

## Chapter 86

**(House Bill 1110)**

AN ACT concerning

**Environment – Lead Poisoning Prevention – Elevated Blood Lead Level**

FOR the purpose of altering the elevated blood lead level that initiates certain case management, environmental investigation, notification, and lead risk reduction requirements; and generally relating to the prevention of lead poisoning and the reduction of lead risk in housing.

BY repealing and reenacting, with amendments,

Article – Environment

Section 6–304, ~~6–801(e)~~ 6–801(f) and (g), and 6–846

Annotated Code of Maryland

(2013 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 6–305, 6–801(a) ~~and (f)~~, and 6–819(c)(1)

Annotated Code of Maryland

(2013 Replacement Volume and 2021 Supplement)

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

**Article – Environment**

6–304.

(a) **THIS SECTION ESTABLISHES CASE MANAGEMENT ASSISTANCE AND NOTIFICATION REQUIREMENTS FOR CASES OF CHILDREN WITH ELEVATED BLOOD LEAD LEVELS GREATER THAN OR EQUAL TO:**

**(1) BETWEEN ~~OCTOBER 1, 2019~~ JULY 1, 2022, AND OCTOBER 27, 2022, INCLUSIVE, 5 MICROGRAMS PER DECILITER ( $\mu\text{G}/\text{DL}$ );**

**(2) BETWEEN OCTOBER 28, 2022, AND DECEMBER 31, 2023, INCLUSIVE, 3.5  $\mu\text{G}/\text{DL}$ ; AND**

**(3) ON AND AFTER JANUARY 1, ~~2023~~ 2024, THE REFERENCE LEVEL, DEFINED IN § 6–801(Q) OF THIS TITLE.**

**(B)** The Secretary shall assist local governments, if necessary, to provide case management of children with elevated blood lead levels [greater than or equal to 10 micrograms per deciliter ( $\mu\text{g}/\text{dl}$ ) before July 1, 2020, and greater than or equal to the reference level defined in § 6–801(q) of this title on or after July 1, 2020].

**[(b)] (C)** Within 10 business days after receipt of the results of a blood test for lead poisoning indicating that a child under the age of 6 years has an elevated blood lead level [greater than or equal to the reference level defined in § 6–801(q) of this title], the Department or a local health department shall notify:

(1) The child’s parent or legal guardian; and

(2) If the child does not reside at a property owned by the child’s parent or legal guardian, the owner of the property where the child resides.

6–305.

(a) On or before July 1, 2020, the Department shall adopt regulations for conducting environmental investigations to determine lead hazards for:

(1) Children under the age of 6 years with elevated blood lead levels greater than or equal to the reference level defined in § 6–801(q) of this title; and

(2) Pregnant women with elevated blood lead levels greater than or equal to the reference level as defined in § 6–801(q) of this title.

(b) (1) The regulations adopted under subsection (a) of this section shall be consistent with, or more stringent than, the Guidelines for the Evaluation and Control of Lead–Based Paint Hazards in Housing published by the U.S. Department of Housing and Urban Development.

(2) The regulations adopted under subsection (a) of this section shall provide for an environmental investigation to be completed after receipt by the Department or the county board of health of the results of a blood test under § 6–304 of this subtitle for:

(i) Children under the age of 6 years with elevated blood lead levels greater than or equal to the reference level defined in § 6–801(q) of this title; or

(ii) Pregnant women with elevated blood lead levels greater than or equal to the reference level defined in § 6–801(q) of this title.

(c) The Department shall include in its annual report on statewide childhood blood lead testing a summary of the results of any environmental investigation conducted in accordance with this section.

6–801.

(a) In this subtitle the following words have the meanings indicated.

(f) (1) “Elevated blood lead” or “EBL” means a quantity of lead in blood, expressed in micrograms per deciliter ( $\mu\text{g}/\text{dl}$ ), ~~that exceeds~~ **GREATER THAN OR EQUAL TO** the reference level specified in this subtitle and is determined in accordance with the following protocols:

(i) A venous blood test; or

(ii) Two capillary blood tests taken in accordance with paragraph (2) of this subsection.

(2) If the capillary blood test method is used, an individual shall:

(i) Have a first sample of capillary blood drawn and tested; and

(ii) Have a second sample of capillary blood drawn and tested within 84 days after the first sample is drawn.

(3) If the result of one capillary blood test would require action under this subtitle and the other result would not, an individual’s elevated blood lead level shall be confirmed by a venous blood test.

(q) “Reference level” means:

[(1) Except as provided in paragraph (2) of this subsection, the blood lead reference level as determined by the Centers for Disease Control and Prevention on or after October 1, 2019; or

(2) Beginning 1 year after the date that the Centers for Disease Control and Prevention revises the blood lead reference level until 1 year after a subsequent revision, the revised blood lead reference level as determined by the Centers for Disease Control and Prevention.]

**(1) (I) BETWEEN JULY 1, 2020, AND DECEMBER 31, 2023, INCLUSIVE, A BLOOD LEAD LEVEL OF 5  $\mu\text{G}/\text{DL}$ ; AND**

**(II) ON AND AFTER JANUARY 1, 2024, A BLOOD LEAD LEVEL OF 3.5  $\mu\text{G}/\text{DL}$ ; OR**

**(2) IF THE CENTERS FOR DISEASE CONTROL AND PREVENTION REVISES THE BLOOD LEAD REFERENCE VALUE AFTER DECEMBER 31, 2023, THE REVISED BLOOD LEAD REFERENCE VALUE, BEGINNING 1 YEAR AFTER THE DATE**

**THAT THE CENTERS FOR DISEASE CONTROL AND PREVENTION REVISED THE BLOOD LEAD REFERENCE VALUE.**

6–819.

(c) (1) After February 23, 1996, an owner of an affected property shall satisfy the modified risk reduction standard:

(i) Within 30 days after receipt of written notice that a person at risk who resides in the property:

1. Has an elevated blood lead level documented by a test for EBL greater than or equal to 15  $\mu\text{g}/\text{dl}$  before February 24, 2006 or greater than or equal to 10  $\mu\text{g}/\text{dl}$  between February 24, 2006 and June 30, 2020; or

2. Has an elevated blood lead level documented by a test for elevated blood lead level greater than or equal to the reference level defined in § 6–801(q) of this title on or after July 1, 2020, and an environmental investigation conducted under § 6–305 of this title has concluded that there is a defect at the affected property; or

(ii) Within 30 days after receipt of written notice from the tenant, or from any other source, of:

1. A defect; and

2. The existence of a person at risk in the affected property.

6–846.

(a) **THIS SECTION ESTABLISHES NOTIFICATION REQUIREMENTS OF A PERSON AT RISK THAT HAS AN ELEVATED BLOOD LEAD LEVEL GREATER THAN OR EQUAL TO:**

**(1) BEFORE FEBRUARY 24, 2006, 15  $\mu\text{G}/\text{DL}$ ;**

**(2) BETWEEN FEBRUARY 24, 2006, AND SEPTEMBER 30, 2019, INCLUSIVE, 10  $\mu\text{G}/\text{DL}$ ;**

**(3) BETWEEN OCTOBER 1, 2019, AND OCTOBER 27, 2022, INCLUSIVE, 5  $\mu\text{G}/\text{DL}$ ;**

**(4) BETWEEN OCTOBER 28, 2022, AND DECEMBER 31, 2023, INCLUSIVE, 3.5  $\mu\text{G}/\text{DL}$ ; AND**

**(5) ON AND AFTER JANUARY 1, 2024, THE REFERENCE LEVEL.**

**(B)** On receiving the results of a blood lead test under § 6–303 of this title indicating that a person at risk has an EBL [greater than or equal to 15 µg/dl before February 24, 2006, or greater than or equal to 10 µg/dl between February 24, 2006, and September 30, 2019, or greater than or equal to the reference level defined in § 6–801(q) of this title on or after October 1, 2019], the Department or a local health department shall notify:

(1) The person at risk, or in the case of a minor, the parent or legal guardian of the person at risk, of the results of the test; and

(2) The owner of the affected property in which the person at risk resides or regularly spends at least 24 hours per week of the results of the test.

**[(b)] (C)** The notices to be provided to the parent or owner under subsection **[(a)] (B)** of this section shall be on the forms prepared by the Department, and shall contain any information required by the Department.

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

(a) The Department of the Environment, in consultation with the Maryland Department of Health, local health departments, the Green and Healthy Homes Initiative, and other relevant stakeholders, shall study and evaluate the most effective means of incorporating the Centers for Disease Control and Prevention Blood Lead Reference Value of 3.5 µg/dl into the State’s lead poisoning prevention programs, including the environmental investigations required under § 6–305 of the Environment Article.

(b) On or before December 31, 2022, the Department of the Environment shall report its findings and recommendations to the General Assembly in accordance with § 2–1257 of the State Government Article.

**SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.**

**Approved by the Governor, April 12, 2022.**