

HOUSE BILL 166

P3

4lr0987
CF SB 449

By: Delegates Arora, Kipke, Afzali, Bromwell, Cullison, Elliott, A. Kelly, Krebs, McDermott, Oaks, Pena-Melnyk, Ready, Reznik, Smigiel, Tarrant, ~~and Valderrama~~ Valderrama, Hammen, Pendergrass, Donoghue, Hubbard, Kach, McDonough, Morhaim, Murphy, Nathan-Pulliam, and V. Turner

Introduced and read first time: January 15, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

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 2013 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.

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

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

6 (II) APRIL 1 IF THE NOTICE OF ADOPTION IS PUBLISHED IN
7 THE REGISTER DURING THE PERIOD FROM DECEMBER 1 THROUGH FEBRUARY
8 29, BOTH INCLUSIVE;

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

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

15 [(i)] (v) the 10th calendar day after notice of adoption is
16 published in the Register IF:

17 1. THE UNIT IS REQUIRED TO ADOPT THE PROPOSED
18 REGULATION BY FEDERAL LAW;

19 2. THE REGULATION RELATES TO AIR POLLUTION;

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

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

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

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

1 7. THE REGULATION IS ADOPTED BY THE
2 DEPARTMENT OF NATURAL RESOURCES; ~~OR~~

3 8. THE REGULATION IS ADOPTED BY THE MARYLAND
4 STATE BOARD OF EDUCATION OR THE MARYLAND STATE DEPARTMENT OF
5 EDUCATION; or

6 9. THE REGULATION IS ADOPTED BY THE
7 DEPARTMENT OF BUDGET AND MANAGEMENT UNDER TITLE 17 OF THE CODE
8 OF MARYLAND REGULATIONS; OR

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

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.