

Overview of 2012 Lead Poisoning Prevention Program Legislative Bills

On May 3, 2012, Governor Martin O'Malley signed two bills that were introduced during the 2012 legislative session. The first bill, House Bill 472 requires the Maryland Insurance Commission to establish a work group to study lead liability for rental property owners. The second bill, House Bill 644, has multiple components that seek action to further reduce the incidence of childhood lead poisoning in Maryland.

House Bill 472: Workgroup on Lead Liability Protection for Rental Property Owners

House Bill 472 requires the Maryland Insurance Commission to create a workgroup to evaluate and make recommendations relating to lead liability protection for pre-1978 rental property owners. The group includes members of the Senate and House of Delegates, multiple State Agencies (Secretary or designees), rental property owners and members of the insurance industry. On or before December 1, 2012, the Commissioner shall report the findings of the workgroup to the General Assembly.

House Bill 644: Reducing the Incidence of Lead Poisoning

House Bill 644 was introduced as a result of the findings of a study group designed to evaluate processes to reduce the incidence of lead poisoning in Maryland. House Bill 644 has various components that relate to lead poisoning. The bill amends provisions of the Environment Article, Title 6, Subtitle 8, Reduction of Lead Risk in Housing Act ("Act) as well as Title 6, Subtitle 10, Accreditation of Lead Paint Abatement Services. Below is an overview of each component of HB 644.

- **Expanding the Definition of Affected Property**
The initial portion of HB 644 seeks to further reduce the incidence of childhood lead poisoning in Maryland by expanding the universe of Affected Properties under the Act to also include residential rental dwelling units built 1950-1978. Because the residential use of lead based paint was not banned until 1978, the bill seeks to expand the primary prevention aspects of the Act that previously only mandated compliance for rental dwelling units built prior to 1950. Phase in-compliance will go into effect January 1, 2015.
- **Issuance of Abatement Orders**
This portion of HB 644 provides the Department, health departments or other local jurisdictions the authority to order abatements in response to an investigation report of a lead poisoned person at risk. Abatements may be ordered in any residential building, including owner-occupied, rentals, child care facilities or pre-school facilities. The Department may enforce the provisions of the order. This becomes effective on June 1, 2012.



- Reasonable Care
This portion of HB 644 identifies the admissibility of evidence in actions that seek damages for alleged injury or loss cause by lead ingestions. It states that any evidence of non-compliance with the Act during the suspected ingestion is admissible as evidence that the owner failed to exercise reasonable care with respect to lead hazards. Conversely, if an owner is in compliance with the provisions of the Act during a suspected lead ingestion, evidence that the owner is in compliance is admissible as evidence that the owner exercised reasonable care with respect to lead hazards. This becomes effective on June 1, 2012.

- Registration Fees
This portion of HB 644 increases the registration fee for a residential rental dwelling unit. Effective June 1, 2012 the registration fee for new registration and annual renewal will increase from \$15 per unit to \$30 per unit.

- Federal Renovation Rule
The remaining portion of HB 644 amends the Environment Article Title 6, Subtitle 10, Accreditation of Lead Paint Abatement Services, to expand the definition of Abatement to include renovation, repair and painting (RRP) of leaded surfaces in a residential, public or commercial building built before 1978. It also gives the Department the authority to adopt regulations to carry out the provisions, including the accreditation of lead paint contractors and inspectors. This becomes affective on June 1, 2012. The Department will have to seek authorization from the EPA in order to enforce the RRP.

For enrolled Bill information on please visit www.mlis.state.md.us/#bill

