

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 831 (Senator Conway)
Education, Health, and Environmental Affairs

State Board of Plumbing - State Plumbing Code - Adoption and Enforcement

This bill requires the State Board of Plumbing to adopt the National Standard Plumbing Code (NSPC) as the State Plumbing Code. Counties and municipalities must enforce the State Plumbing Code, and may adopt and enforce amendments to the code, subject to specified conditions. If the board determines that a county or municipality is not adequately enforcing the State Plumbing Code and approved local amendments to the code, it must enforce the code in that jurisdiction. The bill makes a variety of conforming changes to incorporate these requirements.

Fiscal Summary

State Effect: The State Board of Plumbing already adopts NSPC as the State Plumbing Code by regulation, so that provision of the bill has no fiscal or operational effect on the board. General fund expenditures by the board may increase to enforce the State Plumbing Code in local jurisdictions that do not adequately enforce it, but this is not expected to occur widely, as it is assumed that counties and municipalities have local permitting and inspection procedures in place.

Local Effect: Meaningful, as discussed below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Meaningful. Small businesses that currently operate under different plumbing codes must train their employees in the National Standard Plumbing Code. The costs likely include the purchase of books as well as the loss of time spent serving customers while business owners and their employees learn the alternate code.

Analysis

Current Law/Background: Plumbing fixtures, or other plumbing devices, must meet standards established in the State Plumbing Code or any applicable local plumbing code. NSPC is incorporated by reference as the State Plumbing Code. The code is updated every three to six years to reflect updated industry practices. State regulations currently incorporate by reference the 2012 NSPC Illustrated, with various modifications.

The board may adopt regulations to amend the State Plumbing Code and may adopt standards of the American National Standards Institute or any other nationally recognized organization.

Generally, a county must enforce the State Plumbing Code or adopt and enforce a local plumbing code that meets or exceeds the minimum standards of the State Plumbing Code. The board must enforce the State Plumbing Code in a county unless the board determines that the county is adequately enforcing the State Plumbing Code or a local plumbing code that meets or exceeds the minimum standards of the State Plumbing Code. There is no specified requirement for municipalities.

Provisions related to the State Plumbing Code do not apply in areas of Montgomery and Prince George's counties that are under the jurisdiction of the Washington Suburban Sanitary Commission.

Each county and Baltimore City currently adopts either NSPC or the International Plumbing Code (IPC) – 14 adopt NSPC and 10 adopt IPC.

Local Fiscal Effect: Generally, counties may currently adopt and enforce a plumbing code of their choice as long as it is equivalent to or more stringent than the State Plumbing Code. Under the bill, counties *and municipalities* must enforce the State Plumbing Code, and they may adopt and enforce amendments to the code, subject to approval by the board. However, if the board determines that a county or municipality is not adequately enforcing the State Plumbing Code, it must enforce the code in that jurisdiction.

The bill requires that the board adopt NSPC as the State Plumbing Code. Counties are affected to the extent that they must enforce this code and/or approved amendments to the code instead of another code that they currently use. Municipalities must also enforce the State Plumbing Code and/or approved amendments to the code. Under current law, municipalities are excluded from this requirement; therefore, municipalities are affected to the extent that they currently do not enforce the State Plumbing Code and/or amendments to the code. The costs to counties and municipalities to meet these new requirements cannot be reliably estimated at this time but are potentially significant.

Additional Information

Prior Introductions: None.

Cross File: HB 1471 (Delegate Vaughn, *et al.*) - Economic Matters.

Information Source(s): Department of Labor, Licensing, and Regulation; Montgomery and Kent counties; Department of Legislative Services

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