

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1163

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "Environment;" insert "requiring certain facilities that draw blood under certain circumstances to obtain certain information; requiring certain facilities to forward certain information to certain other facilities under certain circumstances; establishing certain penalties for violations of certain requirements; requiring certain laboratories to make a written request for certain information under certain circumstances; requiring certain laboratories to inform the Department of the failure of certain facilities to provide certain information under certain circumstances; requiring certain laboratories to provide certain referral forms under certain circumstances;"; strike beginning with "requiring" in line 8 down through "year;" in line 10; in line 10, after "for" insert "certain penalties"; in the same line, strike "the penalty"; strike beginning with "repealing" in line 11 down through "Program;" in line 13; in line 16, after "Section" insert "6-302,"; and strike in their entirety lines 19 through 27, inclusive.

AMENDMENT NO. 2

On page 2, after line 1, insert:

"6-302.

(a) A person who violates any provision OF § 6-301 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both.

(b) (1) A PERSON WHO VIOLATES § 6-303 OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER § 6-303 OF THIS SUBTITLE IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF UP TO \$250 PER VIOLATION, NOT EXCEEDING \$10,000.

(Over)

(2) THE ADMINISTRATIVE PENALTY UNDER THIS SUBSECTION SHALL BE ASSESSED WITH CONSIDERATION GIVEN TO:

(I) THE WILLFULNESS OF THE VIOLATION AND THE EXTENT TO WHICH THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT UNCORRECTED BY THE VIOLATOR;

(II) THE EXTENT TO WHICH THE VIOLATION RESULTED IN ACTUAL HARM TO HUMAN HEALTH;

(III) THE NATURE AND DEGREE OF INJURY TO OR INTERFERENCE WITH GENERAL WELFARE AND HEALTH; AND

(IV) THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED BY THE VIOLATOR.

(C) Each day a violation continues constitutes a separate offense under this section.”.

AMENDMENT NO. 3

On page 2, strike beginning with “Notwithstanding” in line 3 down through “on” in line 6 and substitute “A MEDICAL LABORATORY, OFFICE, OR OTHER FACILITY THAT DRAWS BLOOD FROM”; in line 6, after “under” insert “FOR ANALYSIS OF BLOOD LEAD LEVELS SHALL OBTAIN ALL INFORMATION REQUIRED BY THE DEPARTMENT, INCLUDING THE ADDRESS, DATE OF BIRTH, SEX, AND RACE OF THE CHILD”; in line 7, strike “(2) (i)” and substitute:

“(2) THE MEDICAL LABORATORY, OFFICE, OR FACILITY DRAWING BLOOD FOR ANALYSIS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL FORWARD THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITH THE BLOOD TO THE MEDICAL LABORATORY THAT PERFORMS BLOOD LEAD LEVEL TESTING.

(3) A MEDICAL LABORATORY THAT PERFORMS BLOOD LEAD LEVEL

TESTING SHALL REPORT TO THE DEPARTMENT THE RESULTS OF BLOOD LEAD LEVEL TESTS AND THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ACCORDANCE WITH THE TIME FRAMES ESTABLISHED BY THE DEPARTMENT.

(4) (I) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION, FOR A CHILD WHO RESIDES IN BALTIMORE CITY, A “;

in line 7, strike “A”; in the same line, after “tests” insert “AND THE INFORMATION REQUIRED”; in line 8, strike “concerning a child who resides in Baltimore City”; and in line 12, after “Program” insert:

“(5) (I) IF A MEDICAL LABORATORY THAT PERFORMS BLOOD LEAD LEVEL TESTING RECEIVES A BLOOD SAMPLE WITHOUT THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MEDICAL LABORATORY SHALL MAKE A WRITTEN REQUEST TO THE MEDICAL LABORATORY, OFFICE, OR FACILITY IN WHICH THE BLOOD WAS INITIALLY DRAWN FOR THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) IF THE MEDICAL LABORATORY, OFFICE, OR FACILITY DOES NOT PROVIDE THE INFORMATION REQUESTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE MEDICAL LABORATORY THAT PERFORMS BLOOD LEAD LEVEL TESTING SHALL INFORM THE DEPARTMENT OF THE FAILURE OF THE MEDICAL LABORATORY, OFFICE, OR FACILITY TO PROVIDE THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(III) A MEDICAL LABORATORY THAT PERFORMS BLOOD LEAD LEVEL TESTING SHALL PROVIDE MEDICAL LABORATORIES, OFFICES, OR FACILITIES THAT DRAW BLOOD WITH REFERRAL FORMS THAT REQUEST THE INFORMATION REQUIRED BY THE DEPARTMENT, INCLUDING THE ADDRESS, DATE OF BIRTH, SEX, AND RACE OF THE CHILD”.

AMENDMENT NO. 4

(Over)

On page 3, in line 22, strike “ON” and substitute “HAS BEEN REMOVED OR REPAINTED ON:”; in the same line, before “EXTERIOR” insert:

“(I) THE”;

in line 23, strike “AND INTERIOR”; in the same line, after “SURFACES” insert “OF THE RESIDENTIAL BUILDING IN WHICH THE RENTAL DWELLING UNIT IS LOCATED; AND”

(II) THE INTERIOR PAINTED SURFACES OF THE RENTAL DWELLING UNIT; OR”;

and in the same line, strike “HAS BEEN REMOVED AND REPAINTED; or”.

AMENDMENT NO. 5

On page 4, in line 18, strike “ON” and substitute “HAS BEEN REMOVED OR REPAINTED ON:”; in line 19, before “EXTERIOR” insert:

“(I) THE”;

in the same line, strike “AND INTERIOR”; in the same line, after “SURFACES” insert “OF THE RESIDENTIAL BUILDING IN WHICH THE RENTAL DWELLING UNIT IS LOCATED; AND”

(II) THE INTERIOR PAINTED SURFACES OF THE RENTAL DWELLING UNIT; OR”;

and in the same line, strike “HAS BEEN REMOVED AND REPAINTED”.

AMENDMENT NO. 6

On page 4, strike in their entirety lines 20 through 24, inclusive; and in line 30, after “be” insert “UP TO”.

On page 5, in line 16, strike “ON OR BEFORE MARCH 31, 2002”; in line 18, after “OF” insert “THIS SUBTITLE”; in the same line, strike “THE REGISTRATION REQUIREMENTS”; in line 21, strike “ARE IN” and substitute “HAVE BEEN BROUGHT INTO”; in line 22, after “WITH” insert “§ 6-811 OF”; strike beginning with “OR” in line 22 down through

“DEPARTMENT” in line 25 and substitute “AND 65% OF THE OWNER’S AFFECTED PROPERTIES HAVE BEEN CERTIFIED IN COMPLIANCE WITH THE FULL RISK REDUCTION STANDARDS IN ACCORDANCE WITH §§ 6-815 AND 6-817(B) OF THIS SUBTITLE”; and strike in their entirety lines 26 through 38, inclusive.

On page 6, strike in their entirety lines 1 through 10, inclusive.