

Chapter 407

(House Bill 372)

AN ACT concerning

Business Occupations and Professions – Plumbers – Lead-Free Materials

FOR the purpose of prohibiting certain plumbing materials containing more than a certain amount of lead from being used in the installation or repair of plumbing intended to dispense water for human consumption; prohibiting the sale of certain plumbing materials containing more than a certain amount of lead; requiring the State Board of Plumbing to adopt certain regulations; defining certain terms; providing for a delayed effective date; and generally relating to the lead content of materials used in plumbing.

BY adding to

Article – Business Occupations and Professions
Section 12–101(h–1) and (q), 12–605.1, and 12–605.2
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions
Section 12–205(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions
Section 12–605(a)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Article – Business Occupations and Professions

12–101.

(H–1) “LEAD-FREE” MEANS:

(1) CONTAINING NOT MORE THAN 0.2% LEAD FOR SOLDER AND FLUX;

(2) ~~EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION,~~
CONTAINING NOT MORE THAN:

~~(I) 4% LEAD BY DRY WEIGHT FOR PLUMBING FITTINGS AND
FIXTURES; OR~~

~~(II) 8% LEAD BY DRY WEIGHT FOR PIPES AND PIPE
FITTINGS; AND~~

(3) CONTAINING A PERCENTAGE OF LEAD FOR PLUMBING
FITTINGS AND FIXTURES THAT IS IN COMPLIANCE WITH STANDARDS
ESTABLISHED UNDER 42 U.S.C.A. § 300G-6(E) OF THE FEDERAL SAFE
DRINKING WATER ACT; AND

~~(3)~~ (4) CONTAINING NOT MORE THAN A WEIGHTED AVERAGE
LEAD CONTENT OF 0.25% FOR THE WETTED SURFACES OF A PIPE, PIPE FITTING,
PLUMBING FITTING, OR FIXTURE INTENDED TO DISPENSE WATER FOR HUMAN
CONSUMPTION THROUGH DRINKING OR COOKING.

(Q) “WEIGHTED AVERAGE LEAD CONTENT” MEANS A CALCULATION
DETERMINED BY:

(1) IDENTIFYING EACH COMPONENT OF A PIPE, PIPE FITTING,
PLUMBING FITTING, OR FIXTURE THAT WATER FLOWS THROUGH AND COMES
INTO CONTACT WITH DURING NORMAL OPERATION;

(2) IDENTIFYING THE PERCENTAGE LEAD CONTENT OF EACH
COMPONENT OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE;

(3) DETERMINING THE WETTED SURFACE AREA OF EACH
COMPONENT OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE;

(4) DETERMINING THE PERCENT OF TOTAL WETTED SURFACE
AREA OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE,
REPRESENTED IN EACH COMPONENT;

(5) CALCULATING THE CONTRIBUTING PERCENT LEAD FOR EACH
COMPONENT THAT COMES INTO CONTACT WITH WATER BY MULTIPLYING THE
PERCENTAGE OF LEAD CONTENT OF THE COMPONENT BY THE PERCENT OF
TOTAL WETTED SURFACE AREA REPRESENTED BY THE COMPONENT; AND

(6) CALCULATING THE SUM OF EACH CONTRIBUTING PERCENT LEAD VALUE DETERMINED FOR EACH COMPONENT UNDER ITEM (5) OF THIS SUBSECTION.

12-205.

(b) (1) The Board may adopt, as part of the State Plumbing Code, regulations to carry out the purposes of and to enforce §§ 12-605 and 12-606 of this title.

(2) The Board may adopt standards of the American National Standards Institute or any other nationally recognized organization.

(3) THE BOARD SHALL ADOPT, AS PART OF THE STATE PLUMBING CODE, REGULATIONS TO CARRY OUT THE PURPOSES OF AND TO ENFORCE §§ 12-605.1 AND 12-605.2 OF THIS TITLE.

12-605.

(a) (1) A person may not install a plumbing fixture or other device that does not meet the standards for approval as set out in the State Plumbing Code or any applicable local plumbing code.

12-605.1.

(A) IN THE INSTALLATION OR REPAIR OF PLUMBING INTENDED TO DISPENSE WATER FOR HUMAN CONSUMPTION, A PERSON SHALL USE ONLY PIPES, PIPE FITTINGS, PLUMBING FITTINGS, OR FIXTURES THAT ARE LEAD-FREE.

(B) IN THE INSTALLATION OR REPAIR OF PLUMBING INTENDED TO DISPENSE WATER FOR HUMAN CONSUMPTION, A PERSON SHALL USE ONLY SOLDER OR FLUX THAT IS LEAD-FREE.

12-605.2.

(A) A PERSON ENGAGED IN THE BUSINESS OF SELLING PLUMBING SUPPLIES IN THE STATE MAY NOT SELL PIPES, PIPE FITTINGS, PLUMBING FITTINGS, OR FIXTURES THAT WILL BE USED IN THE INSTALLATION OR REPAIR OF ANY PLUMBING THAT DISPENSES WATER FOR HUMAN CONSUMPTION, UNLESS THE PIPES, PIPE FITTINGS, PLUMBING FITTINGS, OR FIXTURES ARE LEAD-FREE.

(B) A PERSON ENGAGED IN THE BUSINESS OF SELLING PLUMBING SUPPLIES IN THE STATE MAY NOT SELL SOLDER OR FLUX THAT IS NOT

LEAD-FREE UNLESS THE SOLDER OR FLUX BEARS A LABEL STATING THAT IT IS ILLEGAL TO USE THE SOLDER OR FLUX IN THE INSTALLATION OR REPAIR OF ANY PLUMBING THAT DISPENSES WATER FOR HUMAN CONSUMPTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2012.

Approved by the Governor, May 4, 2010.