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By: **Senators Hooper, Colburn, and Jacobs, Jacobs, Hollinger, Conway, Britt, Brochin, Dyson, Greenip, Grosfeld, Harris, Kittleman, and Pinsky**

Introduced and read first time: February 2, 2005

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2005

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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)

15 BY repealing and reenacting, with amendments,

16 Article - Environment

17 Section 9-410

18 Annotated Code of Maryland

19 (1996 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Family Law

22 Section 5-551(c)(10) and (11)

1 Annotated Code of Maryland  
2 (2004 Replacement Volume)

3 BY adding to  
4 Article - Family Law  
5 Section 5-551(c)(12) and 5-573(b)(9)  
6 Annotated Code of Maryland  
7 (2004 Replacement Volume)

8 BY repealing and reenacting, without amendments,  
9 Article - Family Law  
10 Section 5-551(a) and (b) and 5-573(a)  
11 Annotated Code of Maryland  
12 (2004 Replacement Volume)

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

15 **Article - Education**

16 2-206.

17 (L) (1) EACH NONCOLLEGIATE EDUCATIONAL INSTITUTION THAT  
18 RECEIVES NOTICE OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE  
19 INSTITUTION'S SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF THE  
20 ENVIRONMENT ARTICLE OR OTHERWISE, SHALL SEND NOTICE OF THE DRINKING  
21 WATER CONTAMINATION TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT  
22 ATTENDING THE INSTITUTION.

23 (2) THE NOTICE SHALL:

24 (I) BE SENT BY THE INSTITUTION WITHIN 10 BUSINESS DAYS  
25 AFTER RECEIPT OF THE NOTICE OF CONTAMINATION FROM THE INSTITUTION'S  
26 WATER SUPPLIER;

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

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

30 (IV) DESCRIBE THE INSTITUTION'S PLAN FOR DEALING WITH THE  
31 WATER CONTAMINATION PROBLEM UNTIL THE INSTITUTION'S WATER IS  
32 DETERMINED SAFE FOR CONSUMPTION BY THE APPROPRIATE AUTHORITY.

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

1 7-421.

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

7 (B) THE NOTICE SHALL:

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

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

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

13 (4) DESCRIBE THE SCHOOL'S PLAN FOR DEALING WITH THE WATER  
14 CONTAMINATION PROBLEM UNTIL THE SCHOOL'S WATER IS DETERMINED SAFE FOR  
15 CONSUMPTION BY THE APPROPRIATE AUTHORITY.

16 **Article - Environment**

17 9-410.

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

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

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

27 (3) Is subject to an exemption;

28 (4) Fails to comply with the requirements set by a variance or  
29 exemption; or

30 (5) Has concentration levels of an unregulated contaminant for which  
31 the State may require notice due to the risk to public health.

32 (b) Each notice shall:

33 (1) State the nature and possible health effects that may result;

34 (2) Be provided to the persons served by the water system;



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

5 (12) (I) A REQUIREMENT THAT A FAMILY DAY CARE HOME THAT  
6 RECEIVES NOTICE OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE  
7 FAMILY DAY CARE HOME'S SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF  
8 THE ENVIRONMENT ARTICLE OR OTHERWISE, SEND NOTICE OF THE DRINKING  
9 WATER CONTAMINATION TO THE PARENT OR LEGAL GUARDIAN OF EACH CHILD  
10 ATTENDING THE FAMILY DAY CARE HOME.

11 (II) REQUIREMENTS THAT THE NOTICE SENT BY THE FAMILY DAY  
12 CARE HOME SHALL:

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

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

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

19 4. DESCRIBE THE FAMILY DAY CARE HOME'S PLAN FOR  
20 DEALING WITH THE WATER CONTAMINATION PROBLEM UNTIL THE FAMILY DAY  
21 CARE HOME'S WATER IS DETERMINED SAFE FOR CONSUMPTION BY THE  
22 APPROPRIATE AUTHORITY.

23 5-573.

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

26 (b) These rules and regulations shall:

27 (9) (I) REQUIRE THAT A CHILD CARE CENTER THAT RECEIVES NOTICE  
28 OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE CHILD CARE CENTER'S  
29 SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF THE ENVIRONMENT ARTICLE  
30 OR OTHERWISE, SEND NOTICE OF THE DRINKING WATER CONTAMINATION TO THE  
31 PARENT OR LEGAL GUARDIAN OF EACH CHILD ATTENDING THE CHILD CARE  
32 CENTER.

33 (II) REQUIRE THAT THE NOTICE SENT BY THE CHILD CARE CENTER  
34 SHALL:

35 1. BE SENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF  
36 THE NOTICE OF CONTAMINATION FROM THE CHILD CARE CENTER'S WATER  
37 SUPPLIER;

- 1    2.        BE IN WRITING; ~~AND~~
- 2    3.        IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN
- 3 THE CENTER'S WATER SUPPLY; AND
- 4    4.        DESCRIBE THE CHILD CARE CENTER'S PLAN FOR DEALING
- 5 WITH THE WATER CONTAMINATION PROBLEM UNTIL THE CHILD CARE CENTER'S
- 6 WATER IS DETERMINED SAFE FOR CONSUMPTION BY THE APPROPRIATE AUTHORITY.

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