

# SENATE BILL 18

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01r0092

(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request  
– Departmental – Environment)**

Requested: September 17, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 21, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Lead Poisoning Prevention Commission**

3 FOR the purpose of altering the membership of the Lead Poisoning Prevention  
4 Commission; repealing certain requirements related to the Commission's  
5 development of recommendations for establishing a window replacement program;  
6 repealing certain provisions requiring the Commission to study and collect  
7 information related to the availability of certain insurance and the adequacy of  
8 certain qualified offer caps; altering the subjects that the Commission may appoint  
9 a subcommittee to study; repealing the requirement for the Department of the  
10 Environment to consult with the Commission on establishing certain optional  
11 lead-contaminated dust testing standards; and generally relating to the Lead  
12 Poisoning Prevention Commission.

13 BY repealing and reenacting, with amendments,  
14 Article – Environment  
15 Section 6–807 and 6–810  
16 Annotated Code of Maryland  
17 (2013 Replacement Volume and 2019 Supplement)

18 BY repealing  
19 Article – Environment  
20 Section 6–809  
21 Annotated Code of Maryland

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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.



(2013 Replacement Volume and 2019 Supplement)

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

**Article – Environment**

6–807.

(a) There is a Lead Poisoning Prevention Commission in the Department.

(b) (1) The Commission consists of ~~[19]~~ ~~18~~ members.

(2) Of the ~~[19]~~ ~~18~~ members:

(i) One shall be a member of the Senate of Maryland, appointed by the President of the Senate;

(ii) One shall be a member of the Maryland House of Delegates, appointed by the Speaker of the House; and

(iii) ~~[17]~~ ~~16~~ shall be appointed by the Governor as follows:

1. The Secretary or the Secretary's designee;

2. The Secretary of Health or the Secretary's designee;

3. The Secretary of Housing and Community Development or the Secretary's designee;

4. The Maryland Insurance Commissioner or the Commissioner's designee;

5. The Director of the Early Childhood Development Division, State Department of Education, or the Director's designee;

6. A representative of local government;

7. A representative [from an insurer that offers premises liability coverage in the State] **OF A NONPROFIT ORGANIZATION THAT WORKS ON LEAD POISONING PREVENTION ISSUES IN THE STATE;**

[8. A representative of a financial institution that makes loans secured by rental property;

1                           9.] 8. A representative of owners of rental property located in  
2 Baltimore City built before 1950;

3                           [10.] 9. A representative of owners of rental property  
4 located outside Baltimore City built before 1950;

5                           [11.] 10. A representative of owners of rental property built  
6 after 1949;

7                           [12.] 11. A representative of a child health or youth advocacy  
8 group;

9                           [13.] 12. A health care provider;

10                          [14.] 13. A child advocate;

11                          [15.] 14. A parent of a lead poisoned child;

12                          [16.] 15. A lead hazard identification professional; ~~and~~

13                          [17.] 16. A representative of child care providers; AND

14                           **17. A REPRESENTATIVE OF THE MARYLAND CHAPTER OF**  
15 **THE AMERICAN ACADEMY OF PEDIATRICS.**

16                          (3) In appointing members to the Commission, the Governor shall give due  
17 consideration to appointing members representing geographically diverse jurisdictions  
18 across the State.

19                          (c) (1) (i) The term of a member appointed by the Governor is 4 years.

20   (ii) A member appointed by the President and Speaker serves at the  
21 pleasure of the appointing officer.

22                          (2) The terms of members are staggered as required by the terms provided  
23 for the members of the Commission on October 1, 1994.

24                          (3) At the end of a term, a member continues to serve until a successor is  
25 appointed and qualifies.

26                          (4) A member who is appointed after a term has begun serves only for the  
27 remainder of the term and until a successor is appointed and qualifies.

28 [6-809.

1 (a) In consultation with the Secretary of Housing and Community Development,  
2 the Commission shall develop recommendations for establishing a program that would  
3 provide financial incentives or assistance to owners of affected property to replace windows.

4 (b) In developing recommendations for a window replacement program, the  
5 Commission shall consider the feasibility and desirability of merging a window replacement  
6 program into existing housing programs.

7 (c) The Commission shall include in its first annual report under § 6–810 of this  
8 subtitle its recommendations for establishing a window replacement program.]

9 6–810.

10 (a) The Commission shall study and collect information on the:

11 (1) Effectiveness of this subtitle in:

12 (i) Protecting children from lead poisoning; and

13 (ii) Lessening risks to responsible owners;

14 (2) Effectiveness of the treatments specified in §§ 6–815 and 6–819 of this  
15 subtitle, including recommendations for changes to those treatments;

16 [(3) Availability of third-party bodily injury liability insurance and  
17 premises liability insurance for affected property, including waivers of lead hazard  
18 exclusion and coverage for qualified offers made under Part V of this subtitle;]

19 [(4) (3) Ability of State and local officials to respond to lead poisoning  
20 cases;

21 [(5) (4) Availability of affordable housing; AND

22 [(6) Adequacy of the qualified offer caps; and]

23 [(7) (5) Need to expand the scope of this subtitle to other property  
24 serving persons at risk, including child care centers, family child care homes, and preschool  
25 facilities.

26 (b) The Commission may appoint a subcommittee or subcommittees to study the  
27 following subjects relating to lead and lead poisoning:

28 (1) [Medical referral] **CASE MANAGEMENT;**

29 (2) Regulation and compliance;

1 (3) [Worker] LEAD PAINT ABATEMENT SERVICE PROVIDER education  
2 AND TRAINING;

3 (4) Social services;

4 (5) Educational services;

5 (6) Legal aspects;

6 (7) [Employer services] BLOOD LEAD TESTING;

7 (8) Abatement of lead sources;

8 (9) Financial subsidies and other encouragement and support for the  
9 abatement of the causes of lead poisoning;

10 (10) Laboratory services; and

11 (11) Other subjects that the Commission considers necessary.

12 (c) The Commission shall review the implementation and operation of this  
13 subtitle and, on or before January 1 of each year, starting in 1996, submit a report to the  
14 Governor and, subject to the provisions of § 2-1257 of the State Government Article, the  
15 General Assembly on the results of the review, and the Commission's recommendations  
16 concerning this subtitle, other lead poisoning issues, and the need for further action that  
17 the Commission determines to be necessary.

18 ¶(d) The Department shall consult with the Commission ~~on establishing the~~  
19 ~~optional lead-contaminated dust testing standards under § 6-816 of this subtitle and~~ in  
20 developing regulations to implement this subtitle.¶

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.