

CHAPTER 495

(Senate Bill 814)

AN ACT to add new Section 117A to Article 43 of the Annotated Code of Maryland (1965 1971 Replacement Volume), title "Health," subtitle "Nuisances," to follow immediately after Section 117 thereof, to provide for restrictions on the use of lead based paint in dwelling houses in order to protect children, defining certain terms, providing for enforcement of the section, and providing penalties and generally relating to the use of lead-based paint in dwellings. PROHIBIT THE USE OF LEAD-BASED PAINT IN DWELLINGS IN ORDER TO PROTECT CHILDREN.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Section 117A be and the same is hereby added to Article 43 of the Annotated Code of Maryland (1965 1971 Replacement Volume), title "Health," subtitle "Nuisances," to follow immediately after Section 117 thereof, and to read as follows:

117A.

(a) The Secretary of Health shall be responsible for establishing guidelines restricting the use of lead-based paint in furtherance of this subsection. Such guidelines may be more restrictive, but in no case less restrictive, than guidelines established in any Federal statute or regulation.

(b) (A) No person shall use lead-based paint in violation of the guidelines set forth by the Secretary of Health on any interior surface, exterior surface to which children may be commonly exposed, or porch of any dwelling.

(c) The owner of any dwelling shall not later than July 1, 1972, remove or cause to be removed from any interior surface, exterior surface to which children may be commonly exposed, or porch all lead-based paint in violation of the guidelines set forth by the Secretary of Health. An owner shall be deemed in compliance with the provisions of this subsection if, in lieu of removal, he covers the prohibited paint with a permanently adhesive coating approved by the Secretary of Health.

UPON PROPER NOTICE FROM THE ENFORCING AGENCY, THE OWNER OF ANY DWELLING SHALL REMOVE OR CAUSE TO BE REMOVED FROM ANY INTERIOR SURFACE OF WINDOW SILLS, EDGES OF DOORS AND WINDOW SASH AND PORCH RAILINGS AND STEP TREADS, ALL LEAD-BASED PAINT WITHIN FOUR FEET FROM THE FLOOR OR GROUND. ALL SURFACES ABOVE FOUR FEET SHALL BE SCRAPED FREE OF PEELING OR LOOSE PAINT. AN OWNER SHALL BE DEEMED IN COMPLIANCE WITH THE PROVISIONS OF THIS SUBSECTION IF IN LIEU OF REMOVAL HE COVERS THE PROHIBITED PAINT WITH PANELING OR A PERMANENTLY ADHESIVE COATING.

(d) (B) As used in this section—

(1) the term "person" shall include any individual, corporation, the State of Maryland, and any of its instrumentalities.