**PROPOSAL**

**Maryland Register**

**Issue Date: September 27, 2019**

**Volume 46 • Issue 20• Page 849**

**Title 10
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 10 LABORATORIES**

**10.10.09 [Law Enforcement] *Forensic* Laboratories — Personnel Certification and Approval of Laboratory Procedures**

Authority: Courts and Judicial Proceedings Article, §10-1001; Health-General Article, **[**§17-202**]** *§17-2A-02*; Annotated Code of Maryland

**Notice of Proposed Action**

[19-185-P]

The Secretary of Health proposes to amend Regulation **.03** under **COMAR 10.10.09 Forensic Laboratories — Personnel Certification and Approval of Laboratory Procedures**.

**Statement of Purpose**

The purpose of this action is to add State licensed forensic laboratories as permitted employers of certified analysts in an effort to allow these analysts to provide testing services for State law enforcement agencies.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The proposed action will enable small businesses (i.e., private forensic laboratories) to certify forensic analysts to provide CDS testing services for Maryland law enforcement agencies.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 28, 2019. A public hearing has not been scheduled.

**.03 Employment, Employment Certification, and Automatic Decertification.**

A. Employment. An individual applying for certification under this chapter shall be currently employed by **[**the**]**:

(1)*The* Department;

(2)*The* Maryland State Police;

(3)*The*Baltimore City Police Department; **[**or**]**

(4)*The* police department of a municipality or county in this State*; or*

*(5) A private forensic laboratory licensed by the Maryland Department of Health that has a contract with a Maryland law enforcement agency to provide testing services for controlled dangerous substances.*

B.—C. (text unchanged)

ROBERT R. NEALL
Secretary of Health