

SENATE BILL 606

M3
SB 786/08 – EHE

9lr1976

By: ~~Senators Haines, Colburn, Greenip, and Harris~~ Carroll County Senators

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 ~~Environment – Privately Licensed Sanitarians~~ Carroll County – Privately
3 Employed Sanitarians Licensed by the State – Soil Percolation Tests

4 FOR the purpose of providing that ~~a~~, in Carroll County, the county or local health
5 department may not prohibit a person from directly hiring or scheduling a
6 privately ~~licensed~~ employed sanitarian licensed by the State to conduct a soil
7 percolation test; requiring the privately ~~licensed~~ employed sanitarian licensed
8 by the State to notify the county or local health department that a soil
9 percolation test will be conducted and to allow a representative of the county or
10 local health department to observe the test; requiring a county or local health
11 department to accept a certain soil percolation test under certain circumstances;
12 providing for the termination of this Act; and generally relating to soil
13 percolation tests in Carroll County conducted by privately ~~licensed~~ employed
14 sanitarians licensed by the State.

15 BY repealing and reenacting, with amendments,
16 Article – Environment
17 Section 9–1104
18 Annotated Code of Maryland
19 (2007 Replacement Volume and 2008 Supplement)

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

22 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9-1104.

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

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

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

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

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

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

16 (d) The Department may adopt regulations to implement the privatization
17 program.

18 (E) (1) **A IN CARROLL COUNTY, THE COUNTY OR LOCAL HEALTH**
19 **DEPARTMENT MAY NOT PROHIBIT A PERSON FROM DIRECTLY HIRING OR**
20 **SCHEDULING A PRIVATELY ~~LICENSED~~ EMPLOYED SANITARIAN LICENSED BY**
21 **THE STATE TO CONDUCT A SOIL PERCOLATION TEST.**

22 (2) **THE PRIVATELY ~~LICENSED~~ EMPLOYED SANITARIAN LICENSED**
23 **BY THE STATE SHALL:**

24 (I) **NOTIFY THE COUNTY OR LOCAL HEALTH DEPARTMENT**
25 **THAT A SOIL PERCOLATION TEST WILL BE CONDUCTED; AND**

26 (II) **ALLOW A REPRESENTATIVE OF THE COUNTY OR LOCAL**
27 **HEALTH DEPARTMENT TO OBSERVE THE TEST.**

28 (3) **IF A PERSON OBTAINS A SOIL PERCOLATION TEST FROM A**
29 **PRIVATELY ~~LICENSED~~ EMPLOYED SANITARIAN LICENSED BY THE STATE, THE**
30 **COUNTY OR LOCAL HEALTH DEPARTMENT SHALL ACCEPT THE RESULTS OF THE**
31 **TEST.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 ~~October~~ July 1, 2009. It shall remain effective for a period of 2 years and, at the end of

1 June 30, 2011, with no further action required by the General Assembly, this Act shall
2 be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.