

# HOUSE BILL 16

P3

(PRE-FILED)

3lr0463  
CF SB 261

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By: Delegates Arora and ~~Kipke~~, Kipke, Bromwell, Krebs, Morhaim, Pena-Melnyk, Reznik, Ready, and Tarrant

Requested: September 26, 2012

Introduced and read first time: January 9, 2013

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2013

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

1 AN ACT concerning

2 **State Government – Administrative Procedure Act – Effective Date of**  
3 **Adopted Regulations**

4 FOR the purpose of altering the effective date of certain regulations adopted under the  
5 Administrative Procedure Act; and generally relating to regulations adopted  
6 under the Administrative Procedure Act.

7 BY repealing and reenacting, with amendments,  
8 Article – State Government  
9 Section 10–117  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume and 2012 Supplement)

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

14 **Article – State Government**

15 10–117.

16 (a) (1) Except as otherwise provided in subsection (b) of this section or in  
17 other law, the effective date of a regulation is:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 (I) JANUARY 1 IF THE NOTICE OF ADOPTION IS PUBLISHED  
2 IN THE REGISTER DURING THE PERIOD FROM SEPTEMBER 1 THROUGH  
3 NOVEMBER 30, BOTH INCLUSIVE;

4 (II) APRIL 1 IF THE NOTICE OF ADOPTION IS PUBLISHED IN  
5 THE REGISTER DURING THE PERIOD FROM DECEMBER 1 THROUGH FEBRUARY  
6 29, BOTH INCLUSIVE;

7 (III) JULY 1 IF THE NOTICE OF ADOPTION IS PUBLISHED IN  
8 THE REGISTER DURING THE PERIOD FROM MARCH 1 THROUGH MAY 31, BOTH  
9 INCLUSIVE;

10 (IV) OCTOBER 1 IF THE NOTICE OF ADOPTION IS PUBLISHED  
11 IN THE REGISTER DURING THE PERIOD FROM JUNE 1 THROUGH AUGUST 31,  
12 BOTH INCLUSIVE;

13 [(i)] (V) the 10th calendar day after notice of adoption is  
14 published in the Register IF:

15 1. THE UNIT IS REQUIRED TO ADOPT THE PROPOSED  
16 REGULATION BY FEDERAL LAW;

17 2. THE REGULATION RELATES TO AIR QUALITY  
18 STANDARDS;

19 3. THE DEPARTMENT OF HEALTH AND MENTAL  
20 HYGIENE OR THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION IS  
21 REQUIRED BY STATE LAW TO ADOPT THE REGULATION ON OR BEFORE A  
22 SPECIFIED DATE WITHIN 12 MONTHS AFTER THE LAW'S EFFECTIVE DATE;

23 4. THE REGULATION RELATES TO THE MARYLAND  
24 MEDICAL ASSISTANCE PROGRAM ESTABLISHED UNDER TITLE 15 OF THE  
25 HEALTH – GENERAL ARTICLE;

26 5. THE REGULATION RELATES TO THE  
27 IMPLEMENTATION OF FEDERAL HEALTH CARE REFORM UNDER THE FEDERAL  
28 PATIENT PROTECTION AND AFFORDABLE CARE ACT;

29 6. THE DEPARTMENT OF HEALTH AND MENTAL  
30 HYGIENE FINDS THAT AN EARLIER EFFECTIVE DATE IS NECESSARY TO PROTECT  
31 THE HEALTH OR SAFETY OF THE RESIDENTS OF THE STATE; OR

32 7. THE REGULATION IS ADOPTED BY THE  
33 DEPARTMENT OF NATURAL RESOURCES; or

1                    [(ii) (VI)    a later date that the notice sets.

2                    (2)    For calculation of the effective date under this subsection:

3                    (i)    Article 1, § 36 of the Code does not apply;

4                    (ii)   the issue date of the Register in which the notice is  
5 published is not counted; and

6                    (iii) each other calendar day, including Saturdays, Sundays, and  
7 legal holidays, is counted.

8                    (b)    The effective date of a regulation after its emergency adoption is the date  
9 that the Committee sets.

10                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.