
By: **Delegates Jennings, Boutin, Glassman, Impallaria, McComas,
McDonough, and Parrott**

Introduced and read first time: February 16, 2005

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 3, 2005

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

CHAPTER _____

1 AN ACT concerning

2 **Public Health - Children - Notice of Drinking Water Contamination**

3 FOR the purpose of requiring certain public water systems to notify in writing certain
 4 private schools, public schools, child care centers, and family day care homes of
 5 certain water contamination; requiring certain private schools, public schools,
 6 child care centers, and family day care homes to give notice of drinking water
 7 contamination to the parent or legal guardian of each child attending the school,
 8 child care center, or family day care home; establishing certain requirements for
 9 the notice; and generally relating to notice of drinking water contamination.

10 BY adding to

11 Article - Education

12 Section 2-206(1) and 7-421

13 Annotated Code of Maryland

14 (2004 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Environment

17 Section 9-410

18 Annotated Code of Maryland

19 (1996 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Family Law

1 Section 5-551(c)(10) and (11) and 5-573(b)(7) and (8)
2 Annotated Code of Maryland
3 (2004 Replacement Volume)

4 BY adding to
5 Article - Family Law
6 Section 5-551(c)(12) and 5-573(b)(9)
7 Annotated Code of Maryland
8 (2004 Replacement Volume)

9 BY repealing and reenacting, without amendments,
10 Article - Family Law
11 Section 5-551(a) and (b) and 5-573(a)
12 Annotated Code of Maryland
13 (2004 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Education**

17 2-206.

18 (L) (1) EACH NONCOLLEGIATE EDUCATIONAL INSTITUTION THAT
19 RECEIVES NOTICE OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE
20 INSTITUTION'S SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF THE
21 ENVIRONMENT ARTICLE OR OTHERWISE, SHALL SEND NOTICE OF THE DRINKING
22 WATER CONTAMINATION TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT
23 ATTENDING THE INSTITUTION.

24 (2) THE NOTICE SHALL:

25 (I) BE SENT BY THE INSTITUTION WITHIN 10 BUSINESS DAYS
26 AFTER RECEIPT OF THE NOTICE OF CONTAMINATION FROM THE INSTITUTION'S
27 WATER SUPPLIER;

28 (II) BE IN WRITING; ~~AND~~

29 (III) IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN THE
30 INSTITUTION'S WATER SUPPLY; AND

31 (IV) DESCRIBE THE INSTITUTION'S PLAN FOR DEALING WITH THE
32 WATER CONTAMINATION PROBLEM UNTIL THE INSTITUTION'S WATER IS
33 DETERMINED BY THE APPROPRIATE AUTHORITY TO BE SAFE FOR CONSUMPTION.

34 (3) THE STATE BOARD SHALL CONSIDER AN INSTITUTION'S FAILURE TO
35 SEND THE NOTICE REQUIRED UNDER THIS SUBSECTION IN DETERMINING WHETHER

1 THE INSTITUTION CONTINUES TO MEET THE CONDITIONS OR STANDARDS ON WHICH
2 THE INSTITUTION'S CERTIFICATE OF APPROVAL IS BASED.

3 7-421.

4 (A) EACH PUBLIC SCHOOL THAT RECEIVES NOTICE OF A CONTAMINATED
5 DRINKING WATER SUPPLY FROM THE SCHOOL'S SUPPLIER OF WATER, IN
6 ACCORDANCE WITH § 9-410 OF THE ENVIRONMENT ARTICLE OR OTHERWISE, SHALL
7 SEND NOTICE OF THE DRINKING WATER CONTAMINATION TO THE PARENT OR LEGAL
8 GUARDIAN OF EACH STUDENT ATTENDING THE SCHOOL.

9 (B) THE NOTICE SHALL:

10 (1) BE SENT BY THE SCHOOL WITHIN 10 BUSINESS DAYS AFTER RECEIPT
11 OF THE NOTICE OF CONTAMINATION FROM THE SCHOOL'S WATER SUPPLIER;

12 (2) BE IN WRITING; ~~AND~~

13 (3) IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN THE SCHOOL'S
14 WATER SUPPLY; AND

15 (4) DESCRIBE THE SCHOOL'S PLAN FOR DEALING WITH THE WATER
16 CONTAMINATION PROBLEM UNTIL THE SCHOOL'S WATER IS DETERMINED BY THE
17 APPROPRIATE AUTHORITY TO BE SAFE FOR CONSUMPTION.

18 **Article - Environment**

19 9-410.

20 (a) Each supplier of water shall give notice to the Department and the persons
21 served by the system AND SHALL GIVE WRITTEN NOTICE TO NONCOLLEGIATE
22 EDUCATIONAL INSTITUTIONS, PUBLIC SCHOOLS, FAMILY DAY CARE HOMES, AND
23 CHILD CARE CENTERS whenever the system:

24 (1) Fails to comply with an applicable maximum contaminant level,
25 treatment technique requirement, or testing procedure prescribed by a drinking
26 water regulation or fails to perform required monitoring;

27 (2) Is subject to variance granted for an inability to meet a maximum
28 contaminant level;

29 (3) Is subject to an exemption;

30 (4) Fails to comply with the requirements set by a variance or
31 exemption; or

32 (5) Has concentration levels of an unregulated contaminant for which
33 the State may require notice due to the risk to public health.

34 (b) Each notice shall:

- 1 (1) State the nature and possible health effects that may result;
- 2 (2) Be provided to the persons served by the water system;
- 3 (3) Be issued in a timely manner by means of radio, television,
4 newspaper of general circulation, written notice, or other means acceptable to the
5 Department; and
- 6 (4) Be in a form readily understandable by the affected population.
- 7 (c) (1) By rule or regulation, the Secretary shall adopt notice requirements
8 to meet the requirements of this section.
- 9 (2) The rules and regulations shall establish notification standards and
10 procedures that include the manner, frequency, form, and content of the notices.
- 11 (d) For violations with the potential to have serious adverse effects on human
12 health as a result of short-term exposure, the supplier of water shall provide notice
13 as soon as practicable, but not later than 24 hours after the occurrence of the
14 violation.
- 15 (e) For violations other than the violations described in subsection (d) of this
16 section, the supplier of water shall provide written notice to each person served by the
17 system in an annual report, or by mail not later than 1 year after the violation.

18

Article - Family Law

19 5-551.

- 20 (a) The Department shall adopt rules and regulations that relate to the
21 registration of family day care homes.
- 22 (b) So far as practicable, the rules and regulations shall be uniform with the
23 rules and regulations adopted by other State agencies as those rules and regulations
24 relate to other types of day care.
- 25 (c) At a minimum, the rules and regulations shall provide for:
- 26 (10) a requirement that a person who advertises a family day care home
27 or family day care service shall:
- 28 (i) indicate in the advertisement that the family day care home is
29 registered; and
- 30 (ii) display in the advertisement the registration number issued to
31 the family day care home or family day care service by the Department; [and]
- 32 (11) a requirement that each registered day care provider shall hold a
33 current certificate indicating successful completion of approved:

1 (i) basic first aid training through the American Red Cross or
2 through a program with equivalent standards; and

3 (ii) cardiopulmonary resuscitation (CPR) training through the
4 American Heart Association or through a program with equivalent standards
5 appropriate for the ages of children for whom care is provided in the family day care
6 home; AND

7 (12) (I) A REQUIREMENT THAT A FAMILY DAY CARE HOME THAT
8 RECEIVES NOTICE OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE
9 FAMILY DAY CARE HOME'S SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF
10 THE ENVIRONMENT ARTICLE OR OTHERWISE, SEND NOTICE OF THE DRINKING
11 WATER CONTAMINATION TO THE PARENT OR LEGAL GUARDIAN OF EACH CHILD
12 ATTENDING THE FAMILY DAY CARE HOME; AND

13 (II) ~~REQUIREMENTS~~ A REQUIREMENT THAT THE NOTICE SENT BY
14 THE FAMILY DAY CARE HOME SHALL:

15 1. BE SENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF
16 THE NOTICE OF CONTAMINATION FROM THE FAMILY DAY CARE HOME'S WATER
17 SUPPLIER;

18 2. BE IN WRITING; ~~AND~~

19 3. IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN
20 THE FAMILY DAY CARE HOME'S WATER SUPPLY; AND

21 4. DESCRIBE THE FAMILY DAY CARE HOME'S PLAN FOR
22 DEALING WITH THE WATER CONTAMINATION PROBLEM UNTIL THE FAMILY DAY
23 CARE HOME'S WATER IS DETERMINED BY THE APPROPRIATE AUTHORITY TO BE SAFE
24 FOR CONSUMPTION.

25 5-573.

26 (a) The Secretary shall adopt rules and regulations for licensing and operating
27 child care centers.

28 (b) These rules and regulations shall:

29 (7) prohibit a child from remaining at a child care center for more than
30 14 hours in 1 day unless the Department issues an exception for that child based on
31 guidelines set by the Secretary; [and]

32 (8) (i) require that a child care center have in attendance at all times
33 at least 1 individual who is responsible for supervision of children, including children
34 on field trips, and who holds a current certificate indicating successful completion of
35 approved:

36 1. basic first aid training through the American Red Cross or
37 through a program with equivalent standards; and

1 2. cardiopulmonary resuscitation (CPR) training through the
2 American Heart Association or through a program with equivalent standards
3 appropriate for the ages of children for whom care is provided in the child care center;
4 and

5 (ii) require that a child care center serving more than 20 children
6 have in attendance certificate holders described in item (i) of this item in a ratio of at
7 least 1 certificate holder for every 20 children[.]; AND

8 (9) (I) REQUIRE THAT A CHILD CARE CENTER THAT RECEIVES NOTICE
9 OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE CHILD CARE CENTER'S
10 SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF THE ENVIRONMENT ARTICLE
11 OR OTHERWISE, SEND NOTICE OF THE DRINKING WATER CONTAMINATION TO THE
12 PARENT OR LEGAL GUARDIAN OF EACH CHILD ATTENDING THE CHILD CARE
13 CENTER-; AND

14 (II) REQUIRE THAT THE NOTICE SENT BY THE CHILD CARE CENTER
15 SHALL:

16 1. BE SENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF
17 THE NOTICE OF CONTAMINATION FROM THE CHILD CARE CENTER'S WATER
18 SUPPLIER;

19 2. BE IN WRITING; ~~AND~~

20 3. IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN
21 THE CENTER'S WATER SUPPLY; AND

22 4. DESCRIBE THE CHILD CARE CENTER'S PLAN FOR DEALING
23 WITH THE WATER CONTAMINATION PROBLEM UNTIL THE CHILD CARE CENTER'S
24 WATER IS DETERMINED BY THE APPROPRIATE AUTHORITY TO BE SAFE FOR
25 CONSUMPTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2005.