

HB1253/454436/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1253
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Elevated Level of”; in line 3, after “Lead” insert “Testing and Reporting Requirements”; strike beginning with “altering” in line 4 down through the semicolon in line 6; and in line 11, after “procedures;” insert “making a certain finding and establishing a certain intent; requiring a school to report the results of a certain analysis to certain departments under certain circumstances; requiring the Department of the Environment to include certain information in a certain report, beginning with the report due on a certain date;”.

On page 2, strike beginning with “providing” in line 3 down through “Act;” in line 4; strike in their entirety lines 6 through 15, inclusive; after line 25, insert:

“BY repealing and reenacting, without amendments,
Article – Environment
Section 6–1501(a) through (c)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)”;

in line 28, after “Section” insert “6–1501.1 and”; and after line 30, insert:

“BY repealing and reenacting, with amendments,
Article – Environment
Section 6–1502(c) and (e)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

(Over)

**HB1253/454436/1 Education, Health, and Environmental Affairs Committee
Amendments to HB 1253
Page 2 of 6**

On pages 2 and 3, strike in their entirety the lines beginning with line 33 on page 2 through line 5 on page 3, inclusive.

On page 4, after line 19, insert:

“6–1501.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Drinking water outlet” means a potable water fixture that is used for drinking or food preparation.

(2) “Drinking water outlet” includes:

(i) A water fountain, faucet, or tap that is used or potentially used for drinking or food preparation; and

(ii) Ice–making and hot drink machines.

(c) “Elevated level of lead” means a lead concentration in drinking water that exceeds the standard recommended by the U.S. Environmental Protection Agency in technical guidance.

6–1501.1.

(A) THE GENERAL ASSEMBLY FINDS THAT ANY EXPOSURE TO LEAD IN DRINKING WATER IS DANGEROUS TO THE HEALTH AND DEVELOPMENT OF CHILDREN.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SCHOOLS WORK PROACTIVELY TO REDUCE THE CONCENTRATION OF LEAD IN DRINKING WATER

OUTLETS TO A LEVEL BELOW 5 PARTS PER BILLION AND THAT STATE AND FEDERAL FUNDS BE MADE AVAILABLE TO SCHOOLS FOR THAT PURPOSE.

6-1502.

(c) Regulations adopted under this section shall:

(1) Require initial testing to be conducted on or before July 1, 2018;

(2) Phase in the implementation of the required testing beginning with:

(i) School buildings constructed before 1988; and

(ii) School buildings serving students in a prekindergarten program or any grade from kindergarten through grade 5;

(3) Establish a sampling method for the required testing that is consistent with technical guidance;

(4) Establish the frequency for the required testing;

(5) Address best practices and cost-effective testing;

(6) Require test samples from drinking water outlets to be analyzed by an entity approved by the Department; [and]

(7) If an analysis of a test sample indicates an elevated level of lead in a drinking water outlet, require that:

(i) The results of the analysis be reported to the Department, the State Department of Education, the Maryland Department of Health, and the appropriate local health department;

(Over)

**HB1253/454436/1 Education, Health, and Environmental Affairs Committee
Amendments to HB 1253
Page 4 of 6**

- (ii) Access to the drinking water outlet be closed;
- (iii) An adequate supply of safe drinking water be provided to school occupants;
- (iv) The school take appropriate remedial measures, including:
 - 1. Permanently shutting or closing off access to the drinking water outlet;
 - 2. Manual or automatic flushing of the drinking water outlet;
 - 3. Installing and maintaining a filter at the drinking water outlet; or
 - 4. Repairing or replacing the drinking water outlet, plumbing, or service line contributing to the elevated level of lead;
- (v) The school conduct follow-up testing; and
- (vi) Notice of the elevated level of lead be:
 - 1. Provided to the parent or legal guardian of each student attending the school; and
 - 2. Posted on the Web site of the school; AND

(8) IF AN ANALYSIS OF A TEST SAMPLE INDICATES A CONCENTRATION OF LEAD THAT IS MORE THAN 5 PARTS PER BILLION BUT LESS THAN THE STANDARD FOR AN ELEVATED LEVEL OF LEAD, REQUIRE THAT THE

RESULTS OF THE ANALYSIS BE REPORTED TO THE DEPARTMENT, THE STATE DEPARTMENT OF EDUCATION, THE MARYLAND DEPARTMENT OF HEALTH, AND THE APPROPRIATE LOCAL HEALTH DEPARTMENT.

(e) (1) On or before December 1, 2018, and on or before December 1 each year thereafter, the Department and the State Department of Education jointly shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the findings of the testing required under this section, including:

[(1)] (I) The name and address of each school found to have elevated levels of lead in its drinking water; and

[(2)] (II) The type, location in the building, and use of each drinking water outlet with an elevated level of lead.

(2) BEGINNING WITH THE REPORT DUE DECEMBER 1, 2019, THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE, IN ADDITION TO THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE NAME AND ADDRESS OF EACH SCHOOL FOUND TO HAVE A LEAD CONCENTRATION THAT IS MORE THAN 5 PARTS PER BILLION BUT LESS THAN THE STANDARD FOR AN ELEVATED LEVEL OF LEAD; AND

(II) THE TYPE, LOCATION IN THE BUILDING, AND USE OF EACH DRINKING WATER OUTLET WITH A LEAD CONCENTRATION THAT IS MORE THAN 5 PARTS PER BILLION BUT LESS THAN THE STANDARD FOR AN ELEVATED LEVEL OF LEAD.”.

AMENDMENT NO. 3

(Over)

**HB1253/454436/1 Education, Health, and Environmental Affairs Committee
Amendments to HB 1253
Page 6 of 6**

On page 4, in line 31, strike “BEFORE THAT STANDARD TAKES EFFECT ON JUNE 1, 2020”.

On page 5, in lines 2 and 5, in each instance, strike “ELEVATED LEVELS” and substitute “THE PRESENCE”.

AMENDMENT NO. 4

On page 6, in line 23, strike “3.” and substitute “2.”; strike beginning with “the” in line 23 down through “Act.” in line 29 and substitute “the reporting requirements established under § 6-1502(c)(8) of the Environment Article as enacted under Section 1 of this Act shall be construed to apply retroactively to require the reporting of the results of an analysis of a sample taken on or after June 1, 2017, if it indicates a concentration of lead that is more than 5 parts per billion.”; in line 30, strike “4.” and substitute “3.”; in line 33, strike “Section 2” and substitute “Section 1”; and strike beginning with “before” in line 35 down through “Act” in line 36.

On page 7, strike in their entirety lines 1 and 2; in line 3, strike “6.” and substitute “4.”; and strike beginning with “, except” in line 3 down through “Act,” in line 4.