

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §§4-215 and 4-736, Annotated Code of Maryland

Notice of Proposed Action

[16-008-P]

The Secretary of Natural Resources proposes to amend Regulation **.08** under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to implement Addendum IV to the Interstate Fishery Management Plan for American Eel. The 2012 American Eel Benchmark Stock Assessment indicated the American eel population in U.S. waters is depleted. The ASMFC American Eel Management Board approved Draft Addendum IV to the Interstate Fishery Management Plan (FMP) for American Eel with a goal to reduce overall mortality and increase conservation of American eel stocks. Addendum IV established a coast wide catch cap for the commercial yellow eel fishery starting in 2015. The following two management triggers were established: if the harvest cap is exceeded by more than 10% in any one year or if the harvest cap is exceeded for two consecutive years, then an individual state quota is allocated and required to be managed in the following year. Therefore, if the coast wide American eel harvest exceeds the coast wide cap by more than 10% in 2015, Maryland must have the ability to manage their quota (pre-determined in Addendum IV) starting in 2016.

The proposed action establishes an eel harvester permit that will be required for all commercial eel harvesters, this includes commercial finfish and crab license holders. Crab license holders are included because they are allowed to harvest eels for bait. If a state quota is implemented, all eel permit holders will be subject to daily

reporting requirements. These reporting requirements will comply with Addendum IV. In order to effectively manage the eel quota, the proposed action includes a provision to allow the Department to modify, open or close the season or modify catch limits by public notice.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to American Eel Regulations, Regulatory Staff, Department of Natural Resources Fisheries Service, B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through February 8, 2016. A public hearing has not been scheduled.

.08 Eels.

A. Commercial.

(1) Except as permitted under COMAR 08.02.14, a person may not catch, possess, land, or sell eels for commercial purposes which are less than 9 inches total length.

(2) *The annual quota for the commercial fishery is set by the Atlantic States Marine Fisheries Commission.*

(3) *American Eel Harvest Permit.*

(a) *An individual who is authorized to commercially catch finfish or crabs shall:*

(i) *Obtain an American eel harvest permit prior to catching eels; and*

(ii) *Have the American eel harvest permit in possession while harvesting or transporting American eels.*

(b) American eel harvest permits shall be issued to all licensees who have met all reporting requirements as required by Natural Resources Article, §4-206, Annotated Code of Maryland, and this regulation.

(c) An individual may be issued only one American eel harvest permit.

(d) American eel harvest permits may not be transferred.

(4) Reporting and Penalties.

(a) In addition to the requirements of Natural Resources Article, §4-206, Annotated Code of Maryland, an American eel harvest permittee shall report in the manner specified by the Department.

(b) In addition to any other penalty established in COMAR 08.02.13, failure to comply with this regulation may result in the suspension of the current permit or the denial of a subsequent permit.

(c) Prior to suspending a permit under this regulation or denying an application for a permit, the Department shall give the licensee notice of its intended action and an opportunity to appear at a hearing conducted in accordance with the contested case procedures set forth in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

B.—G. (text unchanged)

[H. A person may not sell or attempt to sell eels without an appropriate license issued by the Department, unless the person is:

- (1) Licensed by the Department to catch finfish for sale;
- (2) A retail market, restaurant, or other establishment where finfish are sold or served to ultimate consumers, and not for resale; or
- (3) Buying finfish for personal use or consumption.]

H. General.

(1) The Secretary may establish or modify catch limits, size limits, and seasons for American eel in order to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Eel, by issuing a public notice on the Fisheries Service website.

(2) The public notice shall state its effective hour and date and shall be published on the Fisheries Service website at least 48 hours in advance of the effective hour and date.

(3) The Secretary shall make a reasonable effort to disseminate a public notice issued under this section through various other media so that an affected individual has a reasonable opportunity to be informed.

(4) A violation of the restrictions set by the Secretary in accordance with section is a violation of this regulation.

MARK J. BELTON
Secretary of Natural Resources

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 06 DISEASES

Notice of Proposed Action

[16-021-P]

The Secretary of Health and Mental Hygiene proposes to:

(1) Amend Regulation .02 and repeal Regulation .17-1 under **COMAR 10.06.01 Communicable Diseases and Related Conditions of Public Health Importance**; and

(2) Adopt new Regulations .01—.08 under a new chapter, **COMAR 10.06.07 Sexually Transmitted Infections — Expedited Partner Therapy for Chlamydia and Gonorrhea**.

Statement of Purpose

The purpose of this action is to repeal regulations related to the Expedited Partner Therapy (EPT) Pilot Program in Baltimore City Health Department under COMAR 10.06.01, and add a new chapter of regulations for EPT for chlamydia and gonorrhea in Maryland under COMAR 10.06.07. Pursuant to Health-General Article, §18-214.1, Annotated Code of Maryland, Ch. 183, Acts of 2015, this proposal creates regulations for certain health care providers and pharmacists, within their existing scopes of practice, to prescribe or dispense antibiotic therapy to any partner of a patient diagnosed with chlamydia or gonorrhea without making a personal physical assessment of the partner, and without having a previous provider-patient relationship with the partner. This proposal expands EPT permissibility throughout Maryland in order to help reduce the likelihood of repeat infection in a patient diagnosed with chlamydia or gonorrhea. Specifically, this proposal outlines eligibility, prescribing and dispensing authority, counseling and educational requirements, documentation, and reporting. This proposal also expands EPT permissibility throughout Maryland and helps to reduce the likelihood of repeat infection in a diagnosed patient.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposal will result in an indeterminable impact to the Department of Health and Mental Hygiene (Department), local health departments (LHDs), pharmacists, insurers, and health care providers. As permitted in statute, EPT is a voluntary practice of treating chlamydia or gonorrhea in a sex partner or partners of an infected patient; therefore, there is no way to determine how many: health care providers (including LHDs) will offer EPT to their patients or need training from the Department; patients will accept EPT for their sex partner or partners; sex partners will accept EPT medication or fill their prescription for the medication; pharmacists will fill EPT prescriptions; and repeat infections will be avoided. The impact of this proposal on insurers, including Medicaid, is indeterminable because of the unknown number of EPT prescriptions that will be given to an insured sex partner or partners.

It is anticipated that the Department, LHDs, insurers, health care providers, and the public will benefit from a reduction in repeat infections. Pharmacists will incur minor costs associated with providing educational information to accompany EPT medications and health care providers who provide EPT will likewise incur minor costs associated with counseling patients and providing educational information for their partner or partners. Insurers will incur reimbursement costs for EPT medications given to a sex partner or partners who are their enrollees, but will also benefit from a reduction in costs associated with untreated infections in their enrollees.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Indeterminable