Title 13A STATE BOARD OF EDUCATION
Subtitle 15 FAMILY CHILD CARE

Chapter 01 Scope and Definitions


.02 Definitions.
A. (text unchanged)
B. Terms Defined.
(1)—(7) (text unchanged)
(7-1) Cannabis.
(a) “Cannabis” means the plant cannabis sativa L. and any part of the plant, including:
(i) All derivatives;
(ii) Extracts;
(iii) Cannabinoids;
(iv) Isomers;
(v) Acids;
(vi) Salts; and
(vii) 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. Bio contaminants 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 during the family child care home's approved hours of operation.

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.

A provider and any other individual may not consume alcohol during the family child care home's approved hours of operation.

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 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 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; or

(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 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


.02 Definitions.

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

B. Terms Defined.

(a) "Cannabis" means the plant cannabis sativa L. and any part of the plant, including:

(i) All derivatives;
(ii) Extracts;
(iii) Cannabinoids;
(iv) Isomers;
(v) Acids;
(vi) Salts; and
(vii) 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.

(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.

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) Bio contaminants 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.

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 during the center’s approved hours of operation.
   C. A provider and any other individual may not consume alcohol during the center’s approved hours of operation.
   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 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 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; or
      (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 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


.02 Definitions.
   A. (text unchanged).
   B. Terms Defined.
      (1)—(6) (text unchanged)
      (6-I) Cannabis.
         (a) “Cannabis” means the plant cannabis sativa L. and any part of the plant, including:
(i) All derivatives;
(ii) Extracts;
(iii) Cannabinoids;
(iv) Isomers;
(v) Acids;
(vi) Salts; and
(vii) 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) Bio contaminants 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.


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:
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 during the facility's approved hours of operation.
C. A provider and any other individual may not consume alcohol during the facility's approved hours of operation.
D. During the facility's hours of operation, if an enrolled child is or will be on the premises, the provider any other individual 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 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; or
   (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 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


.02 Definitions.
A. In this [chapter] subtitle, the following terms have the meanings indicated.
B. Terms Defined.
   (1)—(7) (text unchanged)
   (7-1) Cannabis.
   (a) “Cannabis” means the plant cannabis sativa L. and any part of the plant, including:
      (i) All derivatives;
      (ii) Extracts;
      (iii) Cannabinoids;
      (iv) Isomers;
      (v) Acids;
      (vi) Salts; and
      (vii) 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) Bio contaminants 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.

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 large family child care home's care.
   B. A resident may not consume alcohol during the large family child care home's approved hours of operation.
   C. A provider and any other individual may not consume alcohol during the large family child care home's approved hours of
operation.
   D. During the large 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 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 may not consume or be under the influence of alcohol, cannabis, or an illegal or
nonprescribed controlled dangerous substance while:
      (1) Present at the large family child care home during the home's hours of operation; or
      (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 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.

MOHAMMED CHOUDHURY
State Superintendent of Schools