# 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

Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 20, 2005

CHAPTER\_\_\_\_\_

1 AN ACT concerning

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# 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 <u>certain water contamination;</u> 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 <u>Article Environment</u>
- 17 <u>Section 9-410</u>
- 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.

(L) (1) EACH NONCOLLEGIATE EDUCATIONAL INSTITUTION THAT
 RECEIVES NOTICE OF A CONTAMINATED DRINKING WATER SUPPLY FROM THE
 INSTITUTION'S SUPPLIER OF WATER, IN ACCORDANCE WITH § 9-410 OF THE
 ENVIRONMENT ARTICLE OR OTHERWISE, SHALL SEND NOTICE OF THE DRINKING
 WATER CONTAMINATION TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT
 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<u>; AND</u>

<u>(IV)</u> <u>DESCRIBE THE INSTITUTION'S PLAN FOR DEALING WITH THE</u>
 WATER CONTAMINATION PROBLEM UNTIL THE INSTITUTION'S WATER IS
 DETERMINED SAFE FOR CONSUMPTION BY THE APPROPRIATE AUTHORITY.

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

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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: BE SENT BY THE SCHOOL WITHIN 10 BUSINESS DAYS AFTER RECEIPT 8 (1)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 DESCRIBE THE SCHOOL'S PLAN FOR DEALING WITH THE WATER (4) 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 Each supplier of water shall give notice to the Department and the persons (a) 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 Fails to comply with an applicable maximum contaminant level, (1)23 treatment technique requirement, or testing procedure prescribed by a drinking 24 water regulation or fails to perform required monitoring; 25 Is subject to variance granted for an inability to meet a maximum (2)26 contaminant level; 27 (3) Is subject to an exemption;

Fails to comply with the requirements set by a variance or

State the nature and possible health effects that may result;

Be provided to the persons served by the water system;

Has concentration levels of an unregulated contaminant for which

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29 exemption; or

(b)

(4)

(5)

(1)

(2)

31 the State may require notice due to the risk to public health.

Each notice shall:

4	<b>UNOFFICIAL COPY OF SENATE BILL 351</b>
	(3) Be issued in a timely manner by means of radio, television, newspaper of general circulation, written notice, or other means acceptable to the Department; and
4	(4) Be in a form readily understandable by the affected population.
5 6	(c) (1) By rule or regulation, the Secretary shall adopt notice requirements to meet the requirements of this section.
7 8	(2) The rules and regulations shall establish notification standards and procedures that include the manner, frequency, form, and content of the notices.
11	(d) For violations with the potential to have serious adverse effects on human health as a result of short-term exposure, the supplier of water shall provide notice as soon as practicable, but not later than 24 hours after the occurrence of the violation.
13 14 15	(e) For violations other than the violations described in subsection (d) of this section, the supplier of water shall provide written notice to each person served by the system in an annual report, or by mail not later than 1 year after the violation.
16	Article - Family Law
17	5-551.
18 19	(a) The Department shall adopt rules and regulations that relate to the registration of family day care homes.
	(b) So far as practicable, the rules and regulations shall be uniform with the rules and regulations adopted by other State agencies as those rules and regulations relate to other types of day care.
23	(c) At a minimum, the rules and regulations shall provide for:
24 25	(10) a requirement that a person who advertises a family day care home or family day care service shall:
26 27	(i) indicate in the advertisement that the family day care home is registered; and
28 29	(ii) display in the advertisement the registration number issued to the family day care home or family day care service by the Department; [and]
30 31	(11) a requirement that each registered day care provider shall hold a current certificate indicating successful completion of approved:
32 33	(i) basic first aid training through the American Red Cross or through a program with equivalent standards; and

#### 5 **UNOFFICIAL COPY OF SENATE BILL 351** 1 cardiopulmonary resuscitation (CPR) training through the (ii) 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 A REQUIREMENT THAT A FAMILY DAY CARE HOME THAT (12)(I) 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; 2. 16 BE IN WRITING; AND IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN 17 3. 18 THE FAMILY DAY CARE HOME'S WATER SUPPLY; AND 19 DESCRIBE THE FAMILY DAY CARE HOME'S PLAN FOR 4. 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. The Secretary shall adopt rules and regulations for licensing and operating 24 (a) 25 child care centers. These rules and regulations shall: 26 (b) 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;

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12.BE IN WRITING; AND23.IDENTIFY THE CONTAMINANTS AND THEIR LEVELS IN3THE CENTER'S WATER SUPPLY; AND

<u>4</u> <u>DESCRIBE THE CHILD CARE CENTER'S PLAN FOR DEALING</u>
 <u>5</u> <u>WITH THE WATER CONTAMINATION PROBLEM UNTIL THE CHILD CARE CENTER'S</u>
 <u>6</u> <u>WATER IS DETERMINED SAFE FOR CONSUMPTION BY THE APPROPRIATE AUTHORITY</u>.

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