

HOUSE BILL No. 1467

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-34-3-11; IC 32-31-12; IC 35-52-32-1.8.

Synopsis: Children and lead hazards. Provides that, beginning with children who enroll in school for the school year beginning in 2024, the governing body of a school corporation shall require every child not more than seven years of age who enrolls in a school operated by the school corporation to undergo a test for the presence of lead in the child's blood. Defines "dwelling unit lead hazard" as: (1) the presence of lead-based paint on a wall of a dwelling unit; (2) the presence of lead-contaminated soil outside a dwelling unit; or (3) the presence of lead in the drinking water system of a dwelling unit. Prohibits the renting or sale of a dwelling unit to a family that includes a child not more than seven years of age if the dwelling unit is subject to a dwelling unit lead hazard. Requires a landlord, before renting a dwelling unit to a tenant family that includes a child not more than seven years of age, to have the dwelling unit inspected to determine whether the dwelling unit is subject to any dwelling unit lead hazard. Requires a seller, before selling a dwelling unit to a prospective purchaser family that includes a child not more than seven years of age, to have the dwelling unit inspected to determine whether the dwelling unit is subject to any dwelling unit lead hazard. Provides that a landlord or seller who knowingly or intentionally: (1) violates the renting or sale prohibition; (2) represents to a family that the family may waive the renting or sale prohibition; (3) misrepresents the age of a member of a family to conceal a violation of the renting or sale prohibition; or (4) induces a member of a family to misrepresent the age of another member of the family to conceal a violation of the renting or sale prohibition; commits a Class C misdemeanor. Makes technical corrections.

Effective: July 1, 2023.

Boy, Jackson

January 17, 2023, read first time and referred to Committee on Judiciary.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1467

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-34-3-11, AS ADDED BY P.L.1-2005,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 11. (a) The governing body of a school
4 corporation:

5 (1) may; **and**
6 (2) **if subsection (f) applies, shall;**
7 require students to be tested for lead poisoning.

8 (b) If a student's parent states in writing that the parent is financially
9 unable to pay for a test under this section, the student shall be referred
10 to the free clinic or public health facility in the area that provides
11 services for indigents.

12 (c) The ~~state~~ **Indiana** department of health and the state board shall
13 adopt joint rules concerning lead poisoning testing under this section.

14 (d) Records of all tests administered under this section shall be
15 made and continuously maintained by the ~~state~~ **Indiana** department of
16 health to provide information useful in protecting, promoting, and
17 maintaining the health of students.



1 (e) As used in subsection (f), "blood lead test" means a test in
 2 which a small amount of blood is taken from the finger, heel, or
 3 arm of a child and tested for the presence of lead.

4 (f) Beginning with children who enroll in school for the school
 5 year beginning in 2024, the governing body of a school corporation
 6 shall require that all children not more than seven (7) years of age
 7 who enroll in a school operated by the school corporation receive
 8 a blood lead test.

9 SECTION 2. IC 32-31-12 IS ADDED TO THE INDIANA CODE
 10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2023]:

12 **Chapter 12. Dwelling Unit Lead Hazards**

13 **Sec. 1. (a)** As used in this chapter, "dwelling unit" means a
 14 structure or part of a structure that is used as a home, residence,
 15 or sleeping unit.

16 **(b)** The term includes the following:

- 17 (1) An apartment unit.
- 18 (2) A boarding house unit.
- 19 (3) A rooming house unit.
- 20 (4) A condominium unit.
- 21 (5) A manufactured home (as defined in IC 22-12-1-16) or
 22 mobile structure (as defined in IC 22-12-1-17) and the space
 23 occupied by the manufactured home or mobile structure.
- 24 (6) A structure intended or suitable for occupancy by one (1)
 25 or two (2) families.

26 **Sec. 2.** As used in this chapter, "dwelling unit lead hazard"
 27 means any of the following:

- 28 (1) The presence on a wall or other surface in the dwelling
 29 unit of lead-based paint that has not been enclosed,
 30 encapsulated, or completely removed as a risk abatement
 31 measure.
- 32 (2) The presence outside the dwelling unit, on the grounds
 33 associated with the dwelling unit or the structure containing
 34 the dwelling unit, of soil contaminated with lead in an amount
 35 exceeding the United States Environmental Protection Agency
 36 standards of:
 - 37 (A) four hundred (400) parts per million in an area in
 38 which children would tend to play; and
 - 39 (B) one thousand two hundred (1,200) parts per million in
 40 any other area.
- 41 (3) The presence of lead in the drinking water supplied by the
 42 water system of the dwelling unit at a level that equals or



1 exceeds the lead action level of fifteen (15) parts per billion
2 established by 40 CFR 141, Subpart I.

3 **Sec. 3. As used in this chapter, "landlord" means:**

4 (1) the owner, lessor, or sublessor of a dwelling unit or the
5 property of which the dwelling unit is a part; or

6 (2) a person authorized to exercise any aspect of the
7 management of the dwelling unit, including a person who
8 directly or indirectly:

9 (A) acts as a rental agent; or

10 (B) receives rent or any part of the rent other than as a
11 bona fide purchaser.

12 **Sec. 4. As used in this chapter, "lead-based paint" means paint
13 or another surface coating that contains lead:**

14 (1) in an amount equal to or greater than one (1) milligram
15 per square centimeter; or

16 (2) in the amount of more than one-half percent (0.5%) by
17 weight.

18 **Sec. 5. As used in this chapter, "prospective purchaser family"
19 means two (2) or more individuals who seek to obtain the right to
20 occupy a dwelling unit for residential purposes through the sale
21 and purchase of the dwelling unit.**

22 **Sec. 6. (a) As used in this chapter, to "sell" a dwelling unit
23 means:**

24 (1) to transfer a fee simple interest or a lesser property
25 interest in the dwelling unit in exchange for a sum of money
26 or other property;

27 (2) to lease the dwelling unit with an option for the lessee to
28 purchase the dwelling unit; or

29 (3) to transfer, for consideration, the purchaser's interest in
30 an executory installment contract for the purchase of the
31 dwelling unit.

32 **Sec. 7. (a) As used in this chapter, "seller" means a person:**

33 (1) who is:

34 (A) an owner of a dwelling unit; or

35 (B) a purchaser of a dwelling unit under an executory
36 installment contract; and

37 (2) who is seeking to sell the dwelling unit.

38 (b) The term includes an agent of a person referred to in
39 subsection (a) who is representing the person referred to in
40 subsection (a) for purposes of an intended sale of a dwelling unit.

41 **Sec. 8. As used in this chapter, "tenant family" means two (2) or
42 more individuals who occupy, or seek to occupy, a rental unit:**



- 1 (1) for residential purposes;
- 2 (2) with the landlord's consent; and
- 3 (3) for consideration.

4 Sec. 9. (a) Except as provided in subsection (c), before a
 5 landlord rents a dwelling unit to a tenant family that includes a
 6 child not more than seven (7) years of age, the dwelling unit must
 7 be inspected by:

- 8 (1) a person licensed under IC 16-41-39.8 to engage in
 9 lead-based paint activities; or
- 10 (2) a person that has been granted certification under the
 11 Renovation, Repair and Painting Program of the United
 12 States Environmental Protection Agency;

13 to determine whether the dwelling unit is subject to any dwelling
 14 unit lead hazard.

15 (b) Except as provided in subsection (c), before a seller sells a
 16 dwelling unit to a prospective purchaser family that includes a
 17 child not more than seven (7) years of age, the dwelling unit must
 18 be inspected by:

- 19 (1) a person licensed under IC 16-41-39.8 to engage in
 20 lead-based paint activities; or
- 21 (2) a person that has been granted certification under the
 22 Renovation, Repair and Painting Program of the United
 23 States Environmental Protection Agency;

24 to determine whether the dwelling unit is subject to any dwelling
 25 unit lead hazard.

26 (c) If:

- 27 (1) a dwelling unit has been inspected by:
 - 28 (A) a person licensed under IC 16-41-39.8 to engage in
 - 29 lead-based paint activities; or
 - 30 (B) a person that has been granted certification under the
 - 31 Renovation, Repair and Painting Program of the United
 - 32 States Environmental Protection Agency; and

33 (2) either:

34 (A) the dwelling unit was found through the inspection
 35 conducted under subdivision (1) not to be affected by a
 36 dwelling unit lead hazard; or

37 (B) the dwelling unit was found through the inspection
 38 conducted under subdivision (1) to be affected by a
 39 dwelling unit lead hazard but:

- 40 (i) the dwelling unit lead hazard has been eliminated by
- 41 a person referred to in subdivision (1)(A) or (1)(B); or
- 42 (ii) a person referred to in subdivision (1)(A) or (1)(B)



1 has determined that the dwelling unit lead hazard has
 2 been eliminated;
 3 a landlord or seller is not required to have the dwelling unit
 4 inspected under subsection (a) or (b).

5 **Sec. 10. (a)** A landlord shall not rent a dwelling unit to a tenant
 6 family that includes a child not more than seven (7) years of age if
 7 the dwelling unit is subject to any dwelling unit lead hazard.

8 **(b)** A landlord who knowingly or intentionally:

9 (1) fails to have a dwelling unit inspection required by section
 10 9 of this chapter;

11 (2) rents a dwelling unit to a tenant family in violation of
 12 subsection (a);

13 (3) represents to a tenant family that the tenant family may
 14 waive the application of this chapter to the rental of a
 15 dwelling unit to the tenant family;

16 (4) misrepresents the age of a member of a tenant family to
 17 conceal a violation of subsection (a); or

18 (5) induces a member of a tenant family to misrepresent the
 19 age of another member of the tenant family to conceal a
 20 violation of subsection (a);

21 commits a Class C misdemeanor.

22 **Sec. 11. (a)** A seller shall not sell a dwelling unit to a prospective
 23 purchaser family that includes a child not more than seven (7)
 24 years of age if the dwelling unit is subject to any dwelling unit lead
 25 hazard.

26 **(b)** A seller who knowingly or intentionally:

27 (1) fails to have a dwelling unit inspection required by section
 28 9 of this chapter;

29 (2) sells a dwelling unit to a prospective purchaser family in
 30 violation of subsection (a);

31 (3) represents to a prospective purchaser family that the
 32 prospective purchaser family may waive the application of
 33 this chapter to the sale of a dwelling unit to the prospective
 34 purchaser family;

35 (4) misrepresents the age of a member of a prospective
 36 purchaser family to conceal a violation of subsection (a); or

37 (5) induces a member of a prospective purchaser family to
 38 misrepresent the age of another member of the prospective
 39 purchaser family to conceal a violation of subsection (a);

40 commits a Class C misdemeanor.

41 **Sec. 12. (a)** The application of this chapter to:

42 (1) the rental of a dwelling unit by a tenant family; or



1 (2) the sale of a dwelling unit to a prospective purchaser
2 family;
3 cannot be waived.
4 (b) An attempted or purported waiver of the application of this
5 chapter to:
6 (1) the rental of a dwelling unit by a tenant family; or
7 (2) the sale of a dwelling unit to a prospective purchaser
8 family;
9 is unenforceable, void, and of no effect.
10 SECTION 3. IC 35-52-32-1.8 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2023]: **Sec. 1.8. (a) IC 32-31-12-10 defines a**
13 **crime concerning the renting of a dwelling unit that is subject to a**
14 **dwelling unit lead hazard or the failure to have a dwelling unit**
15 **inspected to determine whether it is subject to a dwelling unit lead**
16 **hazard.**
17 **(b) IC 32-31-12-11 defines a crime concerning the sale of a**
18 **dwelling unit that is subject to a dwelling unit lead hazard or the**
19 **failure to have a dwelling unit inspected to determine whether it is**
20 **subject to a dwelling unit lead hazard.**

