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By: **Delegates Hubbard and Rosenberg**  
Introduced and read first time: February 10, 2000  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Lead Functions - Transfer to Department of Health and Mental Hygiene**

3 FOR the purpose of transferring the Lead Poisoning Prevention Program from the  
4 Department of the Environment to the Department of Health and Mental  
5 Hygiene; transferring certain blood lead reporting requirements to the  
6 Department of Health and Mental Hygiene; transferring lead paint abatement  
7 accreditation functions and lead paint abatement enforcement to the  
8 Department of Health and Mental Hygiene; providing that the Department of  
9 Health and Mental Hygiene and its Secretary are the successors of the  
10 Department of the Environment and its Secretary for certain purposes;  
11 providing for the continuity of certain laws, regulations, contracts, and  
12 transactions; making provisions of this Act severable; requiring the publisher of  
13 the Annotated Code of Maryland to make certain corrections necessitated by  
14 this Act; deleting references to an obsolete testing procedure; correcting certain  
15 errors; providing for a delayed effective date; and generally relating to lead  
16 poisoning prevention.

17 BY transferring  
18 Article - Environment  
19 Section 6-301 through 6-304, respectively, and the subtitle "Subtitle 3.  
20 Lead-Based Paint"; 6-801 through 6-852 and the subtitle "Subtitle 8.  
21 Reduction of Lead Risk in Housing"; 6-1001 through 6-1005 and the  
22 subtitle "Subtitle 10. Accreditation of Lead Paint Abatement Services"  
23 Annotated Code of Maryland  
24 (1996 Replacement Volume and 1999 Supplement)  
25 to be  
26 Article - Health - General  
27 Section 17-601 through 17-604, respectively, and the subtitle "Subtitle 6.  
28 Lead-Based Paint"; 18-801 through 18-852 to be under the amended  
29 subtitle "Subtitle 8. Lead Poisoning Prevention Program"; 18-861 through  
30 18-865 to be under the new part "Part IX. Accreditation of Lead Paint  
31 Abatement Services"  
32 Annotated Code of Maryland  
33 (1994 Replacement Volume and 1999 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Health - General  
3 Section 17-603, 18-804, 18-807(b)(2)(iii)2., 18-818, 18-819(k)(1), 18-821(c),  
4 18-822(b)(1), 18-839(a) and (b), 18-843(a), 18-846(a), 18-847(c), 18-850,  
5 and 18-861 through 18-865  
6 Annotated Code of Maryland  
7 (1994 Replacement Volume and 1999 Supplement)  
8 (As enacted by Section 1 of this Act)

9 BY repealing and reenacting, with amendments,  
10 Article - Insurance  
11 Section 19-701, 19-704, and 19-706  
12 Annotated Code of Maryland  
13 (1997 Volume and 1999 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Real Property  
16 Section 8-208.2(a)  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1999 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That Section(s) 6-301 through 6-304, respectively, and the subtitle  
21 "Subtitle 3. Lead-Based Paint"; 6-801 through 6-852, respectively, and the subtitle  
22 "Subtitle 8. Reduction of Lead Risk in Housing"; 6-1001 through 6-1005, respectively,  
23 and the subtitle "Subtitle 10. Accreditation of Lead Paint Abatement Services" of  
24 Article - Environment of the Annotated Code of Maryland be transferred to be  
25 Section(s) 17-601 through 17-604, respectively, and the subtitle "Subtitle 6.  
26 Lead-Based Paint"; 18-801 through 18-852, respectively, to be under the amended  
27 subtitle "Subtitle 8. Lead Poisoning Prevention Program"; 18-861 through 18-865,  
28 respectively, to be under the new part "Part IX. Accreditation of Lead Paint  
29 Abatement Services" of Article - Health - General of the Annotated Code of  
30 Maryland.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
32 read as follows:

33 **Article - Health - General**

34 17-603.

35 (a) A medical laboratory shall report to the Department the results of all blood  
36 lead tests performed on any child 18 years and under.

37 (b) The Department shall report the results of blood lead tests indicating an  
38 elevated blood lead level, as defined by regulation, to[:

1 (1) The] THE local health department in the jurisdiction where the child  
2 resides[; and

3 (2) The Department of Health and Mental Hygiene].

4 (c) The Department shall adopt regulations to:

5 (1) Govern the reporting requirements of laboratories to the Department  
6 under subsection (a) of this section; and

7 (2) Provide for the reporting of information by the Department to local  
8 health departments [and the Department of Health and Mental Hygiene].

9 18-804.

10 (a) Affected property is exempt from the provisions of Part IV of this subtitle  
11 if the owner submits to the Department an inspection report that:

12 (1) Indicates that the affected property has been tested for the presence  
13 of lead-based paint in accordance with standards and procedures established by the  
14 Department by regulation;

15 (2) States that:

16 (i) All interior surfaces of the affected property are lead-free;

17 (ii) All exterior painted surfaces of the affected property that were  
18 chipping, peeling, or flaking have been restored with nonlead-based paint; and

19 (iii) No exterior painted surfaces of the affected property are  
20 chipping, peeling, or flaking; and

21 (3) Is verified by the [Department accredited] inspector, ACCREDITED  
22 UNDER § 18-862 OF THIS SUBTITLE, who performed the test.

23 (b) In order to maintain exemption from the provisions of Part IV of this  
24 subtitle, the owner shall submit to the Department every 2 years a certification, by a  
25 [Department accredited] inspector, ACCREDITED UNDER § 18-862 OF THIS SUBTITLE,  
26 stating that no exterior painted surface of the affected property is chipping, peeling,  
27 or flaking.

28 18-807.

29 (b) (2) Of the 18 members:

30 (iii) 16 shall be appointed by the Governor as follows:

31 2. The Secretary of [Health and Mental Hygiene] THE  
32 ENVIRONMENT or the Secretary's designee;

1 18-818.

2 (a) Any person performing lead-contaminated dust testing or conducting  
3 inspections required by this subtitle:

4 (1) Shall be accredited by the Department;

5 (2) May not be a related party to the owner; and

6 (3) Shall submit a verified report of the result of the lead-contaminated  
7 dust testing or visual inspection to the Department, the owner, and the tenant, if any,  
8 of the affected property.

9 (b) A report submitted to the Department under subsection (a) of this section  
10 that certifies compliance for an affected property with the risk reduction standard  
11 shall be conclusive proof that the owner is in compliance with the risk reduction  
12 standard for the affected property during the period for which the certification is  
13 effective, unless there is:

14 (1) Proof of actual fraud as to that affected property;

15 (2) Proof that the work performed in the affected property was not  
16 performed by or under the supervision of personnel accredited under [§ 6-1002] §  
17 18-862 of this [title] SUBTITLE; or

18 (3) Proof that the owner failed to respond to a complaint regarding the  
19 affected property as required by [§ 6-819] § 18-819 of this subtitle.

20 18-819.

21 (k) (1) The statement verified by the owner and the tenant of work  
22 performed on the affected property in accordance with subsection (f)(1) of this section  
23 or the final report of the inspector verifying that work was performed on the affected  
24 property in accordance with subsection (f)(2) of this section shall create a rebuttable  
25 presumption, that may be overcome by clear and convincing evidence, that the owner  
26 is in compliance with the modified risk reduction standard for the affected property  
27 unless there is:

28 (i) Proof of actual fraud as to that affected property; or

29 (ii) Proof that the work performed on the affected property was not  
30 performed by or under the supervision of personnel accredited under [§ 6-1002] §  
31 18-862 of this [title] SUBTITLE.

32 18-821.

33 (c) All hazard reduction treatments required to be performed under this  
34 subtitle shall be performed by or under the supervision of personnel accredited under  
35 [§ 6-1002] § 18-862 of this [title] SUBTITLE.

1 18-822.

2 (b) (1) Notwithstanding [§ 6-803] § 18-803 of this subtitle, following an  
3 environmental investigation in response to a report of a lead poisoned person at risk,  
4 a local jurisdiction may order an abatement, as defined in [§ 6-1001] § 18-861 of this  
5 [title] SUBTITLE, in any residential property.

6 18-839.

7 (a) Whenever a qualified offer is made under this part, the qualified offer  
8 shall include payment for reasonable expenses and costs up to the amount specified in  
9 [§ 6-840] § 18-840 of this subtitle for:

10 (1) The relocation of the household of the person at risk to lead-safe  
11 housing of comparable size and quality that may provide:

12 (i) The permanent relocation of the household of the affected  
13 person at risk to lead-safe housing, including relocation expenses, a rent subsidy, and  
14 incidental expenses; or

15 (ii) The temporary relocation of the household of the affected person  
16 at risk to lead-safe housing while necessary lead hazard reduction treatments are  
17 being performed in the affected property to make that affected property lead-safe;  
18 and

19 (2) Medically necessary treatment for the affected person at risk as  
20 determined by the treating physician or other health care provider or case manager of  
21 the person at risk that is necessary to mitigate the effects of lead poisoning, as  
22 defined by the Department by regulation, and, in the case of a child, until the child  
23 reaches the age of 18 years.

24 (b) An offeror is required to pay reasonable expenses for the medically  
25 necessary treatments under subsection (a)(2) of this section if coverage for these  
26 treatments is not otherwise provided by the Maryland Medical Assistance Program  
27 under Title 15, Subtitle 1 of [the Health - General Article] THIS ARTICLE or by a  
28 third-party health insurance plan under which the person at risk has coverage or in  
29 which the person at risk is enrolled.

30 18-843.

31 (a) (1) Except as provided in this subsection and subsection (b) of this  
32 section, and in cooperation with the DEPARTMENT OF THE ENVIRONMENT, THE  
33 Department of Housing and Community Development, the State Department of  
34 Assessments and Taxation, and other appropriate governmental units, the  
35 Department shall provide for the collection of an annual fee for every rental dwelling  
36 unit in the State.

37 (2) The annual fee for an affected property is \$10.

1           (3)    (i)    Subject to the provisions of subparagraphs (ii) and (iii) of this  
2 paragraph, on or before December 31, 2003, the annual fee for a rental dwelling unit  
3 built after 1949 that is not an affected property is \$5. After December 31, 2003, there  
4 is no annual fee for a rental dwelling unit built after 1949 that is not an affected  
5 property.

6                   (ii)    The owner of a rental dwelling unit built after 1949 that is not  
7 an affected property may not be required to pay the fee provided under this  
8 paragraph if the owner certifies to the Department that the rental dwelling unit is  
9 lead free pursuant to [§ 6-804] § 18-804 of this subtitle.

10                   (iii)   An owner of a rental dwelling unit who submits a report to the  
11 Department that the rental dwelling unit is lead free pursuant to [§ 6-804] § 18-804  
12 of this subtitle shall include a \$5 processing fee with the report.

13 18-846.

14    (a)    A local health department that receives the results of a blood lead test  
15 under [§ 6-303 of this title] § 17-603 OF THIS ARTICLE indicating that a person at risk  
16 has an EBL greater than or equal to 15 ug/dl shall notify:

17           (1)    The person at risk, or in the case of a minor, the parent of the person  
18 at risk, of the results of the test; and

19           (2)    The owner of the affected property in which the person at risk resides  
20 or regularly spends at least 24 hours per week of the results of the test.

21 18-847.

22    (c)    A person who violates the provisions of this section is subject to the  
23 penalties provided in § 4-309 of [the Health - General Article] THIS ARTICLE.

24 18-850.

25    (a)    Except as provided in [§ 6-849] § 18-849 of this subtitle, in addition to any  
26 other remedies provided in this subtitle, the provisions and procedures of §§ 7-256  
27 through 7-264 and 7-266(b) of [this article] THE ENVIRONMENT ARTICLE shall be  
28 used and shall apply to enforce violations of this subtitle, provided that the penalty  
29 imposed under § 7-266(b)(2)(i) of [this article] THE ENVIRONMENT ARTICLE may not  
30 exceed \$250 per day for any violation of this subtitle which is not cured within 20 days  
31 after receipt of notice of the violation by the owner.

32    (b)    If an accredited supervisor falsely verifies that work was performed on an  
33 affected property pursuant to [§ 6-819(f)] § 18-819(F) of this subtitle, the owner of the  
34 affected property who employs the supervisor and who has actual knowledge of the  
35 false verification shall be subject to a civil penalty not to exceed \$15,000.

36 18-861.

37    (a)    In this [subtitle] PART the following words have the meanings indicated.

1 (b) "Abatement" means a set of measures designed to eliminate or reduce  
2 lead-based paint hazards in residential, public, or commercial buildings, bridges, or  
3 other structures or superstructures in accordance with standards established by the  
4 Department which may include:

5 (1) The removal of lead-based paint and lead-contaminated dust, the  
6 containment or encapsulation of lead-based paint, the replacement or demolition of  
7 lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated  
8 soil; and

9 (2) All preparation, cleanup, disposal, and postabatement clearance  
10 testing activities associated with these measures.

11 (c) "Lead containing substance" means:

12 (1) Any paint, plaster, or surface encapsulation material containing more  
13 than 0.50 percent lead by weight calculated as lead metal in the dried solid or more  
14 than 0.7 milligrams lead per square centimeter as measured by an X-ray fluorescence  
15 analyzer; or

16 (2) Such other standards consistent with an applicable federal definition  
17 as the Department may set by regulation.

18 (d) "Person" includes any public or municipal corporation, or any agency,  
19 bureau, department, or instrumentality of federal, State, or local government.

20 (e) "Provide lead paint abatement services" means to engage in the risk  
21 assessment, inspection, or abatement of lead-containing substances.

22 18-862.

23 (a) Except as provided in subsection (c) of this section, unless the person is  
24 accredited by the Department under this [subtitle] PART, a person may not:

25 (1) Act as a contractor or supervisor for the purpose of providing lead  
26 paint abatement services;

27 (2) Provide training to others who provide lead paint abatement services;  
28 or

29 (3) Engage in the inspection of lead-based paint hazards.

30 (b) The Department shall, by regulation, create exceptions to the accreditation  
31 requirement for instances where the disturbance of lead-containing substance is  
32 incidental.

33 (c) An individual who acts only as a worker or project designer need not be  
34 accredited, but must be trained.

1 18-863.

2 (a) The Department shall adopt regulations to carry out the provisions of this  
3 [subtitle] PART.

4 (b) Regulations adopted under this [subtitle] PART may include:

5 (1) Initial and continuing standards and procedures for accreditation,  
6 including education, training, examination, and job performance standards;

7 (2) Standards and procedures for renewal of accreditation;

8 (3) Standards and procedures for modification, suspension, or revocation  
9 of accreditation;

10 (4) Different standards and procedures for different lead paint  
11 abatement services;

12 (5) Recognition of accreditation or similar approvals of persons by other  
13 governmental entities; and

14 (6) Such other provisions as may be necessary to effectuate the purposes  
15 of this [subtitle] PART.

16 (c) The Department shall review and revise its certification and other  
17 regulations under this [subtitle] PART as necessary to ensure continued eligibility for  
18 federal funding of lead-hazard activities in the State.

19 (d) The Department shall set reasonable fees for the accreditation of persons  
20 who provide lead paint abatement services sufficient to cover the Department's direct  
21 and indirect costs of administering this [subtitle] PART.

22 18-864.

23 (a) There is a Lead Accreditation Fund.

24 (b) (1) All fees collected under [§ 6-1003(d)] § 18-863(D) OF THIS PART and  
25 fines and penalties imposed under [§ 6-1005] § 18-865 of this [subtitle] PART shall  
26 be deposited in the Lead Accreditation Fund.

27 (2) The Department may apply for and accept any funds or grants from  
28 any federal, State, local, or private source for credit to the Fund that might assist  
29 with development, establishment, administration, and education and enforcement  
30 activities of the Lead Paint Abatement Services Accreditation Program under this  
31 [subtitle] PART.

32 (c) The Department shall use the Lead Accreditation Fund for activities by the  
33 Department that are related to processing, monitoring and regulating the  
34 accreditation of lead paint abatement services, and for program development of these  
35 activities.

1 (d) (1) The Lead Accreditation Fund shall be a continuing, nonlapsing  
 2 special fund, and is not subject to § 7-302 of the State Finance and Procurement  
 3 Article.

4 (2) The State Treasurer shall hold and the State Comptroller shall  
 5 account for the Accreditation Fund.

6 (3) The Accreditation Fund shall be invested and reinvested. Any  
 7 investment earnings shall be paid into the Accreditation Fund.

8 18-865.

9 Except as otherwise provided, the provisions and procedures of § 6-420 through  
 10 § 6-422 and § 7-266(b) of [this article] THE ENVIRONMENT ARTICLE shall be used  
 11 and shall apply to enforce violations of:

12 (1) This [subtitle] PART;

13 (2) Any regulations adopted under this [subtitle] PART; and

14 (3) Any condition of accreditation issued under this [subtitle] PART.

15 **Article - Insurance**

16 19-701.

17 (a) In this subtitle the following words have the meanings indicated.

18 (b) (1) "Affected property" means:

19 (i) 1. a residential rental property constructed before 1950 that  
 20 contains not more than one rental dwelling unit; or

21 2. a residential rental property that contains not more than  
 22 one rental dwelling unit for which the owner makes an election under [§ 6-803(a)(2)]  
 23 § 18-803(A)(2) of the [Environment] HEALTH - GENERAL Article; or

24 (ii) an individual rental dwelling unit within:

25 1. a residential rental property constructed before 1950 that  
 26 contains more than one rental dwelling unit; or

27 2. a residential rental property that contains more than one  
 28 rental dwelling unit for which the owner makes an election under [§ 6-803(a)(2)] §  
 29 18-803(A)(2) of the [Environment] HEALTH - GENERAL Article.

30 (2) "Affected property" does not include property exempted under [§  
 31 6-803(b)] § 18-803(B) of the [Environment] HEALTH - GENERAL Article.

32 (c) "Owner" has the meaning stated in [§ 6-801(o)] § 18-801(O) of the  
 33 [Environment] HEALTH - GENERAL Article.

1 (d) "Rental dwelling unit" has the meaning stated in [§ 6-801(t)] § 18-801(T) of  
2 the [Environment] HEALTH - GENERAL Article.

3 19-704.

4 (a) This section applies only to lead hazard coverage for affected properties.

5 (b) This section does not affect coverage for property damage or any other form  
6 of coverage provided in a policy or insurance contract for an affected property.

7 (c) Notwithstanding subsection (g) of this section, whenever an authorized  
8 insurer issues or renews a policy for an affected property, the authorized insurer may  
9 include in the policy a lead hazard coverage exclusion.

10 (d) If a policy issued or renewed by an authorized insurer on or after February  
11 24, 1996, for an affected property contains a lead hazard coverage exclusion, the  
12 authorized insurer shall waive the exclusion to the extent of a qualified offer made or  
13 to be made under Title [6] 18, Subtitle 8, Part V of the [Environment] HEALTH -  
14 GENERAL Article:

15 (1) if the owner of the affected property complies with Title [6] 18,  
16 Subtitle 8, Part III of the [Environment] HEALTH - GENERAL Article;

17 (2) if at the election of the insured, and whether or not a change in  
18 occupancy has occurred, the affected property:

19 (i) passes the test for lead-contaminated dust under [§ 6-816] §  
20 18-816 of the [Environment] HEALTH - GENERAL Article; or

21 (ii) has undergone the lead hazard reduction treatments and  
22 complies with the risk reduction standard under [§ 6-815(a)(2)] § 18-815(A)(2) of the  
23 [Environment] HEALTH - GENERAL Article; and

24 (3) if the insured submits to the authorized insurer a current verified  
25 report completed by an accredited inspector under [§ 6-818] § 18-818 of the  
26 [Environment] HEALTH - GENERAL Article certifying that the affected property  
27 complies with the standards set forth in item (2) of this subsection.

28 (e) Instead of waiving a lead hazard coverage exclusion as required by  
29 subsection (d) of this section, after receiving approval from the Commissioner, an  
30 authorized insurer may offer an alternative form of coverage for a qualified offer  
31 made or to be made under Title [6] 18, Subtitle 8, Part V of the [Environment]  
32 HEALTH - GENERAL Article.

33 (f) An authorized insurer may exclude lead hazard coverage for an affected  
34 property in excess of the amount of a qualified offer made or to be made under Title  
35 [6] 18, Subtitle 8, Part V of the [Environment] HEALTH - GENERAL Article.

1 (g) (1) An authorized insurer may cancel or nonrenew lead hazard coverage  
2 or reimpose a lead hazard coverage exclusion in a policy for an affected property only  
3 if:

4 (i) the insured fails to:

- 5 1. pay the applicable premium;
- 6 2. provide the authorized insurer or the authorized insurer's  
7 designee reasonable access to the affected property to inspect for the presence or  
8 condition of lead;
- 9 3. comply with the terms or conditions of the policy; or
- 10 4. perform lead hazard reduction treatments; or

11 (ii) the affected property fails to comply or maintain compliance  
12 with the risk reduction standard under [§ 6-815(a)(2)] § 18-815(A)(2) of the  
13 [Environment] HEALTH - GENERAL Article.

14 (2) (i) An authorized insurer may cancel or nonrenew lead hazard  
15 coverage or reimpose a lead hazard coverage exclusion under paragraph (1)(i)4 or (ii)  
16 of this subsection only if the authorized insurer:

- 17 1. mails written notice to the insured that the authorized  
18 insurer intends to cancel or nonrenew the coverage or to reimpose the exclusion; and
- 19 2. provides an opportunity to the insured to correct the  
20 violation within 30 days after the notice is mailed.

21 (ii) Coverage is automatically reinstated if the violation is corrected  
22 within 30 days after the notice is mailed.

23 (iii) Within 45 days after mailing a notice of cancellation or  
24 nonrenewal of coverage or reimposition of an exclusion under this paragraph, the  
25 authorized insurer shall send a copy of the notice to the Secretary of [the  
26 Environment] HEALTH AND MENTAL HYGIENE or a designee of the Secretary, and  
27 include the results of any inspection of the affected property.

28 19-706.

29 (a) Subject to reasonable notice provisions contained in a policy or insurance  
30 contract, the notice provided to an insured under [§ 6-828(b)(1)] § 18-828(B)(1) of the  
31 [Environment] HEALTH - GENERAL Article that a person at risk has an elevated  
32 blood lead level shall be deemed a claim against the insured for the purpose of  
33 triggering the authorized insurer's duty to respond on behalf of the insured in  
34 accordance with Title [6] 18, Subtitle 8, Part V of the [Environment] HEALTH -  
35 GENERAL Article.

1 (b) Notwithstanding [§ 6-831] § 18-831 of the [Environment] HEALTH -  
2 GENERAL Article and §§ 19-704 and 19-705 of this subtitle, an authorized insurer is  
3 not liable for a qualified offer made under Title [6] 18, Subtitle 8, Part V of the  
4 [Environment] HEALTH - GENERAL Article if the qualified offer was made in  
5 violation of the terms of the policy or insurance contract.

6 **Article - Real Property**

7 8-208.2.

8 (a) Notwithstanding the provisions of § 8-208.1 of this article, a landlord of  
9 real property subject to the provisions of Title [6] 18, Subtitle 8 of the [Environment]  
10 HEALTH - GENERAL Article may not evict or take any other retaliatory action against  
11 a tenant primarily as a result of the tenant providing information to the landlord  
12 under Title [6] 18, Subtitle 8 of the [Environment] HEALTH - GENERAL Article.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the following functions of  
14 the Department of the Environment, and the personnel assigned to them, be, and  
15 they are hereby transferred to the Department of Health and Mental Hygiene  
16 effective July 1, 2001:

17 (1) blood lead testing and reporting under Title 17, Subtitle 6 of the  
18 Health - General Article, as enacted by this Act;

19 (2) lead poisoning prevention and case management under §§ 18-801  
20 through 18-852 of the Health - General Article, as enacted by this Act; and

21 (3) accreditation of lead abatement services and lead paint abatement  
22 enforcement under §§ 18-861 through 18-865 of the Health - General Article, as  
23 enacted by this Act.

24 SECTION 4. AND BE IT FURTHER ENACTED, That with respect to functions  
25 transferred by this Act, the Department of Health and Mental Hygiene is the  
26 successor of the Department of the Environment, and the Secretary of Health and  
27 Mental Hygiene is the successor of the Secretary of the Environment. In every law,  
28 executive order, regulation, policy, or document created by any official, employee, or  
29 unit of this State, the names and titles of that department and official mean the name  
30 and term of the successor agency or official for lead reporting, lead poisoning  
31 prevention, and lead accreditation functions, as provided in this Act.

32 SECTION 5. AND BE IT FURTHER ENACTED, That the following funds are  
33 transferred from the Department of the Environment to the Department of Health  
34 and Mental Hygiene effective July 1, 2001:

35 (1) the Lead Poisoning Prevention Fund;

36 (2) the Lead Accreditation Fund; and

1 (3) federal funds received or to be received by the Department of the  
2 Environment for blood lead testing and reporting, lead poisoning prevention,  
3 including case management, and accreditation of lead abatement services.

4 SECTION 6. AND BE IT FURTHER ENACTED, That every person who, as of  
5 June 30, 2001, is employed by the Department of the Environment in a lead  
6 reporting, lead poisoning prevention, case management, lead paint abatement  
7 enforcement, or lead accreditation function in a position authorized by the State  
8 budget is hereby transferred to the Department of Health and Mental Hygiene,  
9 effective July 1, 2001, without any change or loss of rights or status, except as  
10 otherwise specifically provided in this Act.

11 SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise  
12 provided in this Act, nothing in this Act affects the term of office of an appointed  
13 member of any board, commission, committee, or other agency or unit. A person who  
14 is a member of such a unit on the effective date of this Act shall remain a member for  
15 the balance of the term to which the member was appointed, unless the member  
16 sooner dies, resigns, or is removed pursuant to the provisions of law.

17 SECTION 8. AND BE IT FURTHER ENACTED, That, except as expressly  
18 provided to the contrary in this Act, any transaction affected by or flowing from any  
19 statute here amended, repealed, or transferred, and validly entered into before the  
20 effective date of this Act and every right, duty, or interest following from it remains  
21 valid after the effective date of this Act and may be terminated, completed,  
22 consummated, or enforced pursuant to law.

23 SECTION 9. AND BE IT FURTHER ENACTED, That, except as otherwise  
24 provided in this Act, all permits and licenses, applications for permits and licenses,  
25 regulations, proposed regulations, standards and guidelines, proposed standards and  
26 guidelines, orders and other directives, forms, plans, memberships, special funds,  
27 appropriations, grants, applications for grants, contracts, properties, investigations,  
28 administrative and judicial proceedings, rights to sue and be sued, and all other  
29 duties and responsibilities associated with those functions transferred by this Act  
30 shall continue in effect under the Department of Health and Mental Hygiene or the  
31 appropriate board, commission, or other unit within the Department of Health and  
32 Mental Hygiene, until completed, withdrawn, cancelled, modified, or otherwise  
33 changed pursuant to law.

34 SECTION 10. AND BE IT FURTHER ENACTED, That pursuant to the plan of  
35 reorganization proposed by this Act, in coordination with the Director of Legislative  
36 Services, the publishers of the Annotated Code of Maryland are hereby directed to  
37 correct any cross-references, agency names, and titles that are rendered incorrect by  
38 this Act, in accordance with this section.

39 SECTION 11. AND BE IT FURTHER ENACTED, That if any provision of this  
40 Act or the application thereof to any person or circumstance is held invalid for any  
41 reason in a court of competent jurisdiction, the invalidity does not affect other  
42 provisions or any other application of this Act which can be given effect without the

1 invalid provision or application, and for this purpose the provisions of this Act are  
2 declared severable.

3 SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 2001.