule or regulation adopted under this subtitle or under  
26 Subtitle 5 of this title, or a law governing mortgage lending in the State.

27 DRAFTER’S NOTE:

28 Error: Omitted word in § 11–618 of the Financial Institutions Article.

Occurred: As a result of Ch. 4, Acts of 2009, which altered the defined term “mortgage originator” to be “mortgage loan originator”.

### Article – General Provisions

7–414.

(a) The Governor **ANNUALLY** shall proclaim [annually] October 2 as South Asian American Heritage Day.

DRAFTER’S NOTE:

Error: Stylistic error in § 7–414(a) of the General Provisions Article.

Occurred: Chs. 169 and 170, § 2, Acts of 2015.

### Article – Health – General

7–307.

(c) Subject to subsection (d) of this section, the Department shall increase the rate of reimbursement for community [services] **SERVICE** providers each fiscal year by the amount of rate increase included in the State budget for that fiscal year.

DRAFTER’S NOTE:

Error: Inconsistent terminology in § 7–307(c) of the Health – General Article.

Occurred: As a result of Ch. 262, Acts of 2014.

7.5–402.

(a) Regulations adopted under this subtitle shall include:

(4) Any requirements for the governance of a behavioral health program, including:

(ii) A provision authorizing a behavioral health program licensed as an outpatient mental health center to satisfy any regulatory requirement that the medical director be [onsite] **ON SITE** through the use of telehealth by the director; and

DRAFTER’S NOTE:

Error: Grammatical error in § 7.5–402(a)(4)(ii) of the Health – General Article.

Occurred: Ch. 275, Acts of 2019. Correction suggested by the Attorney General in the



Bill Review Letter for S.B. 178 (Ch. 275) of 2019 (footnote 2), dated April 18, 2019.

10–713.

(a) (3) An initial report:

(iii) Shall contain any other information the administrative head of the facility determines should be provided to the medical examiner and the persons listed in paragraph [(1)] (2) of this subsection on the deaths occurring:

1. By violence;
2. By suicide;
3. By casualty;
4. Suddenly, if the deceased was in apparent good health; or
5. In any suspicious or unusual manner.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 10–713(a)(3)(iii) of the Health – General Article.

Occurred: Chs. 74 and 75, Acts of 2009.

13–1201.

[(e) “Maternal mortality review committee” means the maternal mortality review committee of the Faculty that is a medical review committee, as defined under § 1–401 of the Health Occupations Article.]

[(f)] (E) “Maternal death” means the death of a woman during pregnancy or within 1 year after the woman ceases to be pregnant.

**(F) “MATERNAL MORTALITY REVIEW COMMITTEE” MEANS THE MATERNAL MORTALITY REVIEW COMMITTEE OF THE FACULTY THAT IS A MEDICAL REVIEW COMMITTEE, AS DEFINED UNDER § 1–401 OF THE HEALTH OCCUPATIONS ARTICLE.**

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify the definitions in alphabetical order) in § 13–1201(e) and (f) of the Health – General Article.

Occurred: Ch. 448, Acts of 2019.

1 13–1204.

2 (b) In consultation with the maternal mortality review committee of [a faculty]  
3 **THE FACULTY**, the Secretary shall develop a system to:

4 (1) Identify maternal death cases;

5 (2) Review medical records and other relevant data;

6 (3) Contact family members and other affected or involved persons to  
7 collect additional relevant data;

8 (4) Consult with relevant experts to evaluate the records and data  
9 collected;

10 (5) Make determinations regarding the preventability of maternal deaths;

11 (6) Develop recommendations for the prevention of maternal deaths; and

12 (7) Disseminate findings and recommendations to policy makers, health  
13 care providers, health care facilities, and the general public.

14 DRAFTER’S NOTE:

15 Error: Misnomer in § 13–1204(b) of the Health – General Article.

16 Occurred: Ch. 74, Acts of 2000.

17 13–3301.

18 (p) “Written certification” means a certification that:

19 (1) Is issued by a certifying provider to a qualifying patient with whom the  
20 provider has a bona fide provider–patient relationship; [and]

21 DRAFTER’S NOTE:

22 Error: Extraneous conjunction in § 13–3301(p)(1) of the Health – General Article.

23 Occurred: Ch. 251, Acts of 2015.

24 13–3309.

25 (j) The Commission, in consultation with the Department, shall adopt  
26 regulations:

(1) Including [but not limited to] the packaging, labeling, marketing, and appearance of edible cannabis products, to ensure the safety of minors; and

DRAFTER'S NOTE:

Error: Stylistic error in § 13–3309(j)(1) of the Health – General Article.

Occurred: Ch. 456, Acts of 2019.

15–130.

(c) In accordance with subsection (b)(1) and (2) of this section, the services to be provided for seriously emotionally disturbed individuals or autistic children may include[, but are not limited to]:

(1) Respite services;

(2) Family training and education;

(3) Day treatment services;

(4) Therapeutic integration services;

(5) Intensive individual support services;

(6) Therapeutic living services;

(7) Intensive in-home intervention services; and

(8) Specialized case management services.

DRAFTER'S NOTE:

Error: Stylistic error in § 15–130(c) of the Health – General Article.

Occurred: Ch. 134, Acts of 1998.

15–132.

(b) (1) If [permitted] **AUTHORIZED** by the Centers for Medicare and Medicaid Services, an individual shall be determined medically eligible to receive services if the individual requires:

(i) Skilled nursing care or other related services;

(ii) Rehabilitation services; or

(iii) Health-related services above the level of room and board that are available only through nursing facilities, including individuals who because of severe cognitive impairments or other conditions:

1. A. Are currently unable to perform at least two activities of daily living without hands-on assistance or standby assistance from another individual; and

B. Have been or will be unable to perform at least two activities of daily living for a period of at least 90 days due to a loss of functional capacity; or

2. Need substantial supervision for protection against threats to health and safety due to severe cognitive impairment.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 15-132(b)(1) of the Health – General Article.

Occurred: Ch. 4, Acts of the First Special Session of 2004.

17-103.1.

(f) The Fund shall only be used to support the operations of the Laboratories Administration [established in this subtitle].

DRAFTER'S NOTE:

Error: Extraneous language in § 17-103.1(f) of the Health – General Article.

Occurred: Ch. 332, Acts of 2008.

18-204.

(b) (1) Each hospital [which] **THAT** has care of a patient with cancer or a central nervous system tumor, each freestanding laboratory, freestanding ambulatory care facility, or therapeutic radiological center [which] **THAT** has care of or has diagnosed cancer or a central nervous system tumor for a nonhospitalized patient, and each physician who has care of or has diagnosed cancer or a central nervous system tumor for a nonhospitalized patient not otherwise reported shall:

(i) 1. Submit a cancer report to the Secretary, on the form that the Secretary provides or in a computerized file;

2. Make available to the Secretary, or an agent of the Secretary, at the facility the information necessary to compile a cancer report; or

1                               3.     Enter into an agreement with a hospital or other facility  
2 or agency that agrees to report to the Maryland Cancer Registry to act as the reporting  
3 source for a cancer or central nervous system tumor patient who has been referred to or  
4 from that facility, or reported to that agency with regard to cancer or central nervous  
5 system tumor screening, diagnosis, or treatment; and

6                               (ii)    Effective July 1, 1993, submit a cancer report in a computerized  
7 file on a quarterly basis to the Secretary, or an agent of the Secretary, for all patients  
8 initially diagnosed, treated, or admitted to a facility for cancer or a central nervous system  
9 tumor during that calendar quarter.

10           DRAFTER'S NOTE:

11           Error: Grammatical error in § 18–204(b)(1) of the Health – General Article.

12           Occurred: Ch. 469, § 3, Acts of 1991.

13   18–332.

14           (b)    The administration of pertussis vaccine to an individual may not be required  
15 by any provision of law if, in the physician's medical judgment:

16                       (2)    Taking into account the information specified under subsection (a)(3) of  
17 this section as well as all other relevant information, [and] the risk to the potential  
18 recipient outweighs the benefits both to the potential recipient and to the public in  
19 administering the vaccine.

20           DRAFTER'S NOTE:

21           Error: Grammatical error in § 18–332(b)(2) of the Health – General Article.

22           Occurred: Chs. 578 and 785, Acts of 1984.

23   19–305.

24           (b)    (2)    If a residential treatment center sends a notice to an individual under  
25 paragraph (1) of this subsection, the individual may send a written response to the  
26 residential treatment center instructing the residential treatment center that:

27                       (ii)    The individual [only] requires notification **ONLY** in the  
28 circumstances specified in writing by the individual.

29           DRAFTER'S NOTE:

30           Error: Grammatical error in § 19–305(b)(2)(ii) of the Health – General Article.

31           Occurred: Ch. 432, Acts of 2006.

1 24–604.

2 (b) **(1)** State funds may be used only for the construction, acquisition,  
3 renovation, and equipping of facilities including the reports, plans, specifications, site  
4 improvements, surveys, and other related programs.

5 **[(1)] (2)** Any federal grant that is available for this purpose shall be  
6 applied first to the cost of construction, acquisition, renovation, or equipping of a facility.

7 **[(2)] (3)** A State grant shall provide up to 75% of the eligible cost  
8 remaining after the federal grant has been applied.

9 **[(3)] (4)** For projects designated under federal regulations, State plans,  
10 or the departmental regulations as eligible for poverty area funding, State grants shall  
11 amount to up to 90% of the eligible cost remaining after the federal grant has been applied.

12 **[(4)] (5)** For purposes of this subtitle, community development block  
13 grant funds shall be considered as local matching funds and may not be considered as  
14 federal grant funds.

15 DRAFTER'S NOTE:

16 Error: Tabulation error in § 24–604(b) of the Health – General Article.

17 Occurred: Ch. 214, Acts of 1990.

18 **Article – Health Occupations**

19 14–509.

20 (b) A physician may dispense a topical medication that is approved by the federal  
21 Food and Drug Administration for the treatment of **[hypotichosis] HYPOTRICHOSIS**  
22 without obtaining a dispensing permit or completing the continuing education required  
23 under § 12–102(c)(2)(ii) of this article if the physician:

24 (1) Otherwise complies with the requirements of § 12–102(c)(2)(ii) of this  
25 article; and

26 (2) Has received a special class of written permit from the Board.

27 DRAFTER'S NOTE:

28 Error: Misspelling in § 14–509(b) of the Health Occupations Article.

29 Occurred: Ch. 535, § 2, Acts of 2019.

1 Subtitle 5B. Radiation [Oncology/Therapy,] **THERAPY**, [Medical Radiation,]  
2 **RADIOGRAPHY**, [and] Nuclear Medicine [Technologists] **TECHNOLOGY, AND**  
3 **RADIOLOGY ASSISTANCE.**

4 14–5B–01.

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

6 DRAFTER’S NOTE:

7 Error: Obsolete terminology in the subtitle designation immediately preceding §  
8 14–5B–01(a) of the Health Occupations Article.

9 Occurred: As a result of Ch. 328, Acts of 2008, which altered the Committee name in  
10 Title 14, Subtitle 5B of the Health Occupations Article.

11 (q) “Supervision” means the responsibility of a licensed physician to exercise  
12 on–site or immediately available direction for licensees [or holders of temporary licenses].

13 DRAFTER’S NOTE:

14 Error: Obsolete language in § 14–5B–01(q) of the Health Occupations Article.

15 Occurred: As a result of Chs. 587 and 588, Acts of 2013, which repealed authorization  
16 for temporary licenses.

17 14–5B–04.

18 (a) (1) The Board shall set reasonable fees for the issuance of and renewal of  
19 licenses and other services it provides to licensees [and holders of temporary licenses].

20 (2) The fees charged shall be set so as to produce funds to approximate the  
21 cost of maintaining the licensure program and the other services provided to licensees [and  
22 holders of temporary licenses], including the cost of providing a rehabilitation program for  
23 licensees [and holders of temporary licenses] under § 14–401.1(g) of this title.

24 DRAFTER’S NOTE:

25 Error: Obsolete language in § 14–5B–04(a) of the Health Occupations Article.

26 Occurred: As a result of Chs. 587 and 588, Acts of 2013, which repealed authorization  
27 for temporary licenses.

28 **Article – Housing and Community Development**

1 4–222.

2 (b) A solar energy project may include:

3 (3) an [earth sheltered] **EARTH–SHELTERED** building in which the  
4 sheltering substantially reduces the consumption of energy by the building.

5 DRAFTER’S NOTE:

6 Error: Omitted hyphen in § 4–222(b)(3) of the Housing and Community Development  
7 Article.

8 Occurred: Ch. 26, § 2, Acts of 2005.

9 4–226.

10 (a) (1) In connection with property on which it holds a mortgage, the  
11 Administration may:

12 (ii) begin an action to protect or enforce a right conferred on the  
13 Administration by [law,] **LAW** or any agreement;

14 DRAFTER’S NOTE:

15 Error: Extraneous comma in § 4–226(a)(1)(ii) of the Housing and Community  
16 Development Article.

17 Occurred: Ch. 26, § 2, Acts of 2005.

18 4–804.

19 The purposes of the Program are to make, participate in making, and purchase:

20 (5) reverse equity loans to elderly households of limited income for  
21 [housing related] **HOUSING–RELATED** expenses or personal expenses that enable the  
22 owner to continue to occupy the home; and

23 DRAFTER’S NOTE:

24 Error: Omitted hyphen in § 4–804(5) of the Housing and Community Development  
25 Article.

26 Occurred: Ch. 26, § 2, Acts of 2005.

27 6–201.

28 (h) “Financial assistance” includes:



(6) a guarantee; [or] AND

DRAFTER'S NOTE:

Error: Erroneous conjunction in § 6–201(h)(6) of the Housing and Community Development Article.

Occurred: Ch. 26, § 2, Acts of 2005.

6–308.2.

(e) The Committee shall:

(1) advise and make recommendations to the Department on the development and adoption of regulations related to food [deserts] **DESERT** projects;

DRAFTER'S NOTE:

Error: Grammatical error in § 6–308.2(e)(1) of the Housing and Community Development Article.

Occurred: Ch. 228, Acts of 2014.

8–104.

(a) A political subdivision may designate a community action agency to serve a community within the political subdivision or may change or revoke a designation by:

(1) an act, AN ordinance, or A resolution of its governing body; or

DRAFTER'S NOTE:

Error: Grammatical errors in § 8–104(a)(1) of the Housing and Community Development Article.

Occurred: Ch. 26, § 2, Acts of 2005.

9–305.

(b) The Board may use the money that the Fund administers to:

(1) [assure] **ENSURE** a reasonable return on money held by the Fund before disbursing money for community reinvestment assistance;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 9–305(b)(1) of the Housing and Community Development Article.

Occurred: Ch. 26, § 2, Acts of 2005.

16–111.

(a) By May 1 [of] each year, the Montgomery Commission shall submit its proposed budget to the County Council.

DRAFTER’S NOTE:

Error: Stylistic error in § 16–111(a) of the Housing and Community Development Article.

Occurred: Ch. 63, § 2, Acts of 2006.

16–112.

(a) On or before November 30 [of] each year, the Montgomery Commission shall issue a financial report for the previous fiscal year based on a certified audit.

DRAFTER’S NOTE:

Error: Stylistic error in § 16–112(a) of the Housing and Community Development Article.

Occurred: Ch. 63, § 2, Acts of 2006.

16–204.

(a) (1) On determining to issue bonds, the Montgomery Commission shall provide to the County Executive information about the bonds and the housing projects [benefitting] **BENEFITING** from the bond proceeds.

DRAFTER’S NOTE:

Error: Spelling error in § 16–204(a)(1) of the Housing and Community Development Article.

Occurred: Ch. 63, § 2, Acts of 2006.

## Article – Human Services

5–505.

(e) Before participating in the [Program] **RMP**, a restaurant shall:

(1) submit an application and be approved under a process determined by the Department;

(2) become a Supplemental Nutrition Assistance Program provider licensed by the U.S. Department of Agriculture; and

(3) be able to process electronic benefit transaction card payments at the point of sale.

DRAFTER'S NOTE:

Error: Misnomer in § 5–505(e) of the Human Services Article.

Occurred: Ch. 475, Acts of 2019.

### Article – Insurance

8–301.

(b) (1) “Administrator” means a person that, to the extent that the person IS acting for an insurer or plan sponsor, has:

(i) control over or custody of premiums, contributions, or any other money on behalf of a life insurer or with respect to a plan, for any period of time; or

(ii) discretionary authority over the adjustment, payment, or settlement of benefit claims on behalf of a life insurer or under a plan or over the investment of a life insurer's or a plan's assets.

(2) “Administrator” does not include a person that:

(i) with respect to a particular plan:

2. is, or is an employee, insurance producer, **OR** managing general agent of, an insurer or health maintenance organization that insures or administers the plan; or

DRAFTER'S NOTE:

Error: Omitted word in § 8–301(b)(1) of the Insurance Article. Omitted conjunction in § 8–301(b)(2)(i)2 of the Insurance Article.

Occurred: Ch. 36, Acts of 1995; Ch. 731, Acts of 2001.

15–831.

(b) (2) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices through a pharmacy [benefit] **BENEFITS** manager is subject to the requirements of this section.

DRAFTER'S NOTE:

Error: Misnomer in § 15–831(b)(2) of the Insurance Article.

Occurred: Ch. 120, Acts of 1999.

15–842.

(a) (2) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices through a pharmacy [benefit] **BENEFITS** manager is subject to the requirements of this section.

DRAFTER'S NOTE:

Error: Misnomer in § 15–842(a)(2) of the Insurance Article.

Occurred: Ch. 638, Acts of 2007.

15–1301.

(o) (1) “Individual health benefit plan” means:

(i) a health benefit plan other than a converted policy or a professional association plan for eligible individuals and their dependents; [and] **OR**

DRAFTER'S NOTE:

Error: Erroneous conjunction in § 15–1301(o)(1)(i) of the Insurance Article.

Occurred: Ch. 294, § 3, Acts of 1997.

15–1303.

(a) In addition to any other requirements under this article, a carrier that offers individual health benefit plans in [this] **THE** State shall:

(1) have demonstrated the capacity to administer the individual health benefit plans, including adequate numbers and types of administrative staff;

(2) have a satisfactory grievance procedure and ability to respond to calls, questions, and complaints from enrollees or insureds; and

(3) design policies to help ensure that enrollees or insureds have adequate

1 access to providers of health care.

2 DRAFTER'S NOTE:

3 Error: Stylistic error in § 15–1303(a) of the Insurance Article.

4 Occurred: Ch. 294, § 3, Acts of 1997.

5 18–101.

6 (f) (3) “Long–term care insurance” does not include:

7 (ii) a life insurance policy that:

8 2. provides the option of lump–sum payments for the benefits  
9 listed in item 1 of this [subparagraph] **ITEM**; or

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 18–101(f)(3)(ii)2 of the Insurance Article.

12 Occurred: Ch. 35, Acts of 1997.

13 27–1001.

14 (f) (2) All hearings requested under this section shall:

15 (ii) be heard de novo; **AND**

16 DRAFTER'S NOTE:

17 Error: Omitted conjunction in § 27–1001(f)(2)(ii) of the Insurance Article.

18 Occurred: Ch. 150, Acts of 2007.

19 **SUBTITLE 1. MARYLAND HEALTH BENEFIT EXCHANGE.**

20 31–101.

21 (a) In this [title] **SUBTITLE** the following words have the meanings indicated.

22 (a–1) “Application counselor” means an individual who holds an Individual  
23 Exchange application counselor certification issued under § 31–113(r) of this [title]  
24 **SUBTITLE**.

25 (a–2) “Application counselor sponsoring entity” or “sponsoring entity” means an

entity designated by the Individual Exchange as a sponsoring entity under § 31–113(r) of this [title] **SUBTITLE**.

(b–1) “Captive producer” means an insurance producer who:

(2) receives an authorization and meets the other requirements set forth in § 31–113(n)(2) of this [title] **SUBTITLE**;

(c–1) “Consolidated Services Center” or “CSC” means the consumer assistance call center established in accordance with the requirement to operate a toll–free hotline under § 1311(d)(4) of the Affordable Care Act and § 31–108(b)(5) of this [title] **SUBTITLE**.

(e) (1) “Exchange” means the Maryland Health Benefit Exchange established as a public corporation under § 31–102 of this [title] **SUBTITLE**.

(f) “Fund” means the Maryland Health Benefit Exchange Fund established under § 31–107 of this [title] **SUBTITLE**.

(j) “Individual Exchange connector entity” means a community–based organization or other entity or a partnership of entities that:

(1) is authorized by the Individual Exchange under § 31–113(f) of this [title] **SUBTITLE**; and

(2) employs or engages Individual Exchange navigators to provide the services described in § 31–113(d)(1) of this [title] **SUBTITLE**.

(k) “Individual Exchange connector entity authorization” means a grant of authority from the Individual Exchange to an Individual Exchange connector entity under § 31–113(f) of this [title] **SUBTITLE**.

(l) “Individual Exchange navigator” means an individual who:

(2) provides the services described in § 31–113(d)(1) of this [title] **SUBTITLE** for an Individual Exchange connector entity.

(q) “Qualified dental plan” means a dental plan certified by the Exchange that provides limited scope dental benefits, as described in § 31–108(b)(2) of this [title] **SUBTITLE**.

(s) “Qualified health plan” means a health benefit plan that has been certified by the Exchange to meet the criteria for certification described in § 1311(c) of the Affordable Care Act and § 31–115 of this [title] **SUBTITLE**.

(v) “Qualified vision plan” means a vision plan certified by the Exchange that provides limited scope vision benefits, as described in § 31–108(b)(3) of this [title]

1   **SUBTITLE.**

2           (x)   “SHOP Exchange” means the Small Business Health Options Program  
3   authorized under § 31–108(b)(13) of this [title] **SUBTITLE**.

4           (y)   “SHOP Exchange navigator” means an individual engaged by the SHOP  
5   Exchange and authorized by the Commissioner to provide the services described in §  
6   31–112(c)(1) of this [title] **SUBTITLE**.

7           (z)   “SHOP Exchange navigator license” means a license issued by the  
8   Commissioner that authorizes an individual to carry out the functions set forth in §  
9   31–112(c) of this [title] **SUBTITLE** in the SHOP Exchange.

10          (aa)   (2)   For purposes of this subsection:

11                   (v)   an employer that makes enrollment in qualified health plans  
12   available to its employees through the SHOP Exchange, and would cease to be a small  
13   employer by reason of an increase in the number of its employees, shall continue to be  
14   treated as a small employer for purposes of this [title] **SUBTITLE** as long as it continuously  
15   makes enrollment through the SHOP Exchange available to its employees; and

16          **DRAFTER’S NOTE:**

17          Error: Omitted subtitle designation immediately preceding § 31–101 of the  
18   Insurance Article. Stylistic errors in § 31–101(a), (a–1), (a–2), (b–1)(2),  
19   (c–1), (e)(1), (f), (j), (k), (l)(2), (q), (s), (v), (x), (y), (z), and (aa)(2)(v) of the Insurance Article.

20          Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle  
21   2 to Title 31 of the Insurance Article.

22   31–102.

23          (b)   (3)   The exercise by the Exchange of its authority under this [title]  
24   **SUBTITLE** is an essential governmental function.

25          (d)   Nothing in this [title] **SUBTITLE**, and no regulation adopted or other action  
26   taken by the Exchange under this [title] **SUBTITLE**, may be construed to:

27                  (1)   preempt or supersede:

28                          (i)   the authority of the Commissioner to regulate insurance  
29   business in the State; or

30                          (ii)   the requirements of the Affordable Care Act;

31                  (2)   authorize the Exchange to carry out any function not authorized by the

Affordable Care Act; or

(3) authorize the Exchange to offer any products or services except qualified health plans, qualified dental plans, and qualified vision plans.

DRAFTER'S NOTE:

Error: Stylistic errors in § 31–102(b)(3) and (d) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–103.

(b) The Exchange is not subject to:

(1) taxation by the State or local government;

(2) Title 3A, Subtitle 3 (Information Processing) **OF THE STATE FINANCE AND PROCUREMENT ARTICLE**, except to the extent determined by the Secretary of Information Technology under subsection [(a)(1)(i)] **(A)(2)(I)** of this section;

(3) Division II of the State Finance and Procurement Article, except as provided in subsection [(a)(1)] **(A)(2)(II) AND (III)** of this section;

(4) Title 10 of the State Government Article, except as provided in subsection [(a)(2)(i), (ii), and (iii)] **(A)(3)(I)** of this section;

(5) Division I of the State Personnel and Pensions Article, except as provided in subsection [(a)(3)] **(A)(4)** of this section and elsewhere in this title; or

(6) this article, except as provided in subsection (c) of this section and elsewhere in this [title] **SUBTITLE**.

DRAFTER'S NOTE:

Error: Missing article designation in a cross-reference in § 31–103(b)(2) of the Insurance Article. Erroneous internal references in § 31–103(b)(2) through (5) of the Insurance Article. Stylistic error in § 31–103(b)(6) of the Insurance Article.

Occurred: Ch. 464, § 2, Acts of 2014; as a result of Ch. 104, § 2, Acts of 2014; and as a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–104.



(j) A member shall:

(1) meet the requirements of this [title] SUBTITLE, the Affordable Care Act, and all applicable State and federal laws and regulations;

DRAFTER'S NOTE:

Error: Stylistic error in § 31–104(j)(1) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–105.

(b) Under the direction of the Board, the Executive Director shall:

(3) perform all duties necessary to comply with and carry out the provisions of this [title] SUBTITLE, other State law and regulations, and the Affordable Care Act.

(c) (6) Except as provided in paragraph (7) of this subsection, staff for all other positions necessary to carry out the purposes of this [title] SUBTITLE shall be positions in the executive service or management service, or special appointments of the skilled service or the professional service in the State Personnel Management System.

(7) The Executive Director may retain as independent contractors, and set compensation for, attorneys, financial consultants, and any other professionals or consultants necessary to carry out the planning, development, and operations of the Exchange and the provisions of this [title] SUBTITLE.

(f) Except as otherwise provided in this [title] SUBTITLE, an employee or independent contractor of the Exchange is not subject to any law, regulation, or executive order governing State compensation, including furloughs, pay cuts, or any other General Fund cost savings measure.

DRAFTER'S NOTE:

Error: Stylistic errors in § 31–105(b)(3), (c)(6) and (7), and (f) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–106.

(a) Subject to any limitations under this [title] SUBTITLE or other applicable law, the Board shall have all powers necessary or convenient to carry out the functions authorized by the Affordable Care Act and consistent with the purposes of the Exchange.

(b) The enumeration of specific powers in this [title] **SUBTITLE** is not intended to restrict the Board's power to take any lawful action that the Board determines is necessary or convenient to carry out the functions authorized by the Affordable Care Act and consistent with the purposes of the Exchange.

(c) (1) In addition to the powers set forth elsewhere in this [title] **SUBTITLE**, the Board may:

(i) adopt and alter an official seal;

(ii) sue, be sued, plead, and be impleaded;

(iii) adopt bylaws, rules, and policies;

(iv) subject to paragraph (2) of this subsection, adopt regulations to carry out this [title] **SUBTITLE**:

1. in accordance with Title 10, Subtitle 1 of the State Government Article; and

2. without conflicting with or preventing application of regulations adopted by the Secretary under Title 1, Subtitle D of the Affordable Care Act;

(v) maintain an office at the place designated by the Board;

(vi) enter into any agreements or contracts and execute the instruments necessary or convenient to manage its own affairs and carry out the purposes of this [title] **SUBTITLE**;

(vii) apply for and receive grants, contracts, or other public or private funding; and

(viii) do all things necessary or convenient to carry out the powers granted by this [title] **SUBTITLE**.

(d) (1) To carry out the purposes of this [title] **SUBTITLE** or perform any of its functions under this [title] **SUBTITLE**, the Board may contract or enter into memoranda of understanding with eligible entities, including:

(i) the Maryland Medical Assistance Program;

(ii) the family investment unit of the Department of Human Services;

(iii) insurance producers and third party administrators registered in

1 the State; and

2 (iv) any other entities that have experience in individual and small  
3 group public and private health insurance plans or facilitating enrollment in those plans.

4 (2) The operations of the Exchange are subject to the provisions of this  
5 [title] SUBTITLE whether the operations are performed directly by the Exchange or  
6 through an entity under a contract with the Exchange.

7 (3) The Board shall ensure that any entity under a contract with the  
8 Exchange complies with the provisions of this [title] SUBTITLE when performing services  
9 that are subject to this [title] SUBTITLE on behalf of the Exchange.

10 (e) (1) The Board may enter into information-sharing agreements with  
11 federal and state agencies, and other state health insurance exchanges, to carry out the  
12 provisions of this [title] SUBTITLE.

13 (f) (2) To the fullest extent practicable, and in a manner that does not impair  
14 the Exchange's ability to carry out the purposes of this [title] SUBTITLE, the Board's  
15 procurement policies and procedures shall establish an open and transparent process that:

16 (i) promotes public confidence in the procurements of the Exchange;

17 (ii) ensures fair and equitable treatment of all persons and entities  
18 that participate in the procurement system of the Exchange;

19 (iii) fosters appropriate competition and provides safeguards for  
20 maintaining a procurement system of quality and integrity;

21 (iv) promotes increased economic efficiency and responsibility on the  
22 part of the Exchange;

23 (v) achieves the maximum benefit from the purchasing power of the  
24 Exchange; and

25 (vi) provides clarity and simplicity in the rules and procedures  
26 governing the procurements of the Exchange.

27 (g) (1) To carry out the purposes of this [title] SUBTITLE, the Board shall:

28 (i) create and consult with ad hoc advisory committees; and

29 (ii) appoint to the ad hoc advisory committees representatives of:

30 1. insurers or health maintenance organizations offering  
31 health benefit plans in the State;

- 1 plans in the State;
- 2 nonprofit health service plans offering health benefit
- 3 licensed health insurance producers and advisers;
- 4 third-party administrators;
- 5 health care providers, including:
  - 6 A. hospitals;
  - 7 B. long-term care facilities;
  - 8 C. mental health providers;
  - 9 D. developmental disability providers;
  - 10 E. substance abuse treatment providers;
  - 11 F. Federally Qualified Health Centers;
  - 12 G. physicians;
  - 13 H. nurses;
  - 14 I. experts in services and care coordination for criminal and
  - 15 juvenile justice populations;
  - 16 J. licensed hospice providers; and
  - 17 K. other health care professionals;
- 18 managed care organizations;
- 19 employers, including large, small, and minority-owned
- 20 employers;
- 21 public employee unions, including public employee union
- 22 members who are caseworkers in local departments of social services with direct knowledge
- 23 of information technology systems used for Medicaid eligibility determination;
- 24 consumers, including individuals who:
  - 25 A. reside in lower-income and racial or ethnic minority
  - 26 communities;

B. have chronic diseases or disabilities; or

C. belong to other hard-to-reach or special populations;

10. individuals with knowledge and expertise in advocacy for consumers described in item 9 of this item;

11. public health researchers and other academic experts with knowledge and background relevant to the functions and goals of the Exchange, including knowledge of the health needs and health disparities among the State's diverse communities; and

12. any other stakeholders identified by the Exchange as having knowledge or representing interests relevant to the functions and duties of the Exchange.

DRAFTER'S NOTE:

Error: Stylistic errors in § 31–106(a), (b), (c)(1), (d), (e)(1), (f)(2), and (g)(1) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–107.

(b) (1) The purpose of the Fund is to:

(i) provide funding for the operation and administration of the Exchange in carrying out the purposes of the Exchange under this [title] SUBTITLE; and

(ii) provide funding for the establishment and operation of the State Reinsurance Program authorized under this [title] SUBTITLE.

(e) The Fund consists of:

(11) any federal funds received in accordance with § 31–121 of this [title] SUBTITLE for the administration of small business tax credits; and

(f) The Fund may be used only:

(1) for the operation and administration of the Exchange in carrying out the purposes authorized under this [title] SUBTITLE; and

DRAFTER'S NOTE:

Error: Stylistic errors in § 31–107(b)(1), (e)(11), and (f)(1) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–108.

(b) In compliance with § 1311(d)(4) of the Affordable Care Act, the Exchange shall:

(8) with respect to each qualified plan offered through the Exchange:

(i) assign a rating to each qualified plan in accordance with the criteria developed by the Secretary under § 1311(c)(3) of the Affordable Care Act and any additional criteria that may be applicable under the laws of the State and regulations adopted by the Exchange under this [title] SUBTITLE; and

(ii) determine each qualified health plan's coverage level in accordance with regulations adopted by the Secretary under § 1302(d)(2)(A) of the Affordable Care Act and any additional regulations adopted by the Exchange under this [title] SUBTITLE;

(13) in accordance with this [title] SUBTITLE, establish a SHOP Exchange through which qualified employers may access coverage for their employees at specified coverage levels and meet standards for the federal qualified employer tax credit;

(18) establish a Navigator Program in accordance with § 1311(i) of the Affordable Care Act and this [title] SUBTITLE;

(e) The Exchange, through the advisory committees established under § 31–106(g) of this [title] SUBTITLE or through other means, shall consult with and consider the recommendations of the stakeholders represented on the advisory committees in the exercise of its duties under this [title] SUBTITLE.

DRAFTER'S NOTE:

Error: Stylistic errors in § 31–108(b)(8), (13), and (18) and (e) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–109.

(b) Any interstate agreements or memoranda of understanding entered into under subsection (a) of this section shall comply with and advance:

(1) the purposes and requirements of this [title] SUBTITLE and the

1 Affordable Care Act; and

2 (2) the policies and regulations adopted by the Exchange under this [title]  
3 **SUBTITLE**.

4 **DRAFTER'S NOTE:**

5 Error: Stylistic errors in § 31–109(b) of the Insurance Article.

6 Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle  
7 2 to Title 31 of the Insurance Article.

8 31–110.

9 (d) Beginning January 1, 2014, the Exchange:

10 (1) shall allow any qualified plans that meet the minimum standards  
11 established by the Exchange under this [title] **SUBTITLE** to be offered in the Exchange;  
12 and

13 (2) may exercise its authority under § 31–115(b)(9) of this [title] **SUBTITLE**  
14 to establish minimum standards for qualified plans in addition to those required by the  
15 Affordable Care Act.

16 **DRAFTER'S NOTE:**

17 Error: Stylistic errors in § 31–110(d) of the Insurance Article.

18 Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle  
19 2 to Title 31 of the Insurance Article.

20 31–113.

21 (p) (7) If a carrier or a captive producer fails to comply with the requirements  
22 of this subsection, the Exchange may:

23 (ii) impose sanctions against the carrier under § 31–115(k) of this  
24 [title] **SUBTITLE**.

25 **DRAFTER'S NOTE:**

26 Error: Stylistic error in § 31–113(p)(7)(ii) of the Insurance Article.

27 Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle  
28 2 to Title 31 of the Insurance Article.

29 31–113.1.

(a) In accordance with the requirement to operate a toll-free hotline under § 1311(d)(4) of the Affordable Care Act and § 31-108(b)(5) of this [title] SUBTITLE, the Exchange may establish a Consolidated Services Center.

(b) (2) A CSC employee authorized to assist the SHOP Exchange:

(i) may provide the services set forth in § 31-112(c)(1) of this [title] SUBTITLE, but may not initiate contact with a small employer for the purpose of soliciting the small employer to provide qualified plans offered by the SHOP Exchange to its employees;

(v) shall comply with the limitations set forth in § 31-112(c)(3) of this [title] SUBTITLE.

(3) (ii) To qualify for a SHOP Exchange enrollment permit, an applicant:

3. shall pass the written examination given by the Commissioner to applicants for a SHOP navigator license under § 31-112(d)(2)(iii) of this [title] SUBTITLE;

6. shall complete, and comply with any ongoing requirements of, the training program established under § 31-112(h) of this [title] SUBTITLE.

(4) The Commissioner's duties and authority under § 31-112(d)(3) and (e) of this [title] SUBTITLE shall apply to CSC employees who hold a SHOP Exchange enrollment permit issued under this subsection.

(c) (2) A CSC employee authorized to assist the Individual Exchange:

(i) may provide the services set forth in § 31-113(d) of this [title] SUBTITLE, but may not initiate contact with an individual for the purpose of soliciting the individual to enroll in a qualified plan offered by the Individual Exchange;

(v) with respect to the insurance market outside the Exchange, shall comply with § 31-113(f)(8) of this [title] SUBTITLE;

(3) (ii) To qualify for an Individual Exchange enrollment permit, an applicant:

5. shall complete, and comply with any ongoing requirements of, the training program established under § 31-113(k) of this [title] SUBTITLE.



(4) The Commissioner's duties and authority under § 31–113(l) of this [title] **SUBTITLE** shall apply to CSC employees who hold an Individual Exchange enrollment permit issued under this subsection.

**DRAFTER'S NOTE:**

Error: Stylistic errors in § 31–113.1(a), (b)(2)(i) and (v), (3)(ii)3 and 6, and (4), and (c)(2)(i) and (v), (3)(ii)5, and (4) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–114.

(a) Nothing in this [title] **SUBTITLE** requires the Maryland Medical Assistance Program or the Maryland Children's Health Program to provide any specific financial support to the Individual Exchange for the services provided by an Individual Exchange navigator or an Individual Exchange connector entity.

**DRAFTER'S NOTE:**

Error: Stylistic error in § 31–114(a) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–115.

(b) To be certified as a qualified health plan, a health benefit plan shall:

(1) except as provided in subsection (c) of this section, provide the essential health benefits required under § 1302(a) of the Affordable Care Act and § 31–116 of this [title] **SUBTITLE**;

(3) except as provided in subsection (e) of this section, provide at least a bronze level of coverage, as defined in the Affordable Care Act and determined by the Exchange under § 31–108(b)(8)(ii) of this [title] **SUBTITLE**;

(5) be offered by a carrier that:

(vi) does not charge any cancellation fees or penalties in violation of § 31–108(d) of this [title] **SUBTITLE**; and

(vii) complies with the regulations adopted by the Secretary under § 1311(d) of the Affordable Care Act and by the Exchange under § 31–106(c)(1)(iv) of this [title] **SUBTITLE**;

(6) meet the requirements for certification established under the regulations adopted by:

(ii) the Exchange under § 31–106(c)(1)(iv) of this [title] **SUBTITLE**;

(9) meet any other requirements established by the Exchange under this [title] **SUBTITLE**, including:

(i) transition of care language in contracts as determined appropriate by the Exchange to ensure care continuity and reduce duplication and costs of care;

(ii) criteria that encourage and support qualified plans in facilitating cross-border enrollment; and

(iii) demonstrating compliance with the federal Mental Health Parity and Addiction Equity Act of 2008.

(h) (1) Except as provided in paragraphs (2) through (5) of this subsection, the requirements applicable to qualified health plans under this [title] **SUBTITLE** also shall apply to qualified dental plans to the extent relevant, whether offered in conjunction with or as an endorsement to qualified health plans or as stand-alone dental plans.

(5) The Exchange may:

(i) exempt qualified dental plans from a requirement applicable to qualified health plans under this [title] **SUBTITLE** to the extent the Exchange determines the requirement is not relevant to qualified dental plans; and

(i) (1) Except as provided in paragraphs (2) through (5) of this subsection, the requirements applicable to qualified health plans under this [title] **SUBTITLE** also shall apply to qualified vision plans to the extent relevant, whether offered in conjunction with or as an endorsement to qualified health plans or as stand-alone vision plans.

(5) The Exchange may:

(i) exempt qualified vision plans from a requirement applicable to qualified health plans under this [title] **SUBTITLE** to the extent the Exchange determines the requirement is not relevant to qualified vision plans; and

(k) (1) Subject to the contested case hearing provisions of Title 10, Subtitle 2 of the State Government Article, and subsection (f) of this section, and except as provided in subsection (l)(2) of this section, the Exchange may deny certification to a health benefit plan, a dental plan, or a vision plan, or suspend or revoke the certification of a qualified plan, based on a finding that the health benefit plan, dental plan, vision plan, or qualified

1 plan does not satisfy requirements or has otherwise violated standards for certification that  
2 are:

3 (i) established under the regulations and interim policies adopted  
4 by the Exchange to carry out this [title] SUBTITLE; and

5 DRAFTER'S NOTE:

6 Error: Stylistic errors in § 31–115(b)(1), (3), (5)(vi) and (vii), (6)(ii), and (9), (h)(1) and  
7 (5)(i), (i)(1) and (5)(i), and (k)(1)(i) of the Insurance Article.

8 Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle  
9 2 to Title 31 of the Insurance Article.

10 31–116.

11 (a) The essential health benefits required under § 1302(a) of the Affordable Care  
12 Act:

13 (2) notwithstanding any other benefits mandated by State law, shall be the  
14 benefits required in:

15 (ii) subject to § 31–115(c) of this [title] SUBTITLE, all qualified  
16 health plans offered in the Exchange.

17 (d) In selecting the State benchmark plan, the Commissioner, in consultation  
18 with the Exchange, shall:

19 (1) select a plan that complies with all requirements of this [title]  
20 SUBTITLE and the Affordable Care Act, the federal Mental Health Parity and Addiction  
21 Equity Act of 2008, and any other federal laws, regulations, policies, or guidance applicable  
22 to state benchmark plans and essential health benefits;

23 (f) (1) (ii) “Exchange certified stand-alone dental plan” means a  
24 stand-alone dental plan that has been certified by the Exchange for sale outside the  
25 Exchange under § 31–115 of this [title] SUBTITLE.

26 DRAFTER'S NOTE:

27 Error: Stylistic errors in § 31–116(a)(2)(ii), (d)(1), and (f)(1)(ii) of the Insurance  
28 Article.

29 Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle  
30 2 to Title 31 of the Insurance Article.

31 31–117.

(c) (2) The Exchange, in consultation with the Commissioner and as approved by the Board, may alter the parameters established in accordance with paragraph (1) of this subsection as necessary to secure federal approval for a waiver submitted in accordance with § 31–117.1(a) of this [title] **SUBTITLE**.

DRAFTER’S NOTE:

Error: Stylistic error in § 31–117(c)(2) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

31–118.

(a) Beginning January 1, 2014, subject to subsections (b) and (c) of this section, the Exchange may:

(1) impose user fees, licensing or other regulatory fees, or other assessments that do not exceed reasonable projections regarding the amount necessary to support the operations of the Exchange under this [title] **SUBTITLE**; or

(2) otherwise generate funding necessary to support its operations under this [title] **SUBTITLE**.

(d) Funds collected through any fees, assessments, or other funding mechanisms:

(2) shall be used only for the purposes authorized under this [title] **SUBTITLE**; and

DRAFTER’S NOTE:

Error: Stylistic errors in § 31–118(a) and (d)(2) of the Insurance Article.

Occurred: As a result of Chs. 423 and 424, Acts of 2019, which added a new Subtitle 2 to Title 31 of the Insurance Article.

## **Article – Land Use**

10–103.

(b) The following provisions of this division apply to Baltimore City:

(15) [§ 5–201(d)] **§ 5–102(D)** (Subdivision regulations – Burial sites);

DRAFTER’S NOTE:

Error: Erroneous cross-reference in § 10–103(b)(15) of the Land Use Article.

Occurred: Ch. 426, § 2, Acts of 2012.

### Article – Natural Resources

1–702.

(e) Money expended from the Fund for the Chesapeake Bay Trust and Endangered Species Conservation programs [are] IS supplemental and [are] IS not intended to take the place of funding that would otherwise be appropriated to the Department of Natural Resources for the Trust or for those programs.

#### DRAFTER’S NOTE:

Error: Incorrect word usage in § 1–702(e) of the Natural Resources Article.

Occurred: As a result of a correction by the publisher of the Annotated Code under Ch. 12, § 6, Acts of 2018, which changed “moneys” to “money”.

4–745.

(d) (1) The Department may provide by regulation for issuance of a special charter boat license that shall be effective for not more than 1 year and shall expire on August 31 and that would be valid for all individuals on a single vessel operated by a fishing guide licensed under § 4–210.1 **OF THIS TITLE** or § 4–701 of this [title] **SUBTITLE** or for all individuals on a vessel under the guidance of a fishing guide licensed under § 4–210 of this title in tidal waters of the State. The fee shall be:

(i) For 6 fishermen or less ..... \$240.

(ii) For 7 or more fishermen ..... \$290.

#### DRAFTER’S NOTE:

Error: Stylistic error in § 4–745(d)(1) of the Natural Resources Article.

Occurred: Chs. 259 and 260, Acts of 2019.

5–1601.

(k) (2) “Forest” includes:

(i) Areas that have at least 100 trees per acre with at least 50% of those trees having a 2 inch or greater diameter at 4.5 feet above the ground [and larger]; and

DRAFTER'S NOTE:

Error: Extraneous language in § 5–1601(k)(2)(i) of the Natural Resources Article.

Occurred: Ch. 255, Acts of 1991.

(z) “Net tract area” means:

(3) For a linear project:

(i) The area of a right-of-way width, new access [roads] **ROADS**,  
and storage; or

DRAFTER'S NOTE:

Error: Omitted comma in § 5–1601(z)(3)(i) of the Natural Resources Article.

Occurred: Ch. 559, Acts of 1997.

(hh) “Retention” means the deliberate holding and protecting of existing trees,  
[shrubs] **SHRUBS**, or plants on the site according to established standards.

DRAFTER'S NOTE:

Error: Omitted comma in § 5–1601(hh) of the Natural Resources Article.

Occurred: Ch. 255, Acts of 1991.

**Article – Public Utilities**

7–714.

(e) (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  
**ENERGY** 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.

DRAFTER'S NOTE:

Error: Omitted word in § 7–714(e)(2) of the Public Utilities Article.

Occurred: Ch. 393, Acts of 2017.

**Article – State Finance and Procurement**

7–324.

(f) (4) Any investment [earning] **EARNINGS** shall be subject to § 7–311(d) of this subtitle.

**DRAFTER’S NOTE:**

Error: Grammatical error in § 7–324(f)(4) of the State Finance and Procurement Article.

Occurred: Ch. 416, Acts of 1990.

**Article – State Government**

2–709.

(b) The Counsel:

(3) shall carry out any duties prescribed under Title [15] **5**, Subtitle 5 of [this article] **THE GENERAL PROVISIONS ARTICLE**;

**DRAFTER’S NOTE:**

Error: Erroneous cross–reference in § 2–709(b)(3) of the State Government Article.

Occurred: As a result of Ch. 94, § 2, Acts of 2014.

8–403.

This subtitle applies only to the following governmental activities and units:

(38) Nursing, State Board of (§ 8–201 of the Health Occupations Article[: 2021]), including the allied health advisory committees under the jurisdiction of the Board;

**DRAFTER’S NOTE:**

Error: Extraneous language in § 8–403(38) of the State Government Article.

Occurred: Chs. 510 and 511, § 2, Acts of 2019.

9–1A–04.

(d) The Commission shall adopt regulations that include the following specific provisions in accordance with this subtitle:

(19) requiring each video lottery operator under this subtitle to:

(i) establish procedures to offer players the opportunity to donate

coins, when receiving cash on payout, to the Maryland Veterans Trust Fund established under § 9–913 of this [article;] **TITLE**; and

**DRAFTER’S NOTE:**

Error: Stylistic error in § 9–1A–04(d)(19)(i) of the State Government Article.

Occurred: Ch. 479, Acts of 2016.

9–1A–29.

(h) After a grant has been provided under this section, the State Racing Commission shall:

(2) make provisions for recapture of grant [moneys] **MONEY** if the capital construction plan is not implemented within the time frame approved by the State Racing Commission.

**DRAFTER’S NOTE:**

Error: Incorrect word usage in § 9–1A–29(h)(2) of the State Government Article.

Occurred: Ch. 4, Acts of the Special Session of 2007.

(j) The State Racing Commission shall adopt regulations to implement the provisions of this [subsection,] **SECTION**, including regulations to address minimum criteria for the types of improvements to be made by the holder of a license.

**DRAFTER’S NOTE:**

Error: Erroneous internal reference in § 9–1A–29(j) of the State Government Article.

Occurred: Ch. 4, Acts of the Special Session of 2007.

**Article – State Personnel and Pensions**

12–108.

The Secretary shall:

(2) make the forms available on the Department’s [Web site] **WEBSITE**.

**DRAFTER’S NOTE:**

Error: Stylistic error in § 12–108(2) of the State Personnel and Pensions Article.

Occurred: Ch. 440, Acts of 2014.



1 29–202.

2 (b) (6) (i) If all individuals who are eligible for a special death benefit  
3 under § 29–203, § 29–204, § 29–204.1, or § 29–204.2 **OF THIS SUBTITLE** elect to waive the  
4 payment of a special death benefit, a benefit shall be paid in accordance with subsection (a)  
5 of this section.

6 DRAFTER’S NOTE:

7 Error: Stylistic error in § 29–202(b)(6)(i) of the State Personnel and Pensions Article.

8 Occurred: Chs. 277 and 278, Acts of 2017.

9 **Article – Tax – General**

10 10–205.

11 (b) The addition under subsection (a) of this section includes the amount of a  
12 credit claimed under:

13 (1) § 10–702 of this title for wages paid to an employee in an enterprise  
14 zone; **AND**

15 (2) [§ 10–704.3 of this title or § 8–213 of this article for wages paid and  
16 qualified child care or transportation expenses incurred with respect to qualified  
17 employment opportunity employees; and

18 (3)] § 10–704.7 of this title or § 8–216 of this article for wages paid and  
19 qualified child care or transportation expenses incurred with respect to a qualified  
20 employee with a disability.

21 DRAFTER’S NOTE:

22 Error: Obsolete cross–references in § 10–205(b)(2) of the Tax – General Article.

23 Occurred: As a result of the abrogation of § 10–704.3 of the Tax – General Article by  
24 Ch. 492, Acts of 1995 and the repeal of § 8–213 of the Tax – General Article by Ch. 370,  
25 Acts of 2007.

26 13–825.

27 (h) (1) The Comptroller may require a person subject to the tobacco tax to post  
28 security for the tax in the following amounts:

29 (i) for a manufacturer or wholesaler:

1.     **[\$10,000,] \$10,000;** plus

(ii)   for a subwholesaler or vending machine operator:

1.     **[\$1,000,] \$1,000;** plus

(iii)   for another tobacco products wholesaler:

1.     **[\$5,000,] \$5,000;** plus

DRAFTER'S NOTE:

Error: Tabulation error in § 13–825(h)(1)(i)1, (ii)1, and (iii)1 of the Tax – General Article.

Occurred: Ch. 388, Acts of 2010; Ch. 464, Acts of 1994.

**Article – Tax – Property**

9–105.

(c)   (5)   (ii)   If a homeowner otherwise eligible for a credit under this section does not actually reside in a dwelling on the subject property for the required period of time under subsection **[(a)(2)] (A)(5)** or (d)(2) of this section because the dwelling was razed by the homeowner for the purpose of replacing it with a new dwelling or was vacated by the homeowner for the purpose of making substantial improvements to the property, the homeowner may continue to qualify for a credit under this section for the tax year in which the razing or the substantial improvements were commenced and 1 succeeding tax year even if the dwelling has been removed from the assessment roll.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 9–105(c)(5)(ii) of the Tax – Property Article.

Occurred: As a result of Ch. 72, Acts of 2010.

9–110.

(a)   **[(5)]**   “Opportunity zone” has the meaning stated in § 6–801 of the Economic Development Article.]

**[(6)] (5)**   “Qualified business entity” means a new business entity operating an eligible project in a Tier I area, as defined under § 6–801 of the Economic Development Article.

**[(7)] (6)**   “Qualified position” has the meaning stated in § 6–801 of the

1 Economic Development Article.

2 [(8)] (7) “Qualified property” means real property where an eligible  
3 project is located.

4 DRAFTER’S NOTE:

5 Error: Extraneous definition (defined term is not used in the section) in § 9–110(a)(5)  
6 of the Tax – Property Article.

7 Occurred: Ch. 211, Acts of 2019.

8 9–230.

9 (b) (2) (ii) If an enhanced property tax credit is granted under this section  
10 and a business entity and its affiliates meet the requirements for the enhanced property  
11 tax credit and obtain certification from the county or municipal corporation, the business  
12 entity or any of its affiliates may claim a State tax credit against the individual or corporate  
13 income tax, insurance premiums tax, or financial institution franchise tax as provided  
14 under subsection [(d)(4)] (D)(5) of this section.

15 DRAFTER’S NOTE:

16 Error: Erroneous internal reference in § 9–230(b)(2)(ii) of the Tax – Property Article.

17 Occurred: Chs. 492 and 510, Acts of 1999.

18 9–317.

19 (g) (1) (iii) “Benefit limited liability company” means a Maryland limited  
20 liability company that elects to be a benefit limited liability company and complies with  
21 Title 4A, [Subtitle 11] **SUBTITLE 12** of the Corporations and Associations Article.

22 DRAFTER’S NOTE:

23 Error: Erroneous cross–reference in § 9–317(g)(1)(iii) of the Tax – Property Article.

24 Occurred: As a result of Chs. 527 and 528, Acts of 2013.

25 9–318.

26 (b) (1) The governing body of Prince George’s County may grant, by law, a  
27 property tax credit under this section against county property tax imposed on:

28 (i) real property that is:

29 1. owned by a nonprofit community civic association or

corporation; AND

DRAFTER'S NOTE:

Error: Omitted conjunction in § 9–318(b)(1)(i)1 of the Tax – Property Article.

Occurred: Ch. 8, § 2, Acts of 1985.

9–323.

(b) (2) A property tax credit granted under paragraph (1)(ii) of this subsection shall be:

(i) the following percentage of the increase that is due to the improvement:

3. 60% of the increase in the assessment of the real property in the 4th taxable year that the improved structure is subject to the county property tax; AND

DRAFTER'S NOTE:

Error: Omitted conjunction in § 9–323(b)(2)(i)3 of the Tax – Property Article.

Occurred: Ch. 8, § 2, Acts of 1985.

**Article – Transportation**

15–212.

(c) (14) [(i)] A licensee may not deny a claim, reduce the amount of compensation to a dealer, or process a charge back to a dealer for performing covered warranty or required recall repairs on a vehicle:

[1.] (I) For resolving a condition covered by the licensee's original warranty;

[2.] (II) For remedying a safety-related defect that is subject to an outstanding recall under federal law;

[3.] (III) If the dealer properly performed the repairs and submitted the claims; or

[4.] (IV) If the dealer discovered the need for repairs:

[A.] 1. During the course of a separate repair requested by

the customer; or

[B.] 2. Through notice of an outstanding recall under federal law for a safety-related defect.

DRAFTER'S NOTE:

Error: Tabulation error in § 15–212(c)(14) of the Transportation Article.

Occurred: Ch. 720, Acts of 2016.

16–206.

(b) (2) On notification by the clerk of the court that a child has been adjudicated delinquent for a violation of [§ 13–401(b)(2),] **§ 13–401(B) OF THIS ARTICLE FOR DRIVING AN OFF-HIGHWAY RECREATIONAL VEHICLE ON A HIGHWAY, OR OF § 20–102, § 20–103, or § 21–904 of this article**, or that a finding has been made that a child violated [§ 13–401(b)(2),] **§ 13–401(B) OF THIS ARTICLE FOR DRIVING AN OFF-HIGHWAY RECREATIONAL VEHICLE ON A HIGHWAY, OR OF § 20–102, § 20–103, or § 21–904 of this article**, the Administration shall suspend the child's license to drive in accordance with § 3–8A–23(a)(5) of the Courts Article.

(4) A suspension imposed under this subsection shall:

(i) Be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the adjudication of delinquency or finding that the child is in violation of [§ 13–401(b)(2),] **§ 13–401(B) OF THIS ARTICLE FOR DRIVING AN OFF-HIGHWAY RECREATIONAL VEHICLE ON A HIGHWAY, OR OF § 20–102, § 20–103, § 21–902, or § 21–904 of this article** as described in this subsection; and

DRAFTER'S NOTE:

Error: Erroneous cross-references in § 16–206(b)(2) and (4)(i) of the Transportation Article. The general prohibition against driving an unregistered vehicle on a highway is found under § 13–401(b)(1) of the Transportation Article, while § 13–401(b)(2) of that article requires the clerk of the court to report these violations that involve the use of an off-highway recreational vehicle to the Motor Vehicle Administration for the imposition of enhanced administrative penalties. The references to registration violations “for driving an off-highway recreational vehicle on a highway” are added to clarify that those registration violations are the only registration violations reported by the clerk of the court to the Motor Vehicle Administration for the imposition of the enhanced administrative penalties.

Occurred: Ch. 641, Acts of 2013.

21–706.1.

(h) (4) (i) The provisions of this paragraph apply only to a citation that involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, [and] **OR** Class P (passenger bus) vehicle.

DRAFTER'S NOTE:

Error: Erroneous conjunction in § 21–706.1(h)(4)(i) of the Transportation Article.

Occurred: Ch. 273, Acts of 2011.

21–809.

(b) (1) (viii) Before activating a speed monitoring system, the local jurisdiction shall:

3. With regard to a speed monitoring system established 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] **SUBPARAGRAPH (VI)3 OF THIS PARAGRAPH**, 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

DRAFTER'S NOTE:

Error: Stylistic error in § 21–809(b)(1)(viii)3 of the Transportation Article.

Occurred: Ch. 474, Acts of 2010.

25–201.

(b) “Abandoned vehicle” means any motor vehicle, trailer, or semitrailer:

(10) That is not reclaimed as provided under [§ 27–111] **§ 16–303.1** of this article.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 25–201(b)(10) of the Transportation Article.

1 Occurred: As a result of Ch. 55, Acts of 2017.

2 SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained  
3 in this Act are not law and may not be considered to have been enacted as part of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act are  
5 intended solely to correct technical errors in the law and there is no intent to revive or  
6 otherwise affect law that is the subject of other acts, whether those acts were signed by the  
7 Governor prior to or after the signing of this Act.

8 SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the  
9 Annotated Code of Maryland, subject to the approval of the Department of Legislative  
10 Services, shall make any changes in the text of the Annotated Code necessary to effectuate  
11 any termination provision that was enacted by the General Assembly and has taken effect  
12 or will take effect prior to October 1, 2020. Any enactment of the 2020 Session of the General  
13 Assembly that negates or extends the effect of a previously enacted termination provision  
14 shall prevail over the provisions of this section.

15 SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the  
16 Annotated Code of Maryland, in consultation with and subject to the approval of the  
17 Department of Legislative Services, shall make nonsubstantive corrections to codification,  
18 style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect  
19 or obsolete by an Act of the General Assembly, with no further action required by the  
20 General Assembly. The publishers shall adequately describe any such correction in an  
21 editor's note following the section affected.

22 SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency  
23 measure, is necessary for the immediate preservation of the public health or safety, has  
24 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
25 each of the two Houses of the General Assembly, and shall take effect from the date it is  
26 enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.