



Mohammed Choudhury
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Mohammed Choudhury, State Superintendent of Schools

DATE: June 27, 2023

SUBJECT: Cannabis Regulations for:
COMAR 13A.15
Family Child Care
COMAR 13A.16
Child Care Centers
COMAR 13A.17
Child Care – Letters of Compliance
COMAR 13A.18
Large Family Child Care Homes
PERMISSION TO PUBLISH

Purpose

The purpose of this item is to request permission to publish amendments to COMAR 13A.15 *Family Child Care*, COMAR 13A.16 *Child Care Centers*, COMAR 13A.17 *Child Care - Letters of Compliance*, and COMAR 13A.18 *Large Family Child Care Homes* to prevent inappropriate exposure to or ingestion of cannabis.

Standard Regulation Promulgation Process

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may be recommended to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

Emergency Regulation Promulgation Process

In addition to the standard regulation promulgation process, these regulations as amended are also being proposed as emergency regulations because the regulations are necessary to mitigate the inappropriate use or exposure to cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts in licensed or regulated child care setting, given the legalization of recreational cannabis on July 1, 2023. The adoption of standard regulations, which require a notice and comment period, could not be completed in the timeframe required to prevent inappropriate use or exposure to cannabis in licensed and regulated child care settings. Thus, emergency regulations are being proposed to fill any gaps in regulation of cannabis in the child care setting which also include residences pending approval of standard regulations.

Emergency regulations, which bypass the normal public notice and comment period, remain in effect for a limited period of time - not to exceed 180 days - to meet exigent circumstances. Although emergency regulations are not published in the Maryland Register before adoption, notice of the Administrative, Executive, and Legislative Review (AELR) Committee's receipt of the regulation is posted on the Maryland General Assembly's website. In addition to notice on the General Assembly website, the Department must post the text of the proposed emergency regulations on the agency website within three business days of submission to the AELR Committee. If a member of the AELR Committee requests a public hearing on the emergency adoption of a regulation, the committee must hold the hearing. If no public hearing is requested, staff to the committee may poll the Committee members on the emergency regulation as soon as 10 business days after receipt of the regulation. Approval by the AELR Committee is required for an emergency regulation to take effect. Unless it is approved as a standard regulation, this emergency regulation as amended shall expire 180 days after filing or upon withdrawal by the promulgating agency.

Background

Proposed Regulation: Preventing exposure to and ingestion of cannabis in licensed and regulated child care programs

The purpose of cannabis regulations is to establish guidelines and restrictions regarding the use, storage, and accessibility of cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts and related products in licensed and regulated child care programs. The proposed regulations are consistent throughout all four chapters. These proposed regulations expand upon the existing prohibition for smoking and use of alcohol to also prohibit vaping and any use of cannabis in the child care setting. The regulations also require the proper disposal of biocontaminants and biohazards as requested from the federal Administration for Children and Families.

The regulations ensure the safety, health, and well-being of individuals, particularly children, by implementing strict measures regarding the use, storage, and handling of cannabis and related products in different environments, including home-based child care facilities. The regulations address the particularized concern around cannabis edibles and gummies that are sometimes packaged in ways that may appear to be candy, posing a risk to children.

Stakeholder Engagement

MSDE met with early care and education stakeholder groups to discuss this proposed regulation. Stakeholders were supportive of the proposed regulations to ensure child safety and well-being. MSDE met with the following stakeholders to discuss this proposed regulation and receive feedback.

- Office of Child Care (OCC) Advisory Council Member Meeting (June 21, 2023)

Executive Summary

The proposed cannabis regulations establish guidelines and restrictions governing the use, storage, and accessibility of cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts. The amendments are consistent throughout all four chapters. The proposed regulations (13A.15.01.02, 13A.16.01.02, 13A.17.01.02, 13A.18.01.02), define cannabis as the cannabis sativa L. plant and its derivatives with a THC concentration greater than 0.3% on a dry weight basis. The proposed regulations define cannabis to also include any product that is composed of cannabis, cannabis concentrate or cannabis extract including but not limited to cannabis vaporizing devices, edible cannabis products, and any usable cannabis products. The regulations differentiate between cannabis and hemp or hemp products, which are excluded from the definition of cannabis. The proposed regulations define vaping as using a device that can deliver aerosolized or vaporized products, including but not limited to nicotine and cannabis, to an individual inhaling from the device.

The proposed regulations (13A.15.05.03, 13A.16.05.11, 13A.17.05.11, and 13A.18.05.11) require biohazards and biocontaminants to be disposed of in a clean and sanitary manner. This regulatory change was requested by the Federal Administration for Children and Families.

The proposed regulations (13A.15.10.02, 13A.16.10.04, 13A.17.10.04, 13A.18.10.04) expands the list of potentially hazardous items to include alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts.

The proposed regulations (13A.15.11.04, 13A.16.11.04, 13A.17.11.04, 13A.18.11.04) provide that the very rare administration of medical cannabis by a caregiver who is a qualifying medical cannabis patient is governed by the Maryland Department of Health regulations found at COMAR 10.62.01-10.62.37. The regulations prohibit smoking or vaping of any medical cannabis.

The proposed regulations (13A.15.11.05, 13A.16.11.05, 13A.17.11.05, and 13A.18.11.05) combine the existing regulations that address smoking and the consumption of alcohol and drugs into one regulation because cannabis, unlike alcohol and tobacco, can be both smoked and consumed. The proposed amendments also clarify and make

consistent the current regulations prohibiting the use of alcohol and tobacco use to also include vaping and cannabis use and provide:

- Notice provisions of smoking, vaping, or cannabis use to parents considering placing their child in care.
- A resident may not consume alcohol, smoke, or vape in the immediate presence of a child in care.
- A provider and any other individual or who has child care responsibilities may not consume alcohol, smoke, or vape in the immediate presence of a child in care or permit any individual to do so while on the premises.
- A provider and any other individual who has child care responsibilities may not consume or be under the influence of alcohol, cannabis, or an illegal or nonprescribed controlled dangerous substance during the center's hours or operation or while providing or assisting with care during on off-site program activity or during transport.
- A provider and any other individual who has child care responsibilities shall ensure that all alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts are kept out of the reach of children in care.

Action

Request that the State Board grant permission to publish amendments to COMAR 13A.15 *Family Child Care*, COMAR 13A.16 *Child Care Centers*, COMAR 13A.17 *Child Care - Letters of Compliance*, and COMAR 13A.18 *Large Family Child Care Homes*.

Attachments

COMAR 13A.15.01.02 *Definitions*.

COMAR 13A.15.05.03 *Cleanliness and Sanitation*.

COMAR 13A.15.10.02 *Potentially Hazardous Items*.

COMAR 13A.15.11.04 *Medication Administration and Storage*.

COMAR 13A.15.11.05 *Alcohol, Tobacco, Cannabis, and Other Drugs*.

COMAR 13A.16.01.02 *Definitions*.

COMAR 13A.16.05.11 *General Cleanliness and Disposal of Refuse*.

COMAR 13A.16.10.04 *Potentially Hazardous Items*.

COMAR 13A.16.11.04 *Medication Administration and Storage*.

COMAR 13A.16.11.05 *Alcohol, Tobacco, Cannabis, and Other Drugs*.

COMAR 13A.17.01.02 *Definitions*.

COMAR 13A.17.05.11 *General Cleanliness and Disposal of Refuse*

COMAR 13A.17.10.04 *Potentially Hazardous Items*

COMAR 13A.17.11.04 *Medication Administration and Storage*

COMAR 13A.17.11.05 *Alcohol, Tobacco, Cannabis, and Other Drugs*

COMAR 13A.18.01.02 *Definitions*

COMAR 13A.18.05.11 *Cleanliness and Sanitation*.

COMAR 13A.18.10.04 *Potentially Hazardous Items*

COMAR 13A.18.11.04 *Medication Administration and Storage*

COMAR 13A.18.11.05 *Alcohol, Tobacco, Cannabis, and Other Drugs*

Title 13A STATE BOARD OF EDUCATION

Subtitle 15 FAMILY CHILD CARE

Chapter 01 Scope and Definitions

Authority: Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, 9.5-321 and 9.5-414; Family Law Article, §§5-550—5-558; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (7) (text unchanged)

(7-1) (a) "Cannabis" means the plant cannabis sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(b) "Cannabis" includes any product that is composed of cannabis, cannabis concentrate or cannabis extract including but not limited to cannabis vaporizing devices, concentrated cannabis products, edible cannabis products, and any usable cannabis products.

(c) "Cannabis" does not include hemp or hemp products, as defined in Agriculture Article, § 14-101, Annotated Code of Maryland.

(8) – (35) (text unchanged)

(35-1) "Vaping" means using a device that can deliver aerosolized or vaporized products, including but not limited to nicotine and cannabis, to an individual inhaling from the device.

(36) (text unchanged)

Chapter 05 Home Environment and Equipment

.03 Cleanliness and Sanitation.

A. – F. (text unchanged)

G. Biocontaminants and biohazards shall be disposed of in a clean and sanitary manner.

Chapter 10 Child Safety

.02 Potentially Hazardous Items.

The provider shall properly store, and keep inaccessible to the children in care, all potentially harmful items, including, but not limited to, knives, sharp tools, firearms, matches, *[alcoholic beverages,] alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts,* petroleum, flammable products, cleaning agents, and poisonous products.

Chapter 11 Health

.04 Medication Administration and Storage.

A. – H. (text unchanged).

I. Medical Cannabis.

(1) The administration of medical cannabis by a caregiver to a child who is a qualifying medical cannabis patient is governed by COMAR 10.62.01–10.62.37.

(2) The administration of medical cannabis that includes smoking or vaping is prohibited.

.05 [Smoking, Alcohol, Tobacco, Cannabis, and Other Drugs.

A. If a resident of the family child care home smokes *or vapes any substance including but not limited to tobacco or cannabis, [cigarettes, cigars, or pipes]*, the provider shall make this known in advance to parents who are considering placing their children in the provider's care.

[B. smoking Restrictions.

(1) A provider and any other individual who has child care responsibilities may not smoke in the immediate presence of a child in care.

(2) During the family child care home's approved hours of operation, if an enrolled child is or will be on the premises, the provider may not smoke or permit smoking anywhere inside the home.]

B. A resident may not consume alcohol, smoke, or vape in the immediate presence of a child in care.

[C. The provider or substitute shall ensure that all cigarettes, cigars, pipes, ashes, and butts are kept out of the reach of the children in care.]

C. A provider and any other individual who has child care responsibilities may not consume alcohol, smoke, or vape in the immediate presence of a child in care.

D. During the family child care home's hours of operation, if an enrolled child is or will be on the premises, the provider and any other individual who has child care responsibilities may not smoke or vape or permit smoking or vaping anywhere inside the home or any outdoor area approved for child care use.

E. A provider and any other individual who has child care responsibilities may not consume or be under the influence of alcohol, cannabis, or an illegal or nonprescribed controlled dangerous substance while:

(1) Present at the family child care home during the home's hours of operation;

(2) Providing or assisting with the care of children on or away from the premises of the family child care home or during transport.

F. A provider and any other individual who has child care responsibilities shall ensure that all alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts are kept out of the reach of the children in care.

[.06 Consumption of Alcohol and Drugs.

A provider, substitute, volunteer, or additional adult may not consume an alcoholic beverage or an illegal or nonprescribed controlled dangerous substance while:

(A) Present at the family child care home during the home's approved hours of operation; or

(B) Providing or assisting with the care of children on or away from the premises of the family child care home.]

Subtitle 16 Child Care Centers

Chapter 01 Scope and Definitions

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; Family Law Article, §§5-550—5-558; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.02 Definitions.

A. In this [chapter] subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) – (11) (text unchanged)

(11-1) (a) “Cannabis” means the plant cannabis sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta–9–tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(b) “Cannabis” includes any product that is composed of cannabis, cannabis concentrate or cannabis extract including but not limited to cannabis vaporizing devices, concentrated cannabis products, edible cannabis products, and any usable cannabis products.

(c) “Cannabis” does not include hemp or hemp products, as defined in Agriculture Article, § 14-101, Annotated Code of Maryland.

(12) – (59) (text unchanged)

(59-1) “Vaping” means using a device that can deliver aerosolized or vaporized products, including but not limited to nicotine and cannabis, to an individual inhaling from the device.

(60) (text unchanged)

Chapter 05 Physical Plant and Equipment

.11 General Cleanliness and Disposal of Refuse.

A. – C. (text unchanged)

D. Disposal of Refuse.

(1) – (4) (text unchanged)

(5) Biocontaminants and biohazards shall be disposed of in a clean and sanitary manner.

Chapter 10 Safety

.04 Potentially Hazardous Items.

A. An operator shall store all potentially harmful items, including but not limited to the items described in §§B—**[E]** **F** of this regulation, in locations which are inaccessible to children in care.

B. – E. (text unchanged)

F. Alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts shall be stored in an approved manner.

[F.] G. (text unchanged)

[G.] H. (text unchanged)

[H.] I. (text unchanged)

[I.] J. (text unchanged)

Chapter 11 Health

.04 Medication Administration and Storage.

A. – H. (text unchanged)

I. Medical Cannabis.

(1) The administration of medical cannabis by a caregiver to a child who is a qualifying medical cannabis patient is governed by COMAR 10.62.01–10.62.37.

(2) The administration of medical cannabis that includes smoking or vaping is prohibited.

.05 [Smoking] Alcohol, Tobacco, Cannabis, and Other Drugs.

[A. Except as specified in §B of this regulation, smoking is prohibited:

(1) At all times in any indoor area of a child care center; and

(2) During the center's hours of operation, in any outdoor area of the center which is approved for child care use.

B. In a small center located in a private residence, smoking is prohibited during the center's hours of operation in any indoor or outdoor area approved for child care use.]

A. If a resident smokes or vapes any substance, including but not limited to tobacco or cannabis, the provider shall make this known in advance to parents who are considering placing their children in the center's care.

B. A resident may not consume alcohol, smoke, or vape in the immediate presence of a child in care.

C. A provider and any other individual who has child care responsibilities may not consume alcohol, smoke, or vape in the immediate presence of a child in care.

D. During the center's hours of operation, if an enrolled child is or will be on the premises, the provider or any other individual who has child care responsibilities may not smoke or vape or permit smoking or vaping in any indoor or outdoor area approved for child care use.

E. A provider and any other individual who has child care responsibilities may not consume or be under the influence of alcohol, cannabis, or an illegal or nonprescribed controlled dangerous substance while:

(1) Present at the child care center during the center's hours of operation;

(2) Providing or assisting with the care of children during an off-site program activity or during transport.

F. A provider and any other individual who has child care responsibilities shall ensure that all alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts are kept out of the reach of the children in care.

[.06 Alcohol and Drugs.

An operator may not allow the consumption of alcoholic beverages or use of illegal or nonprescribed controlled dangerous substances:

A. On the center premises during the center's hours of operation; or

B. By an employee, a substitute, or a volunteer during an off-site program activity.]

Subtitle 17 Child Care—Letters of Compliance

Chapter 01 Scope and Definitions

Authority: Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 905-411, and 9.5-413—9.5-418; Family Law Article, §§5-550—5-558; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.02 Definitions.

A. (text unchanged).

B. Terms Defined.

(1) – (6) (text unchanged)

(6-1) (a) “Cannabis” means the plant cannabis sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis

(b) “Cannabis” includes any product that is composed of cannabis, cannabis concentrate or cannabis extract including but not limited to cannabis vaporizing devices, concentrated cannabis products, edible cannabis products, and any usable cannabis products.

(c) “Cannabis” does not include hemp or hemp products, as defined in Agriculture Article, § 14-101, Annotated Code of Maryland.

(7) – (45) (text unchanged)

(45-1) “Vaping” means using a device that can deliver aerosolized or vaporized products, including but not limited to nicotine and cannabis, to an individual inhaling from the device.

(46) (text unchanged)

Chapter 05 Physical Plant and Equipment

.11 General Cleanliness and Disposal of Refuse.

A. – B. (text unchanged)

C. Disposal of Refuse.

(1) – (3) (text unchanged)

(4) Biocontaminants and biohazards shall be disposed of in a clean and sanitary manner.

Chapter 10 Safety

.04 Potentially Hazardous Items.

A. An operator shall store all potentially harmful items, including but not limited to the items described in §§B—**[E]** **F** of this regulation, in locations which are inaccessible to children in care.

B. – E. (text unchanged)

F. Alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts shall be stored in an approved manner.

[F.] G. (text unchanged)

[G.] H. (text unchanged)

[H.] I. (text unchanged)

[I.] J. (text unchanged)

Chapter 11 Health

.04 Medication Administration and Storage.

A. – H. (text unchanged)

I. Medical Cannabis.

(1) The administration of medical cannabis by a caregiver to a child who is a qualifying medical cannabis patient is governed by COMAR 10.62.01–10.62.37.

(2) The administration of medical cannabis that includes smoking or vaping is prohibited.

.05 [Smoking] Alcohol, Tobacco, Cannabis, and Other Drugs.

[Smoking or is prohibited:

A. At all times in any indoor area of the child care facility; and

B. During the facility's hours of operation, in any outdoor area of the facility which is approved for child care use.]

A. If a resident smokes or vapes any substance, including but not limited to tobacco or cannabis, the provider shall make this known in advance to parents who are considering placing their children in the facility's care.

B. A resident may not consume alcohol, smoke, or vape in the immediate presence of a child in care.

C. A provider and any other individual who has child care responsibilities may not consume alcohol, smoke, or vape in the immediate presence of a child in care.

D. During the facility's hours of operation, if an enrolled child is or will be on the premises, the provider any other individual who has child care responsibilities may not smoke or vape or permit smoking or vaping in any indoor or outdoor area approved for child care use.

E. A provider and any other individual who has child care responsibilities may not consume or be under the influence of alcohol, cannabis, or an illegal or nonprescribed controlled dangerous substance while:

(1) Present at the facility during the facility's hours of operation;

(2) Providing or assisting with the care of children during an off-site program activity or during transport.

F. The provider and any other individual who has child care responsibilities shall ensure that all alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts are kept out of the reach of the children in care.

[.06 Alcohol and Drugs.

An operator may not allow the consumption of alcoholic beverages or use of cannabis, illegal, or nonprescribed controlled dangerous substances:

A. On the child care facility premises during the facilities hours of operation; or

B. By an employee, a substitute, or a volunteer during an off-site program activity.]

Subtitle 18 Large Family Child Care Homes

Chapter 01 Scope and Definitions

Authority: Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, 9.5-321 and 9.5-414; Family Law Article §§5-550—5-558; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.02 Definitions.

A. In this [chapter] subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) – (7) (text unchanged)

(7-1) (a) "Cannabis" means the plant cannabis sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(b) "Cannabis" includes any product that is composed of cannabis, cannabis concentrate or cannabis extract including but not limited to cannabis vaporizing devices, concentrated cannabis products, edible cannabis products, and any usable cannabis products.

(c) "Cannabis" does not include hemp or hemp products, as defined in Agriculture Article, § 14-101, Annotated Code of Maryland.

(8) – (48) (text unchanged)

(48-1) "Vaping" means using a device that can deliver aerosolized or vaporized products, including but not limited to nicotine and cannabis, to an individual inhaling from the device.

(49) (text unchanged)

Chapter 05 Home Environment and Equipment

.11 Cleanliness and Sanitation.

A. – B. (text unchanged)

C. Disposal of Refuse.

(1) – (4) (text unchanged)

(5) Biocontaminants and biohazards shall be disposed of in a clean and sanitary manner.

Chapter 10 Safety

.04 Potentially Hazardous Items.

A. A provider shall store all potentially harmful items, including but not limited to the items described in §§B—~~[E]~~ **F** of this regulation, in locations which are inaccessible to children in care.

B. – E. (text unchanged)

F. Alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts shall be stored in an approved manner.

~~[F.]~~ **G.** (text unchanged)

~~[G.]~~ **H.** (text unchanged)

~~[H.]~~ **I.** (text unchanged)

Chapter 11 Health

.04 Medication Administration and Storage.

A.– H. (text unchanged).

I. Medical Cannabis.

(1) The administration of medical cannabis by a caregiver to a child who is a qualifying medical cannabis patient is governed by COMAR 10.62.01–10.62.37.

(2) The administration of medical cannabis that includes smoking or vaping is prohibited.

.05 ~~[Smoking]~~ Alcohol, Tobacco, Cannabis, and Other Drugs.

~~[Smoking is prohibited in any indoor or outdoor area approved for child care use during the child care home's hours of operation].~~

A. If a resident smokes or vapes any substance, including but not limited to tobacco or cannabis, the provider shall make this known in advance to parents who are considering placing their children in the home's care.

B. A resident may not consume alcohol, smoke, or vape in the immediate presence of a child in care.

C. A provider and any other individual who has child care responsibilities may not consume alcohol, smoke, or vape in the immediate presence of a child in care.

D. During the child care home's hours of operation, if an enrolled child is or will be on the premises, the provider and any other individual who has child care responsibilities may not smoke or vape or permit smoking or vaping in any indoor or outdoor area approved for child care use.

E. A provider and any other individual who has child care responsibilities may not consume or be under the influence of alcohol, cannabis, or an illegal or nonprescribed controlled dangerous substance while:

(1) Present at the child care home during the home's hours of operation;

(2) Providing or assisting with the care of children during an off-site program activity or during transport.

F. The provider and any other individual who has child care responsibilities shall ensure that all alcohol, tobacco, cannabis, cannabis edibles, and smoking and vaping paraphernalia and byproducts are kept out of the reach of the children in care.

[.06 Alcohol and Drugs.

Whenever children are in care, a provider may not allow the consumption of alcoholic beverages or the use of illegal or nonprescribed controlled dangerous substances:

A. By a person supervising, or helping to supervise, a child in care;

B. In an area of the child care home approved for child care during the home's hours of operation; or

C. By a staff member or a volunteer during an off-site program activity.]