

SENATE BILL 264

M3, J1

6lr1724
CF HB 204

By: Senator Brooks

Introduced and read first time: January 19, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Drinking Water – Regulation – Control and Prevention of Waterborne Disease**

3 FOR the purpose of establishing minimum detectable disinfectant residual level
4 requirements, disinfectant residual testing requirements, and related requirements
5 for the control of Legionella bacteria and other pathogens in the public water supply;
6 requiring suppliers of water to provide certain notices and records regarding
7 disruptions in the water distribution system; establishing requirements for the
8 investigation of reported cases of Legionnaires' disease; requiring the owner or
9 operators of certain buildings to implement certain water management programs on
10 or before a certain date; requiring the Department of the Environment and the
11 Maryland Department of Health to make certain information required under this
12 Act available on their websites; requiring the Maryland Department of Health to
13 develop a public awareness campaign and targeted consumer education program
14 related to the prevention of Legionnaires' disease; requiring any penalties collected
15 for a violation of this Act to be distributed to a special fund in the Maryland
16 Department of Health to be used for certain purposes; and generally relating to the
17 control and prevention of waterborne diseases including Legionnaires' disease.

18 BY repealing and reenacting, without amendments,

19 Article – Environment

20 Section 9–401(a), (l), and (m)

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2025 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Environment

25 Section 9–412 and 9–413

26 Annotated Code of Maryland

27 (2014 Replacement Volume and 2025 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Environment

2 Section 9–429 through 9–436 to be under the new part “Part III. Control and
3 Prevention of Waterborne Disease”

4 Annotated Code of Maryland

5 (2014 Replacement Volume and 2025 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

7 That the Laws of Maryland read as follows:

8 **Article – Environment**

9 9–401.

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

11 (l) (1) “Public water system” means a system that:

12 (i) Provides to the public water for human consumption through
13 pipes or other constructed conveyances; and

14 (ii) 1. Has at least 15 service connections; or

15 2. Regularly serves at least 25 individuals.

16 (2) “Public water system” includes:

17 (i) Any collection, treatment, storage, or distribution facility that is
18 under the control of the operator of the system and is used primarily in connection with the
19 system; and20 (ii) Any collection or pretreatment storage facility that is not under
21 the control of the operator of the system and is used primarily in connection with the
22 system.23 (m) “Supplier of water” means any person who owns or operates a public water
24 system.

25 9–412.

26 (a) A supplier of water may not:

27 (1) Fail to comply with § 9–410 of this subtitle;

28 (2) Disseminate any false or misleading information in or about any notice
29 required under § 9–410 of this subtitle or about any remedial action being undertaken to
30 achieve compliance with State primary drinking water regulations;

4 (4) Fail to comply with the rules and regulations adopted under § 9-407 of
5 this subtitle; [or]

(5) Fail to comply with any conditions for variances or exemptions authorized under § 9-409 of this subtitle; OR

10 (b) A person may not:

11 (1) Fail to comply with any order issued by the Secretary under this
12 subtitle; or

16 9-413.

17 (a) A person who willfully violates § 9–412(a)(4) [or], (5), OR (6) of this subtitle
18 is subject to a civil penalty of up to \$5,000 for each day on which the violation exists.

(b) A person who violates § 9-412(a)(1), (2), or (3) of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each day on which the violation occurs or failure to comply continues.

22 (c) In an action brought in the appropriate court to enforce the order, a person
23 who willfully violates or fails or refuses to comply with any order issued by the Secretary
24 under this subtitle may be fined not more than \$5,000 for each day on which the violation
25 occurs or failure to comply continues.

26 (d) (1) In addition to any other remedies available at law and after an
27 opportunity for a hearing, which may be waived in writing by the person accused of a
28 violation, the Department may impose a penalty for violation of any provision of this
29 subtitle or any order, regulation, or plan adopted or issued under this subtitle.

30 (2) The penalty imposed on a supplier of water serving a population of more
31 than 10,000 under this subsection shall be:

32 (i) Up to \$1,000 per day for each violation, but not exceeding
33 \$25,000 total for each violation; and

(ii) Assessed with consideration given to:

4. The nature and degree of injury to or interference with
general welfare, health, and property;

25 (i) Up to \$500 per day for each violation, but not exceeding \$12,500
26 total for each violation; and

27 (ii) Assessed with consideration given to the factors set forth in
28 paragraph (2)(ii) of this subsection.

29 (4) The penalty imposed on a supplier of water serving a population of 501
30 to 3,300 under this subsection shall be:

31 (i) Up to \$250 per day for each violation, but not exceeding \$6,250
32 total for each violation; and

(ii) Assessed with consideration given to the factors set forth in paragraph (2)(ii) of this subsection.

(5) The penalty imposed on a supplier of water serving a population of 500 or less under this subsection shall be:

5 (i) Up to \$100 per day for each violation, but not exceeding \$5,000
6 total for each violation; and

(ii) Assessed with consideration given to the factors set forth in paragraph (2)(ii) of this subsection.

9 (6) Each day a violation occurs is a separate violation under this
10 subsection.

20 9-427. RESERVED.

21 9-428. RESERVED.

PART III. CONTROL AND PREVENTION OF WATERBORNE DISEASE.

23 9-429.

24 (A) IN THIS PART III OF THIS SUBTITLE, "DISRUPTION IN THE WATER
25 DISTRIBUTION SYSTEM" MEANS ANY DISRUPTION TO NORMAL WATER
26 TRANSMISSION WITHIN A PUBLIC WATER SYSTEM.

27 (B) "DISRUPTION IN THE WATER DISTRIBUTION SYSTEM" INCLUDES:

28 **(1) A CHANGE IN THE WATER TREATMENT PROCESS, INCLUDING**
29 **TEMPORARY CHANGES FROM THE USE OF CHLORINE TO THE USE OF CHLORAMINE**
30 **OR VICE VERSA;**

- (2) ANY PLANNED OR UNPLANNED EVENT THAT REDUCES WATER PRESSURE BELOW 20 POUNDS PER SQUARE INCH;
- (3) A LEAD SERVICE LINE REPLACEMENT;
- (4) A NEW CONSTRUCTION TIE-IN;
- (5) A SOURCE WATER CHANGE;
- (6) WATER TREATMENT PLANT MAINTENANCE OR CHANGES;
- (7) CHANGES IN DIRECTIONAL WATER FLOW;
- (8) FLOODING;
- (9) THE REPLACEMENT OF VALVES, HYDRANTS, OR METERS;
- (10) PUMPING FAILURES;
- (11) PIPELINE OR WATER MAIN BREAKS;
- (12) SYSTEM REPAIRS; OR
- (13) EMERGENCY CONDITIONS.

14 9-430.

12 (I) INCREASE MINIMUM DETECTABLE DISINFECTANT
13 RESIDUAL LEVEL REQUIREMENTS FOR PUBLIC WATER SYSTEMS; OR

20 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A SUPPLIER
21 OF WATER FAILS TO MEET THE MINIMUM DETECTABLE DISINFECTANT RESIDUAL
22 REQUIREMENTS ESTABLISHED UNDER THIS SECTION, THE DEPARTMENT SHALL
23 CONDUCT AN INVESTIGATION OF THE VIOLATION.

26 (3) THE DEPARTMENT SHALL DEVELOP PROCEDURES AND
27 GUIDELINES REGARDING THE INVESTIGATION OF SUPPLIERS OF WATER UNDER
28 THIS SUBSECTION, WHICH SHALL INCLUDE:

29 (I) A DEFINITION OF WHAT CONSTITUTES A REPEATED
30 FAILURE TO MEET MINIMUM DETECTABLE DISINFECTANT RESIDUAL
31 REQUIREMENTS:

6 (IV) THE DEVELOPMENT OF A NOTICE TO INFORM THE PERSONS
7 SERVED BY A SUPPLIER OF WATER IF THE SUPPLIER OF WATER FAILS TO MAINTAIN
8 THE MINIMUM DETECTABLE DISINFECTANT RESIDUAL LEVELS REQUIRED UNDER
9 THIS SECTION; AND

10 (v) IF APPLICABLE, THE CRITERIA USED BY THE DEPARTMENT
11 TO SELECT THIRD-PARTY ENTITIES TO CONDUCT INVESTIGATIONS UNDER THIS
12 SUBSECTION.

13 9-431.

14 (A) (1) A SUPPLIER OF WATER SHALL PROVIDE TIMELY WRITTEN NOTICE
15 OF ANY DISRUPTION IN THE WATER DISTRIBUTION SYSTEM THAT COULD RESULT IN
16 INCREASED LEVELS OF LEGIONELLA BACTERIA TO ALL RESIDENTIAL,
17 COMMERCIAL, AND INSTITUTIONAL CUSTOMERS SERVED BY THE PUBLIC WATER
18 SYSTEM AND LOCATED IN THE AREA AFFECTED BY THE DISRUPTION.

21 (3) THE NOTICE SHALL, AT A MINIMUM, INCLUDE:

22 (I) NOTIFICATION THAT PLANNED CONSTRUCTION,
23 MAINTENANCE, REPAIR, OR REPLACEMENT OF A PART OF THE WATER DISTRIBUTION
24 SYSTEM MAY AFFECT AND TEMPORARILY INCREASE THE LEVELS OF LEGIONELLA
25 BACTERIA IN THE PUBLIC WATER SYSTEM:

26 (II) THE ESTIMATED LENGTH OF TIME THAT THE LEVEL OF
27 LEGIONELLA BACTERIA MAY REMAIN ELEVATED, AS DETERMINED BY THE
28 DEPARTMENT:

29 (III) GENERAL INFORMATION ON THE POSSIBLE SOURCES OF
30 LEGIONELLA BACTERIA IN THE PUBLIC WATER SYSTEM AND THE HEALTH EFFECTS
31 OF LEGIONNAIRES' DISEASE AND RELATED ILLNESSES ON AT-RISK POPULATIONS;
32 AND

1 (IV) INFORMATION ON MEASURES CONSUMERS CAN TAKE TO
2 REDUCE OR ELIMINATE EXPOSURE TO LEGIONELLA BACTERIA, INCLUDING:

13 (B) (1) AS SOON AS POSSIBLE, AND NOT LATER THAN 24 HOURS AFTER
14 THE OCCURRENCE OF A DISRUPTION IN THE WATER DISTRIBUTION SYSTEM, A
15 SUPPLIER OF WATER SHALL PROVIDE A WRITTEN RECORD OF THE DISRUPTION TO
16 THE DEPARTMENT.

20 (c) (1) ON OR BEFORE JANUARY 1, 2027, THE DEPARTMENT, IN
21 CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH, SHALL ADOPT
22 REGULATIONS SPECIFYING THE FORM AND MANNER OF NOTICES REQUIRED UNDER
23 SUBSECTION (A) OF THIS SECTION.

28 9-432

29 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

31 (2) "DE-IDENTIFIED DATA" MEANS INFORMATION:

- 1 (I) THAT DOES NOT IDENTIFY ANY INDIVIDUAL;
- 2 (II) FOR WHICH THERE IS NO REASONABLE BASIS TO BELIEVE
- 3 THAT THE INFORMATION CAN BE USED TO IDENTIFY ANY INDIVIDUAL; AND
- 4 (III) THAT MEETS THE REQUIREMENTS FOR DE-IDENTIFICATION
- 5 OF PROTECTED HEALTH INFORMATION UNDER THE FEDERAL HEALTH INSURANCE
- 6 PORTABILITY AND ACCOUNTABILITY ACT OF 1996 AND IMPLEMENTING
- 7 REGULATIONS ADOPTED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN
- 8 SERVICES.

9 (3) "WATER EXPOSURE POINT" MEANS A LOCATION WHERE AN
10 INDIVIDUAL DIAGNOSED WITH LEGIONNAIRES' DISEASE RESIDED, WAS EMPLOYED,
11 OR FREQUENTLY VISITED WITHIN THE 14 DAYS IMMEDIATELY PRECEDING THE
12 INDIVIDUAL'S DIAGNOSIS.

13 (B) FOR EACH REPORTED DIAGNOSIS OF LEGIONNAIRES' DISEASE, THE
14 MARYLAND DEPARTMENT OF HEALTH SHALL:

15 (1) CONDUCT A COMPREHENSIVE INVESTIGATION INTO THE
16 REPORTED CASE; AND

17 (2) ADVISE THE INDIVIDUAL DIAGNOSED WITH LEGIONNAIRES'
18 DISEASE ABOUT THE AVAILABILITY OF TESTING BY THE MARYLAND DEPARTMENT
19 OF HEALTH OF THE FIXTURES AND WATER-USING EQUIPMENT AT WATER EXPOSURE
20 POINTS IDENTIFIED BY THE INDIVIDUAL.

21 (C) (1) IN A MANNER CONSISTENT WITH THE CONSENT PROVIDED BY THE
22 INDIVIDUAL DIAGNOSED WITH LEGIONNAIRES' DISEASE OR THE OWNER OF THE
23 PROPERTY, THE MARYLAND DEPARTMENT OF HEALTH SHALL SAMPLE AND TEST
24 FIXTURES AND WATER-USING EQUIPMENT AT THE WATER EXPOSURE POINTS
25 IDENTIFIED UNDER SUBSECTION (B) OF THIS SECTION FOR THE PRESENCE OF
26 LEGIONELLA BACTERIA.

27 (2) EACH TEST SHALL BE CONDUCTED BY A LABORATORY CERTIFIED
28 FOR THIS PURPOSE BY THE DEPARTMENT.

29 (D) (1) THE MARYLAND DEPARTMENT OF HEALTH SHALL DEVELOP
30 PROCEDURES AND GUIDELINES REGARDING THE INVESTIGATION OF EACH
31 REPORTED DIAGNOSIS OF LEGIONNAIRES' DISEASE IN ACCORDANCE WITH
32 SUBSECTION (B) OF THIS SECTION.

3 (I) THE DOCUMENTATION OF ANY DISRUPTION IN THE WATER
4 DISTRIBUTION SYSTEM SERVING WATER EXPOSURE POINTS IDENTIFIED UNDER
5 SUBSECTION (B) OF THIS SECTION THAT MAY HAVE CAUSED THE RELEASE
6 OF LEGIONELLA BACTERIA INTO THE WATER EXPOSURE POINTS;

12 (III) THE INVESTIGATION OF POTENTIAL SOURCES OF
13 EXPOSURE TO LEGIONELLA BACTERIA FROM OTHER IDENTIFIED WATER EXPOSURE
14 POINTS, SUCH AS:

20 (E) AS THE MARYLAND DEPARTMENT OF HEALTH DEEMS APPROPRIATE,
21 THE MARYLAND DEPARTMENT OF HEALTH MAY DELEGATE ITS RESPONSIBILITIES
22 REGARDING TESTING AND INVESTIGATIONS UNDER THIS SECTION TO THE LOCAL
23 HEALTH DEPARTMENT FOR THE JURISDICTION WHERE A PATIENT DIAGNOSED WITH
24 LEGIONNAIRES' DISEASE LIVES, FREQUENTLY VISITS, OR IS EMPLOYED.

25 (F) (1) THE MARYLAND DEPARTMENT OF HEALTH SHALL ESTABLISH ON
26 ITS WEBSITE A PUBLICLY ACCESSIBLE REGISTRY OF DE-IDENTIFIED DATA RELATED
27 TO EACH CASE OF LEGIONNAIRES' DISEASE REPORTED TO THE DEPARTMENT.

1 (A) (1) THE MARYLAND DEPARTMENT OF HEALTH SHALL IMMEDIATELY
2 NOTIFY THE DEPARTMENT OF ANY REPORTED DIAGNOSIS OF LEGIONNAIRES'
3 DISEASE.

4 (2) A NOTICE PROVIDED UNDER THIS SUBSECTION SHALL INCLUDE
5 ADDRESSES WHERE THE INDIVIDUAL DIAGNOSED WITH LEGIONNAIRES' DISEASE
6 RESIDED, FREQUENTLY VISITED, OR WAS EMPLOYED IN THE MONTH IMMEDIATELY
7 PRECEDING THE INDIVIDUAL'S DIAGNOSIS.

8 (B) (1) UPON RECEIPT OF A NOTICE UNDER SUBSECTION (A) OF THIS
9 SECTION, THE DEPARTMENT SHALL SAMPLE AND TEST THE PUBLIC WATER SYSTEM
10 FOR THE PRESENCE OF LEGIONELLA BACTERIA AT ALL LOCATIONS IDENTIFIED IN
11 THE NOTICE.

12 (2) ALL TESTING REQUIRED UNDER THIS SUBSECTION SHALL BE
13 CONDUCTED:

14 (I) BY A LABORATORY CERTIFIED FOR THIS PURPOSE BY THE
15 DEPARTMENT; AND

16 (II) IN ACCORDANCE WITH THE SAMPLING AND TESTING
17 METHODS ESTABLISHED BY THE DEPARTMENT.

18 (C) IF THE PRESENCE OF LEGIONELLA BACTERIA IS DETECTED THROUGH
19 INITIAL TESTING CONDUCTED UNDER SUBSECTION (B) OF THIS SECTION, THE
20 DEPARTMENT SHALL CONDUCT, OR REQUIRE THE SUPPLIER OF WATER FOR THE
21 APPLICABLE PUBLIC WATER SYSTEM TO CONDUCT, FURTHER TESTING TO CONFIRM
22 THE PRESENCE OF LEGIONELLA BACTERIA IN ANY SOURCE AS DETERMINED
23 NECESSARY BY THE DEPARTMENT.

24 9-434.

25 (A) IN THIS SECTION, "COVERED BUILDING" MEANS A BUILDING THAT
26 MEETS THE CRITERIA SET FORTH IN THE AMERICAN SOCIETY OF HEATING,
27 REFRIGERATION, AND AIR CONDITIONING ENGINEERS (ASHRAE) STANDARD
28 188-2018.

29 (B) ON OR BEFORE OCTOBER 1, 2027, THE OWNER OR OPERATOR OF A
30 COVERED BUILDING SHALL IMPLEMENT A WATER MANAGEMENT PROGRAM TO
31 MINIMIZE THE GROWTH AND TRANSMISSION OF LEGIONELLA BACTERIA IN THE
32 BUILDING'S WATER SYSTEM, CONSISTENT WITH ASHRAE STANDARD 188-2018.

1 **(C) THE OWNER OR OPERATOR OF A COVERED BUILDING SHALL MAKE THE**
2 **WATER MANAGEMENT PROGRAM AVAILABLE UPON REQUEST TO AN EMPLOYEE OF**
3 **THE DEPARTMENT, THE MARYLAND DEPARTMENT OF HEALTH, OR ANY OTHER**
4 **STATE OR LOCAL DEPARTMENT WITH LICENSE OR INSPECTION AUTHORITY FOR THE**
5 **COVERED BUILDING.**

6 **(D) THE DEPARTMENT, THE MARYLAND DEPARTMENT OF HEALTH, OR ANY**
7 **OTHER STATE OR LOCAL DEPARTMENT WITH LICENSE OR INSPECTION AUTHORITY**
8 **MAY ENFORCE THIS SECTION CONSISTENT WITH ITS EXISTING AUTHORITY.**

9 **9-435.**

10 **(A) ON OR BEFORE JANUARY 1, 2027, THE MARYLAND DEPARTMENT OF**
11 **HEALTH SHALL DEVELOP A PUBLIC AWARENESS CAMPAIGN AND TARGETED**
12 **CONSUMER EDUCATION PROGRAM TO EDUCATE CONSUMERS, ESPECIALLY**
13 **VULNERABLE POPULATIONS, ON:**

14 **(1) THE ENVIRONMENTAL SOURCES OF LEGIONELLA BACTERIA;**

15 **(2) THE MOVEMENT OF LEGIONELLA BACTERIA THROUGH WATER**
16 **DISTRIBUTION SYSTEMS;**

17 **(3) THE NOTIFICATION REQUIREMENTS OF THIS PART III OF THIS**
18 **SUBTITLE AND HOW THE REQUIREMENTS IMPACT CONSUMERS; AND**

19 **(4) THE METHODS TO CONTROL LEGIONELLA BACTERIA IN A**
20 **PERSON'S HOME.**

21 **(B) THE PUBLIC AWARENESS CAMPAIGN AND EDUCATION PROGRAM SHALL,**
22 **AT A MINIMUM, INCLUDE:**

23 **(1) INFORMATION ON THE RELATIONSHIP BETWEEN THE RISKS OF**
24 **THE PROLIFERATION OF LEGIONELLA BACTERIA AND WATER TEMPERATURE;**

25 **(2) THE TEMPERATURE REQUIREMENTS FOR MEDICAL DEVICES,**
26 **EXPANSION TANKS, HOT TUBS, WHIRLPOOLS, SPAS, POOLS, AIR-CONDITIONING**
27 **EQUIPMENT, ORNAMENTAL FOUNTAINS, AND OTHER EQUIPMENT OR DEVICES THAT**
28 **RELEASE WATER AEROSOLS IN A PERSON'S HOME OR ON A PERSON'S PROPERTY;**
29 **AND**

30 **(3) THE RELATED RISKS ASSOCIATED WITH THE INHALATION BY**
31 **VULNERABLE POPULATIONS OF WATER DROPLETS CONTAINING LEGIONELLA**
32 **BACTERIA.**

1 9-436.

2 ON OR BEFORE OCTOBER 1, 2027, AND EACH YEAR THEREAFTER, THE
3 DEPARTMENT, IN CONJUNCTION WITH THE MARYLAND DEPARTMENT OF HEALTH,
4 SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE
5 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

6 (1) THE NUMBER OF CASES OF LEGIONNAIRES' DISEASE IN THE
7 STATE REPORTED IN EACH OF THE PREVIOUS 10 YEARS;

8 (2) THE NUMBER AND TYPE OF VIOLATIONS OF THIS PART III OF THIS
9 SUBTITLE FOR WHICH PENALTIES WERE ASSESSED; AND

10 (3) RECOMMENDATIONS FOR LEGISLATIVE ACTION AS MAY BE
11 NECESSARY TO FURTHER CONTROL LEGIONELLA BACTERIA AND OTHER
12 WATERBORNE PATHOGENS IN THE PUBLIC WATER SUPPLY AND AFFECTED
13 BUILDINGS, INCLUDING RECOMMENDATIONS REGARDING WHETHER THE MINIMUM
14 DETECTABLE DISINFECTANT RESIDUAL LEVEL REQUIREMENTS FOR PUBLIC WATER
15 SYSTEMS SHOULD BE INCREASED.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2026.