

# HOUSE BILL No. 1587

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-34-3-11; IC 32-31-10.

**Synopsis:** Dwelling unit lead hazards and student testing. Provides that, beginning with children who enroll in school for the school year beginning in 2020, the governing body of a school corporation shall require every child under six years of age who enrolls in a school operated by the school corporation to have a blood lead test. 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 renting a dwelling unit to a tenant family that includes a child not more than six years of age if the dwelling unit is subject to a dwelling unit lead hazard. Provides that a landlord who knowingly or intentionally: (1) violates the prohibition; (2) represents to a tenant family that the tenant family may waive the prohibition; (3) misrepresents the age of a member of a tenant family to conceal a violation of the prohibition; or (4) induces a member of a tenant family to misrepresent the age of another member of the tenant family to conceal a violation of the prohibition; commits a Class C misdemeanor.

**Effective:** July 1, 2019.

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## Errington, Boy

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January 22, 2019, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1587

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  
3 [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) The governing body of a  
4 school corporation:  
5 (1) may; and  
6 (2) if subsection (e) 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 department of health and the state board shall adopt  
13 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 department of health to  
16 provide information useful in protecting, promoting, and maintaining  
17 the health of students.



1           (e) Beginning with children who enroll in school for the school  
2 year beginning in 2020, the governing body of a school corporation  
3 shall require all children under six (6) years of age who enroll in a  
4 school operated by the school corporation to have a blood lead test.

5           SECTION 2. IC 32-31-10 IS ADDED TO THE INDIANA CODE  
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2019]:

8           **Chapter 10. Dwelling Unit Lead Hazards**

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

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

13               (1) An apartment unit.

14               (2) A boarding house unit.

15               (3) A rooming house unit.

16               (4) A manufactured home (as defined in IC 22-12-1-16) or  
17 mobile structure (as defined in IC 22-12-1-17) and the space  
18 occupied by the manufactured home or mobile structure.

19               (5) A single or two (2) family dwelling.

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

22               (1) The presence on a wall or other surface in the dwelling  
23 unit of lead-based paint that has not been enclosed,  
24 encapsulated, or completely removed as a risk abatement  
25 measure.

26               (2) The presence outside the dwelling unit, on the grounds  
27 associated with the dwelling unit or the structure containing  
28 the dwelling unit, of soil contaminated with lead in an amount  
29 exceeding the United States Environmental Protection Agency  
30 standards of:

31                       (A) four hundred (400) parts per million in an area in  
32 which children would tend to play; and

33                       (B) one thousand two hundred (1,200) parts per million in  
34 any other area.

35               (3) The presence in the drinking water supplied by the water  
36 system of the dwelling unit of lead at a level that equals or  
37 exceeds the lead action level of fifteen (15) parts per billion  
38 established by 40 CFR 141, Subpart I.

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

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

42               (2) a person authorized to exercise any aspect of the



- 1 management of the dwelling unit, including a person who  
 2 directly or indirectly:  
 3 (A) acts as a rental agent; or  
 4 (B) receives rent or any part of the rent other than as a  
 5 bona fide purchaser.
- 6 **Sec. 4. As used in this chapter, "lead-based paint" means paint**  
 7 **or another surface coating that contains lead:**  
 8 (1) in an amount equal to or more than one (1) milligram per  
 9 square centimeter; or  
 10 (2) in the amount of more than one-half percent (0.5%) by  
 11 weight.
- 12 **Sec. 5. As used in this chapter, "tenant family" means two (2) or**  
 13 **more individuals who occupy, or seek to occupy, a rental unit:**  
 14 (1) for residential purposes;  
 15 (2) with the landlord's consent; and  
 16 (3) for consideration.
- 17 **Sec. 6. (a) A landlord shall not rent a dwelling unit to a tenant**  
 18 **family that includes a child not more than six (6) years of age if the**  
 19 **dwelling unit is subject to any dwelling unit lead hazard.**  
 20 **(b) A landlord who knowingly or intentionally:**  
 21 (1) rents a dwelling unit to a tenant family in violation of  
 22 subsection (a);  
 23 (2) represents to a tenant family that the tenant family may  
 24 waive the application of this chapter to the rental of a  
 25 dwelling unit to the tenant family;  
 26 (3) misrepresents the age of a member of a tenant family to  
 27 conceal a violation of subsection (a); or  
 28 (4) induces a member of a tenant family to misrepresent the  
 29 age of another member of the tenant family to conceal a  
 30 violation of subsection (a);  
 31 commits a Class C misdemeanor.
- 32 **Sec. 7. (a) The application of this chapter to the rental of a**  
 33 **dwelling unit by a tenant family cannot be waived.**  
 34 **(b) An attempted or purported waiver of the application of this**  
 35 **chapter to the rental of a dwelling unit to a tenant family is void.**

