

HOUSE BILL 1110

M3

2lr2837

By: **Delegate Holmes**

Introduced and read first time: February 10, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2022

CHAPTER _____

1 AN ACT concerning

2 **Environment – Lead Poisoning Prevention – Elevated Blood Lead Level**

3 FOR the purpose of altering the elevated blood lead level that initiates certain case
4 management, environmental investigation, notification, and lead risk reduction
5 requirements; and generally relating to the prevention of lead poisoning and the
6 reduction of lead risk in housing.

7 BY repealing and reenacting, with amendments,

8 Article – Environment

9 Section 6–304, ~~6–801(e)~~ 6–801(f) and (g), and 6–846

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Environment

14 Section 6–305, ~~6–801(a) and (f)~~, and 6–819(c)(1)

15 Annotated Code of Maryland

16 (2013 Replacement Volume and 2021 Supplement)

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

19 **Article – Environment**

20 6–304.

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 (a) THIS SECTION ESTABLISHES CASE MANAGEMENT ASSISTANCE AND
2 NOTIFICATION REQUIREMENTS FOR CASES OF CHILDREN WITH ELEVATED BLOOD
3 LEAD LEVELS GREATER THAN OR EQUAL TO:

4 (1) BETWEEN ~~OCTOBER 1, 2019~~ JULY 1, 2022, AND OCTOBER 27,
5 2022, INCLUSIVE, 5 MICROGRAMS PER DECILITER ($\mu\text{G}/\text{DL}$);

6 (2) BETWEEN OCTOBER 28, 2022, AND DECEMBER 31, 2023,
7 INCLUSIVE, 3.5 $\mu\text{G}/\text{DL}$; AND

8 (3) ON AND AFTER JANUARY 1, ~~2023~~ 2024, THE REFERENCE LEVEL,
9 DEFINED IN § 6-801(Q) OF THIS TITLE.

10 (B) The Secretary shall assist local governments, if necessary, to provide case
11 management of children with elevated blood lead levels [greater than or equal to 10
12 micrograms per deciliter ($\mu\text{g}/\text{dl}$) before July 1, 2020, and greater than or equal to the
13 reference level defined in § 6-801(q) of this title on or after July 1, 2020].

14 [(b)] (C) Within 10 business days after receipt of the results of a blood test for
15 lead poisoning indicating that a child under the age of 6 years has an elevated blood lead
16 level [greater than or equal to the reference level defined in § 6-801(q) of this title], the
17 Department or a local health department shall notify:

18 (1) The child's parent or legal guardian; and

19 (2) If the child does not reside at a property owned by the child's parent or
20 legal guardian, the owner of the property where the child resides.

21 6-305.

22 (a) On or before July 1, 2020, the Department shall adopt regulations for
23 conducting environmental investigations to determine lead hazards for:

24 (1) Children under the age of 6 years with elevated blood lead levels greater
25 than or equal to the reference level defined in § 6-801(q) of this title; and

26 (2) Pregnant women with elevated blood lead levels greater than or equal
27 to the reference level as defined in § 6-801(q) of this title.

28 (b) (1) The regulations adopted under subsection (a) of this section shall be
29 consistent with, or more stringent than, the Guidelines for the Evaluation and Control of
30 Lead-Based Paint Hazards in Housing published by the U.S. Department of Housing and
31 Urban Development.

1 (2) The regulations adopted under subsection (a) of this section shall
2 provide for an environmental investigation to be completed after receipt by the Department
3 or the county board of health of the results of a blood test under § 6–304 of this subtitle for:

4 (i) Children under the age of 6 years with elevated blood lead levels
5 greater than or equal to the reference level defined in § 6–801(q) of this title; or

6 (ii) Pregnant women with elevated blood lead levels greater than or
7 equal to the reference level defined in § 6–801(q) of this title.

8 (c) The Department shall include in its annual report on statewide childhood
9 blood lead testing a summary of the results of any environmental investigation conducted
10 in accordance with this section.

11 6–801.

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

13 (f) (1) “Elevated blood lead” or “EBL” means a quantity of lead in blood,
14 expressed in micrograms per deciliter ($\mu\text{g}/\text{dl}$), ~~that exceeds~~ **GREATER THAN OR EQUAL TO**
15 the reference level specified in this subtitle and is determined in accordance with the
16 following protocols:

17 (i) A venous blood test; or

18 (ii) Two capillary blood tests taken in accordance with paragraph (2)
19 of this subsection.

20 (2) If the capillary blood test method is used, an individual shall:

21 (i) Have a first sample of capillary blood drawn and tested; and

22 (ii) Have a second sample of capillary blood drawn and tested within
23 84 days after the first sample is drawn.

24 (3) If the result of one capillary blood test would require action under this
25 subtitle and the other result would not, an individual’s elevated blood lead level shall be
26 confirmed by a venous blood test.

27 (q) “Reference level” means:

28 [(1) Except as provided in paragraph (2) of this subsection, the blood lead
29 reference level as determined by the Centers for Disease Control and Prevention on or after
30 October 1, 2019; or

31 (2) Beginning 1 year after the date that the Centers for Disease Control
32 and Prevention revises the blood lead reference level until 1 year after a subsequent

1 revision, the revised blood lead reference level as determined by the Centers for Disease
2 Control and Prevention.]

3 **(1) (I) BETWEEN JULY 1, 2020, AND DECEMBER 31, 2023,**
4 **INCLUSIVE, A BLOOD LEAD LEVEL OF 5 μ G/DL; AND**

5 **(II) ON AND AFTER JANUARY 1, 2024, A BLOOD LEAD LEVEL OF**
6 **3.5 μ G/DL; OR**

7 **(2) IF THE CENTERS FOR DISEASE CONTROL AND PREVENTION**
8 **REVISES THE BLOOD LEAD REFERENCE VALUE AFTER DECEMBER 31, 2023, THE**
9 **REVISED BLOOD LEAD REFERENCE VALUE, BEGINNING 1 YEAR AFTER THE DATE**
10 **THAT THE CENTERS FOR DISEASE CONTROL AND PREVENTION REVISED THE**
11 **BLOOD LEAD REFERENCE VALUE.**

12 6–819.

13 (c) (1) After February 23, 1996, an owner of an affected property shall satisfy
14 the modified risk reduction standard:

15 (i) Within 30 days after receipt of written notice that a person at
16 risk who resides in the property:

17 1. Has an elevated blood lead level documented by a test for
18 EBL greater than or equal to 15 μ g/dl before February 24, 2006 or greater than or equal to
19 10 μ g/dl between February 24, 2006 and June 30, 2020; or

20 2. Has an elevated blood lead level documented by a test for
21 elevated blood lead level greater than or equal to the reference level defined in § 6–801(q)
22 of this title on or after July 1, 2020, and an environmental investigation conducted under §
23 6–305 of this title has concluded that there is a defect at the affected property; or

24 (ii) Within 30 days after receipt of written notice from the tenant, or
25 from any other source, of:

26 1. A defect; and

27 2. The existence of a person at risk in the affected property.

28 6–846.

29 (a) **THIS SECTION ESTABLISHES NOTIFICATION REQUIREMENTS OF A**
30 **PERSON AT RISK THAT HAS AN ELEVATED BLOOD LEAD LEVEL GREATER THAN OR**
31 **EQUAL TO:**

32 **(1) BEFORE FEBRUARY 24, 2006, 15 μ G/DL;**

1 **(2) BETWEEN FEBRUARY 24, 2006, AND SEPTEMBER 30, 2019,**
2 **INCLUSIVE, 10 μ G/DL;**

3 **(3) BETWEEN OCTOBER 1, 2019, AND OCTOBER 27, 2022, INCLUSIVE,**
4 **5 μ G/DL;**

5 **(4) BETWEEN OCTOBER 28, 2022, AND DECEMBER 31, 2023,**
6 **INCLUSIVE, 3.5 μ G/DL; AND**

7 **(5) ON AND AFTER JANUARY 1, 2024, THE REFERENCE LEVEL.**

8 **(B)** On receiving the results of a blood lead test under § 6–303 of this title
9 indicating that a person at risk has an EBL [greater than or equal to 15 μ g/dl before
10 February 24, 2006, or greater than or equal to 10 μ g/dl between February 24, 2006, and
11 September 30, 2019, or greater than or equal to the reference level defined in § 6–801(q) of
12 this title on or after October 1, 2019], the Department or a local health department shall
13 notify:

14 (1) The person at risk, or in the case of a minor, the parent or legal
15 guardian of the person at risk, of the results of the test; and

16 (2) The owner of the affected property in which the person at risk resides
17 or regularly spends at least 24 hours per week of the results of the test.

18 **[(b)] (C)** The notices to be provided to the parent or owner under subsection **[(a)]**
19 **(B)** of this section shall be on the forms prepared by the Department, and shall contain any
20 information required by the Department.

21 SECTION 2. AND BE IT FURTHER ENACTED, That:

22 (a) The Department of the Environment, in consultation with the Maryland
23 Department of Health, local health departments, the Green and Healthy Homes Initiative,
24 and other relevant stakeholders, shall study and evaluate the most effective means of
25 incorporating the Centers for Disease Control and Prevention Blood Lead Reference Value
26 of 3.5 μ g/dl into the State's lead poisoning prevention programs, including the
27 environmental investigations required under § 6–305 of the Environment Article.

28 (b) On or before December 31, 2022, the Department of the Environment shall
29 report its findings and recommendations to the General Assembly in accordance with §
30 2–1257 of the State Government Article.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2022.