

SENATE BILL 763

C2

9lr2819

By: **Senator Jacobs**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Indoor Air Quality – Separation of Assessment and Remediation Functions**

3 FOR the purpose of prohibiting a person who conducts an indoor air quality
4 assessment at a property in the State from performing certain remediation work
5 at the property; authorizing the Maryland Home Improvement Commission to
6 impose certain civil penalties on a person who violates this Act; and generally
7 relating to the separation of indoor air pollution assessment and remediation
8 functions.

9 BY adding to

10 Article – Business Regulation

11 Section 8–618

12 Annotated Code of Maryland

13 (2004 Replacement Volume and 2008 Supplement)

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

16 **Article – Business Regulation**

17 **8–618.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
19 MEANINGS INDICATED.

20 (2) “ACCREDITATION BODY” MEANS THE AMERICAN INDUSTRIAL
21 HYGIENE ASSOCIATION OR ANY OTHER NATIONALLY RECOGNIZED
22 ACCREDITATION BODY THAT IS RECOGNIZED BY THE COMMISSION AND THAT
23 OPERATES INDEPENDENTLY OF TRAINING ORGANIZATIONS OR INDUSTRY
24 TRADE ASSOCIATIONS.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “COMMISSION” MEANS THE MARYLAND HOME**
2 **IMPROVEMENT COMMISSION.**

3 **(4) “INDOOR AIR POLLUTANT” INCLUDES MOLD OR ANY OTHER**
4 **SUBSTANCE PRESENT IN THE INDOOR ATMOSPHERE THAT IS PRESENT IN SUCH**
5 **QUANTITIES AND IS OF SUCH DURATION THAT IT:**

6 **(I) MAY BE PREDICTED WITH REASONABLE CERTAINTY TO**
7 **BE INJURIOUS TO PROPERTY OR TO HUMAN, PLANT, OR ANIMAL LIFE; OR**

8 **(II) UNREASONABLY INTERFERES WITH THE PROPER**
9 **ENJOYMENT OF THE PROPERTY BECAUSE OF THE EMISSION OF ODORS, SOLIDS,**
10 **VAPORS, LIQUIDS, OR GASES.**

11 **(5) “INDOOR AIR QUALITY ASSESSMENT” MEANS AN INSPECTION,**
12 **INVESTIGATION, OR SURVEY OF A DWELLING OR OTHER STRUCTURE TO**
13 **PROVIDE INFORMATION TO THE OWNER REGARDING THE PRESENCE,**
14 **IDENTIFICATION, OR EVALUATION OF MOLD OR OTHER INDOOR AIR**
15 **POLLUTANTS.**

16 **(6) “REMEDICATION” MEANS THE REMOVAL, CLEANING,**
17 **SANITIZING, AND DEMOLITION OF INDOOR AIR POLLUTANTS.**

18 **(B) THIS SECTION APPLIES TO ANY PERSON LICENSED, CERTIFIED, OR**
19 **OTHERWISE AUTHORIZED TO PERFORM INDOOR AIR QUALITY ASSESSMENTS IN**
20 **THE STATE, INCLUDING A PERSON:**

21 **(1) CERTIFIED AS AN INDUSTRIAL HYGIENIST BY AN**
22 **ACCREDITATION BODY;**

23 **(2) REPRESENTING THEMSELVES TO THE PUBLIC AS AN**
24 **INDUSTRIAL HYGIENIST;**

25 **(3) LICENSED UNDER § 8-707 OF THIS ARTICLE TO**
26 **CONDUCT MOLD REMEDIATION IN THE STATE; OR**

27 **(4) LICENSED UNDER § 11-301 OF THE ENVIRONMENT**
28 **ARTICLE TO PRACTICE AS AN ENVIRONMENTAL SANITARIAN.**

29 **(C) A PERSON UNDER SUBSECTION (B) OF THIS SECTION WHO**
30 **CONDUCTS AN INDOOR AIR QUALITY ASSESSMENT AT A PROPERTY IN THE**
31 **STATE MAY NOT PERFORM REMEDIATION AT THE PROPERTY FOR AN INDOOR**
32 **AIR POLLUTANT IDENTIFIED IN THE ASSESSMENT.**

1 **(D) THE COMMISSION MAY IMPOSE A CIVIL PENALTY UNDER § 8-620 OF**
2 **THIS TITLE ON A PERSON WHO VIOLATES THE PROHIBITION IN SUBSECTION (C)**
3 **OF THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.