

10-107, AND THE ACCIDENT HAS BEEN INVESTIGATED BY THE POLICE AND A REPORT HAS BEEN FILED WITH THE MARYLAND STATE POLICE, THE ADMINISTRATION [MAY] SHALL WAIVE THE REQUIREMENT FOR FILING SUCH A REPORT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 21, 1973.

CHAPTER 615

(House Bill 1215)

AN ACT to repeal Section 117A of Article 43 of the Annotated Code of Maryland (1972 Supplement), title "Health," subtitle "Nuisances," and to enact new Sections 117A and 117B in lieu thereof, to stand in the place of the section repealed; to prohibit the use of lead-based paint on certain surfaces; to provide a penalty for the violation thereof, to provide a procedure for the removal of lead-based paint from certain surfaces under specified conditions and generally relating to the use of lead-based paints.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 117A of Article 43 of the Annotated Code of Maryland (1972 Supplement), title "Health," subtitle "Nuisances," be and it is hereby repealed and that new Sections 117A and 117B are enacted in lieu thereof, and all to read as follows:

117A.

No person shall use lead-based paint on any interior surface, exterior surface to which children may be commonly exposed, or porch of any dwelling.]

117A.

(A) IT IS UNLAWFUL TO USE LEAD-BASED PAINT ON ANY INTERIOR SURFACE OR ON ANY ARTICLE INTENDED FOR HOUSEHOLD USE EXCEPT A LEAD-BASED INDUSTRIAL PAINT APPLIED TO A HOUSEHOLD APPLIANCE, OR ON ANY EXTERIOR SURFACE TO WHICH CHILDREN MAY BE COMMONLY EXPOSED OR ON A PORCH OF ANY DWELLING.

(B) ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT NOT EXCEEDING 30 DAYS, OR BOTH FINE AND IMPRISONMENT IN THE DISCRETION OF THE COURT. EVERY DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

117B.

(A) NOTWITHSTANDING ANY PROVISION OF LAW OR ANY AGREEMENT, WHETHER WRITTEN OR ORAL, IF A LESSOR FAILS TO REMOVE ANY AND ALL LEAD-BASED PAINT FROM ANY INTERIOR, EXTERIOR OR OTHER SURFACE THAT IS EASILY ACCESSIBLE TO