

# SENATE BILL 786

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8lr1857

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By: **Senators Haines and Middleton**

Introduced and read first time: February 5, 2008

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Privately Licensed Sanitarians – Soil Percolation Tests**

3 FOR the purpose of providing that a county or local health department may not  
4 prohibit a person from directly hiring or scheduling a privately licensed  
5 sanitarian to conduct a soil percolation test; requiring a county or local health  
6 department to accept a certain soil percolation test under certain circumstances;  
7 and generally relating to privately licensed sanitarians and soil percolation  
8 tests.

9 BY repealing and reenacting, with amendments,  
10 Article – Environment  
11 Section 9–1104  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2007 Supplement)

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

16 **Article – Environment**

17 9–1104.

18 (a) The Department may establish a privatization program for performing  
19 soil percolation tests in one or more counties in the State.

20 (b) In order to be eligible to participate in the program established under  
21 subsection (a) of this section a person shall:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1) Be a sanitarian licensed in the State or a qualified professional  
2 who meets standards at least as stringent as the State sanitarian licensing  
3 requirements;

4           (2) Have demonstrated experience in working with on-site sewage  
5 disposal systems; and

6           (3) Meet any other requirements established by the local health  
7 department to ensure the quality of testing performed under the program.

8           (c) The health department for any county seeking to establish a privatization  
9 program under this section shall work with the Department to implement the  
10 program.

11          (d) The Department may adopt regulations to implement the privatization  
12 program.

13           **(E) (1) A COUNTY OR LOCAL HEALTH DEPARTMENT MAY NOT**  
14 **PROHIBIT A PERSON FROM DIRECTLY HIRING OR SCHEDULING A PRIVATELY**  
15 **LICENSED SANITARIAN TO CONDUCT A SOIL PERCOLATION TEST.**

16           **(2) IF A PERSON OBTAINS A SOIL PERCOLATION TEST FROM A**  
17 **PRIVATELY LICENSED SANITARIAN, THE COUNTY OR LOCAL HEALTH**  
18 **DEPARTMENT SHALL ACCEPT THE RESULTS OF THE TEST.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2008.