

Preface

Effective January 15, 2021, the Administrative Procedure Act (“APA”) For Regulations will govern how City agencies adopt regulations. In brief, the APA will require that agencies follow certain notice and publication procedures prior to formally adopting regulations. Once a regulation is adopted, it must be submitted to the Department of Legislative Reference for codification in the newly formed Code of Baltimore Regulations Annotated (“COBRA”). A link to the full APA can be found here: <https://legislative.reference.baltimorecity.gov/files/apapdf>.

The APA requires that the Department of Legislative Reference (“DLR”) adopt a style manual for use by City agencies in drafting regulations. To that end and until further notice, DLR adopts the attached Style Manual for Maryland Regulations (the “Style Manual”) for use in drafting regulations. To be clear, DLR is not responsible for the drafting of regulations for agencies. Accordingly, agency staff who will draft City regulations should use the Style Manual to write clear and concise regulations that maintain a uniform style standard City government-wide.

While the Style Manual is specifically written for the drafting of State regulations, City agencies should use these style points as a guide as they draft their regulations moving forward. The Style Manual sets forth certain State-specific references, and agencies should feel free to ignore those references. Specifically, when drafting regulations, agencies should keep the following in mind:

- The Style Manual references the Code of Maryland Annotated Regulations (“COMAR”), which is where the State codifies all its regulations. The City’s regulations will be codified in COBRA.
- The Style Manual references the Division of State Documents, which is the State agency responsible for the codification of State regulations. DLR is the City agency tasked with COBRA codification responsibilities.
- The Style Manual references the Maryland Register, which is a weekly State publication of new or modified regulations. Baltimore City will create a similar “register” of all proposed and pending City regulations, and the Law Department will maintain it.

DLR will codify COBRA in a similar manner as COMAR. When writing regulations, City employees should keep the following guidelines in mind:

- Agencies should write regulations in the format the Style Manual requires COMAR regulations to be written.
- Agencies should cite to other City regulations in COBRA in the same format as the Style Manual requires COMAR regulations to cite other COMAR regulations. For example, COBRA 01.01.01.01.
- When citing to numbered articles in the City Code, agencies should cite in the following format: “City Code Article XX, § XX-X.” For example, City Code Article 7, § 62-1.

When citing to other articles in the City Code, agencies should use the name of the City Code article. For example, Health Code of Baltimore City, § 11-101; or

- When citing to the City Charter, agencies should cite in the following format: “City Charter, Article X, § X.” For example, “City Charter, Article III, § 1.”

Throughout the regulatory process, agencies are encouraged to reach out to DLR with their drafting questions as they arise. Specifically, agencies can contact Legislative Services Analyst Amy Rappole at amy.rappole2@baltimorectv.gov.

Style Manual for Maryland Regulations

**Division of State Documents
Office of the Secretary of State
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STYLE MANUAL FOR MARYLAND REGULATIONS

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FOREWORD

This manual is intended to standardize the codification, format, and language of Maryland's regulations. Equally as important, the Division of State Documents hopes that it will assist and stimulate the efforts of regulation drafters to write with greater clarity. If it is true that "a typical person cannot read a typical regulation"¹, then the goal in Maryland is that each regulation not be typical.

¹Maryann Corbett, Ph.D., Assistant for Writing Standards, Minnesota Revisor of Statutes

STYLE MANUAL FOR MARYLAND REGULATIONS

1. INTRODUCTION

1-1. Purpose.

This manual has been developed to provide guidelines for drafting regulations for the *Maryland Register* and Code of Maryland Regulations (COMAR). It is not intended to provide every grammatical rule that must be used in English composition. Unless otherwise stated in this manual, the rules of English composition apply. The manual reinforces certain rules that are particularly necessary in the drafting of legal text. Additionally, the manual standardizes usage in cases where conflicting rules have traditionally been applied.

1-2. Previous Manual.

This manual replaces the drafting guidelines section of the 1980 Regulations Manual.

1-3. Code Revision Manual.

The Style Manual for Maryland Regulations incorporates many of the standards set by the Code Revision Division of the Department of Legislative Services in their Maryland Style Manual for Statutory Law (December, 1985). It differs from Code Revision standards in certain areas, as well as in those matters unique to COMAR.

1-4. Authority.

This manual is issued in accordance with State Government Article, §7-212, Annotated Code of Maryland.

1-5. Reference Books.

The Division of State Documents uses the following reference books in determining proper spelling, hyphenation, grammar, and medical and scientific terminology:

- (1) Webster's Third New International Dictionary (1986 Unabridged);
- (2) Harbrace College Handbook (Eleventh Edition);
- (3) Stedman's Medical Dictionary (25th Edition); and
- (4) McGraw-Hill Dictionary of Scientific and Technical Terms (Fourth Edition).

In cases in which there is a conflict between this manual and one of the reference books listed above, this manual is to prevail.

2. ORGANIZATION AND CODIFICATION

2-1. Introduction.

Good regulatory writing requires more than technical knowledge and writing skill. A clearly drafted regulation that effectively accomplishes the intent of the regulator also requires careful analysis and preparation. A poorly conceived regulation is often disguised by poor writing. Simply cleaning up the writing by putting it in “plain English” will not solve all drafting problems. Language simplification may only serve to reveal the real problems in the regulation. Meaningful regulatory improvement is a product of clear thinking in developing the regulation.

Sound, logical construction is the basic foundation of good regulatory drafting. The drafter must carefully analyze the elements to be contained in the regulation and present them in a logically sound arrangement. Only after the drafter has clearly thought through what needs to be included and how it should be presented in the regulation can the drafter write clearly and effectively.

A regulation is not written in a vacuum. It is an attempt by the government to address and remedy a particular situation or problem. The drafter must design and develop the regulation within the framework of the problem. Major problems of interpretation and enforcement and poorly written regulations both result from neglected or hurried planning. The time spent in analysis and research before writing will save time, money, and trouble in the long run.

Before beginning to write, the skilled drafter will determine the reasons for writing the regulation. The drafter examines the problem being addressed and isolates the primary elements contained in the problem. The drafter then examines the relationships between these elements and other factors that relate to the problem. Now the drafter is able to intelligently limit the scope of the regulation and to decide on the proper regulatory approach. Only after the drafter focuses on the details of the problem being regulated will clear writing techniques and accepted drafting conventions meaningfully improve regulatory content.

2-2. Outlining.

It is essential to prepare an outline to organize the subject matter of the regulations. The amount of effort that you put into this start-up phase of a drafting project has a great impact on the usefulness of the final product. Without proper organization and arrangement, and the clarity that results from the use of good drafting principles, the major concepts of a regulation can easily be lost.

2-3. Division of State Documents' Responsibility.

The organization of regulations is dependent on understanding and using the COMAR codification system. This system is described in the following sections. Ultimately, codification is the prerogative of the Division of State Documents. Although the Division rarely interferes with the organizational structure set forth by the drafter, the following guidelines apply:

- (a) Creation of a new title is solely a determination of the Division;
- (b) The Division should be consulted before the creation of a new subtitle; and
- (c) Agencies are free to create new chapters or regulations provided they are sequential to existing chapters or regulations. Do not skip or reserve chapters or regulations.

2-4. General Guidelines.

(a) Subtitle. Subtitles are reserved for the agency designation (for example, Subtitle 03 Maryland Aviation Administration) or for a broad area of regulatory activity (for example, Subtitle 11 Air Quality). Subtitle names must be 10 words or less.

(b) Chapter. A chapter should contain one topic being regulated or one program being administered. Do not combine widely varying topics into one chapter. The tendency to throw everything into that one chapter will lead to confusion for the reader. Chapter names also must be 10 words or less.

(c) Regulations. For regulations within a chapter and sections within a regulation, the following guidelines apply:

(1) Place exceptions before the specific provisions to which they apply. This will save the reader to whom the exceptions apply from having to read the entire document (Note: A scope regulation is often used to state exceptions);

(2) After the exceptions, place the definitions. If there are no exceptions, the definitions always come first;

(3) Place general provisions before specific provisions;

(4) Place more important provisions before less important provisions;

(5) Place more frequently used provisions before less frequently used provisions;

(6) Place permanent provisions before temporary provisions; and

(7) Place administrative provisions and penalty provisions at the end.

2-5. Codification System.

(a) The Code of Maryland Regulations is organized into titles.

(b) Each title is divided into numbered subtitles; each subtitle is divided into numbered chapters; and each chapter is divided into numbered regulations.

(c) A regulation may be divided into lettered sections; a section may be divided into numbered subsections; a subsection may be divided into lettered paragraphs; and a paragraph may be divided into numbered subparagraphs.

(d) The following example of part of a regulation includes an outline identifying each element in the citation:

COMAR 26.11.06.03B(2)(b)(i)

(Title)	26 Department of the Environment
(Subtitle)	11 Air Quality
(Chapter)	06 General Emission Standards, Prohibitions, and Restrictions
(Regulation)	.03 Particulate Matter.
(Section)	B. Particulate Matter from Confined Sources.
(Subsection)	(2) Areas III and IV.
(Paragraph)	(a) Exceptions. Section B(2)(b) of this regulation does not apply to the following:
(Subparagraph)	(i) Iron and steel production installations;

2-6. Codify All Paragraphs.

Do not leave any paragraph in a regulation uncoded (for an exception, see Section 2-8). If a paragraph is not codified, it cannot be cited.

2-7. Hanging Paragraphs.

(a) Do not leave hanging paragraphs. A hanging paragraph is one that, although codified, cannot be cited individually. It occurs when a paragraph is incorrectly subdivided.

Do Not Use

- A. The sale of newspapers is not subject to the tax.
 (1) A publication is not a newspaper unless it is published and distributed at least once each week.

Use

- A. Sales of Newspapers.
 (1) The sale of newspapers is not subject to the tax.
 (2) A publication is not a newspaper unless it is published and distributed at least once each week.

The hanging paragraph is “The sale of newspapers is not subject to the tax.” A reference to §A actually includes both this sentence and the sentence under §A, (1), above. Therefore, although it is a separate thought, it cannot be individually cited.

- (b) A paragraph should be subdivided only in two situations:
 (1) The subdivisions relate to or complete the main paragraph. This is indicated by the use of a colon at the end of the main paragraph (see Section 4, Items in a Series — Tabulation, for a complete discussion).

EXAMPLE

- A. Vehicles transporting petroleum products shall carry a loading ticket or manifest containing all of the following information:
 (1) Name of petroleum transporter;
 (2) Date and time loaded; and
 (3) Volumetric gallons of each grade of product loaded.

(2) The subdivisions are each complete sentences, and the main paragraph is merely a tagline.

EXAMPLE

- A. Application Procedures for Applicant.
 (1) An applicant may not build or operate a structure requiring a permit until the Department has issued the permit.
 (2) The applicant shall apply for a permit on forms provided by the Department.

2-8. Outline Format.

Within a regulation, outline format is strictly observed. In order to divide a regulation into subsections, there must be at least two sections – A. and B. If the regulation is not divisible, use just the regulation number (for example, .01, not .01A). Similarly, there must be at least two subsections to divide a section. This rule applies to all divisions within a regulation, although having only one regulation in a chapter is permissible.

EXAMPLE

.04 Permissible Disclosure.

Information may be disclosed in summary, statistical, or other form, which does not make it possible to identify any particular individual.

2-9. Paragraph and Sentence Structure.

Use short paragraphs, short sentences, and short words. Avoid using numerous dependent clauses, parallel clauses, or other complex sentence structures. Short sentences and paragraphs are more easily understood than long sentences and paragraphs. When both a short word and a long word can be used to represent the same thought, use the short word because it is more easily understood. By limiting yourself to one or two thoughts in a sentence and a single relationship of thoughts in a paragraph, you avoid problems of ambiguity discussed in Section 7. For better comprehension of your regulations, follow these rules:

- (a) Keep your sentences to 25 words or less; and
- (b) Keep your paragraphs to 75 words or less.

2-10. Tabulation.

If two or more conditions must be met before a standard applies, state the standard first and then list the conditions. See Section 4, Items in a Series — Tabulation.

2-11. Taglines.

(a) Every regulation must have a tagline; that is, a phrase coming just before the text of the regulation that briefly describes the subject of the regulation. The two-digit number that designates the regulation and the tagline stand alone on a line. The text that follows begins a new line.

Example

.19 Safety.

The owner shall maintain stairways and hallways free of obstructions.

(b) Capitalize the first letter of every major word and put a period at the end of each tagline.

Example

.08 Mortgagors' Minimum Investment.

.10 Classification of Positions.

(c) Be concise and simple. Taglines are used to generate the index of COMAR. Short taglines create a better index. If a tagline is long or contains different topics, the regulation itself is probably too long or too

broad and should be broken down into two or more regulations. Limit taglines to 10 words or less.

DO NOT USE

.10 Livers Condemned Because of Parasitic Infestation and for Other Causes; Conditions for Disposal for Purposes Other Than Human Food.

.25 Parasites Not Transmissible to Man; Tapeworm Cysts in Sheep; Hydatid Cysts; Flukes; Gid Bladder-Worms.

USE

.10 Condemnation and Disposal of Livers.

.25 Parasites Not Transmissible to Man.
.26 Tapeworm Cysts in Sheep.
.27 Hydatid Cysts.
.28 Flukes.
.29 Gid Bladder-Worms

(d) Any of the subdivisions of the regulation may have taglines but do not need to have them. However, any subdivision that is then further divided must have a tagline or introductory text with a colon.

EXAMPLE

B. Records.

- (1) Livery boat owners shall keep a record of each boat rented.
- (2) The owner shall preserve the record for at least 30 days.

2-12. Blank Sections of Regulations.

- (a) Do not reserve a regulation or any division of a regulation.

DO NOT USE

C. (Reserved)

(b) Do not renumber regulations or sections that follow a repealed regulation or section. Renumbering existing regulations or sections can cause confusion in interpreting the administrative history that appears in COMAR and can add unnecessary expense to the printing of COMAR supplements. If a regulation or section is repealed and there is no text to replace the repealed text, the word "Repealed." will appear after the repealed regulation number or section letter.

EXAMPLE

.06 Repealed.

2-13. Purpose Regulation.

(a) Include a purpose regulation only when necessary. A purpose regulation is a simple statement of intent that appears at the beginning of a chapter. The purpose regulation is used to help the reader interpret the regulations. Use a purpose regulation only when you know that some of your regulations, due to their complex substance, are difficult to understand. If you need a purpose regulation, draft it after you draft your regulations. Otherwise, it can become a crutch used to avoid resolving difficult substantive issues in the regulations.

(b) Do not include substantive provisions within a purpose regulation. Substantive provisions belong in the main body of the chapter.

2-14. Scope Regulation.

Use the scope regulation only when needed to limit the applicability of the chapter. A scope regulation should limit or clarify the use of the regulations when the name of the chapter might be interpreted as permitting a broader application.

EXAMPLE

.01 Scope.

These regulations establish appropriate techniques for abatement of lead-containing substances from interior and certain exterior areas in group day care centers, in all residential property including owner-occupied residential property, and in buildings appurtenant to group day care centers and residential properties.

2-15. Preface Prohibited.

Use of an uncodified preface before a chapter or regulation is not permitted. Use a codified purpose or scope regulation instead.

3. REGULATION LENGTH — FIVE-PAGE LIMIT

3-1. Five-Page Rule.

A regulation is not to exceed five double-spaced pages in length. Regulations that are overly long are difficult to follow and confusing to read. Long regulations often combine several subjects that can become intermingled, producing a regulation that has lost its original purpose and intent. A regulation should address a single primary subject. Use short sentences and simple unencumbered language when drafting regulations.

3-2. Exception to the Five-Page Limit.

Regulations that are devoted entirely to a list of definitions should not be broken up if they exceed the five-page limit. Each definition stands on its own, and confusion is unlikely to occur even if the regulation continues for

many pages. Long lists of drugs or chemicals are other examples of possible exceptions to the five-page limit. There may be other cases in which a single lengthy regulation can be justified, but the presumption should always be that a regulation exceeding five pages must be divided.

3-3. Amendments.

The drafter should review the length of each regulation in a chapter when amending an entire chapter of existing regulations in COMAR. Whenever an unusually long regulation is discovered, every attempt should be made to divide the regulation.

3-4. New Regulations.

New regulations that exceed the five-page limit are considered unacceptable for publication in the *Maryland Register*. These regulations will be returned to the originating department or agency for dividing.

4. ITEMS IN A SERIES — TABULATION

4-1. Introduction.

Tabulation is used to list a series of items or concepts, each of which relates to common introductory language. Tabulation can enhance clarity and prevent ambiguity. This structure avoids the confusion that comes from lumping a large mass of conditions together before a standard. Listing provides white space that separates the various conditions.

EXAMPLE

A. A Maryland veterinarian shall inoculate an animal against infection by rabies, distemper, and enuritis, if the animal is:

- (1) 7 months old or older;
- (2) Owned by a resident of Maryland; and
- (3) Free from infection by:
 - (a) Tapeworms;
 - (b) Roundworms;
 - (c) Hookworms; and
 - (d) Heartworms.

4-2. Contextual Coordination.

(a) A “pure” list is one that merely lists items. See the example under Section 4-3.

(b) Unless a tabulated list is a “pure” list, each item in the list must express a complete thought when combined with the language that introduces the list.

DO NOT USE

- A. A person is exempt if the person:
- (1) Signs the application under oath;
 - (2) Pays the required fee; and
 - (3) Anything else the Secretary reasonably requires.

USE

- A. A person is exempt if the person:
- (1) Signs the application under oath;
 - (2) Pays the required fee; and
 - (3) Does anything else the Secretary reasonably requires.

4-3. Punctuation.

Codify items in a series separately, rather than listing them in one paragraph. Punctuation at the end of each item except the last is a semicolon, and the series is introduced with a sentence or clause ending in a colon.

EXAMPLE

- B. Factors may include all of the following:
- (1) Hydrology;
 - (2) Geology;
 - (3) Physiography; and
 - (4) Biotic consideration.

4-4. More than One Sentence.

An item in a series must not have more than one complete sentence. This situation can be avoided by the use of cross-references.

DO NOT USE

- A. Initial Submission of Application. A person seeking an open-pit mining permit shall simultaneously submit to the Bureau:
- (1) An original and four complete copies of an application containing all information required by Regulation .02 of this chapter. The application shall be organized and numbered in an identical manner as the regulations, with any provision considered to be inapplicable clearly identified as such.
 - (2) An application to discharge pollutants into the waters of the State pursuant to Natural Resources Article, §8-1413, Annotated Code of Maryland, and COMAR 08.05.04.
 - (3) Applications for any other permits required by the Department in order to engage in the proposed operation.

USE

- A. Initial Submission of Application.
- (1) A person seeking an open-pit mining permit shall simultaneously submit all of the following to the Bureau:
 - (a) An original and four complete copies of an application containing all information required by Regulation .02 of this chapter;
 - (b) An application to discharge pollutants into the waters of the State pursuant to Natural Resources Article, §8-1413, Annotated Code of Maryland, and COMAR 08.05.04; and
 - (c) Applications for any other permits required by the Department in order to engage in the proposed operation.
 - (2) The application shall be organized and numbered in an identical manner as the regulations, with any provision considered to be inapplicable clearly identified as such.

4-5. Introductory Phrase.

Use the phrase “all of the” or “one of the” in the paragraph that introduces the tabulated items to show whether the items are inclusive or exclusive. (See the example in Section 4-6.)

4-6. Conjunctions.

Use the conjunctions “and” or “or” after the next to last item in a series to show that the tabulated items are inclusive, or that each is exclusive from the other.

DO NOT USE

A. Below are the requirements for receiving a license:
(1) Two years of training;
(2) Two years of experience;
(3) Satisfactory completion of an examination.

USE

A. An applicant shall meet all of the following requirements to receive a license:
(1) 2 years of training;
(2) 2 years of experience; and
(3) Satisfactory completion of an examination.

4-7. Capitalization.

Capitalize the first letter of the first word of each tabulated item in the series.

4-8. Parallel Structure.

If a series of paragraphs or sections are similar in substance, structure them similarly.

DO NOT USE

L. A variance to increase the grant award may be allowed if the Department determines that:
(1) The median household income does not accurately reflect the financial capability of the community;
(2) An appropriate user rate has not been achieved; or
(3) For other reasons as determined are appropriate to assure project fiscal integrity.

USE

L. A variance to increase the grant award may be allowed if the Department determines that:
(1) The median household income does not accurately reflect the financial capability of the community;
(2) An appropriate user rate has not been achieved; or
(3) Other reasons exist that make a variance appropriate to assure project fiscal integrity.

4-9. Incorrect Use of “and” and “or”.

Do not use both “and” and “or” in the same list. Use of both “and” and “or” in the same list is ambiguous. A list can always be drafted to avoid this.

DO NOT USE

- A. "Business" means a firm that is:
- (1) Independently owned and operated; or
 - (2) Not a subsidiary of another firm; and
 - (3) Not dominant in its field of operations.

USE

- A. "Business" means a firm that meets all of the following criteria:
- (1) It is independently owned and operated, or is not a subsidiary of another firm; and
 - (2) It is not dominant in its field of operations.

Unless you mean:

- (1) It is independently owned and operated; or
- (2) It is not a subsidiary of another firm and is not dominant in its field of operations.

4-10. Splitting Prepositions and Objects.

End the introductory language to a tabulation with a preposition only when each item in the tabulation begins with the object of the preposition.

DO NOT USE

- A. "Practice dentistry" means:
- (1) To be a manager of...;
 - (2) To perform or attempt to...;
- and
- (3) To diagnose....

USE

- A. "Practice dentistry means to:
- (1) Be a manager of...;
 - (2) Perform or attempt to ...; and
 - (3) Diagnose....

4-11. Continuing Sentence or Paragraph.

Do not continue a sentence or paragraph at the end of a tabulation.

DO NOT USE

- C. Except as otherwise provided in this section, in every sale, warranties are implied that the improvement is:
- (1) Free from faulty materials;
 - (2) Constructed according to sound engineering standards;
 - (3) Constructed in a workmanlike manner; and
 - (4) Fit for habitation at the time of the delivery of the deed to a completed improvement.

USE

- C. Except as otherwise provided in this section, in every sale, warranties are implied that, at the time of the delivery of the deed to a completed improvement, the improvement is:
- (1) Free from faulty materials;
 - (2) Constructed according to sound engineering standards;
 - (3) Constructed in a workmanlike manner; and
 - (4) Fit for habitation.

4-12. Subtabulation — Sequence.

If only one item in a list is subtabulated, place the subtabulated item last in the tabulation unless to do so is awkward or otherwise not appropriate.

EXAMPLE

H. A match is made when:

- (1) An adoptee, natural father, and natural mother register;
- (2) Two or more natural siblings register; or
- (3) An adoptee and one natural parent register if the:
 - (a) Nonregistering parent did not participate in the judicial proceeding that terminated the parental relationships; or
 - (b) Adoptee and natural mother register and the natural father is unknown.

4-13. Maximum Extent of Subtabulation.

Subtabulation must not be carried beyond the third level of division.

5. DEFINITIONS

5-1. When to Use Definitions.

Use a definition to avoid vagueness, ambiguity, or unnecessary verbosity. If definitions are included in your regulations, they should be placed at the beginning of a chapter, that is, under Regulation .01, unless there is a purpose or scope regulation, in which case the definitions are Regulation .02.

5-2. Avoid Defining What is Obvious.

(a) If a definition does not serve a purpose, do not include it. Do not define ordinary words that are used in their dictionary context.

DO NOT USE

“Trash can” means a receptacle for waste material.

(b) Do not define in a way that conflicts with ordinary or accepted usage. If possible, use a word in a way that is consistent with its everyday meaning and do not define the word.

(c) Do not include part or all of the word being defined in the text of your definition.

DO NOT USE

"Airplane" means an airplane, helicopter, or hot air balloon.

USE

"Airplane" means a device that is used for flight. (*Here the definition is broad enough to include any device that flies and at the same time the word is not used in a way that conflicts with its ordinary meaning.*)

5-3. How to Arrange Definitions.

(a) When defining terms within a chapter, use the following language:

.01 Definitions.

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

B. Terms Defined.

(1) _____

(2) _____

(b) Arrange the terms in alphabetical order. Do not arrange them any other way.

5-4. Regulatory Provisions.

Do not include regulatory provisions within a definition.

DO NOT USE

(1) "Alcoholic beverage" means beer, wine, and liquor. Each owner of a business establishment serving alcoholic beverages shall obtain a license. (*The second sentence contains regulatory language.*)

5-5. Defining by Cross-Reference.

If a COMAR definition is intended to be identical to a definition in the Annotated Code of Maryland, Code of Federal Regulations, United States Code, or another COMAR regulation, a cross-reference may be used. If a definition is defined by a cross-reference, use the words "has the meaning stated in..." to refer the reader to the document being referenced.

5-6. Style for Definitions.

(a) Put the defined term within quotation marks, followed by the word "means", not "shall mean" or "is". Capitalize only the first letter of the first word, unless the term is a proper name, such as the name of a program.

EXAMPLE

- (1) "Ambulance driver" means...
- (2) "Foster Care Program" means...

(b) If the definition contains a description of what the term includes, does not mean, or does not include, make this a separate sentence, and divide the definition into two parts.

EXAMPLE

- (1) Ambulance Driver.
 - (a) "Ambulance driver" means...
 - (b) "Ambulance driver" does not mean...

or

- (c) "Ambulance driver" does not include...

6. CROSS-REFERENCES AND CITATIONS

6-1. Citations to Regulations.

(a) When reference is made to an entire chapter of regulations, cite the title designation, the subtitle designation, and the chapter designation, preceded by the word "COMAR".

EXAMPLE

COMAR 09.12.01

(b) When reference is made to a regulation in another chapter, the number of the regulation is added to the chapter citation.

EXAMPLE

COMAR 09.12.01.03

(c) Do not include either a chapter or regulation name within a cross-reference.

DO NOT USE

COMAR 09.12.01 Board of Boiler Rules.

USE

COMAR 09.12.01

(d) When a reference is made from one regulation to another within the same chapter, cite only the number of the regulation, preceded by the word "Regulation", and followed by the phrase "of this chapter".

EXAMPLE

Regulation .03 of this chapter

(e) When, within a regulation, a reference is made to another part of the regulation, the designated letter of the section under which the cited part falls is always given, preceded by the symbol §, and followed by whatever additional designation is necessary to identify that part of the regulation to which reference is being made. The phrase “of this regulation” follows the citation.

EXAMPLE

§D(2)(c)(iii) of this Regulation (*This example refers to Subparagraph (iii) of Paragraph (c) of Subsection (2) or Section D of the regulation.*)

(f) Do not use vague or general references. (See also Section 19-9.)

DO NOT USE

...set forth in the paragraph below.
...as shown above.

USE

...set forth in §A(2)(b) of this regulation.
...as shown in §C(1) of this regulation.

6-2. “And/Or” Citations.

Use a section symbol (§) to cite any number of component parts of another single section. Use two section symbols to cite two or more sections or provisions in two or more sections. Use a single section symbol before the first section reference if the section references are joined by “or”.

DO NOT USE

§§C(2)(b)(ii) and (iii)
§§2-411(a) and (c)
§C and §D
§2-411 and §2-415
§C(2)(b) and §D
§C or §D
§§C or D
§2-411 or §2-415
§§A or B and C

USE

§C(2)(b)(ii) and (iii)
§2-411(a) and (c)
§§C and D
§§2-411 and 2-415
§§C(2)(b) and D
§C or D
§C or D
§2-411 or 2-415
§A or B, and §C

6-3. Citations to Publications.

(a) Cite the Annotated Code of Maryland as follows:

EXAMPLE

For unrevised articles: Article 29, §3, Annotated Code of Maryland

For revised articles: Natural Resources Article, §8-201, Annotated Code of Maryland

DO NOT USE

USE

§18 (without designating the Article)
 §18 of the Act
 §18 of Article 27
 Title 4 of the Natural Resources Article

Article 27, §18, Annotated Code of Maryland
 Article 27, §18, Annotated Code of Maryland
 Article 27, §18, Annotated Code of Maryland
 Natural Resources Article, Title 4, Annotated Code of Maryland

(b) When citing an entire title or subtitle, use the following:

EXAMPLE

Natural Resources Article, Title 3, Subtitle 1, Annotated Code of Maryland

(c) Cite the Maryland Session Laws as: Ch. XXX, Acts of (year)

EXAMPLE

Ch. 237, Acts of 1978

(d) Cite the Code of Maryland Regulations (COMAR) as described in Section 6-1, Citations to Regulations.

(e) Cite the *Maryland Register* as: [volume: issue] Md. R. [page] (issue date)

EXAMPLE

33:2 Md. R. 170 — 173 (January 20, 2006)

(f) Cite federal publications as follows:

DO NOT USE

USE

21 U.S.C.A. 301
 40 FR 56895
 42 C.F.R. 128.1

21 U.S.C. §301
 40 FR 56895 (1975)
 42 CFR §128.1

(g) Cite a rule in the Maryland Rules of Procedure by the words “Maryland Rule” followed by the number of the rule and the subdivision designation, if any.

DO NOT USE

USE

Rule 2-514 of the Maryland Rules
Md. Rule 4-213(a)

Maryland Rule 2-514
Maryland Rule 4-213(a)

(h) Series of Sections. To refer to a series of consecutive sections, join the first and last sections in the series with a dash. Avoid using “et seq.”

EXAMPLE

Regulations .01 — .04
§§4-516 — 4-525

(i) Reference to Later Amendments. Do not use “as amended” or “as amended from time to time” when referring to another regulation or statute.

7. AMBIGUITY

7-1. General.

An ambiguous sentence is a sentence that a reader can interpret two or more ways. Ambiguity has at least two common sources — word order and word meaning. Avoiding ambiguity is one of the prime goals in drafting regulations.

7-2. Word Order.

The position of words in a sentence is the principal means of showing their relationship. The following conventions address the most common word order problems:

(a) Proximity of Subject and Verb. Place the subject and verb of a sentence as close together as reasonably possible.

DO NOT USE

USE

The Secretary, with the approval of the Governor, shall...

With the approval of the Governor, the Secretary shall...

(b) Misplaced Modifiers. The careless placement of a modifier may result in the same sentence having several meanings.

DO NOT USE

John saw Jane driving down the street.

USE

While driving down the street, John saw Jane.

UNLESS YOU MEAN

John saw Jane, who was driving down the street.

(c) Indefinite Pronouns Used as References. If a pronoun could refer to more than one person or object in a sentence, repeat the name of the individual or object.

DO NOT USE

There's a fly in your salad. Do you want to eat it?

USE

There's a fly in your salad. Do you want to eat your salad?

(d) Grouping Together Two or More Prepositional Phrases. A common example of a problem of word order occurs when two or more prepositional phrases are grouped together in a sentence.

DO NOT USE

Each subscriber to a newspaper in Baltimore...

USE

Each newspaper subscriber who is in Baltimore...

UNLESS YOU MEAN

Each subscriber to a newspaper published in Baltimore...

(e) Ambiguous Modifiers in a Series. Do not place a modifier so that it is unclear whether it modifies a single item in a series or each item in the series.

DO NOT USE

...a gasoline-powered automobile, truck, or van...
...a child or relative who resides in the State...

USE

...a truck, van, or gasoline-powered automobile...
...a relative who resides in the State or a child...

(f) Placement in General. Place a modifier as close as possible to the term or phrase it modifies.

DO NOT USE

The petitioner shall file the petition with the court in writing.

USE

The petitioner shall file the petition in writing with the court.

7-3. Word Meaning.

(a) Problems of word meaning occur when one word or phrase is open to several possible interpretations.

(b) Use the singular noun rather than the plural noun. You will avoid the problem of whether the rule applies separately to each member of a class or jointly to the class as a whole.

DO NOT USE

The guard shall issue security badges to the employees who work in Building D and Building E.

USE

The guard shall issue a security badge to each employee who works in Building D and each employee who works in Building E.

UNLESS YOU MEAN

The guard shall issue a security badge to each employee who works in both Building D and Building E.

(c) Draft an expression of time as accurately as possible. Avoid the use of time relational words such as “now”, “presently”, and “currently” in your regulations.

DO NOT USE

The Administrator is entitled to a salary equal to that of a shepherd, as now prescribed by law.

USE

The Administrator is entitled to a salary of \$50,000.

OR

The Administrator is entitled to a salary equal to that of a shepherd, as that amount is established by law.

7-4. Prefix “Bi”.

Do not use words with the prefix “bi”. “Biweekly” can mean twice a week or every other week.

DO NOT USE

Biweekly

USE

Once every 2 weeks

OR

Twice a week

8. CONSISTENCY

8-1. Do Not Use Different Terms to Mean the Same Thing.

Keep the same term throughout. If you first use the term “income”, do not switch later to “wage” or “salary”.

DO NOT USE

A motor vehicle owner shall register the owner’s car with the Automobile Division of the Police Department.

USE

An automobile owner shall register the owner’s automobile with the Automobile Division of the Police Department.

8-2. Do Not Use the Same Word to Mean Different Things.

DO NOT USE

A. The manufacturer shall equip each tank with all of the following:
(1) A neon search light;
(2) A 50-caliber machine gun; and
(3) A 200-gallon tank for fuel.
B. The manufacturer shall galvanize the tank to prevent corrosion.

USE

A. The manufacturer shall equip each tank with all of the following:
(1) A neon search light;
(2) A 50-caliber machine gun; and
(3) A 200-gallon fuel container.
B. The manufacturer shall galvanize the tank to prevent corrosion.

UNLESS YOU MEAN

B. The manufacturer shall galvanize the fuel container to prevent corrosion.

9. DIRECTNESS

9-1. Express an Idea in the Positive.

If you can accurately express an idea either positively or negatively, express it positively.

DO NOT USE

The Director may not appoint persons other than those qualified by the Department of Personnel for the Assistant's position.

USE

The Director shall appoint a person qualified by the Department of Personnel for the Assistant's position.

9-2. Avoid the Use of Exceptions.

If possible, state a requirement directly rather than by use of exceptions.

DO NOT USE

Persons except those 18 years old or older shall...

USE

An individual younger than 18 years old shall...

10. THIRD PERSON SINGULAR

10-1. Use of Third-Person Singular.

When writing a sentence that imposes an obligation on an entity to act or not to act, or that gives permission to an entity to act or not to act, use as the subject of the sentence a word in the third-person singular.

DO NOT USE

Persons applying for a permit...

USE

A person applying for a permit...

10-2. "Any" and "All".

As stated above, it is better to use a singular subject in a sentence, so you would not write "all persons". Similarly, there is no need to write "any person". "A person" is sufficient, because it is as inclusive as "any person".

DO NOT USE

All persons conducting business shall...
All businesses shall reply by...
Any nursing home requesting...

USE

A person conducting business shall...
A business shall reply by...
A nursing home requesting...

10-3. "A", "An", "The", "Each", "Every".

(a) Use the articles "a", "an", and "the" instead of "all", "any", "each", and "every".

DO NOT USE

USE

Each individual who violates this section...

An individual who violates this section...

(b) Exception. When referring to separate members of a group rather than the group as a whole, use "each".

DO NOT USE

USE

A member of the Board shall take the oath...

Each member of the Board shall take the oath...

(c) Use "a" or "an" before a word intended as a general reference.

DO NOT USE

USE

The notice shall be sent...

A notice shall be sent...

(d) Use "the" before a word intended as a specific reference.

DO NOT USE

USE

A licensee shall file...

The licensee shall file...

11. VERBS

11-1. Present Tense.

Use the present tense. A regulation of continuing effect should concern the time you apply it, not the time you draft it, or when it becomes effective. For this reason, draft a regulation in the present tense. Also, by drafting in the present tense, you avoid awkward verb forms and use of the "false imperative". (See Section 12-4.)

DO NOT USE

USE

The fine for driving without a license shall be \$10.

The fine for driving without a license is \$10.

11-2. Active Voice.

Use the active voice. This rule is especially effective when you impose a duty or confer a power or privilege. The active voice eliminates confusion by forcing you to name an "actor" in the regulation. This makes clear to the reader who is to perform the duty, or who is vested with the power or privilege. Arrange the sentence to name the actor first and then the recipient.

DO NOT USE

The permit shall be issued by the Director.

11-3. Avoid Splitting Verbs and Infinitives.

DO NOT USE

A corporation shall, if it earns more than \$600 a year, file a tax return.

USE

A corporation shall file a tax return if it earns more than \$600 a year.

OR

If a corporation earns more than \$600 a year, it shall file a tax return.

A person who wishes to immediately apply for assistance...

A person who wishes to apply immediately for assistance...

12. USE OF SHALL, MAY, MAY NOT

12-1. "Shall" — Mandatory Obligation to Act.

(a) Use "shall" to state a requirement or duty. "Shall" as an auxiliary verb is the most forceful way of indicating an obligation to act.

DO NOT USE

The Secretary has the duty to prepare a list of hazardous substances.

USE

The Secretary shall prepare a list of hazardous substances.

(b) Do not use "must" or "should" to impose an obligation to act. These are not terms of obligation, but rather terms that only impart a sense of duty. Because regulations are not concerned with what people ought to do, but rather what they are obligated or permitted to do, do not use either "must" or "should" in regulations.

DO NOT USE

The Director must establish a board of review before April 1, 2006.

USE

The Director shall establish a board of review before April 1, 2006.

12-2. Use of "Will" as a Term of the Future.

"Shall" is to be used solely as a term imposing obligation. When you wish to show an intention to act in the future, use the term "will". For other

than the future these, the term “will” should not be used. A State agency is not to use “will” to impose an obligation to act upon itself.

DO NOT USE

USE

The Department will issue a license if...

The Department shall issue a license if...

12-3. “May” — Discretion to Act.

(a) Use of the word “may” as an auxiliary verb is the best way of indicating a discretion to act. The word carries with it the greatest assertion of discretion. Other auxiliary verbs connote either an intention to act or an obligation to act. Use the word “may” to confer a right, privilege, or power. Do not use “may” when “shall” is required.

DO NOT USE

USE

is authorized to
is empowered to
it is lawful to
shall have the power to

may
may
may
may

(b) Use of “...may, at his discretion...”. If you use the term “may”, there is no need to add the phrase, “at his discretion”, because “may” gives the subject of the sentence discretion.

12-4. Avoid the False Imperative.

When you use the word “shall”, the subject of your sentence must be a person, committee, or some other entity that has the power to make a decision or take an action. For this reason, do not use the word “shall” to declare a legal result or state a condition. When you write a sentence that contains the word “shall”, check for proper use of the word by reading the sentence to yourself and substituting the phrase “has the duty to” for “shall”.

DO NOT USE

USE

Clinical work shall be performed only in designated areas.

A practitioner shall perform clinical work only in designated areas.

“Agency head” shall mean...

“Agency head” means...

The fine shall be \$10.

The fine is \$10.

12-5. “May Not” — Term of Prohibition.

(a) Use “may not” to state a prohibition. Although both “shall not” and “may not” are terms of prohibition, COMAR and the *Maryland Register* follow the standard established by the Governor’s Commission to Revise the Annotated Code of Maryland, which uses “may not” as the absolute prohibition. In addition, Article 1, §26, Annotated Code of Maryland, states that “may not” means absolute prohibition, not a term of permission.

DO NOT USE

shall not
it is unlawful to
it is illegal to

USE

may not
may not
may not

(b) In general, do not put “no” before the subject of a sentence to impose a prohibition. For example, use “a person may not” rather than “no person shall”.

DO NOT USE

No person living in Maryland and subject to the property laws of Maryland shall...

USE

A person living in Maryland and subject to the property laws of Maryland may not...

12-6. Use of “Do Not”.

Use the terms “do not” or “does not” when prohibition is not directed at a person, committee, corporation, or some other legal entity, but applies to the regulations themselves.

DO NOT USE

The provisions of this chapter may not apply...

USE

The provisions of this chapter do not apply...

13. CONDITIONAL CLAUSES

13-1. Introducing a Condition.

(a) Do not use the terms “where” or “should” to introduce a condition in a regulation.

(b) Use the terms “if” or “when”, depending on the kind of condition you are introducing.

(c) Use “if” to introduce a condition that may or may not occur.

EXAMPLE

If an applicant fails the examination, the applicant shall wait 30 days before reapplying.

(d) Use “when” to introduce a condition that is considered inevitable or where a time element is involved.

EXAMPLE

When the board of Commissioners meets, the Chairman shall preside.

13-2. Do Not Use Provisos.

The proviso is archaic, legalistic, and usually results in a long and unintelligible sentence. Use the following drafting conventions to avoid expressions such as “provided”, “provided however”, and “provided that”:

- (a) To introduce a qualification or limitation to the rule, use “but”;
- (b) To introduce an exception to the rule, use “except that”;
- (c) To introduce a condition to the rule, use “if”; and
- (d) If the clause is a separate complete thought, start a new sentence or subsection.

DO NOT USE

A reasonable and lawful use is permitted provided that the surface water quality is not adversely affected.

USE

A reasonable and lawful use is permitted if the surface water quality is not adversely affected.

14. CAPITALIZATION

14-1. Chapter Headings and Regulation Taglines.

Capitalize the initial letters of major words in a chapter heading and in a regulation tagline. Do not use all capital letters.

DO NOT USE

Declaration Of Dividends And Interest

USE

Declaration of Dividends and Interest

14-2. Short Words.

Unless it is the first word of a sentence or a proper name, do not capitalize a conjunction, a preposition, or an article containing four letters or less.

DO NOT USE

Board Of Dental Examiners

USE

Board of Dental Examiners

14-3. Proper Nouns.

Capitalize proper nouns and common nouns used as proper nouns. Do not capitalize a common noun unless it stands for a proper noun. For instance, if there is only one assistant secretary, that term is capitalized. If there is more than one, it would be in lower case.

<i>DO NOT USE</i>	<i>USE</i>
university of Maryland	University of Maryland
in the state (unless referring to a state other than Maryland)	in the State (when referring to Maryland)

14-4. Common Nouns.

The following is a list of examples of common nouns that are sometimes capitalized but should not be:

appellant	hearing examiner
applicant	hearing officer
certificate	licensee
contract	permit
federal	presiding officer

14-5. Defined Terms.

When using terms that have been defined in the regulations, do not capitalize those terms unless they are proper nouns. When “Program” is defined as a specific government project, capitalize that word.

14-6. Courts.

Capitalize each word in the full, official name of a particular court. Do not capitalize words that are part of a general reference to a court or a group of courts.

<i>DO NOT USE</i>	<i>USE</i>
Court Of Appeals	Court of Appeals
Court of special Appeals	Court of Special Appeals
circuit court for Howard County	Circuit Court for Howard County
Circuit Court	circuit court
district court	District Court
a Court	a court

NOTE

There is only one District Court of Maryland, but there are a number of circuit courts.

14-7. References to COMAR.

- (a) Capitalize specific numbered references to COMAR.

DO NOT USE

regulation .03

USE

Regulation .03

- (b) Do not capitalize unnumbered references to COMAR.

DO NOT USE

this Regulation
this Chapter

USE

this regulation
this chapter

14-8. Capitalization of "Federal".

- (a) If the title of a federal act includes the word "federal", then "federal" should be capitalized.

EXAMPLE

Federal Hazardous Substances Act

- (b) If the word "federal" is not actually part of the name of a particular act, program, etc., do not capitalize it.

EXAMPLE

The federal government is responsible for...

15. GENDER NEUTRAL LANGUAGE

15-1. Use Gender Neutral Language.

Do not use words that show gender distinctions.

DO NOT USE

his name
on his refusal to comply
The officer shall file his report...
interfered with the Secretary in the
performance of his duties...

If he/she is...
If he or she is...

USE

the applicant's name
on refusal to comply
The officer shall file the report...
interfered with the Secretary in the
performance of the Secretary's
duties...

If the individual is...
If the individual is...

15-2. Subject Matter that Applies Only to One Sex.

Words that show gender distinctions may be used in a regulation that specifically applies only to one sex.

DO NOT USE

If the alleged father appears for trial without having filed a written answer, the court shall advise the alleged father of the alleged father's right to...

USE

If the alleged father appears for trial without having filed a written answer, the court shall advise him of his right to...

15-3. Use of Chairman.

DO NOT USE

chairperson
chairwoman
chair

USE

chairman
chairman
chairman

16. PUNCTUATION

16-1. Series.

In a series of three or more, insert a comma after each word, clause, or phrase in the series except the last word, clause, or phrase.

DO NOT USE

...make, sell or dispose...
...may deny a license to an applicant, reprimand a licensee, place a licensee on probation or suspend or revoke a license if...

USE

...make, sell, or dispose...
...may deny a license to an applicant, reprimand a licensee, place a licensee on probation, or suspend or revoke a license if...

16-2. Restrictive Clauses.

Do not set off a restrictive clause with commas or other punctuation.

DO NOT USE

The person, who files the complaint, shall sign the complaint.

USE

The person who files the complaint shall sign the complaint.

16-3. Sentences Containing Two Independent Clauses.

If a sentence consists of two independent clauses, insert a comma before the conjunction that joins the independent clauses.

EXAMPLE

The Commission shall report annually to the Governor, and the General Assembly shall...

16-4. Punctuation of Material in Quotation Marks.

Unless the punctuation is part of quoted material, place all punctuation, including commas and periods, after the ending quotation mark.

DO NOT USE

This subtitle may be cited as the "Maryland Health Resources Planning Commission."

USE

This subtitle may be cited as the "Maryland Health Resources Planning Commission".

16-5. Parentheses.

Except in extraordinary circumstances, do not use parentheses in the text of a regulation. If commas will serve as well, use commas instead of parentheses.

16-6. Apostrophes.

(a) The possessive case of a singular or plural noun is usually formed by adding an apostrophe and an "s".

EXAMPLE

the director's office
the men's program

(b) The possessive case of a singular or plural noun of more than one syllable, ending in an "s" or "s" sound, is formed by adding an apostrophe only.

EXAMPLE

the witness' testimony (singular)
the witnesses' testimony (plural)

(c) Possessive pronouns do not have apostrophes.

EXAMPLE

its
ours
theirs

(d) Possessive indefinite or impersonal pronouns need apostrophes.

EXAMPLE

the other's workload
someone's equipment

(e) Time references do not need apostrophes.

DO NOT USE

30 days' notice

USE

30 days notice

16-7. Hyphens.

(a) The general rule is that a hyphen is not used between a prefix and the word being modified. Webster's Third New International Dictionary (1986 Unabridged) should be your reference.

(b) If a word is in the dictionary, use the dictionary version. Prefixes are to be written as one word unless they are used to:

- (1) Modify words normally capitalized (non-European);
- (2) Ensure distinct pronunciation (un-ionized, semi-independent); or
- (3) Join a prefix to an already hyphenated words (non-tumor-bearing, non-civil-service position).

(c) In general:

- (1) When practical, do not use hyphens;
- (2) Check the dictionary; and
- (3) Be consistent with existing text and the Annotated Code of Maryland.

(d) In a series of hyphenated phrases, use the complete phrase in each instance.

DO NOT USE

full or part-time employee

USE

full-time or part-time employee

17. NUMBERS

17-1. Dates.

In the text of documents, spell out the months of the year. Do not use the number of the month to signify the month. Do not abbreviate the name of the month. Use the month followed by the numeral that corresponds to the day of the month.

DO NOT USE

10/18/06
 Nov. 24, 2006
 July third
 July 3rd
 third day of July

USE

October 18, 2006
 November 24, 2006
 July 3
 July 3
 July 3

17-2. Numbers.

(a) General. Write numbers "one" through "ten" in letters, except in the following cases:

FOR

amounts of money
 percentages
 units of time
 time of day
 units of measure
 fractions

USE

\$3.50
 7 percent
 3 hours, 2 years
 9:30 a.m.
 4 inches, 3 miles, 1 acre
 $\frac{1}{4}$, $\frac{1}{2}$

(b) Numbers Over Ten. Write numbers over ten in Arabic figures.

DO NOT USE

five hundred and ten

USE

510

(c) Numbers in the Thousands. Always insert the appropriate commas in numbers over 999.

DO NOT USE

3520
 75000
 1.5 million

USE

3,520
 75,000
 1,500,000

(d) Decimal Fractions. In decimal fractions, include a zero before the decimal point.

DO NOT USE

USE

.7

0.7

(e) Money.

(1) Whole Dollar Amounts. If there are no cents in the amount, omit the decimal point and the two zeros. Use a dollar sign followed by the amount in numerals.

DO NOT USE

USE

\$1,000.00
Three Hundred Dollars (\$300)
200 dollars
\$1.5 million

\$1,000
\$300
\$200
\$1,500,000

(2) Amounts Less than \$1. If the amount is less than a dollar, put the number of cents in numerals followed by the word "cents".

DO NOT USE

USE

\$0.25
25¢

25 cents
25 cents

(3) Dollars and Cents Combined. If the amount is more than a dollar and is not a whole dollar amount, use a dollar sign followed by the amount expressed as a decimal fraction.

DO NOT USE

USE

\$1 and 25 cents

\$1.25

(f) Percentages. To express percentages, use numerals followed by the word "percent". "Percent" is written as one word. Do not use the percent symbol.

DO NOT USE

USE

10%
10 per cent

10 percent
10 percent

(g) Time of Day. If the time is on the hour, omit the colon and double zeros. Put "a.m." and "p.m." in lower case with each letter followed by a period.

DO NOT USE

11:00 am

USE

11 a.m.

(h) **Beginning a Sentence.** If a number that usually would be written as a numeral begins a sentence, write it in letters.

DO NOT USE

A. 30 days after filing the application, the licensee...

USE

A. Thirty days after filing the application, the licensee...

(i) **Items in a Tabulation.** If a number that usually would be written in numerals begins an item in a tabulation, continue to use numerals.

DO NOT USE

A. An applicant shall submit the application:
(1) Thirty days after...

USE

A. An applicant shall submit the application:
(1) 30 days after...

17-3. Age.

(a) In referring to age, use “___ years old or older” or “younger than ___ years old”. Do not use the terms “___ years of age or over” or “under ___ years of age”.

(b) It is not necessary to say “reaching his ___ birthday”. “Is ___ years old” means the same thing. For example, when someone has reached his 21st birthday, that person is 21 years old.

18. LANGUAGE

18-1. Abbreviations.

(a) Avoid using abbreviations unless it is absolutely necessary. If you do abbreviate, always explain what the abbreviation means the first time you use it.

(b) Do not use “i.e.” or “e.g.” Use “that is” or “for example”, respectively.

(c) **Units of Measure.** Generally, units of measure are to be written in full rather than abbreviated. The use of an abbreviation in a table, however, is acceptable to save space.

DO NOT USE

g
in.
ml

USE

gram
inch
milliliter

(d) Certain abbreviations are acceptable both because of their widespread use and because they shorten the text to a considerable degree. The following abbreviations are acceptable:

F for Fahrenheit (for example, 50°F)
C for Celsius (for example, 12°C)

18-2. Acronyms.

Avoid using acronyms unless it is absolutely necessary. If used, the acronyms should always appear in the definitions regulation.

EXAMPLE

“Psychiatric halfway house (PHH)” means...

18-3. Technical Language.

Avoid using technical language when possible. Regulations are not just for your target audience, but for the general public as well. If you must use a technical term, define it when you first use it, but not after that.

18-4. Latin Terms.

If there is an adequate English substitute, do not use a Latin term.

DO NOT USE

per annum
et al

USE

annually
and others

18-5. Archaic Language.

Use modern terminology instead of archaic language.

DO NOT USE

whereupon
whereby

USE

on which
by which

(For additional examples, see Sections 19-10 and 19-13.)

18-6. Contractions.

Do not use contractions.

DO NOT USE

isn't

USE

is not

18-7. Reference to Maryland.

Refer to Maryland as either "the State" or "Maryland", not as "the State of Maryland".

18-8. Effective Date.

Do not use "on the effective date of these regulations" or similar phrases. Give an actual date to limit the applicability of the regulation.

DO NOT USE

A factory in operation on the effective date of these regulations...

USE

A factory in operation before March 1, 2006...

19. WORD CHOICE

19-1. "Person" and "Individual".

Use "person" to include human beings and corporations. If the reference is intended to apply only to human beings, use "individual" (see Article 1, §15, Annotated Code of Maryland). Do not use the term "natural person" to mean an individual.

DO NOT USE

A person who gives blood...

USE

An individual who gives blood...

19-2. "County" and "Baltimore City".

The word "county" generally includes "Baltimore City" (see Article 1, §14, Annotated Code of Maryland).

DO NOT USE

State's attorney for the county of Baltimore City, as the case may be

USE

State's attorney for the county

19-3. "State" in Names of Agencies and Officials.

Do not use the word "State" to refer to a Maryland agency or official. If a federal office or agency otherwise might be confused with a Maryland

office or agency, add the word “federal” to the official name of the office or agency.

DO NOT USE

USE

State Department of Agriculture
State Attorney General

Department of Agriculture
Attorney General

19-4. “Political Subdivision” and “County”.

Use “county” rather than “political subdivision” to refer to county-level government in Maryland.

DO NOT USE

USE

...the appropriate court in the political
subdivision in which...

...the appropriate court in the county in
which...

19-5. “Which”, “That”, “Who”.

- (a) “Which” should be used only to refer to things.
- (b) “That” should be used to refer to individuals or things.
- (c) “Who” should be used only to refer to individuals.

19-6. Unnecessary Words.

Avoid using unnecessary adjectives.

DO NOT USE

USE

funds actually received
duly authorized expenditures

funds received
authorized expenditures

19-7. “Such” and “Said”.

(a) Do not use the word “such”. Use the words “the”, “that”, “those”, “it”, or “them” to refer to something already named in a sentence.

DO NOT USE

USE

The administrator shall file a report within
24 hours. The administrator shall include
in such report...

The administrator shall file a report within
24 hours. The administrator shall include
in the report...

(b) However, you may use the phrases “such a” and “such as” to introduce an example.

EXAMPLE

A liberal arts major shall take courses in the humanities, such as classical literature, history, and philosophy.

(c) Do not use the word "said". Use of the word "said" to refer to something already named disappeared from common English usage sometime around 1500 A.D. Use the words "the", "that", or "those" to refer your reader to something previously named in a sentence.

DO NOT USE

The contractor shall purchase liability insurance. The contractor shall purchase said insurance from a reliable company.

USE

The contractor shall purchase liability insurance. The contractor shall purchase the insurance from a reliable company.

19-8. "And/Or".

Do not use "and/or".

DO NOT USE

"Authorized person" means a licensed dentist and/or licensed physician.

This includes a description of the age, sex, and/or culture.

USE

"Authorized person" means a licensed dentist or licensed physician, or both.

This includes a description of the age, sex, or culture, or all of these.

19-9. Imprecise Words of Reference.

Use a precise reference rather than imprecise words of reference.

DO NOT USE

Except as herein provided...
Except as provided above...

USE

Except as provided in this regulation...
Except as provided in §B(3)(a)...

19-10. Preferred Expressions.

DO NOT USE

USE

absolutely null and void and of no effect
 accorded
 adequate number of
 afforded
 alright
 and/or
 any and all
 are presently in progress
 at such time as
 at that point in time
 at the time
 at this point in time
 attains the age of
 be and the same hereby is
 by means of
 cause it to be done
 cease
 commence
 contiguous to
 corporation organized and existing
 under the laws of Maryland
 deem
 does not operate to
 due to the fact that
 duly referenced
 during such time as
 during the course of
 each and all
 each and every
 effectuate
 endeavor (as a verb)
 enter into a contract with
 evince
 expeditiously as practicable
 feasible
 finalize
 for the duration of
 for the reason that
 formulate
 forthwith
 from and after
 full force and effect
 give consideration to
 give recognition to
 has the duty to
 have in ___ possession
 have knowledge of
 have need of
 hereinafter

void
 given
 enough
 given
 all right
 see Section 19-8
 any
 are in progress
 when
 then
 when
 now
 becomes ___ years old
 is
 by
 have it done
 stop
 begin, start
 next to

 Maryland corporation
 consider
 does not
 because
 referenced
 while
 during
 each
 each
 carry out
 try
 contract with
 show
 as soon as practicable
 possible
 complete
 during
 because
 make
 immediately
 from
 effect
 consider
 recognize
 shall
 have, possess
 know
 need
 after this

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herein	in this or in these
hereinabove	above
heretofore	before this
in case	if
in cases in which	when
in close proximity to	close to, near
in lieu of	instead of, in place of
in order to	to
institute	begin, start
interrogate	question
in the event that	if
in the interest of	for
irregardless	regardless
is able to	can
is applicable	applies
is authorized and directed to	shall
is authorized to	may
is binding upon	binds
is defined to mean	means
is dependent on	depends on
is directed to	shall
is empowered to	may
is in attendance at	attends
is not precluded from	may
is required to	shall
is unable to	cannot
it is the duty to	shall
make application	apply
make payment	pay
make provision	provide
may, at his discretion	may
necessitate	require
no later than	not later than
not precluded from	may
null and void	void
occasion (as a verb)	cause
of a technical nature	technical
on the part of	by
or, in the alternative	or
per annum	a year, annually
per centum	percent
portion	part
prescribe	require
present incumbent	incumbent
prior to	before
proscribe	prohibit
provision of law	law
pursuant to	under
render (in the sense of "cause to be")	make
render (in the sense of "give")	give
said	the, this, that
separate and apart	apart
shall be construed to mean	means

shall have the power to	may
shall mean	means
shall not	may not
so as to	to
sole and exclusive	sole
State of Maryland	State (or) Maryland
subsequent to	after
such	the, this, that
suffer (in the sense of "permit")	allow
sufficient number of	enough
terminate	end
the manner in which	how
thereof	of it, of them (or delete entirely)
to the effect that	that
under the provisions of	under
unless and until	unless
until such time as	until
upon	on
utilize, employ (in the sense of "use")	use
vendee	buyer
whether or not	whether

19-11. Verb Phrases.

Avoid making a verb phrase when a simple verb will do. Draft your sentences to use action verbs instead of participles, infinitives, gerunds, and other noun or adjective verb forms. Action verbs are shorter and more direct. For examples, see the list in Section 19-10.

19-12. Redundancies.

- (a) Avoid pairs of words that have the same effect.

DO NOT USE

above and beyond	full and complete
any and all	null and void
authorized and empowered	order and direct
by and with	over and above
cease and desist	sole and exclusive
each and all	type and kind
final and conclusive	unless and until
from and after	

- (b) Avoid pairs of words, one of which includes the other.

DO NOT USE

authorize and direct	means and includes
desire and require	necessary or desirable

19-13. Words and Expressions to Avoid.

DO NOT USE

above-mentioned	same (as a substitute for "it", "he", "him", etc.)
afore-granted	thenceforth
afore-mentioned	thereunto
afore-said	therewith
before-mentioned	to wit
etc. (make a complete list, or use the term "such as")	under-mentioned
henceforth	unto
hereinafter	whatsoever
hereinbefore	whensoever
hereunto	wheresoever
said (as a substitute for "the", "that", or "those")	within-named

20. SEVERABILITY CLAUSE

20-1. Do Not Use a Severability Clause.

The Administrative Procedure Act contains a severability law that applies to all regulations (see State Government Article, §10-128).

21. FORMS AND TABLES

21-1. Tables, Graphs, and Figures.

Occasionally it is necessary to include a table, graph, figure, or drawing in regulations. They are to be part of a regulation or codified as a separate regulation. An appendix, attachment, preface, or any uncodified addition to a chapter is never used.

21-2. Forms.

(a) Although not prohibited, adoption of forms in COMAR is not recommended. Adoption of a form as a regulation requires an agency to amend the regulation to change the form, even if only a better organized form is the intention. Rather, it is suggested that the form be referenced in the regulation.

EXAMPLE

An applicant shall complete the form provided by the Department.

(b) If the agency feels that a legal basis is needed for requesting the submission of the information on the form, the regulations should list the information to be required, followed by language such as:

This information shall be submitted on a form provided by the Department.

22. INCORPORATION BY REFERENCE

22-1. IBR Manual.

A document is to be incorporated by reference within a codified regulation. The procedures for incorporation by reference are set out by the Division of State Documents in its IBR Manual.

23. PREPARATION OF REGULATIONS — *MARYLAND REGISTER*

23-1. Deadlines.

A schedule of submission deadlines is published in each issue of the *Maryland Register* and on the DSD website. Check the most recent issue for applicable deadlines.

23-2. Format.

Regulations must be in the format specified by the Division of State Documents and be submitted using the Maryland Register Electronic Filing System.

23-3. Information.

Do not hesitate to call the *Maryland Register* editors at 410-974-2486 when preparing regulations. It is better to submit the correct text initially. Regulations that are incorrectly prepared will be returned to the issuing agency.

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