

# SENATE BILL 302

M3, J1

2lr1576

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By: **Senator Lam**

Introduced and read first time: January 20, 2022

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Legionnaires' Disease Prevention Act**

3 FOR the purpose of requiring the Department of the Environment to adopt regulations  
4 requiring an owner or operator of a public building to establish and implement a  
5 water management program to prevent the growth and spread of Legionella  
6 pneumophila in a building water system to reduce the risk for Legionnaires' disease;  
7 and generally relating to preventing the growth and spread of Legionella  
8 pneumophila to reduce the risk of Legionnaires' disease.

9 BY adding to

10 Article – Environment

11 Section 9–405.1

12 Annotated Code of Maryland

13 (2014 Replacement Volume and 2021 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Environment**

17 **9–405.1.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) “BUILDING WATER SYSTEM” INCLUDES A POTABLE OR  
21 NONPOTABLE WATER SYSTEM IN A BUILDING.

22 (3) “LEGIONELLA CULTURE” MEANS QUANTIFICATION OF  
23 CULTURABLE LEGIONELLA PNEUMOPHILA BACTERIA IN A WATER SAMPLE.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(4) “LEGIONNAIRES’ DISEASE” MEANS A PULMONARY DISEASE**  
2 **CAUSED BY THE LEGIONELLA PNEUMOPHILA BACTERIUM.**

3           **(B) THE DEPARTMENT SHALL ADOPT REGULATIONS REQUIRING AN OWNER**  
4 **OR OPERATOR OF A PUBLIC BUILDING TO ESTABLISH AND IMPLEMENT A WATER**  
5 **MANAGEMENT PROGRAM TO PREVENT THE GROWTH AND SPREAD OF LEGIONELLA**  
6 **PNEUMOPHILA IN A BUILDING WATER SYSTEM TO REDUCE THE RISK OF**  
7 **LEGIONNAIRES’ DISEASE.**

8           **(C) THE REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS SECTION**  
9 **SHALL:**

10           **(1) BE CONSISTENT WITH THE AMERICAN SOCIETY OF HEATING,**  
11 **REFRIGERATING, AND AIR-CONDITIONING ENGINEERS (ASHRAE) STANDARD 188**  
12 **(LEGIONELLOSIS: RISK MANAGEMENT FOR BUILDING WATER SYSTEMS);**

13           **(2) REQUIRE VALIDATION TESTING OF WATER TO MINIMIZE THE**  
14 **GROWTH AND TRANSMISSION OF LEGIONELLA PNEUMOPHILA IN A BUILDING WATER**  
15 **SYSTEM;**

16           **(3) REQUIRE AN OWNER OR OPERATOR OF A PUBLIC BUILDING TO:**

17           **(I) RETAIN A COPY OF ANY SAMPLING AND MANAGEMENT PLAN**  
18 **AND SAMPLING RESULTS FOR AT LEAST 3 YEARS;**

19           **(II) ON REQUEST OF THE DEPARTMENT, PROVIDE A COPY OF**  
20 **ANY SAMPLING AND MANAGEMENT PLAN AND SAMPLING RESULTS THAT THE OWNER**  
21 **OR OPERATOR HAS RETAINED; AND**

22           **(III) ON REQUEST OF ANY DEPARTMENT OR AGENCY WITH**  
23 **LICENSING OR INSPECTION AUTHORITY OVER THE PUBLIC BUILDING, MAKE**  
24 **AVAILABLE FOR INSPECTION THE WATER MANAGEMENT PROGRAM ESTABLISHED IN**  
25 **ACCORDANCE WITH THIS SECTION; AND**

26           **(4) IN ADDITION TO ANY SAMPLING REQUIRED UNDER ITEMS (1) AND**  
27 **(2) OF THIS SUBSECTION, REQUIRE AN OWNER OR OPERATOR OF A PUBLIC BUILDING**  
28 **TO CONDUCT LEGIONELLA PNEUMOPHILA CULTURE SAMPLING AND ANALYSIS OF**  
29 **THE BUILDING WATER SYSTEM:**

30           **(I) AT A FREQUENCY TO BE DETERMINED BY THE**  
31 **DEPARTMENT; OR**

1                                   **(II) ON A DETERMINATION BY THE DEPARTMENT:**

2                                   **1. THAT ONE OR MORE CASES OF LEGIONNAIRES'**  
3 **DISEASE ARE, OR MAY BE, ASSOCIATED WITH THE PUBLIC BUILDING; OR**

4                                   **2. THAT SAMPLING AND ANALYSIS ARE REQUIRED TO**  
5 **SATISFY OTHER CONDITIONS SPECIFIED IN REGULATIONS.**

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2022.