

# HOUSE BILL 372

C2, M3

(0lr0881)

## *ENROLLED BILL*

— *Economic Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Barnes, Frush, Manno, and Pena-Melnyk**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Business Occupations and Professions – Plumbers – Lead-Free Materials**

3 FOR the purpose of prohibiting certain plumbing materials containing more than a  
4 certain amount of lead from being used in the installation or repair of plumbing  
5 intended to dispense water for human consumption; prohibiting the sale of  
6 certain plumbing materials containing more than a certain amount of lead;  
7 requiring the State Board of Plumbing to adopt certain regulations; defining  
8 certain terms; providing for a delayed effective date; and generally relating to  
9 the lead content of materials used in plumbing.

10 BY adding to

11 Article – Business Occupations and Professions  
12 Section 12–101(h–1) and (q), 12–605.1, and 12–605.2  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume and 2009 Supplement)

---

**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.

*Italics* indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,  
 2 Article – Business Occupations and Professions  
 3 Section 12–205(b)  
 4 Annotated Code of Maryland  
 5 (2004 Replacement Volume and 2009 Supplement)

6 BY repealing and reenacting, without amendments,  
 7 Article – Business Occupations and Professions  
 8 Section 12–605(a)(1)  
 9 Annotated Code of Maryland  
 10 (2004 Replacement Volume and 2009 Supplement)

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

13 **Article – Business Occupations and Professions**

14 12–101.

15 **(H-1) “LEAD-FREE” MEANS:**

16 **(1) CONTAINING NOT MORE THAN 0.2% LEAD FOR SOLDER AND**  
 17 **FLUX;**

18 **(2) ~~EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION,~~**  
 19 **CONTAINING NOT MORE THAN:**

20 **~~(1) 4% LEAD BY DRY WEIGHT FOR PLUMBING FITTINGS AND~~**  
 21 **~~FIXTURES; OR~~**

22 **~~(H) 8% LEAD BY DRY WEIGHT FOR PIPES AND PIPE~~**  
 23 **~~FITTINGS; AND~~**

24 **(3) CONTAINING A PERCENTAGE OF LEAD FOR PLUMBING**  
 25 **FITTINGS AND FIXTURES THAT IS IN COMPLIANCE WITH STANDARDS**  
 26 **ESTABLISHED UNDER 42 U.S.C.A. § 300G-6(E) OF THE FEDERAL SAFE**  
 27 **DRINKING WATER ACT; AND**

28 **~~(3)~~ (4) CONTAINING NOT MORE THAN A WEIGHTED AVERAGE**  
 29 **LEAD CONTENT OF 0.25% FOR THE WETTED SURFACES OF A PIPE, PIPE FITTING,**  
 30 **PLUMBING FITTING, OR FIXTURE INTENDED TO DISPENSE WATER FOR HUMAN**  
 31 **CONSUMPTION THROUGH DRINKING OR COOKING.**

1           **(Q) “WEIGHTED AVERAGE LEAD CONTENT” MEANS A CALCULATION**  
2 **DETERMINED BY:**

3           **(1) IDENTIFYING EACH COMPONENT OF A PIPE, PIPE FITTING,**  
4 **PLUMBING FITTING, OR FIXTURE THAT WATER FLOWS THROUGH AND COMES**  
5 **INTO CONTACT WITH DURING NORMAL OPERATION;**

6           **(2) IDENTIFYING THE PERCENTAGE LEAD CONTENT OF EACH**  
7 **COMPONENT OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE;**

8           **(3) DETERMINING THE WETTED SURFACE AREA OF EACH**  
9 **COMPONENT OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE;**

10           **(4) DETERMINING THE PERCENT OF TOTAL WETTED SURFACE**  
11 **AREA OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE,**  
12 **REPRESENTED IN EACH COMPONENT;**

13           **(5) CALCULATING THE CONTRIBUTING PERCENT LEAD FOR EACH**  
14 **COMPONENT THAT COMES INTO CONTACT WITH WATER BY MULTIPLYING THE**  
15 **PERCENTAGE OF LEAD CONTENT OF THE COMPONENT BY THE PERCENT OF**  
16 **TOTAL WETTED SURFACE AREA REPRESENTED BY THE COMPONENT; AND**

17           **(6) CALCULATING THE SUM OF EACH CONTRIBUTING PERCENT**  
18 **LEAD VALUE DETERMINED FOR EACH COMPONENT UNDER ITEM (5) OF THIS**  
19 **SUBSECTION.**

20 12–205.

21           (b) (1) The Board may adopt, as part of the State Plumbing Code,  
22 regulations to carry out the purposes of and to enforce §§ 12–605 and 12–606 of this  
23 title.

24           (2) The Board may adopt standards of the American National  
25 Standards Institute or any other nationally recognized organization.

26           **(3) THE BOARD SHALL ADOPT, AS PART OF THE STATE**  
27 **PLUMBING CODE, REGULATIONS TO CARRY OUT THE PURPOSES OF AND TO**  
28 **ENFORCE §§ 12–605.1 AND 12–605.2 OF THIS TITLE.**

29 12–605.

30           (a) (1) A person may not install a plumbing fixture or other device that  
31 does not meet the standards for approval as set out in the State Plumbing Code or any  
32 applicable local plumbing code.

1 **12-605.1.**

2 (A) IN THE INSTALLATION OR REPAIR OF PLUMBING INTENDED TO  
3 DISPENSE WATER FOR HUMAN CONSUMPTION, A PERSON SHALL USE ONLY  
4 PIPES, PIPE FITTINGS, PLUMBING FITTINGS, OR FIXTURES THAT ARE  
5 LEAD-FREE.

6 (B) IN THE INSTALLATION OR REPAIR OF PLUMBING INTENDED TO  
7 DISPENSE WATER FOR HUMAN CONSUMPTION, A PERSON SHALL USE ONLY  
8 SOLDER OR FLUX THAT IS LEAD-FREE.

9 **12-605.2.**

10 (A) A PERSON ENGAGED IN THE BUSINESS OF SELLING PLUMBING  
11 SUPPLIES IN THE STATE MAY NOT SELL PIPES, PIPE FITTINGS, PLUMBING  
12 FITTINGS, OR FIXTURES THAT WILL BE USED IN THE INSTALLATION OR REPAIR  
13 OF ANY PLUMBING THAT DISPENSES WATER FOR HUMAN CONSUMPTION,  
14 UNLESS THE PIPES, PIPE FITTINGS, PLUMBING FITTINGS, OR FIXTURES ARE  
15 LEAD-FREE.

16 (B) A PERSON ENGAGED IN THE BUSINESS OF SELLING PLUMBING  
17 SUPPLIES IN THE STATE MAY NOT SELL SOLDER OR FLUX THAT IS NOT  
18 LEAD-FREE UNLESS THE SOLDER OR FLUX BEARS A LABEL STATING THAT IT IS  
19 ILLEGAL TO USE THE SOLDER OR FLUX IN THE INSTALLATION OR REPAIR OF  
20 ANY PLUMBING THAT DISPENSES WATER FOR HUMAN CONSUMPTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 January 1, 2012.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.