

# SENATE BILL 951

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6lr3619  
CF 6lr1701

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By: **Senator Conway**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Lead Poisoning Recovery Act**

3 FOR the purpose of establishing that certain manufacturers of lead pigment are liable to  
4 certain persons for certain damages caused by lead-based paint; establishing the  
5 types of damages for which certain manufacturers of lead pigment are liable;  
6 providing that certain manufacturers of lead pigment may be held liable under any  
7 legally recognized theory of liability; providing that failure to join a certain  
8 manufacturer in a certain action does not constitute failure to join a required party  
9 for any purpose; providing that a person is not required to prove that a manufacturer  
10 manufactured the lead pigment contained in certain lead-based paint that caused  
11 certain damage to establish the liability of the manufacturer; requiring a party to  
12 prove by a preponderance of the evidence certain elements in order to recover  
13 damages; requiring a trier of fact, if a party satisfies a certain burden of proof against  
14 a certain manufacturer, to find the manufacturer liable unless the manufacturer  
15 establishes certain facts by a preponderance of the evidence; requiring the trier of  
16 fact, if a certain manufacturer is found liable for certain damages, to make a certain  
17 finding and enter a certain judgment based on certain factors; providing that a  
18 certain manufacturer that is found to be liable is subject to joint and several liability;  
19 establishing a duty of a certain attorney to notify and reimburse the State for certain  
20 payments under certain circumstances; establishing that a certain action under this  
21 Act is not exclusive and is independent of and in addition to any right, remedy, or  
22 cause of action available to the State, certain units of the State, and certain  
23 individuals; allowing medical assistance expenditures attributable to lead-based  
24 paint to be proved or disproved by evidence of statistical analysis; creating the Lead  
25 Paint Restitution Fund; providing for the uses of and expenditures from the Fund;  
26 declaring a certain intent of the General Assembly; defining certain terms; providing  
27 for the application of this Act; and generally relating to the liability of manufacturers  
28 for damage caused by lead pigment in lead-based paint.

29 BY adding to

30 Article – Courts and Judicial Proceedings

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3–2101 through 3–2109 to be under the new subtitle “Subtitle 21. Maryland  
2 Lead Poisoning Recovery Act”  
3 Annotated Code of Maryland  
4 (2013 Replacement Volume and 2015 Supplement)

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

7 **Article – Courts and Judicial Proceedings**

8 **SUBTITLE 21. MARYLAND LEAD POISONING RECOVERY ACT.**

9 **3–2101.**

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (B) “ABATEMENT” MEANS A SET OF MEASURES DESIGNED TO ELIMINATE OR  
13 REDUCE LEAD–BASED PAINT HAZARDS IN A RESIDENTIAL BUILDING IN  
14 ACCORDANCE WITH STANDARDS ESTABLISHED BY THE DEPARTMENT OF THE  
15 ENVIRONMENT THAT MAY INCLUDE:

16 (1) THE REMOVAL OF LEAD–BASED PAINT AND  
17 LEAD–CONTAMINATED DUST, THE CONTAINMENT OR ENCAPSULATION OF  
18 LEAD–BASED PAINT, THE REPLACEMENT OR DEMOLITION OF LEAD–BASED PAINTED  
19 SURFACES OR FIXTURES, AND THE REMOVAL OR COVERING OF  
20 LEAD–CONTAMINATED SOIL; AND

21 (2) ALL PREPARATION, CLEANUP, DISPOSAL, AND POSTABATEMENT  
22 CLEARANCE TESTING ACTIVITIES ASSOCIATED WITH THESE MEASURES.

23 (C) “LEAD–BASED PAINT” MEANS LEAD–BASED PAINT AS DEFINED BY  
24 REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT.

25 (D) (1) “MANUFACTURER OF LEAD PIGMENT” MEANS A PERSON THAT  
26 MANUFACTURED OR PRODUCED LEAD PIGMENT FOR SALE OR USE AS A COMPONENT  
27 IN PAINT OR A PREDECESSOR–IN–INTEREST OF THE PERSON.

28 (2) “MANUFACTURER OF LEAD PIGMENT” DOES NOT INCLUDE:

29 (I) A PERSON OR A PREDECESSOR–IN–INTEREST OF THE  
30 PERSON THAT ONLY SOLD LEAD PIGMENT OR LEAD PIGMENT AS A COMPONENT OF  
31 LEAD–BASED PAINT AT RETAIL OR WHOLESALE; OR

1           **(II) A PERSON OR A PREDECESSOR-IN-INTEREST OF THE**  
2 **PERSON THAT ONLY APPLIED LEAD-BASED PAINT IN A RESIDENTIAL BUILDING.**

3           **(E) "MARKET FOR LEAD PIGMENT" MEANS THE MARKET FOR LEAD**  
4 **PIGMENT INTENDED FOR USE OR USED AS A COMPONENT OF LEAD-BASED PAINT**  
5 **INTENDED FOR USE OR USED IN THE UNITED STATES OF AMERICA.**

6           **(F) "SHARE OF THE MARKET" MEANS A PERCENTAGE OF SALES OF LEAD**  
7 **PIGMENT AND LEAD-BASED PAINT IN THE MARKET FOR LEAD PIGMENT**  
8 **ATTRIBUTABLE TO A MANUFACTURER OF LEAD PIGMENT DURING THE TIME PERIOD**  
9 **THE RESIDENTIAL BUILDING AT ISSUE IN A CIVIL ACTION EXISTED.**

10 **3-2102.**

11           **THIS SUBTITLE APPLIES ONLY TO AN ACTION INVOLVING LEAD-BASED PAINT**  
12 **IN A RESIDENTIAL BUILDING.**

13 **3-2103.**

14           **(A) A MANUFACTURER OF LEAD PIGMENT SHALL BE LIABLE TO A PERSON**  
15 **UNDER ANY LEGALLY RECOGNIZED THEORY OF LIABILITY FOR DAMAGES CAUSED BY**  
16 **THE PRESENCE OF LEAD-BASED PAINT IN A RESIDENTIAL BUILDING, INCLUDING:**

17           **(1) DAMAGES FOR PERSONAL INJURY SUSTAINED BY AN INDIVIDUAL**  
18 **IN WHICH LEAD PIGMENT CONTAINED IN LEAD-BASED PAINT WAS A SUBSTANTIAL**  
19 **CONTRIBUTING FACTOR;**

20           **(2) DAMAGES SUSTAINED BY THE OWNER OF A BUILDING REQUIRED**  
21 **TO COMPLY WITH:**

22           **(i) THE REQUIREMENTS OF TITLE 6, SUBTITLE 8 OF THE**  
23 **ENVIRONMENT ARTICLE;**

24           **(ii) AN ABATEMENT ORDER ISSUED BY A UNIT OF THE STATE OR**  
25 **A LOCAL GOVERNMENT; OR**

26           **(iii) A REQUIREMENT TO REPAIR LEAD-BASED PAINT DEFECTS**  
27 **UNDER § 8-211 OR § 8-211.1 OF THE REAL PROPERTY ARTICLE;**

28           **(3) EXPENSES TO ABATE LEAD-BASED PAINT VOLUNTARILY**  
29 **INCURRED BY AN OWNER OF A BUILDING;**

1           **(4) THE REASONABLE FUTURE COSTS ASSOCIATED WITH THE**  
2 **TESTING, REMOVAL, ABATEMENT, OR ELIMINATION OF LEAD-BASED PAINT FROM A**  
3 **BUILDING THAT CONTAINS LEAD-BASED PAINT AT THE TIME AN ACTION IS FILED;**  
4 **AND**

5           **(5) LOST RENT.**

6           **(B) (1) A MANUFACTURER OF LEAD PIGMENT MAY BE HELD LIABLE**  
7 **UNDER ANY LEGALLY RECOGNIZED THEORY OF LIABILITY:**

8                   **(I) IN AN ACTION FOR DAMAGES; AND**

9                   **(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN**  
10 **THIRD PARTY OR CLASS ACTION PLEADING PRACTICES AUTHORIZED UNDER THE**  
11 **MARYLAND RULES.**

12           **(2) AN OWNER OF A BUILDING MAY FILE A THIRD PARTY ACTION**  
13 **AGAINST A MANUFACTURER OF LEAD PIGMENT TO RECOVER DAMAGES RESULTING**  
14 **FROM THE PRESENCE OF LEAD-BASED PAINT IN THE BUILDING.**

15           **(3) FAILURE TO JOIN A MANUFACTURER OF LEAD PIGMENT OR A**  
16 **MANUFACTURER OF LEAD-BASED PAINT CONTAINING LEAD PIGMENT IN AN ACTION**  
17 **INVOLVING DAMAGES CAUSED BY LEAD PIGMENT CONTAINED IN**  
18 **LEAD-BASED PAINT DOES NOT CONSTITUTE FAILURE TO JOIN A REQUIRED PARTY**  
19 **FOR ANY PURPOSE.**

20 **3-2104.**

21           **(A) IN AN ACTION UNDER THIS SUBTITLE, A PERSON IS NOT REQUIRED TO**  
22 **PROVE THAT AN INDIVIDUAL MANUFACTURER OF LEAD PIGMENT MANUFACTURED**  
23 **THE LEAD PIGMENT CONTAINED IN LEAD-BASED PAINT THAT CAUSED THE DAMAGE**  
24 **IN ORDER TO ESTABLISH THE LIABILITY OF THE MANUFACTURER OF LEAD PIGMENT**  
25 **FOR THE DAMAGES.**

26           **(B) IN ORDER TO RECOVER DAMAGES FOR NEGLIGENCE UNDER**  
27 **SUBSECTION (A) OF THIS SECTION, A PARTY SHALL HAVE THE BURDEN OF PROVING**  
28 **BY A PREPONDERANCE OF THE EVIDENCE THAT:**

29                   **(1) LEAD PIGMENT USED AS A COMPONENT IN LEAD-BASED PAINT**  
30 **WAS A SUBSTANTIAL CONTRIBUTING FACTOR IN CAUSING THE DAMAGES ALLEGED;**

31                   **(2) THE MANUFACTURER OF LEAD PIGMENT HAD A SHARE OF THE**  
32 **MARKET FOR LEAD PIGMENT; AND**

1           **(3) THE MANUFACTURER OF LEAD PIGMENT BREACHED A LEGALLY**  
2 **RECOGNIZED DUTY BY MANUFACTURING, PRODUCING, OR MARKETING LEAD**  
3 **PIGMENT INTENDED FOR USE OR USED AS A COMPONENT OF LEAD-BASED PAINT.**

4           **(C) IN ORDER TO RECOVER DAMAGES FOR STRICT PRODUCTS LIABILITY**  
5 **UNDER SUBSECTION (A) OF THIS SECTION, A PARTY SHALL HAVE THE BURDEN OF**  
6 **PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:**

7           **(1) THE LEAD PIGMENT WAS DEFECTIVE WHEN THE LEAD PIGMENT**  
8 **LEFT THE POSSESSION OR CONTROL OF THE MANUFACTURER OF LEAD PIGMENT;**

9           **(2) THE LEAD PIGMENT WAS UNREASONABLY DANGEROUS TO THE**  
10 **USER OR CONSUMER OR TO PROPERTY;**

11           **(3) THE DEFECT WAS A PROXIMATE CAUSE OF THE INJURIES OR**  
12 **DAMAGES ALLEGED;**

13           **(4) THE SELLER OF LEAD PIGMENT ENGAGED IN THE BUSINESS OF**  
14 **MANUFACTURING, PRODUCING, MARKETING, OR SELLING LEAD PIGMENT; AND**

15           **(5) THE LEAD PIGMENT WAS EXPECTED TO AND DID REACH THE USER**  
16 **OR CONSUMER WITHOUT SUBSTANTIAL CHANGE IN THE CONDITION IN WHICH THE**  
17 **LEAD PIGMENT WAS SOLD.**

18           **(D) IF A PARTY SATISFIES THE BURDEN OF PROOF UNDER SUBSECTION (B)**  
19 **OR (C) OF THIS SECTION OR UNDER ANY OTHER LEGALLY RECOGNIZED THEORY OF**  
20 **LIABILITY AGAINST A MANUFACTURER OF LEAD PIGMENT, THE TRIER OF FACT**  
21 **SHALL FIND THE MANUFACTURER LIABLE FOR DAMAGES IN AN ACTION UNDER THIS**  
22 **SUBTITLE UNLESS THE MANUFACTURER OF LEAD PIGMENT ESTABLISHES BY A**  
23 **PREPONDERANCE OF THE EVIDENCE THAT:**

24           **(1) THE MANUFACTURER DID NOT MANUFACTURE, PRODUCE, OR**  
25 **MARKET LEAD PIGMENT DURING THE DURATION OF THE EXISTENCE OF THE**  
26 **BUILDING AT ISSUE IN THE ACTION; OR**

27           **(2) THE LEAD PIGMENT INTENDED FOR USE OR USED AS A**  
28 **COMPONENT OF LEAD-BASED PAINT DID NOT ENTER THE RETAIL MARKET OF THE**  
29 **GEOGRAPHICAL LOCATION WHERE THE BUILDING WAS LOCATED.**

30           **(E) (1) IF A MANUFACTURER OF LEAD PIGMENT IS FOUND TO BE LIABLE**  
31 **FOR DAMAGES UNDER SUBSECTION (D) OF THIS SECTION, THE TRIER OF FACT**  
32 **SHALL:**

1 (I) FIND A TOTAL AMOUNT OF DAMAGES SUFFERED BY A  
2 PARTY; AND

3 (II) APPORTION THE TOTAL AMOUNT OF DAMAGES AMONG THE  
4 LIABLE MANUFACTURERS OF LEAD PIGMENT ON THE BASIS OF EACH  
5 MANUFACTURER'S OVERALL CONTRIBUTION TO THE RISK OF HARM TO THE PARTY.

6 (2) FACTORS TO BE CONSIDERED BY A TRIER OF FACT IN  
7 DETERMINING APPORTIONMENT OF DAMAGES UNDER THIS SECTION MAY INCLUDE:

8 (I) THE EXTENT OF THE SHARE OF THE MARKET FOR LEAD  
9 PIGMENT OF THE MANUFACTURER OF LEAD PIGMENT;

10 (II) THE ROLE OF THE MANUFACTURER OF LEAD PIGMENT IN  
11 MARKETING LEAD PIGMENT INTENDED FOR USE OR USED AS A COMPONENT OF  
12 LEAD-BASED PAINT;

13 (III) THE KNOWLEDGE OF THE MANUFACTURER OF LEAD  
14 PIGMENT OF THE DANGERS OF LEAD PIGMENT USED OR INTENDED FOR USE AS A  
15 COMPONENT OF LEAD-BASED PAINT;

16 (IV) WHETHER THE MANUFACTURER OF LEAD PIGMENT  
17 MANUFACTURED, PRODUCED, OR MARKETED LEAD PIGMENT AFTER THE  
18 MANUFACTURER KNEW OR SHOULD HAVE KNOWN OF THE POSSIBLE HAZARDS OF  
19 LEAD PIGMENT;

20 (V) THE DEGREE OF TOXICITY OF THE LEAD PIGMENT  
21 MANUFACTURED, PRODUCED, OR MARKETED BY THE MANUFACTURER OF LEAD  
22 PIGMENT; AND

23 (VI) AFFIRMATIVE STEPS OF THE MANUFACTURER OF LEAD  
24 PIGMENT TO REDUCE THE DANGER OF LEAD PIGMENT TO THE PUBLIC.

25 (F) IF A MANUFACTURER OF LEAD PIGMENT IS FOUND TO BE LIABLE FOR  
26 DAMAGES UNDER SUBSECTION (D) OF THIS SECTION, THE LIABILITY OF THE  
27 MANUFACTURER SHALL BE JOINT AND SEVERAL LIABILITY.

28 (G) THIS SECTION MAY NOT BE CONSTRUED OR INTERPRETED TO PROHIBIT  
29 A MANUFACTURER OF LEAD PIGMENT FROM BRINGING CLAIMS AGAINST ANOTHER  
30 MANUFACTURER OF LEAD PIGMENT FOR CONTRIBUTION OR INDEMNIFICATION.

31 3-2105.

1           (A) (1) AN ATTORNEY WHO REPRESENTS AN INDIVIDUAL WHO IS OR WAS  
2 A MINOR WHEN THE INDIVIDUAL SUFFERED LEAD POISONING INJURIES IN  
3 ACCORDANCE WITH THIS SUBTITLE SHALL, ON FILING SUIT ON BEHALF OF THE  
4 MINOR, NOTIFY IN WRITING THE STATE OF MARYLAND MEDICAL ASSISTANCE  
5 COMPLIANCE DIVISION OF THE PENDENCY OF THE ACTION.

6           (2) IF THE STATE MADE MEDICAL ASSISTANCE PAYMENTS ON BEHALF  
7 OF THE MINOR AS A RESULT OF LEAD POISONING OF THE MINOR, THE MEDICAL  
8 ASSISTANCE COMPLIANCE DIVISION SHALL PROVIDE THE ATTORNEY WHO  
9 REPRESENTS THE MINOR, WITHIN 90 DAYS AFTER THE DATE OF THE NOTICE UNDER  
10 PARAGRAPH (1) OF THIS SUBSECTION, WITH A LIEN NOTICE IN ACCORDANCE WITH §  
11 15-120 OF THE HEALTH – GENERAL ARTICLE.

12           (B) AN ATTORNEY WHO RECEIVES FUNDS BY WAY OF SETTLEMENT OR  
13 JUDGMENT ON BEHALF OF A LEAD-POISONED MINOR IN ACCORDANCE WITH THIS  
14 SUBTITLE SHALL REIMBURSE THE STATE FOR A PROPERLY ASSERTED LIEN IN  
15 ACCORDANCE WITH § 15-120 OF THE HEALTH – GENERAL ARTICLE, FOR MONEY  
16 THAT WAS PAID BY THE STATE ON BEHALF OF THE MINOR AS A RESULT OF THE LEAD  
17 POISONING OF THE MINOR.

18           (C) (1) THE MEDICAL ASSISTANCE COMPLIANCE DIVISION SHALL  
19 NOTIFY THE OFFICE OF THE ATTORNEY GENERAL OF EVERY CLAIM FOR WHICH THE  
20 DIVISION RECEIVES NOTICE IN ACCORDANCE WITH THIS SECTION.

21           (2) THE OFFICE OF THE ATTORNEY GENERAL MAY INTERVENE AS AN  
22 ADDITIONAL PLAINTIFF IN AN ACTION UNDER THIS SUBTITLE FOR THE PURPOSE OF  
23 ASSISTING IN THE RECOVERY OF MONEY PAID BY THE STATE ON BEHALF OF THE  
24 INJURED MINOR.

25 **3-2106.**

26           (A) AN ACTION UNDER THIS SUBTITLE IS NOT EXCLUSIVE AND IS  
27 INDEPENDENT OF AND IN ADDITION TO A RIGHT, REMEDY, OR CAUSE OF ACTION  
28 AVAILABLE TO THE STATE, THE DEPARTMENT OF THE ENVIRONMENT, ANOTHER  
29 STATE UNIT, A PROGRAM RECIPIENT, OR ANY OTHER INDIVIDUAL TO RECOVER  
30 EXPENDITURES ATTRIBUTABLE TO LEAD-BASED PAINT.

31           (B) IN AN ACTION UNDER THIS SUBTITLE OR IN ACCORDANCE WITH ANY  
32 OTHER RIGHT, REMEDY, OR CAUSE OF ACTION BROUGHT BY THE STATE AGAINST A  
33 MANUFACTURER OF LEAD PIGMENT, THE CAUSATION AND THE AMOUNT OF MEDICAL  
34 ASSISTANCE EXPENDITURES ATTRIBUTABLE TO LEAD-BASED PAINT MAY BE  
35 PROVED OR DISPROVED BY EVIDENCE OF STATISTICAL ANALYSIS, WITHOUT PROOF

1 OF THE CAUSATION OR THE AMOUNT OF EXPENDITURES FOR A PARTICULAR  
2 PROGRAM RECIPIENT OR OTHER INDIVIDUAL.

3 **3-2107.**

4 (A) **THERE IS A LEAD PAINT RESTITUTION FUND.**

5 (B) (1) **THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT**  
6 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

7 (2) **ALL REVENUES CONSISTING OF FUNDS RECEIVED BY THE STATE**  
8 **FROM ANY SOURCE RESULTING, DIRECTLY OR INDIRECTLY, FROM A JUDGMENT**  
9 **AGAINST OR SETTLEMENT WITH A MANUFACTURER OF LEAD PIGMENT OR ANOTHER**  
10 **PERSON IN THE LEAD PAINT INDUSTRY RELATING TO LITIGATION, ADMINISTRATIVE**  
11 **PROCEEDINGS, OR ANY OTHER CLAIMS MADE OR PROSECUTED BY THE STATE TO**  
12 **RECOVER DAMAGES FOR VIOLATIONS OF STATE LAW SHALL BE CREDITED TO THE**  
13 **FUND.**

14 (C) **THE TREASURER SHALL:**

15 (1) **INVEST AND REINVEST THE FUND IN THE SAME MANNER AS**  
16 **OTHER STATE FUNDS; AND**

17 (2) **CREDIT ANY INVESTMENT EARNINGS TO THE FUND.**

18 (D) **EXPENDITURES FROM THE FUND SHALL BE MADE BY AN**  
19 **APPROPRIATION IN THE ANNUAL STATE BUDGET.**

20 (E) (1) **THE FUND SHALL BE EXPENDED SUBJECT TO ANY RESTRICTIONS**  
21 **ON THE USE OF THE FUND OR OTHER LIMITATIONS ON THE ALLOCATION OF THE**  
22 **FUND THAT ARE:**

23 (I) **EXPRESSLY PROVIDED BY STATUTE;**

24 (II) **REQUIRED AS A CONDITION OF THE ACCEPTANCE OF**  
25 **FUNDS; OR**

26 (III) **DETERMINED TO BE NECESSARY TO AVOID RECOUPMENT**  
27 **BY THE FEDERAL GOVERNMENT OF MONEY PAID TO THE FUND.**

28 (2) **DISBURSEMENTS FROM THE FUND TO PROGRAMS FUNDED BY**  
29 **THE STATE OR WITH FEDERAL FUNDS ADMINISTERED BY THE STATE SHALL BE USED**  
30 **SOLELY TO SUPPLEMENT, AND NOT TO SUPPLANT, FUNDS OTHERWISE AVAILABLE**



1 FOR THE PROGRAMS UNDER FEDERAL OR STATE LAW AS PROVIDED IN THIS  
2 SECTION.

3 (F) (1) THE LEAD PAINT RESTITUTION FUND SHALL BE USED TO FUND:

4 (I) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT  
5 LEAD POISONING PREVENTION PROGRAM; AND

6 (II) OTHER PROGRAMS THAT SERVE THE FOLLOWING  
7 PURPOSES:

8 1. ELIMINATION AND PREVENTION OF LEAD POISONING;

9 2. PRIMARY HEALTH CARE PREVENTION, EDUCATION,  
10 SCREENING, AND TREATMENT OF LEAD POISONING;

11 3. PUBLIC EDUCATION TO PREVENT LEAD POISONING;

12 4. ENFORCEMENT OF THE LAWS REGARDING  
13 LEAD-BASED PAINT;

14 5. RESEARCH CONCERNING PREVENTION AND  
15 TREATMENT OF LEAD POISONING;

16 6. RESEARCH CONCERNING REDUCTION, REMOVAL,  
17 ABATEMENT, AND ELIMINATION OF LEAD-BASED PAINT;

18 7. REDUCTION, REMOVAL, ABATEMENT, AND  
19 ELIMINATION OF LEAD-BASED PAINT;

20 8. SPECIAL EDUCATION ADDRESSING THE NEEDS OF  
21 LEAD-POISONED CHILDREN AND ADULTS;

22 9. JOB TRAINING ADDRESSING THE NEEDS OF  
23 LEAD-POISONED ADULTS; AND

24 10. ANY OTHER PUBLIC PURPOSE.

25 (2) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE CONSTRUED  
26 TO AFFECT THE POWERS OF THE GOVERNOR WITH RESPECT TO A REQUEST FOR AN  
27 APPROPRIATION IN THE ANNUAL BUDGET BILL.

1           **(G) (1) AMOUNTS MAY BE EXPENDED FROM THE FUND ONLY THROUGH**  
2 **APPROPRIATIONS IN THE BUDGET BILL AS PROVIDED IN THIS SUBSECTION.**

3           **(2) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL**  
4 **APPROPRIATIONS FROM THE FUND EQUIVALENT TO THE LESSER OF \$100,000,000**  
5 **OR 90% OF THE FUNDS ESTIMATED TO BE AVAILABLE TO THE FUND IN THE FISCAL**  
6 **YEAR FOR WHICH THE APPROPRIATIONS ARE MADE.**

7           **(3) (I) FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS ARE**  
8 **MADE, AT LEAST 50% OF THE APPROPRIATIONS SHALL BE MADE FOR THOSE**  
9 **PURPOSES ENUMERATED IN SUBSECTION (F)(1)(I) AND (II)1 THROUGH 9 OF THIS**  
10 **SECTION SUBJECT TO THE REQUIREMENT OF SUBSECTION (E)(2) OF THIS SECTION.**

11           **(II) APPROPRIATIONS MADE FOR THE PURPOSES OF THE**  
12 **MARYLAND MEDICAL ASSISTANCE PROGRAM MAY NOT BE COUNTED AS**  
13 **APPROPRIATIONS SATISFYING THE REQUIREMENT UNDER SUBPARAGRAPH (I) OF**  
14 **THIS PARAGRAPH.**

15           **(4) FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS ARE MADE,**  
16 **AT LEAST 30% OF THE APPROPRIATIONS SHALL BE MADE FOR THE PURPOSES OF**  
17 **THE MARYLAND MEDICAL ASSISTANCE PROGRAM.**

18           **(5) ADDITIONAL APPROPRIATIONS NOT SUBJECT TO PARAGRAPH (3)**  
19 **OR (4) OF THIS SUBSECTION MAY BE MADE FOR ANY LAWFUL PURPOSE.**

20           **(H) FOR EACH PROGRAM, PROJECT, OR ACTIVITY RECEIVING FUNDS**  
21 **APPROPRIATED UNDER SUBSECTION (G)(3) OF THIS SECTION, THE GOVERNOR**  
22 **SHALL:**

23           **(1) DEVELOP APPROPRIATE STATEMENTS OF VISION, MISSION, KEY**  
24 **GOALS, KEY OBJECTIVES, AND KEY PERFORMANCE INDICATORS AND REPORT THESE**  
25 **STATEMENTS IN A DISCRETE PART OF THE STATE BUDGET SUBMISSION, WHICH**  
26 **SHALL ALSO PROVIDE DATA FOR KEY PERFORMANCE INDICATORS; AND**

27           **(2) REPORT ANNUALLY, SUBJECT TO § 2-1246 OF THE STATE**  
28 **GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY NO LATER THAN OCTOBER 1**  
29 **ON:**

30           **(i) TOTAL FUNDS EXPENDED, BY PROGRAM AND SUBDIVISION,**  
31 **IN THE PRIOR FISCAL YEAR FROM THE FUND ESTABLISHED UNDER THIS SECTION;**  
32 **AND**

1                   **(II) THE SPECIFIC OUTCOMES OR PUBLIC BENEFITS RESULTING**  
2 **FROM THAT EXPENDITURE.**

3 **3-2108.**

4                   **THE GENERAL ASSEMBLY DECLARES THAT:**

5                   **(1) THE PURPOSE OF THIS SUBTITLE IS REMEDIAL AND ESSENTIAL TO**  
6 **THE PUBLIC INTEREST; AND**

7                   **(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS**  
8 **SUBTITLE BE LIBERALLY CONSTRUED BY THE COURTS.**

9 **3-2109.**

10                   **THIS SUBTITLE MAY BE CITED AS THE MARYLAND LEAD POISONING**  
11 **RECOVERY ACT.**

12                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
13 apply only prospectively and may not be applied or interpreted to have any effect on or  
14 application to any case filed before the effective date of this Act.

15                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2016.