

SENATE BILL 537

F1, J1

7lr0646

By: **Senators Salling and Bates**

Introduced and read first time: February 1, 2017

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – School Buildings – Minimum Health Standards**
3 **(Healthy Schools Program)**

4 FOR the purpose of establishing the Healthy Schools Program in the State; specifying the
5 purpose of the Program; requiring the Secretary of Health and Mental Hygiene, in
6 consultation with the Interagency Committee on School Construction, to adopt
7 certain regulations establishing minimum standards designed to protect the health
8 of the occupants of public school buildings; authorizing a representative of the
9 Secretary to enter and inspect a public school to determine if the public school is in
10 violation of a certain regulation; prohibiting a person from refusing to grant certain
11 access to a public school or to interfere with a certain inspection; requiring the
12 Secretary to notify a certain school principal and local school system of certain
13 information under certain circumstances; authorizing the Secretary to file a
14 complaint in a certain court if a local school system fails to correct a certain violation
15 by a certain date; specifying the content of a certain court order; defining certain
16 terms; and generally relating to minimum health standards for public school
17 buildings in the State.

18 BY adding to

19 Article – Health – General
20 Section 24–1701 through 24–1706 to be under the new subtitle “Subtitle 17. Healthy
21 Schools Program”
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2016 Supplement)

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

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SUBTITLE 17. HEALTHY SCHOOLS PROGRAM.

24-1701.

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

(B) "PROGRAM" MEANS THE HEALTHY SCHOOLS PROGRAM.

(C) "PUBLIC SCHOOLS" MEANS THE SCHOOLS IN THE PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM OF THE STATE.

24-1702.

THERE IS A HEALTHY SCHOOLS PROGRAM IN THE STATE.

24-1703.

THE PURPOSE OF THE PROGRAM IS TO PROMOTE A HEALTHY ENVIRONMENT IN EACH PUBLIC SCHOOL THROUGH THE ADOPTION OF REGULATIONS ESTABLISHING MINIMUM STANDARDS DESIGNED TO PROTECT THE HEALTH OF THE OCCUPANTS OF PUBLIC SCHOOL BUILDINGS.

24-1704.

THE SECRETARY, IN CONSULTATION WITH THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION, SHALL ADOPT REGULATIONS ESTABLISHING MINIMUM STANDARDS DESIGNED TO PROTECT THE HEALTH OF THE OCCUPANTS OF PUBLIC SCHOOL BUILDINGS, INCLUDING SPECIFICATIONS FOR:

(1) SUBJECT TO § 5-301 OF THE EDUCATION ARTICLE, INDOOR AIR QUALITY;

(2) DRINKING WATER QUALITY;

(3) ASBESTOS ENCAPSULATION OR REMOVAL;

(4) LEAD-BASED PAINT HAZARDS;

(5) TEMPERATURE RANGES IN CLASSROOMS;

(6) MOLD REMEDIATION; AND

(7) CONTROL OF PESTS.

24-1705.

(A) TO ENFORCE THIS SUBTITLE, A REPRESENTATIVE OF THE SECRETARY, AT ANY REASONABLE TIME, MAY ENTER AND INSPECT A PUBLIC SCHOOL ON AN ANNOUNCED OR UNANNOUNCED BASIS TO DETERMINE IF A PUBLIC SCHOOL IS IN VIOLATION OF ANY REGULATION ADOPTED UNDER THIS SUBTITLE.

(B) A PERSON MAY NOT:

(1) REFUSE TO GRANT ACCESS TO A REPRESENTATIVE OF THE SECRETARY WHO REQUESTS TO ENTER AND INSPECT A PUBLIC SCHOOL UNDER THIS SECTION; OR

(2) INTERFERE WITH ANY INSPECTION UNDER THIS SECTION.

24-1706.

(A) IF THE SECRETARY FINDS THAT A PUBLIC SCHOOL IS IN VIOLATION OF ANY REGULATION ADOPTED UNDER THIS SUBTITLE, THE SECRETARY SHALL NOTIFY IN WRITING THE SCHOOL PRINCIPAL AND THE LOCAL SCHOOL SYSTEM:

(1) OF THE SPECIFIC FINDINGS;

(2) OF A SPECIFIC REASONABLE DATE BY WHICH THE LOCAL SCHOOL SYSTEM SHALL CORRECT THE VIOLATION SPECIFIED IN THE NOTICE; AND

(3) THAT, IF THE LOCAL SCHOOL SYSTEM FAILS TO CORRECT THE VIOLATION BY THE DATE SPECIFIED, THE SECRETARY MAY FILE A COMPLAINT IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE PUBLIC SCHOOL IS LOCATED AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

(B) (1) THE SECRETARY MAY FILE A COMPLAINT IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE PUBLIC SCHOOL IS LOCATED IF THE LOCAL SCHOOL SYSTEM FAILS TO CORRECT THE VIOLATION SPECIFIED IN THE NOTICE.

(2) A COMPLAINT FILED UNDER THIS SECTION MAY SEEK A COURT ORDER REQUIRING THE LOCAL SCHOOL SYSTEM TO:

(I) CORRECT THE VIOLATION SPECIFIED IN THE NOTICE; AND

(II) PREVENT THE VIOLATION FROM RECURRING.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2017.