

HOUSE BILL 372

C2, M3
HB 357/09 – ECM

0lr0881

By: **Delegates Barnes, Frush, Manno, and Pena-Melnyk**
Introduced and read first time: January 28, 2010
Assigned to: Economic Matters

A BILL ENTITLED

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)

15 BY repealing and reenacting, with amendments,

16 Article – Business Occupations and Professions
17 Section 12–205(b)
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2009 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Business Occupations and Professions
22 Section 12–605(a)(1)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Business Occupations and Professions

2 12-101.

3 (H-1) “LEAD-FREE” MEANS:

4 (1) CONTAINING NOT MORE THAN 0.2% LEAD FOR SOLDER AND
5 FLUX;6 (2) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION,
7 CONTAINING NOT MORE THAN:8 (I) 4% LEAD BY DRY WEIGHT FOR PLUMBING FITTINGS AND
9 FIXTURES; OR10 (II) 8% LEAD BY DRY WEIGHT FOR PIPES AND PIPE
11 FITTINGS; AND12 (3) CONTAINING NOT MORE THAN A WEIGHTED AVERAGE LEAD
13 CONTENT OF 0.25% FOR THE WETTED SURFACES OF A PIPE, PIPE FITTING,
14 PLUMBING FITTING, OR FIXTURE INTENDED TO DISPENSE WATER FOR HUMAN
15 CONSUMPTION THROUGH DRINKING OR COOKING.16 (Q) “WEIGHTED AVERAGE LEAD CONTENT” MEANS A CALCULATION
17 DETERMINED BY:18 (1) IDENTIFYING EACH COMPONENT OF A PIPE, PIPE FITTING,
19 PLUMBING FITTING, OR FIXTURE THAT WATER FLOWS THROUGH AND COMES
20 INTO CONTACT WITH DURING NORMAL OPERATION;21 (2) IDENTIFYING THE PERCENTAGE LEAD CONTENT OF EACH
22 COMPONENT OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE;23 (3) DETERMINING THE WETTED SURFACE AREA OF EACH
24 COMPONENT OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE;25 (4) DETERMINING THE PERCENT OF TOTAL WETTED SURFACE
26 AREA OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE,
27 REPRESENTED IN EACH COMPONENT;28 (5) CALCULATING THE CONTRIBUTING PERCENT LEAD FOR EACH
29 COMPONENT BY MULTIPLYING THE PERCENTAGE OF LEAD CONTENT OF THE
30 COMPONENT BY THE PERCENT OF TOTAL WETTED SURFACE AREA
31 REPRESENTED BY THE COMPONENT; AND

1 **(6) CALCULATING THE SUM OF EACH CONTRIBUTING PERCENT**
2 **LEAD VALUE DETERMINED FOR EACH COMPONENT UNDER ITEM (5) OF THIS**
3 **SUBSECTION.**

4 12-205.

5 (b) (1) The Board may adopt, as part of the State Plumbing Code,
6 regulations to carry out the purposes of and to enforce §§ 12-605 and 12-606 of this
7 title.

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

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

13 12-605.

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

17 **12-605.1.**

18 **(A) IN THE INSTALLATION OR REPAIR OF PLUMBING INTENDED TO**
19 **DISPENSE WATER FOR HUMAN CONSUMPTION, A PERSON SHALL USE ONLY**
20 **PIPES, PIPE FITTINGS, PLUMBING FITTINGS, OR FIXTURES THAT ARE**
21 **LEAD-FREE.**

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

25 **12-605.2.**

26 **(A) A PERSON ENGAGED IN THE BUSINESS OF SELLING PLUMBING**
27 **SUPPLIES IN THE STATE MAY NOT SELL PIPES, PIPE FITTINGS, PLUMBING**
28 **FITTINGS, OR FIXTURES THAT WILL BE USED IN THE INSTALLATION OR REPAIR**
29 **OF ANY PLUMBING THAT DISPENSES WATER FOR HUMAN CONSUMPTION,**
30 **UNLESS THE PIPES, PIPE FITTINGS, PLUMBING FITTINGS, OR FIXTURES ARE**
31 **LEAD-FREE.**

1 **(B) A PERSON ENGAGED IN THE BUSINESS OF SELLING PLUMBING**
2 **SUPPLIES IN THE STATE MAY NOT SELL SOLDER OR FLUX THAT IS NOT**
3 **LEAD-FREE UNLESS THE SOLDER OR FLUX BEARS A LABEL STATING THAT IT IS**
4 **ILLEGAL TO USE THE SOLDER OR FLUX IN THE INSTALLATION OR REPAIR OF**
5 **ANY PLUMBING THAT DISPENSES WATER FOR HUMAN CONSUMPTION.**

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