

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

Committee Report: Favorable

House action: Adopted

Read second time: March 2, 2010

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)

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)

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.



1 Annotated Code of Maryland
2 (2004 Replacement Volume and 2009 Supplement)

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

5 **Article – Business Occupations and Professions**

6 12–101.

7 **(H–1) “LEAD–FREE” MEANS:**

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

10 **(2) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION,**
11 **CONTAINING NOT MORE THAN:**

12 **(I) 4% LEAD BY DRY WEIGHT FOR PLUMBING FITTINGS AND**
13 **FIXTURES; OR**

14 **(II) 8% LEAD BY DRY WEIGHT FOR PIPES AND PIPE**
15 **FITTINGS; AND**

16 **(3) CONTAINING NOT MORE THAN A WEIGHTED AVERAGE LEAD**
17 **CONTENT OF 0.25% FOR THE WETTED SURFACES OF A PIPE, PIPE FITTING,**
18 **PLUMBING FITTING, OR FIXTURE INTENDED TO DISPENSE WATER FOR HUMAN**
19 **CONSUMPTION THROUGH DRINKING OR COOKING.**

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

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

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

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

29 **(4) DETERMINING THE PERCENT OF TOTAL WETTED SURFACE**
30 **AREA OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE,**
31 **REPRESENTED IN EACH COMPONENT;**

1 **(5) CALCULATING THE CONTRIBUTING PERCENT LEAD FOR EACH**
2 **COMPONENT BY MULTIPLYING THE PERCENTAGE OF LEAD CONTENT OF THE**
3 **COMPONENT BY THE PERCENT OF TOTAL WETTED SURFACE AREA**
4 **REPRESENTED BY THE COMPONENT; AND**

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

8 12-205.

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

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

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

17 12-605.

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

21 **12-605.1.**

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

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

29 **12-605.2.**

30 **(A) A PERSON ENGAGED IN THE BUSINESS OF SELLING PLUMBING**
31 **SUPPLIES IN THE STATE MAY NOT SELL PIPES, PIPE FITTINGS, PLUMBING**
32 **FITTINGS, OR FIXTURES THAT WILL BE USED IN THE INSTALLATION OR REPAIR**

1 OF ANY PLUMBING THAT DISPENSES WATER FOR HUMAN CONSUMPTION,
2 UNLESS THE PIPES, PIPE FITTINGS, PLUMBING FITTINGS, OR FIXTURES ARE
3 LEAD-FREE.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.