

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 1237 (Delegate Healey, *et al.*)
Health and Government Operations

**Public Drinking Fountains - Use at State and Local Facilities and Facilities
Constructed Using State Funds**

This bill requires each unit of State government and each county and municipality to make good-faith efforts to achieve a goal of ensuring that at least 75% of facilities owned by the State, a county, or a municipality have publicly accessible drinking fountains. In addition, a person that uses any State funds to construct a commercial or public facility has to include publicly accessible drinking fountains in the facility. The bill applies only prospectively and does not have any effect on or application to any facility for which a construction permit was issued before the bill's October 1, 2014 effective date.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances. It is not anticipated that the bill results in a significant number of drinking fountain installations in new State facilities that are not otherwise installed in the absence of the bill.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: Minimal.

Analysis

Current Law/Background: A State Plumbing Code is established in State regulations, which incorporates by reference the 2012 National Standard Plumbing Code Illustrated (NSPCI) published by the National Association of Plumbing-Heating-Cooling Contractors, with modifications. The 2012 NSPCI includes standards for a minimum number of plumbing fixtures, including drinking water facilities, in buildings and

facilities. The standards require at least one drinking water facility in nonresidential buildings and facilities in many cases. Under State law, with limited exceptions, a person who builds or remodels a building or structure must ensure the installation of fixtures and devices that are required by and meet the standards for approval set out in the State Plumbing Code or any applicable local plumbing code.

The State Board of Plumbing within the Department of Labor, Licensing, and Regulation (DLLR) licenses and regulates individuals who provide or assist in providing plumbing services in the State and is authorized to amend the State Plumbing Code. State law requires counties to enforce the State Plumbing Code or adopt and enforce a local plumbing code that meets or exceeds the minimum standards of the State Plumbing Code.

State law governing the State Board of Plumbing and the State Plumbing Code generally does not apply to Baltimore County and areas of Montgomery and Prince George's counties under the jurisdiction of the Washington Suburban Sanitary Commission. DLLR indicates that those areas are subject to local licensing and plumbing codes.

Additional Comments: As the bill does not define "public facility" or "construct," it is not clear whether the bill applies to nonprofit projects funded in part with State funds through the capital budget. Many such projects are funded each year and often include "construction" as one of many authorized uses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of General Services, Department of Budget and Management, Department of Business and Economic Development, Department of Natural Resources, Maryland Department of the Environment, Department of Health and Mental Hygiene, Maryland Department of Transportation, University System of Maryland, Judiciary (Administrative Office of the Courts), Baltimore City, Howard and Montgomery counties, Maryland Association of Counties, Washington Suburban Sanitary Commission, cities of Bowie and Takoma Park, Maryland Municipal League, National Association of Plumbing-Heating-Cooling Contractors, Department of Legislative Services

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mm/lgc

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510