

SENATE BILL 606

M3
SB 786/08 – EHE

9lr1976

By: **Senators Haines, Colburn, Greenip, and Harris**
Introduced and read first time: February 6, 2009
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Privately Licensed Sanitarians – Soil Percolation Tests**

3 FOR the purpose of providing that a county or local health department may not
4 prohibit a person from directly hiring or scheduling a privately licensed
5 sanitarian to conduct a soil percolation test; requiring the privately licensed
6 sanitarian to notify the county or local health department that a soil percolation
7 test will be conducted and to allow a representative of the county or local health
8 department to observe the test; requiring a county or local health department to
9 accept a certain soil percolation test under certain circumstances; and generally
10 relating to soil percolation tests conducted by privately licensed sanitarians.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 9–1104
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2008 Supplement)

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

18 **Article – Environment**

19 9–1104.

20 (a) The Department may establish a privatization program for performing
21 soil percolation tests in one or more counties in the State.

22 (b) In order to be eligible to participate in the program established under
23 subsection (a) of this section a person shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (1) Be a sanitarian licensed in the State or a qualified professional
2 who meets standards at least as stringent as the State sanitarian licensing
3 requirements;

4 (2) Have demonstrated experience in working with on-site sewage
5 disposal systems; and

6 (3) Meet any other requirements established by the local health
7 department to ensure the quality of testing performed under the program.

8 (c) The health department for any county seeking to establish a privatization
9 program under this section shall work with the Department to implement the
10 program.

11 (d) The Department may adopt regulations to implement the privatization
12 program.

13 **(E) (1) A COUNTY OR LOCAL HEALTH DEPARTMENT MAY NOT**
14 **PROHIBIT A PERSON FROM DIRECTLY HIRING OR SCHEDULING A PRIVATELY**
15 **LICENSED SANITARIAN TO CONDUCT A SOIL PERCOLATION TEST.**

16 **(2) THE PRIVATELY LICENSED SANITARIAN SHALL:**

17 **(I) NOTIFY THE COUNTY OR LOCAL HEALTH DEPARTMENT**
18 **THAT A SOIL PERCOLATION TEST WILL BE CONDUCTED; AND**

19 **(II) ALLOW A REPRESENTATIVE OF THE COUNTY OR LOCAL**
20 **HEALTH DEPARTMENT TO OBSERVE THE TEST.**

21 **(3) IF A PERSON OBTAINS A SOIL PERCOLATION TEST FROM A**
22 **PRIVATELY LICENSED SANITARIAN, THE COUNTY OR LOCAL HEALTH**
23 **DEPARTMENT SHALL ACCEPT THE RESULTS OF THE TEST.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2009.