

# HOUSE BILL 1253

M3, F1

9lr1766  
CF SB 481

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By: **Delegates Solomon, Lafferty, Boyce, Bridges, Brooks, Cain, Carr, Conaway, D.M. Davis, Fraser-Hidalgo, Gilchrist, Guyton, Harrison, Healey, Holmes, Ivey, Jalisi, Korman, Lehman, J. Lewis, R. Lewis, Lierman, Lopez, Love, Moon, Palakovich Carr, Queen, Shetty, Stein, Stewart, and Wells**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Drinking Water Outlets in School Buildings – Elevated Level of**  
3 **Lead and Grant Program**

4 FOR the purpose of altering the definition of “elevated level of lead” for purposes of certain  
5 provisions of law relating to the testing for the presence of lead in certain drinking  
6 water outlets in certain school buildings; requiring the Department of the  
7 Environment, in consultation with the State Department of Education, to establish  
8 and administer a certain grant program to assist local school systems with certain  
9 costs associated with implementing certain remedial measures; requiring the  
10 Department of the Environment, in consultation with the State Department of  
11 Education, to establish certain application procedures and award certain grants in a  
12 certain manner; requiring certain federal funding received by the Department of the  
13 Environment or the State Department of Education to be made available to award  
14 certain grants; authorizing the Governor to include in the annual budget bill an  
15 appropriation for the grant program; authorizing the Department of the  
16 Environment, in consultation with the State Department of Education, to adopt  
17 certain regulations; providing for the retroactive application of a certain provision of  
18 this Act; and generally relating to the testing for the presence of lead in drinking  
19 water outlets in school buildings.

20 BY repealing and reenacting, without amendments,  
21 Article – Environment  
22 Section 6–1501(a)  
23 Annotated Code of Maryland  
24 (2013 Replacement Volume and 2018 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – Environment

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 6–1501(c)  
2 Annotated Code of Maryland  
3 (2013 Replacement Volume and 2018 Supplement)

4 BY adding to  
5 Article – Environment  
6 Section 6–1503  
7 Annotated Code of Maryland  
8 (2013 Replacement Volume and 2018 Supplement)

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

11 **Article – Environment**

12 **6–1501.**

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

14 (c) “Elevated level of lead” means a lead concentration in drinking water that  
15 exceeds [the standard recommended by the U.S. Environmental Protection Agency in  
16 technical guidance] **5 PARTS PER BILLION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
18 as follows:

19 **Article – Environment**

20 **6–1503.**

21 **(A) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT**  
22 **OF EDUCATION, SHALL ESTABLISH AND ADMINISTER A GRANT PROGRAM TO**  
23 **PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS TO ASSIST WITH THE COSTS**  
24 **ASSOCIATED WITH IMPLEMENTING REMEDIAL MEASURES TO:**

25 **(1) ADDRESS ANY FINDINGS OF ELEVATED LEVELS OF LEAD IN**  
26 **DRINKING WATER OUTLETS IN SCHOOL BUILDINGS; OR**

27 **(2) UPGRADE DRINKING WATER SYSTEMS IN SCHOOL BUILDINGS**  
28 **THAT DO NOT HAVE FUNCTIONING DRINKING WATER OUTLETS.**

29 **(B) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT**  
30 **OF EDUCATION, SHALL:**

31 **(1) ESTABLISH APPLICATION PROCEDURES FOR THE GRANT**

1 PROGRAM;

2 (2) REQUIRE EACH APPLICATION TO INCLUDE A PLAN FOR  
3 IMPLEMENTING REMEDIAL MEASURES, INCLUDING COSTS ASSOCIATED WITH THE  
4 PLAN;

5 (3) AWARD GRANTS TO EACH LOCAL SCHOOL SYSTEM THAT:

6 (I) APPLIES FOR A GRANT IN ACCORDANCE WITH THIS  
7 SECTION; AND

8 (II) DEMONSTRATES THAT THE LOCAL SCHOOL SYSTEM HAS  
9 COMPLETED COMPREHENSIVE TESTING FOR THE PRESENCE OF LEAD IN DRINKING  
10 WATER OUTLETS IN SCHOOL BUILDINGS IN ACCORDANCE WITH § 6-1502 OF THIS  
11 SUBTITLE;

12 (4) PRIORITIZE APPLICATIONS THAT DEMONSTRATE THE HIGHEST  
13 LEVEL OF NEED AND HIGHEST NUMBER OF DRINKING WATER OUTLETS THAT  
14 REQUIRE REMEDIATION; AND

15 (5) AFTER PRIORITY IS GIVEN UNDER ITEM (4) OF THIS SUBSECTION,  
16 PRIORITIZE APPLICATIONS THAT PROPOSE THE MOST COST-EFFECTIVE REMEDIAL  
17 MEASURES, WITH PREFERENCE GIVEN TO PROPOSALS FOR REMEDIAL MEASURES  
18 THAT REQUIRE MINIMAL UPKEEP, INCLUDING THE INSTALLATION OF WATER  
19 FILLING STATIONS.

20 (C) (1) IF THE DEPARTMENT OR THE STATE DEPARTMENT OF  
21 EDUCATION RECEIVES ANY FEDERAL FUNDING FOR ADDRESSING THE PRESENCE OF  
22 LEAD IN DRINKING WATER OUTLETS IN SCHOOL BUILDINGS, THE FUNDING SHALL  
23 BE MADE AVAILABLE TO AWARD GRANTS IN ACCORDANCE WITH THIS SECTION.

24 (2) IN ADDITION TO ANY FUNDING PROVIDED UNDER PARAGRAPH (1)  
25 OF THIS SUBSECTION, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL  
26 AN APPROPRIATION FOR THE GRANT PROGRAM.

27 (D) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT  
28 OF EDUCATION, MAY ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF  
29 THIS SECTION.

30 SECTION 3. AND BE IT FURTHER ENACTED, That the modified definition of  
31 "elevated level of lead" under § 6-1501 of the Environment Article as enacted under Section  
32 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted  
33 to affect any regulation adopted under § 6-1502 of the Environment Article that requires  
34 follow-up procedures for test results that indicate an elevated level of lead in any drinking

1 water outlet in an occupied public or nonpublic school building whether the test was  
2 conducted before or after the effective date of this Act.

3           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
4 1, 2019.