

SENATE BILL 494

P5

EMERGENCY BILL

7lr2322

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

Introduced and read first time: January 30, 2017

Assigned to: Rules

A BILL ENTITLED

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 2–508.1(c), 9–101(d), and 10–907
14 Annotated Code of Maryland
15 (2016 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section 3–603(b)(6), 12–202(f)(4), 13–1201(c), 17–401, 21–403(b), 21–404(b),
19 21–405(b), 21–903(b) and (e), 21–904(f)(2), 21–1103(a), (b), and (c)(1) and
20 (2)(iii), 21–1104(a), 21–1105(b) and (c), 21–1406, 21–2004(b), (c), (d), (e), and
21 (f)(1), 21–2006(b)(1)(iii) and (d)(1), 25–405(b)(2), 25–1405(a),
22 25–1406(a), 26–1405(b)(1), 33–602(b), 33–604(b)(1), 33–802(b),
23 33–804(b), 33–902(b)(3) and (c), and 33–904(c)
24 Annotated Code of Maryland
25 (2016 Volume and 2016 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Business Occupations and Professions
28 Section 15–305(f)(1)(iii) and 17–530(a)(3)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2016 Supplement)
- 3 BY repealing and reenacting, with amendments,
4 Article – Courts and Judicial Proceedings
5 Section 4–401(9)
6 Annotated Code of Maryland
7 (2013 Replacement Volume and 2016 Supplement)
- 8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–314(c) and (f) and 7–103(e)(1)
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2016 Supplement)
- 13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 3–13A–02(a)(2), 7–203.3(d), 8–405(b)(2)(i)1.A., 9.5–307(e)(1), 9.5–316(a),
16 9.5–401(c)(3)(iii) and (iv), 9.5–404(b)(5)(ii)1., 9.5–604(a) and (c),
17 18–402(a)(1)(ii), and 18–601(a)(6)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2016 Supplement)
- 20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 3–1401(c)(3)
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2016 Supplement)
25 (As enacted by Chapter 22 of the Acts of the General Assembly of 2015)
- 26 BY repealing
27 Article – Education
28 Section 18–601(a)(5)
29 Annotated Code of Maryland
30 (2014 Replacement Volume and 2016 Supplement)
- 31 BY adding to
32 Article – Education
33 Section 18–601(a)(6)
34 Annotated Code of Maryland
35 (2014 Replacement Volume and 2016 Supplement)
- 36 BY repealing and reenacting, with amendments,
37 Article – Education
38 Section 23–503(b)(1)(vii)
39 Annotated Code of Maryland
40 (2014 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 549 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 5–1002(b)(2)(ii), 9–503(e), and 14–101(l)(2)(iii)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–202.1(c)(2)(i)3. and (j)(5)(ii)1.
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)
(As enacted by Chapter 124 of the Acts of the General Assembly of 2015)

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–817(b)(2)(i) and (ii) and (3)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–349(b)(4)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 15–603(c), 15–614(b)(1), and 17–202
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 7–101
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–119.3(j)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)
(As enacted by Chapter 312 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 2–117(e)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–101(hh) and (ll)(4)

Annotated Code of Maryland

(2014 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 3–403(a)(2)(vii), 4–301(j)(2), 4–302(b)(1)(iii), 10–630(d)(1), 13–1102(i),
15–1003(a)(2), 21–2A–01(g)(3)(iii), 21–2A–06(b)(9)(v), and 21–1113(j)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 3–206(e)(2), 6–302(a)(4), 6–308(b), 8–206(f)(2), 8–508(d)(3),
12–102(c)(2)(ii)4.C. and D. and (l), 12–102.1(b) and (c), 12–102.2(b),
12–313(b)(29), 12–413(b), 12–6B–09(29), 12–6D–11(22), and 14–411.1(b)(1)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 4–235(b)(1)(ii)1. and 6–405(d)(4)

Annotated Code of Maryland

(2006 Volume and 2016 Supplement)

BY repealing

Article – Insurance

Section 15–112(a)(12)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–112(a)(13) and 31–101(g)(4)(iii)1.

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Insurance

Section 15–112(a)(13)

- 1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2016 Supplement)
- 3 BY repealing and reenacting, with amendments,
4 Article – Labor and Employment
5 Section 2–102(b) and 9–801
6 Annotated Code of Maryland
7 (2016 Replacement Volume)
8 (As enacted by Chapter 8 of the Acts of the General Assembly of 1991)
- 9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 8–206(a) and 11–408
12 Annotated Code of Maryland
13 (2016 Replacement Volume)
- 14 BY repealing and reenacting, without amendments,
15 Article – Land Use
16 Section 1–401(a)
17 Annotated Code of Maryland
18 (2012 Volume and 2016 Supplement)
- 19 BY adding to
20 Article – Land Use
21 Section 1–401(b)(20)
22 Annotated Code of Maryland
23 (2012 Volume and 2016 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article – Land Use
26 Section 1–401(b)(20) through (22), 1–509(a), and 7–307
27 Annotated Code of Maryland
28 (2012 Volume and 2016 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article – Local Government
31 Section 5–104
32 Annotated Code of Maryland
33 (2013 Volume and 2016 Supplement)
- 34 BY repealing and reenacting, with amendments,
35 Article – Natural Resources
36 Section 1–405(a), (c)(1) and (2), and (h)(3), (7), and (10), 4–215(g)(3), 4–217(b)(1),
37 4–611(a), 4–701(d)(2)(ii)2.B.II., 4–713(h), 5–102(b)(2), and 10–302(a)
38 Annotated Code of Maryland
39 (2012 Replacement Volume and 2016 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 7–304(d)(2)(i)
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2016 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Public Utilities
8 Section 7–106(e)(1)
9 Annotated Code of Maryland
10 (2010 Replacement Volume and 2016 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 7–311(j)(1)(ii)2., 14–103(a)(3)(iii), and 14–501(c)(1)
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2016 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 9–1A–26(a)(3)
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2016 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – State Personnel and Pensions
23 Section 21–309.1(b), 22–406(c)(4)(xi), and 23–407(c)(4)(ix)
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2016 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Tax – General
28 Section 2–202(a)(1)(i), 4–102(c)(1), 13–203(c)(8), and 13–912(c)(1)(ii) and (e)
29 Annotated Code of Maryland
30 (2016 Replacement Volume)
- 31 BY repealing and reenacting, with amendments,
32 Article – Tax – Property
33 Section 9–104(d)(1)
34 Annotated Code of Maryland
35 (2012 Replacement Volume and 2016 Supplement)
- 36 BY repealing and reenacting, with amendments,
37 Article – Transportation
38 Section 2–103.7(a)(1)
39 Annotated Code of Maryland
40 (2015 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 36 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–205(e)(3)(iv) and (v), (7)(i) and (ii), (8), (9)(i), and (11),
16–404.1(d)(1)(i)4., and 21–202.1(a)(3)(ii)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 7–504(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 10–110(c)(2)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Agriculture

2–508.1.

(c) If the money remaining in the Maryland Agricultural Land Preservation Fund at the end of the fiscal year [are] IS insufficient to distribute the total amount applied for under subsection (a) of this section, the maximum amount that may be distributed to any certified county is:

(1) The total sum available divided by the number of counties applying for additional funds under this section; less

(2) The amount committed by the Foundation on behalf of the county under general allotted purchases of easements as provided in § 2–508(b) of this subtitle for the fiscal year in which easement purchases are made.

DRAFTER’S NOTE:

Error: Grammatical error in § 2–508.1(c) of the Agriculture Article.

Occurred: As a result of a correction made in Ch. 8, § 5, Acts of 2016.

1 9–101.

2 (d) The terms “certified”, “approved”, “inspected”, “registered”, “foundation”, and
3 [“breeder”] **“BREEDER”**, when referring to sod, [which] **MEAN THAT THE SOD** has been
4 produced or collected, inspected, and labeled in accordance with the procedures and the
5 rules and regulations of an officially recognized certification agency.

6 DRAFTER’S NOTE:

7 Error: Omitted words in § 9–101(d) of the Agriculture Article.

8 Occurred: Ch. 6, Acts of the First Special Session of 1973.

9 10–907.

10 No [person,] **PERSON** may be prosecuted under this subtitle, if he can establish by
11 satisfactory evidence that he was not a party to the grading and packing of the cantaloupes
12 in question, and had no knowledge that they were misbranded or illegally packed.

13 DRAFTER’S NOTE:

14 Error: Extraneous comma in § 10–907 of the Agriculture Article.

15 Occurred: Ch. 6, Acts of the First Special Session of 1973.

16 **Article – Alcoholic Beverages**

17 3–603.

18 (b) The Comptroller shall revoke a license or permit or, except as provided in §
19 3–606 of this subtitle, suspend a license or permit for:

20 (6) violation of § 2–216 **OR § 2–315** of this article [or § 3–315 of this title];

21 DRAFTER’S NOTE:

22 Error: Erroneous cross–reference in § 3–603(b)(6) of the Alcoholic Beverages Article.

23 Occurred: Ch. 41, Acts of 2016.

24 12–202.

25 (f) (4) If a member is removed, the appointing officer who removed the
26 member shall file with the Office of the Secretary of State a statement of charges against
27 the member and the [Governor’s] **APPOINTING OFFICER’S** findings made on the charges.

DRAFTER'S NOTE:

Error: Inconsistent language in § 12–202(f)(4) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

13–1201.

(c) The **HOLDER OF THE** privilege [authorizes a holder to] **SHALL**:

(1) contract with a sponsor of a public or private catered event held off the premises of the holder to provide food and sell beer, wine, and liquor for consumption at the event; and

(2) exercise the privilege only during the hours and on the days authorized for the holder's Class B or Class D license.

DRAFTER'S NOTE:

Error: Incorrect revision of former Art. 2B, § 6–702(d) in the introductory language of § 13–1201(c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

17–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 2–201 (“Issuance by Comptroller”);

(2) § 2–202 (“Class 1 distillery license”);

(3) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”);

[(3)] (4) § 2–204 (“Class 2 rectifying license”);

[(4)] (5) § 2–205 (“Class 3 winery license”);

[(5)] (6) § 2–206 (“Class 4 limited winery license”);

[(6)] (7) § 2–207 (“Class 5 brewery license”);

[(7)] (8) § 2–208 (“Class 6 pub–brewery license”);

[(8)] (9) § 2–210 (“Class 8 farm brewery license”);

1 [(9)] (10) § 2–211 (“Residency requirement”);

2 [(10)] (11) § 2–212 (“Additional licenses”);

3 [(11)] (12) § 2–213 (“Additional fees”);

4 [(12)] (13) § 2–214 (“Sale or delivery restricted”);

5 [(13)] (14) § 2–215 (“Beer sale on credit to retail dealer prohibited”);

6 [(14)] (15) § 2–216 (“Interaction between manufacturing entities and
7 retailers”);

8 [(15)] (16) § 2–217 (“Distribution of alcoholic beverages — Prohibited
9 practices”); and

10 [(16)] (17) § 2–218 (“Restrictive agreements between producers and
11 retailers — Prohibited”).

12 [(b)] Section 2–203 (“Class 9 limited distillery license”) of Title 2, Subtitle 2
13 (“Manufacturer’s Licenses”) of Division I of this article does not apply in the county.

14 [(c)] (B) Section 2–209 (“Class 7 micro–brewery license”) applies in the county,
15 subject to § 17–403 of this subtitle.

16 DRAFTER’S NOTE:

17 Error: Incorrect revised language in § 17–401(a)(3) and (b) of the Alcoholic Beverages
18 Article.

19 Occurred: Ch. 41, Acts of 2016, as a result of Chs. 308, 454, and 455, Acts of 2016,
20 which amended the same subsection. Correction suggested by the Attorney General in the
21 Bill Review Letter for S.B. 958 (Ch. 454) and H.B. 1071 (Ch. 455) (footnote 3), dated April
22 27, 2016.

23 21–403.

24 (b) A license holder may open on Sundays to engage in the activities listed in §
25 2–202(c)(5) of this article only in an election district **OR A PRECINCT IN AN ELECTION**
26 **DISTRICT** where the voters, in a referendum authorized by law, have approved Sunday
27 sales at a distillery.

28 DRAFTER’S NOTE:

29 Error: Omitted language in § 21–403(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–404.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–204(b)(4) of this article only in an election district **OR A PRECINCT IN AN ELECTION DISTRICT** where the voters, in a referendum authorized by law, have approved Sunday sales at a rectifying facility.

DRAFTER’S NOTE:

Error: Omitted language in § 21–404(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–405.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–206(b)(6) of this article only in an election district **OR A PRECINCT IN AN ELECTION DISTRICT** where the voters, in a referendum authorized by law, have approved Sunday sales at a winery.

DRAFTER’S NOTE:

Error: Omitted language in § 21–405(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–903.

(b) The Board may issue the license to a holder of:

(1) A CLASS B BEER AND WINE LICENSE;

[(1)] (2) a Class B beer, wine, and liquor license; or

[(2)] (3) a Class B Resort beer, wine, and liquor license.

DRAFTER’S NOTE:

Error: Omitted language in § 21–903(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

(e) The license holder may sell beer, wine, and liquor during the hours and days of sale as set out in [§ 21–2004(d)] **§ 21–2004(C)** of this title.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 21–903(e) of the Alcoholic Beverages Article.

Occurred: As a result of an amendment to § 21–2004(b), (c), (d), and (f)(1) of the Alcoholic Beverages Article made by this Act.

21–904.

(f) (2) The license holder may sell beer, wine, and liquor on Sunday during the hours as set out under [§ 21–2004(e)(2)] **§ 21–2004(D)(2)** of this title.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 21–904(f)(2) of the Alcoholic Beverages Article.

Occurred: As a result of an amendment to § 21–2004(b), (c), (d), and (f)(1) of the Alcoholic Beverages Article made by this Act.

21–1103.

(a) There is a draft beer [permit] **LICENSE**.

(b) To sell draft beer, a license holder of an establishment for which a license to sell beer has been issued shall obtain a draft beer [permit] **LICENSE** from the Board.

(c) (1) Except as provided in paragraph (2) of this subsection, the [permit] **LICENSE** fees are:

(i) \$75 for the issuing fee; and

(ii) \$75 for the annual fee.

(2) A holder of a Class B–resort license shall pay:

(iii) an issuing fee for each new [permit] **DRAFT BEER LICENSE** in an amount equal to the annual fee.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 21–1103(a), (b), (c)(1), and (c)(2)(iii) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–1104.

(a) The Board may issue a refillable container permit for draft beer to a holder of a draft beer **[permit] LICENSE** who also holds any other license except a Class A license or a Class C license.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 21–1104(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–1105.

(b) The Board may grant the privilege to a holder of:

(1) A CLASS C 2–DAY, 6–DAY, OR 12–DAY LICENSE;

(2) A CLASS C MULTIPLE EVENT LICENSE; OR

(3) a license that has a catering option and that is:

[(1)] (I) a Class B beer and wine license or Class B beer, wine, and liquor license;

[(2)] (II) a Class BDR beer and wine license or Class BDR beer, wine, and liquor license;

[(3)] (III) a Class B Resort beer, wine, and liquor license;

[(4)] a Class C 2–day, 6–day, or 12–day license;

(5) a Class C multiple event license;]

[(6)] (IV) a Class D beer and wine license; or

[(7)] (V) a Class D beer, wine, and liquor license.

(c) The privilege authorizes the license holder to sell the alcoholic beverages authorized by the license in commemorative or special event bottles for off–premises consumption if:

(1) the privilege is exercised at a catered event **OR AN EVENT HELD BY A HOLDER OF A CLASS C 2-DAY, 6-DAY, OR 12-DAY LICENSE OR A CLASS C MULTIPLE EVENT LICENSE**;

(2) the Board approves the commemorative or special event bottles before the event occurs; and

(3) the commemorative or special event bottles are sold only on the hours and days that the Board allows.

DRAFTER'S NOTE:

Error: Incorrect revision of former Art. 2B, § 7–101(p)(1) in § 21–1105(b) and (c)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–1406.

The following license holders are exempt from paying an issuing fee for a new license:

(1) [a person holding a license before July 1, 1987;

(2)] a corporation holding a license that has a 50% or less change of its corporate officers;

[(3)] (2) a nonprofit corporation, fraternal and civic organization, or group holding a license, regardless of the percent of change of its corporate officers; and

[(4)] (3) a subsequent license holder of a license of a deceased license holder if the subsequent license holder is the spouse or sibling of the deceased license holder.

DRAFTER'S NOTE:

Error: Obsolete language in § 21–1406(1) of the Alcoholic Beverages Article. Confirmed by the administrator of the Board of License Commissioners for Garrett County.

Occurred: Ch. 41, Acts of 2016.

21–2004.

(b) [A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

1 (c)] (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine,
2 and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

3 (2) (i) Sunday sales are allowed from 1 p.m. to 10 p.m. in:

4 1. election districts 11 and 15; and

5 2. any other election district or precinct of an election district
6 in which the voters in a referendum authorized by law approve Sunday sales as specified
7 in this paragraph.

8 (ii) In addition to the usual license fee, fees for exercising the
9 privileges of the license on Sunday are:

10 1. \$250 in addition to the usual license fee; and

11 2. \$250, as an issuing fee for a new license.

12 [(d)] (C) A holder of a Class BDR (deluxe restaurant) beer, wine, and liquor
13 license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m.
14 the following day.

15 [(e)] (D) (1) A holder of a Class C beer, wine, and liquor license may sell beer,
16 wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

17 (2) (i) Sunday sales are allowed from 1 p.m. to 10 p.m. in:

18 1. election districts 11 and 15; and

19 2. any other election district in which the voters by
20 referendum approve Sunday sales.

21 (ii) In addition to the usual license fee, fees for exercising the
22 privileges of the license on Sunday are:

23 1. \$250 in addition to the usual license fee; and

24 2. \$250, as an issuing fee for a new license.

25 [(f)] (E) (1) A holder of a Class D beer, wine, and liquor license may sell beer,
26 wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

27 DRAFTER'S NOTE:

28 Error: Incorrect revision of former Art. 2B, § 6–201(m)(5)(i) in § 21–2004(b) of the
29 Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–2006.

(b) (1) Subject to paragraph (2) of this subsection, this section applies only to off-premises sales by:

(iii) a holder of a Class C **MULTIPLE DAY OR MULTIPLE EVENT** license; and

(d) (1) This subsection does not apply to a holder of a Class C **MULTIPLE DAY OR MULTIPLE EVENT** license.

DRAFTER’S NOTE:

Error: Omitted language in § 21–2006(b)(1)(iii) and (d)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

25–405.

(b) The license may be issued to the holder of:

(2) a Class **[I] D** beer and wine license; or

DRAFTER’S NOTE:

Error: Erroneous terminology in § 25–405(b)(2) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

25–1405.

(a) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club, as individuals.

(2) IF A CORPORATION OR CLUB HAS FEWER THAN THREE OFFICERS, EACH OFFICER SHALL APPLY FOR A LICENSE.

DRAFTER’S NOTE:

Error: Incorrect revision of former Art. 2B, § 9–101(b)(6) in § 25–1405(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

25–1406.

(a) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, A license on behalf of a limited liability company shall be applied for and issued to three authorized persons of the limited liability company, as individuals.

(2) **IF A LIMITED LIABILITY COMPANY HAS FEWER THAN THREE AUTHORIZED PERSONS, EACH AUTHORIZED PERSON SHALL APPLY FOR A LICENSE.**

DRAFTER’S NOTE:

Error: Incorrect revision of former Art. 2B, § 9–101(c)(5)(ii) in § 25–1406(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

26–1405.

(b) (1) An application for a license for a proprietorship shall state the name and address of the [partnership] **PROPRIETORSHIP** and the name and address of the applicant.

DRAFTER’S NOTE:

Error: Erroneous terminology in § 26–1405(b)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33–602.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for **ON–PREMISES CONSUMPTION OR** on– and off–premises consumption.

DRAFTER’S NOTE:

Error: Omitted language in § 33–602(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33–604.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for **ON-PREMISES CONSUMPTION OR** on- and off-premises consumption.

DRAFTER'S NOTE:

Error: Omitted language in § 33-604(b)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33-802.

(b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for **ON-PREMISES CONSUMPTION OR** on- and off-premises consumption.

DRAFTER'S NOTE:

Error: Omitted language in § 33-802(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33-804.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for **ON-PREMISES CONSUMPTION OR** on- and off-premises consumption.

DRAFTER'S NOTE:

Error: Omitted language in § 33-804(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33-902.

(b) (3) The Board may not issue a license **UNDER THIS SECTION** for use in a hotel or restaurant unless the hotel or restaurant is:

(i) operated in a clean and sanitary manner; and

(ii) has proper restroom facilities.

(c) A [7-day] license **UNDER THIS SECTION** authorizes the license holder to sell beer, wine, and liquor, at retail, at the place described in the license, for on- and off-premises consumption.

DRAFTER'S NOTE:

Error: Omitted language and obsolete terminology in § 33–902(b)(3) and (c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33–904.

(c) [The 7–day] A license **UNDER THIS SECTION** authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on–premises consumption and beer and wine for off–premises consumption.

DRAFTER'S NOTE:

Error: Omitted language and obsolete terminology in § 33–904(c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

Article – Business Occupations and Professions

15–305.

(f) (1) An applicant qualifies under this section if the applicant:

(iii) subject to paragraph (2) of this subsection, has at least 9 years of experience in land surveying that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice land surveying; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 15–305(f)(1)(iii) of the Business Occupations and Professions Article.

Occurred: Ch. 611, Acts of 2014.

17–530.

(a) (3) In addition to the written disclosure required under subsection (b) of this section:

(i) if the first contact between a seller's agent and a prospective buyer or [lessor] **LESSEE** is not a face–to–face contact, the seller's agent shall disclose, through the medium in which the contact occurs, that the seller's agent represents the seller or lessor; and

(ii) if the first contact between a buyer's agent and a prospective seller or [lessee] **LESSOR** is not a face-to-face contact, the buyer's agent shall disclose, through the medium in which the contact occurs, that the buyer's agent represents the buyer or lessee.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 17-530(a)(3) of the Business Occupations and Professions Article.

Occurred: Ch. 311, Acts of 2016.

Article – Courts and Judicial Proceedings

4-401.

Except as provided in § 4-402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(9) Proceedings under Title 12 or Title 13 of the Criminal Procedure Article for the forfeiture or return of [moneys] **MONEY** involved in a gambling or controlled dangerous substances seizure where the amount involved, excluding any interest and attorney's fees, if attorney's fees are recoverable by law or contract, does not exceed \$20,000;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4-401(9) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 538, Acts of 1977.

Article – Criminal Law

3-314.

(c) A person may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual confined in a child care institution licensed by the Department **OF JUVENILE SERVICES**, a detention center for juveniles, or a facility for juveniles listed in § 9-226(b) of the Human Services Article.

(f) A sentence imposed for A violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime under §§ 3-303 through 3-312 of this subtitle.

DRAFTER'S NOTE:

Error: Omitted language and omitted word in § 3–314(c) and (f) of the Criminal Law Article.

Occurred: Ch. 26, Acts of 2002.

Article – Education

3–13A–02.

(a) The seven members of the Wicomico County Board shall be elected:

(2) In accordance with § 3–13A–01 of this subtitle and Title 8, Subtitle 8 of [this article] **THE ELECTION LAW ARTICLE**.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 3–13A–02(a)(2) of the Education Article.

Occurred: Ch. 169, Acts of 2016.

3–1401.

(c) (3) Notwithstanding § [3–114(f)] **3–114(G)** of this title or any other law, a school bus contractor is eligible to serve as a member of the county board.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 3–1401(c)(3) of the Education Article.

Occurred: As a result of Ch. 723, Acts of 2016. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Education Article is ratified by this Act.

7–203.3.

(d) On or before October 15 of each year, the information required under subsection [(a)] **(C)** of this section shall be:

(1) Updated;

(2) Posted on the Web site of the county board; and

(3) Included in the annual update of the county board’s master plan required under § 5–401 of this article.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 7–203.3(d) of the Education Article.

Occurred: Ch. 264, Acts of 2016.

8–405.

(b) (2) (i) 1. At the initial evaluation meeting, the parents of the child shall be provided:

A. In plain language, [a verbal] **AN ORAL** and written explanation of the parents' rights and responsibilities in the individualized education program process and a program procedural safeguards notice; and

DRAFTER'S NOTE:

Error: Incorrect word usage in § 8–405(b)(2)(i)1A of the Education Article.

Occurred: Ch. 400, Acts of 2014.

9.5–307.

(e) (1) An administrative search warrant issued under this section authorizes the State Superintendent and other officials or employees of the [State] Department [of Education] or the Department of Human Resources to enter the specified property to perform the inspection and other functions authorized by law to determine compliance with the provisions of this subtitle relating to family child care homes and large family child care homes.

DRAFTER'S NOTE:

Error: Extraneous language in § 9.5–307(e)(1) of the Education Article.

Occurred: Ch. 585, Acts of 2005.

9.5–316.

(a) The funds shall consist of:

(1) [Moneys] **MONEY** specifically appropriated for the Direct Grant Fund;
or

(2) Any other [moneys] **MONEY** made available to the Direct Grant Fund.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 9.5–316(a) of the Education Article.

Occurred: Ch. 168, Acts of 1994.

1 9.5–401.

2 (c) (3) “Child care center” does not include:

3 (iii) A child care home, a child care institution, or other child care
4 facility that offers or provides a residential placement for a child and is established,
5 licensed, or registered under this [subtitle] **TITLE**, Title 9 of the Human Services Article,
6 or Title 10 of the Health – General Article; or

7 (iv) A family child care home or large family child care home that is
8 required to be registered or is registered under this [subtitle] **TITLE**.

9 DRAFTER’S NOTE:

10 Error: Stylistic error in § 9.5–401(c)(3)(iii) and (iv) of the Education Article.

11 Occurred: Ch. 5, § 1, Acts of 1989.

12 9.5–404.

13 (b) These rules and regulations shall:

14 (5) Promote proper nutrition and developmentally appropriate practices
15 by:

16 (ii) 1. Requiring compliance with the United States [Food and
17 Drug Administration] **DEPARTMENT OF AGRICULTURE** Child and Adult Care Food
18 Program standards for beverages served to children, except that milk that is not nonfat or
19 low fat may be ordered by a health care practitioner or requested by a parent or guardian;
20 and

21 DRAFTER’S NOTE:

22 Error: Misnomer in § 9.5–404(b)(5)(ii)1 of the Education Article.

23 Occurred: Chs. 331 and 332, Acts of 2014.

24 9.5–604.

25 (a) The grant funds shall consist of:

26 (1) [Moneys] **MONEY** specifically appropriated for the Child Care Quality
27 Incentive Grant Program; and

(2) Any other [moneys] **MONEY** made available to the Child Care Quality Incentive Grant Program.

(c) To be eligible to receive grants under this [part] **SUBTITLE**, a child care provider must:

(1) Possess a certificate of registration or license that is current and not subject to any pending regulatory action, including revocation and suspension; and

(2) Not be in arrears in the payment of any [moneys] **MONEY** owed to the State, including the payment of taxes and employee benefits.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 9.5–604(a) and (c) of the Education Article.

Occurred: Ch. 256, Acts of 2002; Ch. 185, Acts of 2016.

18–402.

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

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

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

DRAFTER'S NOTE:

Error: Stylistic error in § 18–402(a)(1)(ii) of the Education Article.

Occurred: Ch. 465, Acts of 1979.

18–601.

(a) [(5) “Surviving spouse” means a person who has not remarried.]

[(6)] (5) “State or local public safety employee” means a person who is:

(i) A career or volunteer member of a:

1. Fire department;

2. Ambulance company or squad; or

3. Rescue company or squad;

(ii) A law enforcement officer;

(iii) A correctional officer; or

(iv) A member of the Maryland National Guard who was a resident of this State at the time of death.

(6) “SURVIVING SPOUSE” MEANS A PERSON WHO HAS NOT REMARRIED.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 18–601(a)(5) and (6) of the Education Article.

Occurred: Ch. 221, Acts of 1990.

23–503.

(b) (1) Each county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

(vii) For fiscal year 2021 – \$16.43; AND

DRAFTER’S NOTE:

Error: Omitted conjunction in § 23–503(b)(1)(vii) of the Education Article.

Occurred: Ch. 549, Acts of 2016. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Education Article is ratified by this Act.

Article – Election Law

5–1002.

(b) (2) (ii) The successor nominee designated by the State central committee under [item (i)] SUBPARAGRAPH (I) of this paragraph shall file a certificate of candidacy with the State Board.

DRAFTER’S NOTE:

Error: Stylistic error in § 5–1002(b)(2)(ii) of the Election Law Article.

Occurred: Ch. 8, Acts of 2016.

9–503.

(e) The process for applying in person for an absentee ballot at the office of a local board under [§ 9–305(c)] **§ 9–305** of this title does not apply to a special election conducted by mail.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 9–503(e) of the Election Law Article.

Occurred: As a result of Chs. 157 and 158, Acts of 2013, which rewrote § 9–305 of the Election Law Article.

14–101.

(l) (2) “Subsidiary” does not include a business entity that does not have a contract doing public business and is directly or indirectly owned or controlled by another business entity:

(iii) that is defined under [12 U.S.C. § 184(a)] **12 U.S.C. § 1841(A)**.

DRAFTER’S NOTE:

Error: Erroneous citation in § 14–101(l)(2)(iii) of the Election Law Article.

Occurred: Ch. 252, Acts of 2016.

Article – Environment

4–202.1.

(c) (2) (i) If a county or municipality established a stormwater remediation fee under this section on or before July 1, 2013, the county or municipality may repeal or reduce the fee before July 1, 2016, if:

3. The Department determines the financial assurance plan demonstrates good faith toward achieving sufficient funding in accordance with subsection (j)(4)(ii) of this [subsection] **SECTION**.

(j) (5) (ii) 1. If the Department determines that the funding in the second or subsequent financial assurance plan is insufficient to meet, for the 2–year period immediately following the filing date of the financial assurance plan, 100% of the projected costs of compliance with the impervious surface restoration plan requirements of the county

or municipality under its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit, in addition to any other remedy available at law or in equity the Department shall impose an administrative penalty of:

A. For a first offense, up to \$5,000 for each day until the funding in the financial assurance plan is determined to be sufficient in accordance with [subsection (j)(4)(iii)] **PARAGRAPH (4)(III)** of this subsection; and

B. For a second and subsequent offense, up to \$10,000 for each day until the funding in the financial assurance plan is determined to be sufficient in accordance with [subsection (j)(4)(iii)] **PARAGRAPH (4)(III)** of this subsection.

DRAFTER'S NOTE:

Error: Stylistic error in § 4–202.1(c)(2)(i)3 and (j)(5)(ii)1 of the Environment Article.

Occurred: Ch. 124, Acts of 2015. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Environment Article is ratified by this Act.

6–817.

(b) (2) (i) Notwithstanding any other remedy that may be available, an owner who fails to meet the requirements of [subsections (b)(1) and] **PARAGRAPH (1) OF THIS SUBSECTION AND SUBSECTION (c)** of this section, or of § 6–819(f) of this subtitle shall lose the liability protection under § 6–836 of this subtitle for any alleged injury or loss caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 15 µg/dl or more on or after February 24, 2006 in any of the owner's units that have not satisfied the risk reduction standard specified in § 6–815(a) of this subtitle, the inspection requirement of subsection (c) of this section, or the modified risk reduction standard specified in § 6–819(a) of this subtitle, as applicable.

(ii) The liability protection under § 6–836 of this subtitle shall be reinstated for any alleged injury or loss caused by the ingestion of lead that is first documented by a test for EBL of 15 µg/dl or more after the date that the owner meets the requirements of [subsections (b)(1) and] **PARAGRAPH (1) OF THIS SUBSECTION, SUBSECTION (c)** of this [section] **SECTION**, and the requirements of § 6–819(f) of this subtitle.

(3) Notice given under [subsection (b)(1) of this section] **PARAGRAPH (1) OF THIS SUBSECTION** shall be sent by:

(i) Certified mail, return receipt requested; or

(ii) A verifiable method approved by the Department.

DRAFTER'S NOTE:

Error: Stylistic error in § 6–817(b)(2)(i) and (ii) and (3) of the Environment Article.

Occurred: Ch. 114, Acts of 1994.

9–349.

(b) Loan assistance may be awarded to a person under this section if:

(4) When an applicant leases the property where the pretreatment project will be constructed, [that] the landowner consents to the terms and conditions of the agreement.

DRAFTER’S NOTE:

Error: Extraneous language in § 9–349(b)(4) of the Environment Article.

Occurred: Ch. 795, Acts of 1984.

Article – Estates and Trusts

15–603.

(c) A direction by a user under [subsections] **SUBSECTION** (a) or (b) of this section shall override a contrary provision in a terms–of–service agreement, if the terms–of–service agreement does not require the user to act affirmatively and distinctly from the user’s assent to the terms of service.

DRAFTER’S NOTE:

Error: Grammatical error in § 15–603(c) of the Estates and Trusts Article.

Occurred: Chs. 364 and 365, Acts of 2016.

15–614.

(b) A fiduciary’s or designated recipient’s authority with respect to a digital asset of a user:

(1) Except as otherwise provided in [item (4) of this subsection] **§ 15–603 OF THIS SUBTITLE**, is subject to the applicable terms of service;

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 15–614(b)(1) of the Estates and Trusts Article.

Occurred: Chs. 364 and 365, Acts of 2016.

1 17–202.

2 Retirement plans (including a plan or account created by an employer, the principal, or
3 another individual to provide retirement benefits or deferred compensation of which the
4 principal is a participant, beneficiary, or owner, including a plan or account under the
5 following sections of the Internal Revenue Code: (1) an individual retirement account under
6 Internal Revenue Code Section 408, 26 U.S.C. § 408; (2) a Roth individual retirement
7 account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A; (3) a deemed
8 individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. §
9 408(q); (4) an annuity or mutual fund custodial account under Internal Revenue Code
10 Section 403(b), 26 U.S.C. § 403(b); (5) a pension, profit-sharing, stock bonus, or other
11 retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a);
12 (6) a plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and (7) a
13 nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26
14 U.S.C. [§ 409A] **§ 409A**) – With respect to this subject, I authorize my agent to: select the
15 form and timing of payments under a retirement plan and withdraw benefits from a plan;
16 make a rollover, including a direct trustee-to-trustee rollover, of benefits from one
17 retirement plan to another; establish a retirement plan in the principal's name; make
18 contributions to a retirement plan; exercise investment powers available under a
19 retirement plan; borrow from, sell assets to, or purchase assets from a retirement plan. I
20 recognize that granting my agent the authority to create or change a beneficiary
21 designation for a retirement plan may affect the benefits that I may receive if that authority
22 is exercised. If I grant my agent the authority to designate the agent, the agent's spouse,
23 or a dependent of the agent as a beneficiary of a retirement plan, the grant may constitute
24 a taxable gift by me and may make the property subject to that authority taxable as a part
25 of the agent's estate. Therefore, if I wish to authorize my agent to create or change a
26 beneficiary designation for any retirement plan, and in particular if I wish to authorize the
27 agent to designate as my beneficiary the agent, the agent's spouse, or a dependent of the
28 agent, I will explicitly state this authority in the Special Instructions section that follows
29 or in a separate power of attorney.

30 DRAFTER'S NOTE:

31 Error: Omitted parenthesis in § 17–202 of the Estates and Trusts Article.

32 Occurred: Chs. 689 and 690, Acts of 2010.

33 **Article – Family Law**

34 7–101.

35 If the grounds for the divorce occurred outside [of] this State, a party may not apply
36 for a divorce unless one of the parties has resided in this State for at least 6 months before
37 the application is filed.

38 DRAFTER'S NOTE:

Error: Incorrect word usage in § 7–101 of the Family Law Article.

Occurred: Ch. 296, Acts of 1984.

10–119.3.

(j) The Administration shall notify the licensing authority to reinstate any license suspended or denied under this section within 10 days after the occurrence of any of the following events:

(1) the Administration receives a court order to reinstate the suspended license; [or]

DRAFTER’S NOTE:

Error: Extraneous conjunction in § 10–119.3(j)(1) of the Family Law Article.

Occurred: Ch. 609, Acts of 1997. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Family Law Article is ratified by this Act.

Article – Financial Institutions

2–117.

(e) Subject to subsections (f), (g), and (l) of this section, and notwithstanding any other provision of State law, the Commissioner may:

(1) Enter into information sharing agreements with any federal or state regulatory agency having authority over licensed persons or with any federal or state law enforcement agency, including the Office of Foreign [Asset] ASSETS Control, and any successor to these agencies, and any agency of a foreign country with primary responsibility for regulating licensed persons, provided that the agreements prohibit the agencies from disclosing any shared information about a licensed person without the prior written consent from the Commissioner regarding disclosure of the particular information; and

(2) Exchange information about a licensed person, including information obtained or generated during an examination, with any federal or other state’s regulatory agency having authority over the licensed person or with any federal or state law enforcement agency, including the Office of Foreign [Asset] ASSETS Control, and any successor to these agencies, and any agency of a foreign country with primary responsibility for regulating licensed persons.

DRAFTER’S NOTE:

Error: Misnomer in § 2–117(e) of the Financial Institutions Article.

Occurred: Ch. 478, Acts of 2016.

Article – General Provisions

5–101.

(hh) “Regulated lobbyist” means an entity that is required to register with the Ethics Commission under § [5–701(a)] **5–702(A)** of this title.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 5–101(hh) of the General Provisions Article.

Occurred: Ch. 94, Acts of 2014.

(ll) “State official” means:

(4) a judicial appointee as defined in Maryland Rule [16–814] **18–200.3**;

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 5–101(ll)(4) of the General Provisions Article.

Occurred: As a result of the adoption of a new rule governing application of the code of conduct for judicial appointees effective July 1, 2016.

Article – Health – General

3–403.

(a) (2) The Committee consists of the following members:

(vii) A representative of the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**, appointed by the [Division] **OFFICE**; and

DRAFTER’S NOTE:

Error: Misnomer in § 3–403(a)(2)(vii) of the Health – General Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

4–301.

(j) (2) For acute general hospital services, mental health services are considered to be the primarily rendered service only if service is provided pursuant to Title

1 10, Subtitle 6 [or Title 12] of this article **OR TITLE 3 OF THE CRIMINAL PROCEDURE**
2 **ARTICLE.**

3 DRAFTER'S NOTE:

4 Error: Erroneous cross-reference in § 4–301(j)(2) of the Health – General Article.

5 Occurred: As a result of Ch. 10, Acts of 2001, which revised without substantive
6 change Title 12 of the Health – General Article as part of Title 3 of the new Criminal
7 Procedure Article.

8 4–302.

9 (b) The provisions of this subtitle do not apply to information:

10 (1) Not kept in the medical record of a patient or recipient that is related
11 to the administration of a health care facility, including:

12 (iii) Any activities of a medical or dental review committee that are
13 confidential under the provisions of **§ 1–401 AND** Title 4, Subtitle 5 [and Title 14, Subtitle
14 5] of the Health Occupations Article and any activities of a pharmacy review committee;

15 DRAFTER'S NOTE:

16 Error: Erroneous cross-reference in § 4–302(b)(1)(iii) of the Health – General Article.

17 Occurred: As a result of Ch. 158, Acts of 2002, which renumbered § 14–501 of the
18 Health Occupations Article to be § 1–401 of the Health Occupations Article. Section
19 14–501 of the Health Occupations Article contained the provisions governing the
20 confidentiality of the activities of a medical review committee.

21 10–630.

22 (d) (1) An emergency evaluatee who was a minor when a petition for emergency
23 evaluation was made or sought concerning the emergency evaluatee under [Part IV of this
24 subtitle] **THIS PART** may file a motion with the court at any time requesting that any court
25 records relating to the petition be sealed.

26 DRAFTER'S NOTE:

27 Error: Erroneous cross-reference in § 10–630(d)(1) of the Health – General Article.

28 Occurred: Ch. 378, Acts of 2016.

29 13–1102.

(i) The Department shall adopt regulations that establish the criteria that the Department will use to determine whether, for the purpose of qualifying as an uninsured individual under [§ 13–1101(bb)] **§ 13–1101(GG)** of this subtitle, an individual has the financial means to pay for appropriate treatment.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 13–1102(i) of the Health – General Article.

Occurred: Chs. 17 and 18, Acts of 2000. Section 13–1102(i) of the Health – General Article, as originally enacted, erroneously cross–referenced § 13–1101(cc) of the Health – General Article rather than § 13–1101(hh), which was the correct cross–reference to the definition of “uninsured individual”. Subsection (hh) was renumbered by Ch. 65, Acts of 2011, to be subsection (gg).

15–1003.

(a) The Program shall:

(2) Provide the subsidy to the maximum number of individuals eligible for enrollment in the Program, subject to the [moneys] **MONEY** available in the Fund.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 15–1003(a)(2) of the Health – General Article.

Occurred: Ch. 345, Acts of 2006. The provision was originally codified as § 14–512 of the Insurance Article. Ch. 321, Acts of 2016, transferred the section to § 15–1003 of the Health – General Article.

21–2A–01.

(g) “Opioid treatment services program” means a program that:

(3) Complies with:

(iii) Requirements for the secure storage and accounting of opioid medication imposed by the federal Drug Enforcement Administration and the State [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**; and

DRAFTER’S NOTE:

Error: Misnomer in § 21–2A–01(g)(3)(iii) of the Health – General Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

21–2A–06.

(b) The Program shall disclose prescription monitoring data, in accordance with regulations adopted by the Secretary, to:

(9) The following units of the Department, on approval of the Secretary, for the purpose of furthering an existing bona fide individual investigation:

(v) The [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**;

DRAFTER’S NOTE:

Error: Misnomer in § 21–2A–06(b)(9)(v) of the Health – General Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

21–1113.

(j) A board shall immediately notify the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** of the surrender, suspension, or revocation of a permit holder’s permit or an authorized prescriber’s license.

DRAFTER’S NOTE:

Error: Misnomer in § 21–1113(j) of the Health – General Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

Article – Health Occupations

3–206.

(e) (2) [Moneys] **MONEY** in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 3–206(e)(2) of the Health Occupations Article.

Occurred: Ch. 272, Acts of 1992.

6–302.

(a) To qualify for a license, an applicant shall be an individual who:

(4) Has completed 600 hours of education in a [Board approved] **BOARD-APPROVED** program for the study of massage therapy that includes the following areas of content:

(i) Anatomy, physiology, and kinesiology;

(ii) Massage theory, techniques, and practice;

(iii) Contraindications to massage therapy; and

(iv) Professional ethics;

DRAFTER'S NOTE:

Error: Omitted hyphen in § 6–302(a)(4) of the Health Occupations Article.

Occurred: Ch. 739, Acts of 2016.

6–308.

(b) If, after a hearing under § 6–309 of this subtitle, the Board finds that there are grounds under subsection (a) of this section to suspend or revoke a license or registration to practice massage therapy, to reprimand a licensee or registration holder, or **TO** place a licensee or registration holder on probation, the Board may impose a penalty not exceeding \$5,000 in lieu of or in addition to suspending or revoking the license or registration, reprimanding the licensee or registration holder, or placing the licensee or registration holder on probation.

DRAFTER'S NOTE:

Error: Omitted word in § 6–308(b) of the Health Occupations Article.

Occurred: Ch. 739, Acts of 2016.

8–206.

(f) (2) [Moneys] **MONEY** in the Board of Nursing Fund may be expended only for any lawful purpose authorized by the provisions of this title.

DRAFTER'S NOTE:

Error: Incorrect word in § 8–206(f)(2) of the Health Occupations Article.

Occurred: Ch. 502, Acts of 1991.

8–508.

(d) A nurse practitioner who personally prepares and dispenses a drug in the course of treating a patient as authorized under subsection (c) of this section shall:

(3) Allow the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** to enter and inspect the nurse practitioner's office at all reasonable hours; and

DRAFTER'S NOTE:

Error: Misnomer in § 8–508(d)(3) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12–102.

(c) (2) This title does not prohibit:

(ii) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

4. The dentist, physician, or podiatrist:

C. Allows the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** to enter and inspect the dentist's, physician's, or podiatrist's office at all reasonable hours and in accordance with § 12–102.1 of this subtitle;

D. On inspection by the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**, signs and dates an acknowledgment form provided by the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** relating to the requirements of this section;

(l) The Board of Pharmacy, the Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners annually shall report to the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**:

(1) The names and addresses of its licensees who are authorized to personally prepare and dispense prescription drugs; and

(2) The names and addresses of its licensees who have reported, in accordance with subsection (c)(2)(ii)4L of this section, that they have personally prepared and dispensed prescription drugs within the previous year.

DRAFTER'S NOTE:

Error: Misnomer in § 12–102(c)(2)(ii)4C and D and (l) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12–102.1.

(b) The [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** shall enter and inspect the office of a dentist, physician, or podiatrist who holds:

(1) An initial dispensing permit:

(i) Within 6 months after receiving the report required under § 12–102(l)(1) of this subtitle; and

(ii) At least one more time during the duration of the permit; and

(2) A renewed dispensing permit at least two times during the duration of the permit.

(c) The [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** promptly shall report the results of the inspections required under subsection (b) of this section to the respective board of licensure.

DRAFTER'S NOTE:

Error: Misnomer in § 12–102.1(b) and (c) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12–102.2.

(b) The Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners shall charge a fee to a dentist, physician, or podiatrist who holds a dispensing permit in an amount that will produce funds to approximate but not exceed the documented costs to the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** for inspections of dispensing permit holders.

DRAFTER'S NOTE:

Error: Misnomer in § 12–102.2(b) of the Health Occupations Article.

1 Occurred: As a result of a name change made administratively by the Department of
2 Health and Mental Hygiene and effective July 1, 2016.

3 12–313.

4 (b) Subject to the hearing provisions of § 12–315 of this subtitle, the Board, on the
5 affirmative vote of a majority of its members then serving, may deny a license to any
6 applicant for a pharmacist’s license, reprimand any licensee, place any licensee on
7 probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

8 (29) Fails to cooperate with a lawful investigation conducted by the Board
9 or the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES**
10 **ADMINISTRATION;**

11 DRAFTER’S NOTE:

12 Error: Misnomer in § 12–313(b)(29) of the Health Occupations Article.

13 Occurred: As a result of a name change made administratively by the Department of
14 Health and Mental Hygiene and effective July 1, 2016.

15 12–413.

16 (b) At the direction of the Secretary, the Board, the Chief of the [Division of Drug
17 Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**, or their agents
18 may enter a permit holder’s pharmacy at any time and investigate with law enforcement
19 officers pursuant to a valid warrant.

20 DRAFTER’S NOTE:

21 Error: Misnomer in § 12–413(b) of the Health Occupations Article.

22 Occurred: As a result of a name change made administratively by the Department of
23 Health and Mental Hygiene and effective July 1, 2016.

24 12–6B–09.

25 Subject to the hearing provision of § 12–315 of this title, the Board may deny a
26 pharmacy technician’s registration to any applicant, reprimand a registered pharmacy
27 technician, place any pharmacy technician’s registration on probation, or suspend or revoke
28 a pharmacy technician’s registration if the applicant or pharmacy technician registrant:

29 (29) Fails to cooperate with a lawful investigation conducted by the Board
30 or the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES**
31 **ADMINISTRATION;**

DRAFTER'S NOTE:

Error: Misnomer in § 12–6B–09(29) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12–6D–11.

Subject to the hearing provision of § 12–315 of this title, the Board may deny a pharmacy intern's registration to any applicant, reprimand a registered pharmacy intern, place any pharmacy intern's registration on probation, or suspend or revoke a pharmacy intern's registration if the applicant or pharmacy intern registrant:

(22) Fails to cooperate with a lawful investigation conducted by the Board or the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION.**

DRAFTER'S NOTE:

Error: Misnomer in § 12–6D–11(22) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

14–411.1.

(b) The Board shall create and maintain a public individual profile on each licensee that includes the following information:

(1) A summary of charges filed against the licensee, including a copy of the charging document, until a disciplinary panel has taken action under § 14–404 of this subtitle based on the charges or has rescinded the [charges.] **CHARGES;**

DRAFTER'S NOTE:

Error: Incorrect punctuation in § 14–411.1(b)(1) of the Health Occupations Article.

Occurred: Ch. 401, Acts of 2013.

Article – Housing and Community Development

4–235.

(b) (1) The Administration may make, participate in making, and undertake a commitment for:

(ii) financial assistance to a family of limited income:

1. for maintaining or modifying [their] ITS existing residential mortgage loan; or

DRAFTER'S NOTE:

Error: Grammatical error in § 4–235(b)(1)(ii)1 of the Housing and Community Development Article.

Occurred: Ch. 11, Acts of 2013.

6–405.

(d) In approving or disapproving a proposal and in determining the maximum amount of contributions eligible for tax credits under § 6–404 of this subtitle, the Department:

(4) shall apportion among all approved projects the limit imposed by subsection [(c)(3)] **(C)(5)** of this section.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 6–405(d)(4) of the Housing and Community Development Article.

Occurred: As a result of Ch. 482, Acts of 2016.

Article – Insurance

15–112.

(a) [(12) “Participating provider” means a provider on a carrier’s provider panel.]

[(13)] **(12)** “Online credentialing system” means the system through which a provider may access an online provider credentialing application that the Commissioner has designated as the uniform credentialing form under § 15–112.1(e) of this subtitle.

(13) “PARTICIPATING PROVIDER” MEANS A PROVIDER ON A CARRIER’S PROVIDER PANEL.

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 15–112(a)(12) and (13) of the Insurance Article.

Occurred: Chs. 528 and 529, Acts of 2011 (which enacted § 15–112(a)(13) as a new § 15–112(a)(9) following the definition of “participating provider”, then numbered as § 15–112(a)(8)).

31–101.

(g) (4) “Health benefit plan” does not include the following benefits if the benefits are provided under a separate policy, certificate, or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid with respect to an event without regard to whether the benefits are provided under any group health plan maintained by the same plan sponsor:

(iii) individual hospital indemnity or other fixed indemnity insurance, if:

1. except as provided in item 4 of this item, the benefits are provided only to individuals who attest in their hospital indemnity or fixed indemnity insurance application that they have other health coverage that is minimum essential coverage, or that they are treated as having [minimal] **MINIMUM** essential coverage due to their status as a bona fide resident of any possession of the United States under § 5000A(f)(4)(b) of the Internal Revenue Code, provided that if an application is not required as part of the renewal process, the continued payment of premiums by the individual after receipt of the notice described in item 4B of this item is deemed to satisfy the attestation requirement;

DRAFTER’S NOTE:

Error: Incorrect word usage in § 31–101(g)(4)(iii)1 of the Insurance Article.

Occurred: Ch. 363, Acts of 2015.

Article – Labor and Employment

2–102.

(b) The Division exercises its rights, powers, and duties subject to the authority of the Secretary as set forth in [Article 41 of the Code] **§ 2–102 OF THE BUSINESS REGULATION ARTICLE** or elsewhere in State law.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 2–102(b) of the Labor and Employment Article.

Occurred: As a result of Ch. 4, Acts of 1992, which revised, restated, renumbered, added, transferred, and recodified certain provisions of former Article 41 – Governor – Executive and Administrative Departments and certain other provisions of law to establish the new Business Regulation Article. Correction by the publisher of the Annotated Code in the 2016 Replacement Volume of the Labor and Employment Article is ratified by this Act.

8–206.

(a) Work is not covered employment when performed by a licensed barber or licensed cosmetologist who leases a chair or booth from a holder of a barbershop permit[, a] **OR** beauty salon permit[, or an owner–manager permit who operates a barbershop or beauty salon], if the Secretary is satisfied that:

(1) the barber or cosmetologist as lessee and the permit holder have entered into a written lease that is in effect;

(2) the lessee pays a stipulated amount for use of the chair or booth and is not required to make any further accounting of income to the permit holder;

(3) the lessee has access to the premises at all hours and may set personal work hours and prices; and

(4) the lease expressly states that the lessee knows:

(i) of the responsibility to pay State and federal income taxes and make contributions to Social Security for self–employment; and

(ii) that the work is not covered employment.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 8–206(a) of the Labor and Employment Article.

Occurred: Ch. 8, Acts of 1991, which revised, restated, renumbered, added, transferred, and recodified former Article 95A – Unemployment Insurance Law and certain other provisions of law to establish the new Labor and Employment Article and as a result of Ch. 481, Acts of 1991, which repealed provisions of law authorizing the issuance of owner–manager permits to operators of beauty salons.

9–801.

When a covered employee has a permanent impairment, suffers a subsequent accidental personal injury, occupational disease, or compensable hernia resulting in permanent partial or permanent total disability, and otherwise meets the requirements of this subtitle, it is the intent of this subtitle that the total compensation to which the covered employee is entitled [equal] **EQUALS** the amount of compensation that would be payable for the combined effects of:

(1) the previous impairment; and

(2) the subsequent accidental personal injury, occupational disease, or compensable hernia.

DRAFTER'S NOTE:

Error: Grammatical error in § 9–801 of the Labor and Employment Article.

Occurred: Ch. 8, Acts of 1991, which revised, restated, renumbered, added, transferred, and recodified former Article 101 – Workmen's Compensation and certain other provisions of law to establish the new Labor and Employment Article. Correction by the publisher of the Annotated Code in the 2016 Replacement Volume of the Labor and Employment Article is ratified by this Act.

11–408.

In order to [assure] **ENSURE** compliance with federal laws governing wages, hours, and working conditions, the Maryland Apprenticeship and Training Council will request recognition of its standards and activities by the Office of Apprenticeship, U.S. Department of Labor, and if necessary, make such adjustments in its standards and procedures as will [assure] **ENSURE** conformity.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 11–408 of the Labor and Employment Article.

Occurred: Ch. 64, Acts of 1983.

Article – Land Use

1–401.

(a) Except as provided in this section, this division does not apply to charter counties.

(b) The following provisions of this division apply to a charter county:

(20) FOR FREDERICK COUNTY ONLY, TITLE 9, SUBTITLE 10 (SINGLE-COUNTY PROVISIONS – FREDERICK COUNTY);

[(20)] (21) for Howard County only, Title 9, Subtitle 13 (Single-County Provisions – Howard County);

1 **[(21)] (22)** for Talbot County only, Title 9, Subtitle 18 (Single-County
2 Provisions – Talbot County); and

3 **[(22)] (23)** Title 11, Subtitle 2 (Civil Penalty).

4 DRAFTER'S NOTE:

5 Error: Failure to reflect the application of single-county provisions in Frederick
6 County on acquisition of charter county status.

7 Occurred: Ch. 645, Acts of 2014; cf., Ch. 610, Acts of 2013.

8 1–509.

9 (a) A local jurisdiction that adopts growth tiers shall incorporate the tiers into the
10 comprehensive plan or an element of the plan:

11 (1) when the local jurisdiction conducts the 10-year review of the plan
12 under § 1–416(a) **OF THIS TITLE** or § 3–301(a) of this article; and

13 (2) in accordance with the requirements of this section.

14 DRAFTER'S NOTE:

15 Error: Omitted reference in § 1–509(a)(1) of the Land Use Article.

16 Occurred: Ch. 66, § 6, and Ch. 149, § 3, Acts of 2012.

17 **[7–307.] 9–1005.**

18 (a) **[This section applies only in Frederick County.**

19 (b)] A person aggrieved by an agreement executed under **[this subtitle] TITLE 7,**
20 **SUBTITLE 3 OF THIS ARTICLE** may file an administrative appeal to the county board of
21 zoning appeals.

22 **[(c)] (B)** (1) Any of the following persons may file a request for judicial review
23 by the circuit court of the county of a decision of the board of zoning appeals:

24 (i) a person aggrieved by the decision; or

25 (ii) a party to the proceeding before the board of zoning appeals.

26 (2) The judicial review shall be in accordance with Title 7, Chapter 200 of
27 the Maryland Rules.

[(d)] (C) Any party to the proceeding in the circuit court aggrieved by the decision of the circuit court may appeal to the Court of Special Appeals in the same manner provided for civil cases.

- (i) may not file an administrative appeal; and
- (ii) may seek direct judicial review of the agreement in circuit court by filing a request with the circuit court of the county.

(3) Under this subsection, a party to the proceeding in the circuit court that is aggrieved by the decision of the circuit court may appeal to the Court of Special Appeals and thereafter may petition the Court of Appeals for a writ of certiorari in the manner that is provided for civil cases.

Occurred: Ch. 610, Acts of 2013.

5-104.

1-405.

(a) In this section, “Gold Star recipient” means a recipient of the U.S. Department of Defense Gold Star for surviving spouses, parents, and next of kin of members of the armed forces **OF THE UNITED STATES** who lost their lives in combat.

(c) (1) The Department may issue a donated license or stamp only for use by a Gold Star recipient, a disabled veteran, a disabled member of the armed forces **OF THE UNITED STATES**, or a permanently disabled person who requires the use of a wheelchair.

(2) A recipient of a donated license or stamp shall be sponsored by a nonprofit charitable organization that provides recreational hunting or fishing opportunities for Gold Star recipients, disabled veterans, disabled members of the armed forces **OF THE UNITED STATES**, or permanently disabled persons who require the use of a wheelchair.

(h) (3) The purpose of the Fund is to provide recreational hunting and fishing opportunities for Gold Star recipients, disabled veterans, disabled members of the armed forces **OF THE UNITED STATES**, and permanently disabled persons who require the use of a wheelchair.

(7) The Fund may be used only for donated recreational hunting or fishing licenses or stamps for use by Gold Star recipients, disabled veterans, disabled members of the armed forces **OF THE UNITED STATES**, or permanently disabled persons who require the use of a wheelchair.

(10) Money expended from the Fund for donated recreational licenses or stamps is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for recreational licenses or stamps for use by Gold Star recipients, disabled veterans, disabled members of the armed forces **OF THE UNITED STATES**, or permanently disabled persons who require the use of a wheelchair.

DRAFTER’S NOTE:

Error: Stylistic error in § 1–405(a), (c)(1) and (2), and (h)(3), (7), and (10) of the Natural Resources Article.

Occurred: Ch. 424, Acts of 2016. The legislative history for Ch. 424 supports the amendments to § 1–405 of the Natural Resources Article.

4–215.

(g) The Department shall present the management plans under this section in the form of an annual report, subject to § 2–1246 of the State Government Article, to:

(3) The [Environmental Matters] **ENVIRONMENT AND TRANSPORTATION** Committee.

DRAFTER'S NOTE:

Error: Misnomer in § 4–215(g)(3) of the Natural Resources Article.

Occurred: As a result of the adoption by the House of Delegates of an amendment to House Rule 18 at the start of the 2015 Session renaming the Environmental Matters Committee to be the Environment and Transportation Committee.

4–217.

(b) (1) The Department may issue an annual license exemption to a governmental entity or a nonprofit organization to take individuals with physical or mental disabilities who are serving or have served in the armed forces **OF THE UNITED STATES** fishing in the tidal or nontidal waters of the State.

DRAFTER'S NOTE:

Error: Stylistic error in § 4–217(b)(1) of the Natural Resources Article.

Occurred: Ch. 430, Acts of 2011. The legislative history for Ch. 430 supports the amendment to § 4–217(b) of the Natural Resources Article.

4–611.

(a) Any person engaged in a retail business who desires to sell angler's licenses as an agent under the Department's control and supervision shall apply to the Department and provide a bond or other security deemed sufficient and adequate by the Department to **[insure] ENSURE** payment for the licenses.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4–611(a) of the Natural Resources Article.

Occurred: Ch. 778, Acts of 1974.

4–701.

(d) (2) (ii) The following annual fees for an authorization shall apply regardless of when the license is issued or an activity is authorized:

2. To catch for sale fish with equipment which is legal under this title:

B. Crabs:

II. Over 50 pots, plus any other gear listed in item I of this **[sub–sub–subparagraph] SUBSUBSUBPARAGRAPH: \$150**

DRAFTER'S NOTE:

Error: Stylistic error in § 4–701(d)(2)(ii)2BII of the Natural Resources Article.

Occurred: Ch. 184, Acts of 1994.

4–713.

(h) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not fish with a haul seine during the period from 12:01 a.m. Saturday until sunrise on Monday in the tidal waters of the State.

(2) (i) In Baltimore County and Harford County, on prior notification to the Department a person may catch carp during the period from 12:01 a.m. Saturday until sunrise on Monday, except in areas where it is prohibited by the Department.

(ii) Except in areas where it is prohibited by the Department, a person may set a haul seine at a distance greater than one-third the distance across a river, creek, cove, or inlet in any of the tributary waters of Baltimore County or Harford County only to catch carp and catfish, notwithstanding any other provision of this subtitle regarding the distance across which a haul seine may be set. A person may not set the haul seine to impede or obstruct navigation or block in any way the main channel of the river, creek, cove, or inlet. Any person who catches fish of a variety other than carp or catfish in any haul seine shall return them immediately to the water unharmed. A person always shall attend a haul seine for catching carp or catfish. Any person whose haul seine is found more than one-third the distance across the waters where it is set without a person in attendance is guilty of violating this subsection.

(iii) The Department, by regulation:

1. Shall establish procedures for the prior notification required under subparagraph (i) of this paragraph; and

2. May prohibit fishing for carp and catfish in certain areas as provided in subparagraph (ii) of this paragraph.

(3) (i) In Kent County, on prior notification to the Department, a person may catch gizzard shad, also known as mud shad, carp, or catfish, with a haul seine during the period from [Friday midnight] **12:01 A.M. SATURDAY** until sunrise on Monday.

(ii) The Department, by regulation, shall establish procedures for the prior notification required under subparagraph (i) of this paragraph.

DRAFTER'S NOTE:

Error: Stylistic error in § 4–713(h) of the Natural Resources Article.

1 Occurred: Chs. 117 and 259, Acts of 2016. Correction suggested by the Attorney
2 General in the bill review letter for H.B. 318 (Ch. 259) of 2016 (footnote 3), dated April 21,
3 2016.

4 5–102.

5 (b) It is the policy of the State to encourage the retention and sustainable
6 management of forest lands by:

7 (2) Affording due consideration to the protection and retention of forests in
8 the State through existing land conservation programs where they have the highest value
9 in terms of promoting the State’s compliance with its clean water goals under the 2014
10 Chesapeake Bay Watershed Agreement and the 2007 [Forest] **FORESTRY** Conservation
11 Initiative;

12 DRAFTER’S NOTE:

13 Error: Misnomer in § 5–102(b)(2) of the Natural Resources Article.

14 Occurred: Ch. 175, Acts of 2009. The terms “Forestry” Conservation Initiative and
15 “Forest” Conservation Initiative are used interchangeably throughout § 5–102 of the
16 Natural Resources Article (as enacted by Ch. 175 of the Acts of 2009), the preamble and
17 legislative history for Ch. 175, and literature describing the Initiative, but “Forestry”
18 Conservation Initiative is used much more frequently.

19 10–302.

20 (a) Any person engaged in a retail business who desires to sell the resident
21 hunting license, either nonresident hunting license or individual hunting stamps as an
22 agent under the Department’s control and supervision shall apply to the Department and
23 provide a bond or other security deemed sufficient and adequate by the Department to
24 [insure] **ENSURE** payment for the resident and nonresident hunting licenses of any type
25 and individual hunting stamps.

26 DRAFTER’S NOTE:

27 Error: Incorrect word usage in § 10–302(a) of the Natural Resources Article.

28 Occurred: Ch. 778, Acts of 1974.

29 **Article – Public Safety**

30 7–304.

31 (d) (2) The powers authorized under this subsection may be exercised:

(i) in a municipal corporation in the county, subject to the [discretion,] **DISCRETION** and control of the chief of the police force of the municipal corporation; or

DRAFTER'S NOTE:

Error: Extraneous comma in § 7–304(d)(2)(i) of the Public Safety Article.

Occurred: Ch. 430, Acts of 2007.

Article – Public Utilities

7–106.

(e) (1) A proposed sale, lease, exchange, or other disposition of a municipally owned electric plant or gas plant shall be ratified at a special election by the affirmative vote of a majority of the residents of the municipal corporation eligible to vote at the last preceding regular election for municipal officers if a petition, subject to paragraph (2) of this subsection, is delivered to the municipal corporation requesting the [municipality] **MUNICIPAL CORPORATION** to hold a special election for the ratification or disapproval of the proposed sale, lease, exchange, or other disposition.

DRAFTER'S NOTE:

Error: Inconsistent terminology in § 7–106(e)(1) of the Public Utilities Article.

Occurred: Ch. 119, Acts of 2013.

Article – State Finance and Procurement

7–311.

(j) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2007 and for each subsequent fiscal year, the Governor shall include in the budget bill an appropriation:

(ii) for fiscal year 2020:

2. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriation under item 1 of this [paragraph] **ITEM**; and

DRAFTER'S NOTE:

Error: Stylistic error in § 7–311(j)(1)(ii)2 of the State Finance and Procurement Article.

1 Occurred: Ch. 489, Acts of 2015.

2 14–103.

3 (a) A State or State aided or controlled entity shall buy supplies and services
4 from:

5 (3) the Employment Works Program established under § 14–108 of this
6 subtitle, if:

7 (iii) [the] A State or [a] State aided or controlled entity is not
8 required by law to buy the supplies or services from any other unit of the State government.

9 DRAFTER’S NOTE:

10 Error: Stylistic error in § 14–103(a)(3)(iii) of the State Finance and Procurement
11 Article.

12 Occurred: As a result of Chs. 343 and 605, Acts of 2013.

13 14–501.

14 (c) “Small business” means:

15 (1) a certified minority business enterprise, as defined in § 14–301 of this
16 title, that meets the criteria specified under [paragraph] ITEM (2) of this subsection; or

17 DRAFTER’S NOTE:

18 Error: Stylistic error in § 14–501(c)(1) of the State Finance and Procurement Article.

19 Occurred: Ch. 75, Acts of 2004.

20 Article – State Government

21 9–1A–26.

22 (a) (3) The amount from the proceeds of video lottery terminals to be paid to
23 video lottery operation licensees under [§ 9–1A–27(a)(2) and (7), (b), and (c)(1)(ii) and (2)]
24 **§ 9–1A–27(A)(2), (7), AND (8), (B), AND (C)(1)(II) AND (2)** of this subtitle shall be
25 retained by the licensee.

26 DRAFTER’S NOTE:

27 Error: Erroneous cross-reference in § 9–1A–26(a)(3) of the State Government
28 Article.

Occurred: As a result of Ch. 1, § 2 of the Acts of the Second Special Session of 2012.

Article – State Personnel and Pensions

21–309.1.

(b) On or before December 1 of each year, the Board of Trustees shall determine and certify the amounts payable by each local employer under [§ 21–304(b)(3)] § **21–304(B)(4)** of this subtitle for the next fiscal year.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 21–309.1(b) of the State Personnel and Pensions Article.

Occurred: As a result of Chs. 22 and 94, Acts of 2015. The publisher of the Annotated Code incorrectly changed the cross–reference to § 21–304(b)(3) of the State Personnel and Pensions Article in § 21–309.1(b) of the State Personnel and Pensions Article based on the renumbering of § 21–304(b) of the Health Occupations Article in Chapter 94. Cross–reference incorrectly changed by the publisher of the Annotated Code in the 2015 Replacement Volume of the State Personnel and Pensions Article is corrected by this Act.

22–406.

(c) (4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(xi) a retiree of the Teachers’ Retirement System who is reemployed by a local school system or the Maryland School for the Deaf and is rehired in accordance with [subsection (c)(8) of this section] **PARAGRAPH (8) OF THIS SUBSECTION**.

DRAFTER’S NOTE:

Error: Stylistic error in § 22–406(c)(4)(xi) of the State Personnel and Pensions Article.

Occurred: Ch. 189, Acts of 2015.

23–407.

(c) (4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(ix) a retiree of the Teachers' Pension System who is reemployed by a local school system or the Maryland School for the Deaf and is rehired in accordance with [subsection (c)(8) of this section] **PARAGRAPH (8) OF THIS SUBSECTION.**

DRAFTER'S NOTE:

Error: Stylistic error in § 23–407(c)(4)(ix) of the State Personnel and Pensions Article.

Occurred: Ch. 189, Acts of 2015.

Article – Tax – General

2–202.

(a) After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) except as provided in subsection (b) of this section, from the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4–102(e) of this article:

(i) 1. for fiscal years 2016 through 2021, the revenue attributable to a tax rate of 20% to the Maryland E–Nnovation Initiative Fund under § 6–604 of the Economic Development Article; **AND**

2. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 20% to the General Fund of the State; and

DRAFTER'S NOTE:

Error: Omitted conjunction in § 2–202(a)(1)(i) of the Tax – General Article.

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

4–102.

(c) A municipal corporation may impose, by ordinance or resolution, a tax on:

(1) the gross receipts derived from any [admission] **ADMISSIONS** and amusement charge in that municipal corporation; and

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4–102(c)(1) of the Tax – General Article.

Occurred: Ch. 2, Acts of 1988.

1 13–203.

2 (c) Tax information may be disclosed to:

3 (8) the Department of Health and Mental Hygiene in accordance with[:

4 (i)] the federal Children’s Health Insurance Program
5 Reauthorization Act of 2009[; and

6 (ii) § 10–211.1 of this article].

7 DRAFTER’S NOTE:

8 Error: Obsolete cross–reference in § 13–203(c)(8) of the Tax – General Article.

9 Occurred: Ch. 734, Acts of 2010.

10 13–912.

11 (c) (1) “Debt” means:

12 (ii) a delinquent restitution account on a judgment of restitution
13 referred to the **CENTRAL COLLECTION** Unit for collection under § 11–616 of the Criminal
14 Procedure Article.

15 DRAFTER’S NOTE:

16 Error: Omitted words in § 13–912(c)(1)(ii) of the Tax – General Article.

17 Occurred: Ch. 31, Acts of 1997.

18 (e) “State agency” means any agency, association, board, bureau, college,
19 commission, committee, council, foundation, fund, department, institute, institution, public
20 corporation, service, trust, university, [the Maryland Higher Education Loan Corporation,]
21 or other unit of State government, including any subunit of these agencies.

22 DRAFTER’S NOTE:

23 Error: Obsolete language in § 13–912(e) of the Tax – General Article.

24 Occurred: As a result of Ch. 180, Acts of 2005.

25 **Article – Tax – Property**

26 9–104.

(d) (1) Except as provided in subsection [(f)] (E) of this section, the Department is responsible for the administrative duties that relate to the application and determination of eligibility for a property tax credit under this section.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 9–104(d)(1) of the Tax – Property Article.

Occurred: As a result of Chs. 667 and 668, Acts of 2016, which repealed § 9–104(e) and (f) and reenacted new administrative duties for the Comptroller under § 9–104(e).

Article – Transportation

2–103.7.

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

DRAFTER'S NOTE:

Error: Grammatical error in § 2–103.7(a)(1) of the Transportation Article.

Occurred: Ch. 36, Acts of 2016. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Transportation Article is ratified by this Act.

16–205.

(e) (3) On receiving a record of a conviction of a person for a violation described in paragraph (2) of this subsection, the Administration shall issue to the person a notice of suspension of the person's license that:

(iv) Advises the person of the right to request a hearing on a suspension under this paragraph; [and]

(v) Advises the person of the right, instead of requesting a hearing on a suspension under this paragraph, to be subject to a 1-year period of suspension, during [which,] WHICH the person may be issued a restricted license under this paragraph if the following conditions are met:

1. The person's driver's license is not currently suspended, revoked, canceled, or refused;

2. The person surrenders a valid Maryland driver's license or signs a statement certifying that the driver's license is no longer in the person's possession; and

1 3. The person elects in writing, within the same time limit
2 for requesting a hearing, to meet the ignition interlock system requirements under this
3 paragraph for 1 year; and

4 (7) The Administration shall, within 90 days of the expiration of the 1-year
5 period of suspension, issue to the person a notice, unless this notice requirement was
6 waived at a hearing described in paragraph (4) of this subsection, that:

7 (i) States that the person shall maintain for not less than 6 months
8 and not less than the period required under [§ 16-401.1] **§ 16-404.1** of this title, dating
9 from the expiration of the 1-year period of suspension, an ignition interlock system on each
10 motor vehicle owned by the person;

11 (ii) States that the Administration shall impose a restriction on the
12 person's license that prohibits the person from driving a motor vehicle that is not equipped
13 with an ignition interlock system for a period of not less than 6 months and not less than
14 the period required under [§ 16-401.1] **§ 16-404.1** of this title, dating from the expiration
15 of the 1-year period of suspension; and

16 (8) After notice under paragraph (7) of this subsection, or a waiver of
17 notice, the Administration shall order a person to maintain for not less than 6 months and
18 not less than the period required under [§ 16-401.1] **§ 16-404.1** of this title, dating from
19 the expiration of the 1-year period of suspension, an ignition interlock system on each
20 motor vehicle owned by the person and impose a license restriction that prohibits the
21 person from driving a motor vehicle that is not equipped with an ignition interlock system
22 if:

23 (i) The person does not request a hearing;

24 (ii) The Administration finds at a hearing that the person owns one
25 or more motor vehicles and that no financial hardship, as described in paragraphs (9) and
26 (10) of this subsection, will be created by requiring the person to maintain an ignition
27 interlock system on each motor vehicle owned by the person; or

28 (iii) The person fails to appear for a hearing requested by the person.

29 (9) If the Administration finds at a hearing that maintenance of an ignition
30 interlock system on a motor vehicle owned by the person creates a financial hardship on
31 the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

32 (i) Shall impose a restriction on the license of the person for not less
33 than 6 months and not less than the period required under [§ 16-401.1] **§ 16-404.1** of this
34 title, dating from the expiration of the 1-year period of suspension, that prohibits the
35 person from driving any motor vehicle that is not equipped with an ignition interlock
36 system; and

(11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1-year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 6 months and not less than the period required under [§ 16-401.1] **§ 16-404.1** of this title, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

DRAFTER'S NOTE:

Error: Extraneous conjunction in § 16-205(e)(3)(iv) and erroneous internal references in § 16-205(e)(7)(i) and (ii), (8), (9)(i), and (11) of the Transportation Article. Extraneous comma in § 16-205(e)(3)(v) of the Transportation Article.

Occurred: Ch. 512, Acts of 2016; Ch. 17, Acts of 2014.

16-404.1.

(d) (1) (i) Notwithstanding subsection (c) of this section, an individual shall be a participant if:

4. The individual's license is revoked under § 16-205(b) **OR SUSPENDED OR REVOKED FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(36)** of this title for:

A. Homicide by motor vehicle while under the influence of alcohol or alcohol per se, homicide by motor vehicle while impaired by alcohol, or homicide by motor vehicle while impaired by a combination of one or more drugs and alcohol; or

B. Life-threatening injury by motor vehicle while under the influence of alcohol or alcohol per se, life-threatening injury by motor vehicle while impaired by alcohol, or life-threatening injury by motor vehicle while impaired by one or more drugs and alcohol; or

DRAFTER'S NOTE:

Error: Omitted internal reference in § 16-404.1(d)(1)(i)4 of the Transportation Article.

Occurred: Ch. 512, Acts of 2016.

21-202.1.

(a) (3) (ii) "Owner" does not include a motor vehicle rental or leasing company or a holder of a special registration plate issued under [Part III of Title 13, Subtitle 9] **TITLE 13, SUBTITLE 9, PART III** of this article.

DRAFTER'S NOTE:

Error: Stylistic error in § 21–202.1(a)(3)(ii) of the Transportation Article.

Occurred: Ch. 315, Acts of 1997.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Correctional Services

7–504.

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

(2) [“Term of confinement” has the meaning stated in § 3–701 of this article.

(3)] “Technical violation” has the meaning stated in § 6–101 of this article.

(3) “TERM OF CONFINEMENT” HAS THE MEANING STATED IN § 3–701 OF THIS ARTICLE.

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 7–504(a) of the Correctional Services Article.

Occurred: Ch. 515, Acts of 2016.

Article – Criminal Law

7–103.

(e) (1) For the purposes of determining whether a theft violation subject to either § 7–104(g)(1) or (2) of this subtitle has been committed, when it cannot be determined whether the value of the property or service is more or less than **[\$1,000] \$1,500** under the standards of this section, the value is deemed to be less than **[\$1,000] \$1,500**.

DRAFTER'S NOTE:

Error: Erroneous reference in § 7–103(e)(1) of the Criminal Law Article.

Occurred: As a result of Ch. 515, Acts of 2016.

Article – Criminal Procedure

1 10–110.

2 (c) (2) A petition for expungement for a violation of § 3–203 of the Criminal
3 Law Article or for an offense classified as a domestically related crime under § 6–233 of
4 [the Criminal Procedure Article] **THIS ARTICLE** may not be filed earlier than 15 years after
5 the person satisfies the sentence or sentences imposed for all convictions for which
6 expungement is requested, including parole, probation, or mandatory supervision.

7 DRAFTER’S NOTE:

8 Error: Stylistic error in § 10–110(c)(2) of the Criminal Procedure Article.

9 Occurred: Ch. 515, Acts of 2016.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter’s Notes contained
11 in this Act are not law and may not be considered to have been enacted as part of this Act.

12 SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of this Act are
13 intended solely to correct technical errors in the law and there is no intent to revive or
14 otherwise affect law that is the subject of other acts, whether those acts were signed by the
15 Governor prior to or after the signing of this Act.

16 SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the
17 Annotated Code of Maryland, subject to the approval of the Department of Legislative
18 Services, shall make any changes in the text of the Annotated Code necessary to effectuate
19 any termination provision that was enacted by the General Assembly and has taken effect
20 or will take effect prior to October 1, 2017. Any enactment of the 2017 Session of the General
21 Assembly that negates or extends the effect of a previously enacted termination provision
22 shall prevail over the provisions of this section.

23 SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the
24 Annotated Code of Maryland, in consultation with and subject to the approval of the
25 Department of Legislative Services, shall make nonsubstantive corrections to codification,
26 style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect
27 or obsolete by an Act of the General Assembly, with no further action required by the
28 General Assembly. The publishers shall adequately describe any such correction in an
29 editor’s note following the section affected.

30 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
31 effect October 1, 2017, the effective date of Section 2 of Chapter 515 of the Acts of the
32 General Assembly of 2016. If the effective date of Section 2 of Chapter 515 is amended,
33 Section 2 of this Act shall take effect on the taking effect of Section 2 of Chapter 515.

34 SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency
35 measure, is necessary for the immediate preservation of the public health or safety, has
36 been passed by a ye and nay vote supported by three–fifths of all the members elected to

1 each of the two Houses of the General Assembly, and shall take effect from the date it is
2 enacted.