

UNOFFICIAL COPY OF SENATE BILL 351

F1

(51r0598)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senators Hooper, Colburn, ~~and Jacobs~~ Jacobs, Hollinger, Conway, Britt, Brochin, Dyson, Greenip, Grosfeld, Harris, Kittleman, and Pinsky**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Public Health - Children - Notice of Drinking Water Contamination**

3 FOR the purpose of requiring certain public water systems to notify in writing certain
4 private schools, public schools, child care centers, and family day care homes of
5 certain water contamination; requiring certain private schools, public schools,
6 child care centers, and family day care homes to give notice of drinking water
7 contamination to the parent or legal guardian of each child attending the school,
8 child care center, or family day care home; establishing certain requirements for
9 the notice; and generally relating to notice of drinking water contamination.

10 BY adding to

11 Article - Education

12 Section 2-206(1) and 7-421

13 Annotated Code of Maryland

14 (2004 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, with amendments,

2 Article - Environment

3 Section 9-410

4 Annotated Code of Maryland

5 (1996 Replacement Volume and 2004 Supplement)

6 BY repealing and reenacting, with amendments,

7 Article - Family Law

8 Section 5-551(c)(10) and (11) and 5-573(b)(7) and (8)

9 Annotated Code of Maryland

10 (2004 Replacement Volume)

11 BY adding to

12 Article - Family Law

13 Section 5-551(c)(12) and 5-573(b)(9)

14 Annotated Code of Maryland

15 (2004 Replacement Volume)

16 BY repealing and reenacting, without amendments,

17 Article - Family Law

18 Section 5-551(a) and (b) and 5-573(a)

19 Annotated Code of Maryland

20 (2004 Replacement Volume)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

23

Article - Education

24 2-206.

25 (L) (1) EACH NONCOLLEGIATE EDUCATIONAL INSTITUTION THAT
 26 RECEIVES NOTICE OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE
 27 INSTITUTION'S SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF THE
 28 ENVIRONMENT ARTICLE OR OTHERWISE, SHALL SEND NOTICE OF THE DRINKING
 29 WATER CONTAMINATION TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT
 30 ATTENDING THE INSTITUTION.

31 (2) THE NOTICE SHALL:

32 (I) BE SENT BY THE INSTITUTION WITHIN 10 BUSINESS DAYS
 33 AFTER RECEIPT OF THE NOTICE OF CONTAMINATION FROM THE INSTITUTION'S
 34 WATER SUPPLIER;

35 (II) BE IN WRITING; ~~AND~~

1 (III) IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN THE
2 INSTITUTION'S WATER SUPPLY; AND

3 (IV) DESCRIBE THE INSTITUTION'S PLAN FOR DEALING WITH THE
4 WATER CONTAMINATION PROBLEM UNTIL THE INSTITUTION'S WATER IS
5 DETERMINED SAFE FOR CONSUMPTION BY THE APPROPRIATE AUTHORITY TO BE
6 SAFE FOR CONSUMPTION.

7 (3) THE STATE BOARD SHALL CONSIDER AN INSTITUTION'S FAILURE TO
8 SEND THE NOTICE REQUIRED UNDER THIS SUBSECTION IN DETERMINING WHETHER
9 THE INSTITUTION CONTINUES TO MEET THE CONDITIONS OR STANDARDS ON WHICH
10 THE INSTITUTION'S CERTIFICATE OF APPROVAL IS BASED.

11 7-421.

12 (A) EACH PUBLIC SCHOOL THAT RECEIVES NOTICE OF A CONTAMINATED
13 DRINKING WATER SUPPLY FROM THE SCHOOL'S SUPPLIER OF WATER, IN
14 ACCORDANCE WITH § 9-410 OF THE ENVIRONMENT ARTICLE OR OTHERWISE, SHALL
15 SEND NOTICE OF THE DRINKING WATER CONTAMINATION TO THE PARENT OR LEGAL
16 GUARDIAN OF EACH STUDENT ATTENDING THE SCHOOL.

17 (B) THE NOTICE SHALL:

18 (1) BE SENT BY THE SCHOOL WITHIN 10 BUSINESS DAYS AFTER RECEIPT
19 OF THE NOTICE OF CONTAMINATION FROM THE SCHOOL'S WATER SUPPLIER;

20 (2) BE IN WRITING; ~~AND~~

21 (3) IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN THE SCHOOL'S
22 WATER SUPPLY; AND

23 (4) DESCRIBE THE SCHOOL'S PLAN FOR DEALING WITH THE WATER
24 CONTAMINATION PROBLEM UNTIL THE SCHOOL'S WATER IS DETERMINED SAFE FOR
25 CONSUMPTION BY THE APPROPRIATE AUTHORITY TO BE SAFE FOR CONSUMPTION.

26 **Article - Environment**

27 9-410.

28 (a) Each supplier of water shall give notice to the Department and the persons
29 served by the system AND SHALL GIVE WRITTEN NOTICE TO NONCOLLEGIATE
30 EDUCATIONAL INSTITUTIONS, PUBLIC SCHOOLS, FAMILY DAY CARE HOMES, AND
31 CHILD CARE CENTERS whenever the system:

32 (1) Fails to comply with an applicable maximum contaminant level,
33 treatment technique requirement, or testing procedure prescribed by a drinking
34 water regulation or fails to perform required monitoring;

35 (2) Is subject to variance granted for an inability to meet a maximum
36 contaminant level;

- 1 (3) Is subject to an exemption;
- 2 (4) Fails to comply with the requirements set by a variance or
 3 exemption; or
- 4 (5) Has concentration levels of an unregulated contaminant for which
 5 the State may require notice due to the risk to public health.
- 6 (b) Each notice shall:
- 7 (1) State the nature and possible health effects that may result;
- 8 (2) Be provided to the persons served by the water system;
- 9 (3) Be issued in a timely manner by means of radio, television,
 10 newspaper of general circulation, written notice, or other means acceptable to the
 11 Department; and
- 12 (4) Be in a form readily understandable by the affected population.
- 13 (c) (1) By rule or regulation, the Secretary shall adopt notice requirements
 14 to meet the requirements of this section.
- 15 (2) The rules and regulations shall establish notification standards and
 16 procedures that include the manner, frequency, form, and content of the notices.
- 17 (d) For violations with the potential to have serious adverse effects on human
 18 health as a result of short-term exposure, the supplier of water shall provide notice
 19 as soon as practicable, but not later than 24 hours after the occurrence of the
 20 violation.
- 21 (e) For violations other than the violations described in subsection (d) of this
 22 section, the supplier of water shall provide written notice to each person served by the
 23 system in an annual report, or by mail not later than 1 year after the violation.

24 **Article - Family Law**

25 5-551.

- 26 (a) The Department shall adopt rules and regulations that relate to the
 27 registration of family day care homes.
- 28 (b) So far as practicable, the rules and regulations shall be uniform with the
 29 rules and regulations adopted by other State agencies as those rules and regulations
 30 relate to other types of day care.
- 31 (c) At a minimum, the rules and regulations shall provide for:
- 32 (10) a requirement that a person who advertises a family day care home
 33 or family day care service shall:

1 (i) indicate in the advertisement that the family day care home is
2 registered; and

3 (ii) display in the advertisement the registration number issued to
4 the family day care home or family day care service by the Department; [and]

5 (11) a requirement that each registered day care provider shall hold a
6 current certificate indicating successful completion of approved:

7 (i) basic first aid training through the American Red Cross or
8 through a program with equivalent standards; and

9 (ii) cardiopulmonary resuscitation (CPR) training through the
10 American Heart Association or through a program with equivalent standards
11 appropriate for the ages of children for whom care is provided in the family day care
12 home; AND

13 (12) (I) A REQUIREMENT THAT A FAMILY DAY CARE HOME THAT
14 RECEIVES NOTICE OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE
15 FAMILY DAY CARE HOME'S SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF
16 THE ENVIRONMENT ARTICLE OR OTHERWISE, SEND NOTICE OF THE DRINKING
17 WATER CONTAMINATION TO THE PARENT OR LEGAL GUARDIAN OF EACH CHILD
18 ATTENDING THE FAMILY DAY CARE HOME-; AND

19 (II) ~~REQUIREMENTS~~ A REQUIREMENT THAT THE NOTICE SENT BY
20 THE FAMILY DAY CARE HOME SHALL:

21 1. BE SENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF
22 THE NOTICE OF CONTAMINATION FROM THE FAMILY DAY CARE HOME'S WATER
23 SUPPLIER;

24 2. BE IN WRITING; ~~AND~~

25 3. IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN
26 THE FAMILY DAY CARE HOME'S WATER SUPPLY; AND

27 4. DESCRIBE THE FAMILY DAY CARE HOME'S PLAN FOR
28 DEALING WITH THE WATER CONTAMINATION PROBLEM UNTIL THE FAMILY DAY
29 CARE HOME'S WATER IS DETERMINED SAFE FOR CONSUMPTION BY THE
30 APPROPRIATE AUTHORITY TO BE SAFE FOR CONSUMPTION.

31 5-573.

32 (a) The Secretary shall adopt rules and regulations for licensing and operating
33 child care centers.

34 (b) These rules and regulations shall:

1 (7) *prohibit a child from remaining at a child care center for more than*
 2 *14 hours in 1 day unless the Department issues an exception for that child based on*
 3 *guidelines set by the Secretary; [and]*

4 (8) (i) *require that a child care center have in attendance at all times at*
 5 *least 1 individual who is responsible for supervision of children, including children on*
 6 *field trips, and who holds a current certificate indicating successful completion of*
 7 *approved:*

8 1. *basic first aid training through the American Red Cross or*
 9 *through a program with equivalent standards; and*

10 2. *cardiopulmonary resuscitation (CPR) training through the*
 11 *American Heart Association or through a program with equivalent standards*
 12 *appropriate for the ages of children for whom care is provided in the child care center;*
 13 *and*

14 (ii) *require that a child care center serving more than 20 children*
 15 *have in attendance certificate holders described in item (i) of this item in a ratio of at*
 16 *least 1 certificate holder for every 20 children[.]; AND*

17 (9) (I) REQUIRE THAT A CHILD CARE CENTER THAT RECEIVES NOTICE
 18 OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE CHILD CARE CENTER'S
 19 SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF THE ENVIRONMENT ARTICLE
 20 OR OTHERWISE, SEND NOTICE OF THE DRINKING WATER CONTAMINATION TO THE
 21 PARENT OR LEGAL GUARDIAN OF EACH CHILD ATTENDING THE CHILD CARE
 22 CENTER.; AND

23 (II) REQUIRE THAT THE NOTICE SENT BY THE CHILD CARE CENTER
 24 SHALL:

25 1. BE SENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF
 26 THE NOTICE OF CONTAMINATION FROM THE CHILD CARE CENTER'S WATER
 27 SUPPLIER;

28 2. BE IN WRITING; ~~AND~~

29 3. IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN
 30 THE CENTER'S WATER SUPPLY; AND

31 4. DESCRIBE THE CHILD CARE CENTER'S PLAN FOR DEALING
 32 WITH THE WATER CONTAMINATION PROBLEM UNTIL THE CHILD CARE CENTER'S
 33 WATER IS DETERMINED SAFE FOR CONSUMPTION BY THE APPROPRIATE AUTHORITY
 34 TO BE SAFE FOR CONSUMPTION.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 36 October 1, 2005.

