

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:		
Local Governments	(R+) Benefit (+) Cost (-)	Indeterminable Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:		
Nonprofit Community Development Organizations	(+)	Indeterminable
F. Direct and indirect effects on public:		
Public	(+)	Indeterminable

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. Local governments may benefit from increased revenue associated with improvements to business facades and facilities funded through community development organizations. However, the magnitude of the benefit cannot be determined.

E. Nonprofit community development organizations may benefit from additional funding to support business façade improvements, and an improved local business climate. The magnitude of the benefit cannot be determined.

F. The public will benefit from improved physical appearance of business facades and facilities, as well as increased economic activity and local revenue associated with improvements to business facades and facilities. The magnitude of this benefit cannot be determined.

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 an impact on individuals with disabilities as follows:

Improvements to business façades and facilities that improve accessibility, such as improvements to doorways and ramps, are eligible expenses under the program. As a result, the program may have a positive impact on persons with disabilities.

Opportunity for Public Comment

Comments may be sent to John Papagni, Program Officer of the Division of Neighborhood Revitalization, Department of Housing and Community Development, 7800 Harkins Road, Lanham, Maryland 20706, or call 301-429-7670, or email to john.papagni@maryland.gov. Comments will be accepted through January 13, 2025. A public hearing has not been scheduled.

.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1)—(3) (text unchanged)

(4) "Community development organization" means an organization that meets the requirements of Housing and Community Development Article, §6-203, Annotated Code of Maryland.

[(4)] (5)— [(5)] (6) (text unchanged)

[(6)] (7) "Grantee" means a political subdivision or community development organization that receives funds under the Program.

[(7)] (8)— [(13)] (14) (text unchanged)

.03 Eligible Applicants and Uses.

A. A grantee shall meet the following minimum requirements:

(1) Be a political subdivision or a community development organization;

(2)—(3) (text unchanged)

(4) [Have] Serve at least one sustainable community; and

(5) (text unchanged)

B. (text unchanged)

.04 Applications.

A. (text unchanged)

B. An application submitted to the Department shall:

(1) (text unchanged)

(2) Be submitted by [a political subdivision] an eligible applicant;

(3) Identify the sustainable communities within its jurisdiction or service area;

(4)—(12) (text unchanged)

C.— D. (text unchanged)

JACOB DAY

Secretary Housing and Community Development

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

Notice of Proposed Action

[24-123-P]

The Secretary of Natural Resources proposes to:

(1) Adopt new Regulation .13 under **COMAR 08.02.08 Shellfish—General**; and

(2) Amend Regulations .01 and .03 under **COMAR 08.02.12 Endangered and Threatened Fish Species**.

Statement of Purpose

The purpose of this action is to change the word "conversation" to "conservation" in the definition of "Species in need of conservation" and to protect all species of freshwater mussels in the order Unionoida by declaring them as in need of conservation and prohibiting their possession and sale.

In Regulation .01, the proposed action changes the word conversation to conservation. This action is necessary to correct a clerical error and prevent the public from misunderstanding the intent of the regulation because the wrong word was used. In Regulation .03, the proposed action adds all species of freshwater mussels in the order Unionoida to the list of species in need of conservation. The proposed action makes it clear that a person may not take, possess, transport, export, process, sell, offer for sale, deliver, carry, or ship any freshwater mussels in the order Unionoida. The proposed action includes exceptions for freshwater mussels that are caught incidentally

during other activities and for freshwater mussels that are caught outside of Maryland's jurisdiction. This action is necessary to prevent the further depletion of freshwater mussel species and is based on the current status of the populations, fisheries activities, and biological and management considerations.

Biology Freshwater mussels occur globally. Approximately 300 species are found in North America with diversity greatest in the Southeast and Midwest. There are 16 native freshwater mussel species in Maryland out of approximately 300 species found in North America. They have been documented as the most imperiled animal group because of their slow growth, long-lifespan, sensitivity to pollution and habitat degradation, and complex life history, with a majority being considered rare, threatened, endangered, or extinct. In Maryland, freshwater mussels have been reported in all river basins of the Chesapeake Bay; however, several species only exist in a few small, isolated populations due to invasive species, pollution, habitat degradation, or lack of host fish, and often in specific habitats. Those mussel species found primarily distributed in tidal waters due to their specific host fish are particularly vulnerable to population declines and possibly extirpation if mortality rates increase from harvest. They are a native, keystone species important to the quality of benthic habitat in Maryland's tidal freshwater.

Freshwater mussels are a member of Unionidae and an important component of North American aquatic assemblages. They consume algae, bacteria, and particulate organic matter by filter feeding and provide resources to aquatic vegetation, macroinvertebrates, fish, and small mammals. This species' diverse family of bivalves has existed for over 100 million years in North America, remaining nearly indistinct evolutionarily from extinct ancestors. Some evolutionarily derived characteristics, such as their parasitic larva, called a glochidia, are found only within the family and the closely related Margaritiferidae and nowhere else within the over 9,200 species of bivalves worldwide. Additionally, some mussel species have adapted a portion of their mantle tissue to mimic the prey of their obligate host fish in order to infect them with glochidia.

The species complex has a wide diversity of life history traits that can be characterized by opportunistic, periodic, and equilibrium strategies that evolved with the high diversity of mussel species that address the unpredictable conditions in the aquatic environment (e.g., river flow) and high juvenile mortality. In the Chesapeake Bay watershed, adult mussels can be as small as 40 mm and as large as 150 mm, have life spans from 10 to 100 years, and reach sexual maturity in as little as one year. Little is known about the fecundity of mussel species, but it can vary by several orders of magnitude across species. There are different reproductive strategies as well. Long-term brooders typically spawn in the fall, overwinter their gametes, and either release glochidia into the water column or actively attract a host fish. Short-term brooders typically spawn in the early spring to late summer and release glochidia several weeks later in mucus or packets into the water column. Without encountering and encysting on a specific species of host-fish, these glochidia will not metamorphose into a juvenile mussel and complete the reproductive cycle. Glochidia and juvenile freshwater mussels have been regularly shown to be very sensitive to common pollutants at levels well below those set for the protection of surface waters, thus making recruitment difficult.

Fisheries and Economic Considerations

Commercial fisheries for freshwater mussels are restricted to portions of Tennessee and Kentucky to support the culture pearl industry in Japan. Historically, fisheries for buttons existed throughout the large rivers of the Midwest and southeastern U.S. but crashed due to overharvest unregulated industrial pollution, and the development of synthetic plastics.

Recreational harvest for freshwater mussels is largely unknown, in part because it is not allowed in most states, but likely consists of

harvest for bait and to a lesser extent personal consumption.

Although freshwater mussels were historically a commercially valuable species in the Midwest and southeastern U.S., there have never been directed fisheries for them in Maryland. Mussel species found in Maryland were likely never exploited because their size at maturity does not provide for a large enough shell to produce buttons or pearl nuclei.

Management Framework

Freshwater mussels are currently managed by the U.S. Fish and Wildlife Service (USFWS) and individual states. Several species of freshwater mussels are already protected by Maryland regulations, but the proposed action expands the protection to all freshwater mussels. Prohibiting the harvest of freshwater mussels in Maryland is consistent with the recreational limits in Pennsylvania, Virginia, and West Virginia. This action provides consistency with adjacent jurisdictions and heightened protections for a group of species that are recognized as largely being in decline and protected from take by other regulations, such as the Nongame and Endangered Species Conservation Act (Natural Resources Article, §10-2A-01 et. seq., Annotated Code of Maryland) or the federal Endangered Species Act.

Because mussel species are difficult to distinguish from one another, there is potential liability if someone collects a protected species, and any amount of harvest could lead to an increase in extinction risk. There is also a potential for the species composition in Maryland to change due to environmental and climate changes, so it is necessary to list the entire order. Adding all species of freshwater mussels in the order Unionoida to the "in need of conservation" list allows the Department to conserve the species in alignment with national and state criteria and recommendations.

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 Freshwater Mussels, Regulatory Staff, Maryland Department of Natural Resources, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or email to or submit comments at:

<https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#INOC>. Comments will be accepted through January 13, 2025. A public hearing has not been scheduled.

08.02.08 Shellfish—General

Authority: Natural Resources Article, §4-2A-03, Annotated Code of Maryland

.13 Freshwater Mussels.

A. Definition.

(1) *In this regulation, the following term has the meaning indicated.*

(2) *Term Defined. "Freshwater mussel" means all species of freshwater mussels in the order Unionoida.*

B. Prohibition of Catching, Possession, or Sale of Freshwater Mussels. Except as provided in §C of this regulation, a person may not catch, offer for sale, purchase, or possess any freshwater mussel caught in Maryland waters.

C. Exceptions.

(1) *The incidental catching of any freshwater mussel is not considered a violation of this regulation if the freshwater mussel is immediately returned unharmed to the water.*

(2) *The provisions of §A of this regulation do not prohibit the entry into the State or possession, transportation, exportation, processing, sale, offer for sale, or shipment of any freshwater mussels which were caught in waters not under Maryland jurisdiction if the person engaging in the activity demonstrates by a bill of sale that the freshwater mussels were lawfully taken and lawfully removed from another jurisdiction.*

08.02.12 Endangered and Threatened Species

Authority: Natural Resources Article, §4-2A-03, Annotated Code of Maryland

.01 Definitions.

A.—B. (text unchanged)

(1) (text unchanged)

(2) “Species in need of conservation” means any species which:

(a)—(b) (text unchanged)

(c) Has been determined by the Secretary to be in need of [conversation] conservation measures for its continued ability to sustain itself successfully.

(3) (text unchanged)

.03 Listing of Species.

A. The following species are listed as in need of conservation:

(1)—(19) (text unchanged)

(20) Cobia (*Rachycentron canadum*); [and]

(21) Longnose gar (*Lepisosteus osseus*); and

(22) *All species of freshwater mussels in the order Unionoida.*

B. (text unchanged)

JOSH KURTZ

Secretary of Natural Resources

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 Jordan Fisher Blotter, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534 Baltimore, Maryland 21201, or call 410-767-0938, or email to mdh.regs@maryland.gov. Comments will be accepted through January 13, 2025. A public hearing has not been scheduled.

.04 Covered Services.

A.—B. (text unchanged)

C. *The Department may cover legend drugs not otherwise covered by §A of this regulation when:*

(1) *The drugs are identified as necessary to address a drug shortage as identified by the United States Food and Drug Administration; and*

(2) *The Department determines the coverage of the drugs medically necessary.*

.05 Limitations.

A. Except as specifically identified as being covered under Regulation .04 of this chapter, the following are not covered:

(1) — (15) (text unchanged)

(16) Ovulation stimulants[;] *unless used to treat an iatrogenic infertility;*

(17) — (20) (text unchanged)

B. — E. (text unchanged)

LAURA HERRERA SCOTT

Secretary of Health

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.03 Pharmacy Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-103.1, 15-105, 15-118, and 15-148 Annotated Code of Maryland

Notice of Proposed Action

[24-200-P]

The Secretary of Health proposes to amend Regulations .04 — .05 under **COMAR 10.09.03 Pharmacy Services.**

Statement of Purpose

The purpose of this action is to:

(1) Include coverage of legend drugs that are not otherwise covered (including drugs authorized for import by the US Food and Drug Administration) when medically necessary during drug shortages identified by the US Food and Drug Administration (FDA); and

(2) Remove limitations of ovulation stimulants in instances of iatrogenic infertility.

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.10 Nursing Facility Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, 19-14B-01, and 19-310.1, Annotated Code of Maryland

Notice of Proposed Action

[24-188-P]

The Secretary of Health proposes to amend Regulations .07 and .08 under **COMAR 10.09.10 Nursing Facility Services.**

Statement of Purpose

The purpose of this action is to:

(1) Update the budget adjustment factor for Fiscal Year 2025 (COMAR 10.09.10.07); and

(2) Extend the sunset date for the Interim Working Capital Fund for one year and reinstate the May 1 due date for nursing facilities to repay Interim Working Capital funds (COMAR 10.09.10.08).