

SENATE BILL 831

C2

6lr2964
CF 6lr2959

By: **Senator Conway**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Plumbing – State Plumbing Code – Adoption and Enforcement**

3 FOR the purpose of requiring the State Board of Plumbing to adopt the National Standard
4 Plumbing Code as the State Plumbing Code; providing that the Board may adopt
5 certain standards of a certain nationally recognized testing organization; requiring
6 a county or municipality to enforce the State Plumbing Code and authorizing a
7 county or municipality to adopt and enforce amendments to the State Plumbing Code
8 that meet certain requirements; requiring certain amendments adopted by a county
9 or municipality to be subject to approval by the Board for a certain purpose; repealing
10 certain provisions of law that authorize a county to adopt and enforce a local
11 plumbing code; repealing a provision of law that authorizes the Board to make a
12 certain cooperative agreement with a county for a certain purpose; requiring certain
13 persons who provide or assist in the provision of plumbing services and the
14 installation of certain fixtures or other devices to meet the standards for approval
15 set out in certain local amendments to the State Plumbing Code as well as the State
16 Plumbing Code; providing for the suspension of the enforcement of certain provisions
17 of law under certain circumstances; and generally relating the adoption and
18 enforcement of the State Plumbing Code.

19 BY repealing and reenacting, with amendments,
20 Article – Business Occupations and Professions
21 Section 12–205, 12–206, 12–502, 12–605, and 12–606
22 Annotated Code of Maryland
23 (2010 Replacement Volume and 2015 Supplement)

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

26 **Article – Business Occupations and Professions**

27 12–205.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) **(1) THE BOARD SHALL ADOPT THE NATIONAL STANDARD PLUMBING**
2 **CODE AS THE STATE PLUMBING CODE.**

3 **(2)** The Board may adopt regulations to amend the State Plumbing Code.

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

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

8 (3) The Board shall adopt, as part of the State Plumbing Code, regulations
9 to carry out the purposes of and to enforce §§ 12–605.1 and 12–605.2 of this title.

10 (c) (1) At least once a year, the Board shall review:

11 (i) new and existing standards of the American National Standards
12 Institute and any other **TESTING** organization listed in the State Plumbing Code or the
13 Model Performance Building Code for water conserving appliances, devices, fittings, and
14 fixtures; and

15 (ii) the availability and cost of water conserving appliances, devices,
16 fittings, and fixtures that conform to the standards.

17 (2) If the Board finds that a water conserving appliance, device, fitting, or
18 fixture that conforms to the standards of the American National Standards Institute or any
19 other **TESTING** organization listed in the State Plumbing Code or the Model Performance
20 Building Code is readily available at reasonable cost, the Board shall amend the State
21 Plumbing Code to:

22 (i) incorporate the standards for and require use of the water
23 conserving appliance, device, fitting, or fixture; and

24 (ii) require the use of a water supply system and a drainage and
25 venting system that are designed based on the hydraulic requirements of the required
26 water conserving appliances, devices, fittings, and fixtures.

27 (3) Notwithstanding the availability and cost of the appliance, device,
28 fitting, or fixture, the Board may allow, under the State Plumbing Code, the installation of
29 a water conserving appliance, device, fitting, or fixture that meets the standards of the
30 American National Standards Institute or any other **TESTING** organization listed in the
31 State Plumbing Code or the Model Performance Building Code, subject to the use of a water
32 supply system and a venting and drainage system design based on the hydraulic
33 requirements of the appliance, device, fitting, or fixture.

1 (4) On or before July 1 of each year and subject to § 2–1246 of the State
2 Government Article, the Board shall submit to the General Assembly a written report on
3 the implementation of this subsection, including the results of the review conducted under
4 this subsection.

5 (d) The Board shall:

6 (1) periodically publish an updated version of the State Plumbing Code;
7 and

8 (2) make available on request of any person a copy of the State Plumbing
9 Code for a reasonable fee.

10 12–206.

11 (a) **(1) A county [shall] OR MUNICIPALITY:**

12 **[(1)] (I) SHALL enforce the State Plumbing Code; [or] AND**

13 **[(2)] (II) MAY adopt and enforce [a local plumbing code that meets or**
14 **exceeds the minimum standards of] AMENDMENTS TO the State Plumbing Code [for the**
15 **proper design, acceptable installation, and adequate maintenance of plumbing systems]**
16 **THAT ARE SPECIFIC TO THE LOCAL AREA’S SOIL, WATER, AND TYPICAL SEASONAL**
17 **CONDITIONS.**

18 **(2) AN AMENDMENT TO THE STATE PLUMBING CODE ADOPTED BY A**
19 **COUNTY OR MUNICIPALITY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL**
20 **BE SUBJECT TO THE APPROVAL OF THE BOARD TO ENSURE THAT THE AMENDMENT**
21 **MEETS THE STANDARDS OF THE STATE PLUMBING CODE FOR THE PROPER DESIGN,**
22 **ACCEPTABLE INSTALLATION, AND ADEQUATE MAINTENANCE OF PLUMBING**
23 **SYSTEMS.**

24 (b) (1) In this subsection:

25 (i) “greywater” means used, untreated water generated by:

- 26 1. a clothes washing machine;
- 27 2. a shower; or
- 28 3. a bathtub; and

29 (ii) “greywater” does not include water from:

- 30 1. a toilet;

- 1 2. a kitchen sink; or
- 2 3. a dishwashing machine.

3 (2) A county **OR MUNICIPALITY** may not adopt or enforce [a provision of a
4 local plumbing code] **AN AMENDMENT TO THE STATE PLUMBING CODE** that prohibits a
5 system that recycles greywater, as authorized under the State Plumbing Code.

6 (c) Unless the Board determines that a county **OR MUNICIPALITY** is adequately
7 enforcing the State Plumbing Code or a local [plumbing code that meets or exceeds the
8 minimum standards of] **AMENDMENT TO** the State Plumbing Code, the Board shall enforce
9 the State Plumbing Code in that county **OR MUNICIPALITY**.

10 [(d) The Board may make a cooperative agreement with a county for the county to
11 enforce:

- 12 (1) the State Plumbing Code; or
- 13 (2) if the county has adopted a local plumbing code, that code.]

14 12-502.

15 (a) Regardless of whether plumbing services are provided for compensation, a
16 person who provides or assists in providing plumbing services shall comply with the State
17 Plumbing Code [or any applicable local plumbing code] **AND ANY LOCAL AMENDMENTS**
18 **TO THE STATE PLUMBING CODE**.

19 (b) To ensure that plumbing services provided in a State building meet or exceed
20 the standards of the State Plumbing Code, the plumbing work shall be inspected:

- 21 (1) to the extent money is provided in the State budget, by a State
22 plumbing inspector; or
- 23 (2) if not inspected by a State plumbing inspector, by an inspector of the
24 county or local government where the plumbing services are provided.

25 12-605.

26 (a) (1) A person may not install a plumbing fixture or other device that does
27 not meet the standards for approval as set out in the State Plumbing Code or any applicable
28 local [plumbing code] **AMENDMENT TO THE STATE PLUMBING CODE**.

29 (2) A person may not sell or install a fixture or other device that does not
30 limit water consumption in accordance with the standards adopted by the Board.

1 (b) Subject to subsection (c) of this section, each local plumbing inspector shall
2 enforce the prohibition against the installation of a plumbing fixture that is not
3 water-conserving under the State Plumbing Code or any applicable local [plumbing code]
4 **AMENDMENT TO THE STATE PLUMBING CODE** to ensure that the capacity for waste
5 water treatment of municipal sewage treatment facilities and private on-site wastewater
6 disposal systems is not exceeded.

7 (c) Enforcement of this section may be suspended for a specified period if a local
8 plumbing inspector determines that:

9 (1) there is an inadequate supply of fixtures and devices that are required
10 by and meet the standards for approval as set out in the State Plumbing Code or any
11 applicable local [plumbing code] **AMENDMENT TO THE STATE PLUMBING CODE**;

12 (2) the configuration of a drainage system for a building requires a greater
13 quantity of water to flush the system adequately than is delivered by fixtures and devices
14 that are required by and meet the standards for approval as set out in the State Plumbing
15 Code or any applicable local [plumbing code] **AMENDMENT TO THE STATE PLUMBING**
16 **CODE**; or

17 (3) historic restoration would be affected adversely.

18 12-606.

19 (a) Except as provided in subsection (b) of this section, a person who builds or
20 remodels a building or structure shall ensure installation, in the building or structure, of
21 fixtures and devices that are required by and meet the standards for approval as set out in
22 the State Plumbing Code or any applicable local [plumbing code] **AMENDMENT TO THE**
23 **STATE PLUMBING CODE**.

24 (b) Enforcement of this section may be suspended for a specified period if a local
25 plumbing inspector determines that:

26 (1) there is an inadequate supply of fixtures and devices that are required
27 by and meet the standards for approval as set out in the State Plumbing Code or any
28 applicable local [plumbing code] **AMENDMENT TO THE STATE PLUMBING CODE**;

29 (2) the configuration of a drainage system for a building requires a greater
30 quantity of water to flush the system adequately than is delivered by fixtures and devices
31 that are required by and meet the standards for approval as set out in the State Plumbing
32 Code or any applicable local [plumbing code] **AMENDMENT TO THE STATE PLUMBING**
33 **CODE**; or

34 (3) historic restoration would be affected adversely.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.