

SENATE BILL No. 615

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-41-39.5; IC 35-52-16-78.5.

Synopsis: Lead poisoning of children. Requires the state department of health to develop and distribute to primary health care providers a one page informational form that sets forth a series of questions for a child's family concerning the child's exposure to lead and directs a primary health care provider to have a child's blood tested for lead if the child's family gives certain answers to the questions. Requires a primary health care provider who provides well child health care services to a child less than six years of age to recommend a blood lead screening test under certain circumstances and to order a blood lead screening test under certain circumstances. Provides an exception if the parents of the child object to the blood lead screening test on religious grounds. Establishes requirements for blood lead screening tests and confirmatory blood lead screening tests. Requires a clinical laboratory that performs an analysis of the blood of a child for lead to report the results to the state health commissioner (commissioner). Provides that the commissioner, when provided test results showing that a child has a blood lead level of at least five micrograms per deciliter, is required to order a public health lead investigation to determine the source of the child's lead poisoning if the child is less than six years of age, and may order a public health lead investigation if the child is more than six but less than 16 years of age. Provides that the public health lead investigation must include an onsite investigation of the child's residential unit, child care center, or school if the child has a blood lead level of at least 10 micrograms per deciliter. Provides that the commissioner must require a public health lead risk assessment of a child's residential unit, child care center, or school upon determining that the property is a possible source of the child's lead poisoning.
(Continued next page)

Effective: July 1, 2019.

Breaux

January 15, 2019, read first time and referred to Committee on Health and Provider Services.

Digest Continued



Provides that if the public health lead risk assessment indicates that one or more lead hazards in the residential unit, child care center, or school are contributing to a child's lead poisoning, the commissioner shall issue an order to have each lead hazard controlled. Requires the owner or manager of the residential unit, child care center, or school to choose from among certain acceptable methods to control each lead hazard specified in the commissioner's order. Requires the commissioner to issue a noncompliance order prohibiting the use of the property if the owner or manager of the residential unit, child care center, or school does not comply with the lead hazard control order. Requires the commissioner to lift a lead hazard control order when all lead hazards specified in the control order have been sufficiently controlled.



Introduced

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.

SENATE BILL No. 615

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 16-18-2-0.5, AS AMENDED BY P.L.42-2011,
2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 0.5. (a) "Abatement" or "**lead abatement**", for
4 purposes of **IC 16-41-39.5 and IC 16-41-39.8**, means any measure or
5 set of measures designed to permanently eliminate lead-based paint
6 hazards. The term includes the following:
7 (1) The removal of lead-based paint and lead-contaminated dust.
8 (2) The permanent enclosure or encapsulation of lead-based paint.
9 (3) The replacement of lead-painted surfaces or fixtures.
10 (4) The removal or covering of lead-contaminated soil.
11 (5) All preparation, cleanup, disposal, and postabatement
12 clearance testing activities associated with subdivisions (1)
13 through (4).
14 (6) A project for which there is a written contract or other
15 documentation, providing that a person will be conducting



- 1 activities in or to a residential dwelling or child occupied facility
 2 that:
- 3 (A) will permanently eliminate lead-based paint hazards; or
 4 (B) are designed to permanently eliminate lead-based paint
 5 hazards as described under subdivisions (1) through (5).
- 6 (7) A project resulting in the permanent elimination of lead-based
 7 paint hazards, conducted by persons certified under 40 CFR
 8 745.226 or persons holding valid licenses issued under
 9 IC 13-17-14 (before its repeal) or IC 16-41-39.8, unless the
 10 project is described under subsection (b) or (c).
- 11 (8) A project resulting in the permanent elimination of lead-based
 12 paint hazards, conducted by persons who, through the person's
 13 company name or promotional literature, represent, advertise, or
 14 hold themselves out to be in the business of performing
 15 lead-based paint activities, unless those projects are described
 16 under subsection (b) or (c).
- 17 (9) A project resulting in the permanent elimination of lead-based
 18 paint hazards that is conducted in response to state or local
 19 abatement orders.
- 20 (b) The term does not include renovation, remodeling, landscaping,
 21 or other activities when those activities are not designed to permanently
 22 eliminate lead-based paint hazards but are designed to repair, restore,
 23 or remodel a structure or dwelling, even though these activities may
 24 incidentally result in a reduction or elimination of lead-based paint
 25 hazards.
- 26 (c) The term does not include interim controls, operations, or
 27 maintenance activities or other measures designed to temporarily
 28 reduce lead-based paint hazards.
- 29 SECTION 2. IC 16-18-2-54.2 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2019]: **Sec. 54.2. "Child at risk of lead**
 32 **poisoning", for purposes of IC 16-41-39.5, has the meaning set**
 33 **forth in IC 16-41-39.5-1(b).**
- 34 SECTION 3. IC 16-18-2-54.4 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2019]: **Sec. 54.4. "Child care center", for**
 37 **purposes of IC 16-41-39.5, has the meaning set forth in**
 38 **IC 16-41-39.5-1(c).**
- 39 SECTION 4. IC 16-18-2-56.2, AS AMENDED BY P.L.57-2009,
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 56.2. "Clearance examination", for purposes of
 42 ~~IC 16-41-39.4~~, means an activity conducted by a clearance examiner



1 who is licensed under IC 16-41-39.8 to establish proper completion of
2 interim controls (as defined in 24 CFR 35.110); **IC 16-41-39.5, has the**
3 **meaning set forth in IC 16-41-39.5-1(d).**

4 SECTION 5. IC 16-18-2-198.4 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2019]: **Sec. 198.4. (a) "Lead hazard", for**
7 **purposes of IC 16-41-39.5, has the meaning set forth in**
8 **IC 16-41-39.5-1(f).**

9 (b) "Lead poisoning", for purposes of IC 16-41-39.5, has the
10 meaning set forth in IC 16-41-39.5-1(g).

11 SECTION 6. IC 16-18-2-198.5, AS ADDED BY P.L.57-2009,
12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2019]: **Sec. 198.5. "Lead-based paint", for purposes of**
14 **IC 16-41-39.5 and IC 16-41-39.8, means paint or another surface**
15 **coating that contains lead in an amount equal to or more than one (1)**
16 **milligram per square centimeter, or in the amount of more than**
17 **one-half percent (0.5%) by weight.**

18 SECTION 7. IC 16-18-2-198.8 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2019]: **Sec. 198.8. (a) "Lead-contaminated**
21 **dust", for purposes of IC 16-41-39.5, has the meaning set forth in**
22 **IC 16-41-39.5-1(i).**

23 (b) "Lead-contaminated soil", for purposes of IC 16-41-39.5,
24 has the meaning set forth in IC 16-41-39.5-1(j).

25 (c) "Lead-contaminated water pipes", for purposes of
26 **IC 16-41-39.5, has the meaning set forth in IC 16-41-39.5-1(k).**

27 SECTION 8. IC 16-18-2-214.9 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2019]: **Sec. 214.9. "Manager", for purposes**
30 **of IC 16-41-39.5, has the meaning set forth in IC 16-41-39.5-1(l).**

31 SECTION 9. IC 16-18-2-292.6 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2019]: **Sec. 292.6. "Primary health care**
34 **provider", for purposes of IC 16-41-39.5, has the meaning set forth**
35 **in IC 16-41-39.5-1(m).**

36 SECTION 10. IC 16-18-2-298.6 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2019]: **Sec. 298.6. "Public health lead**
39 **investigation", for purposes of IC 16-41-39.5, has the meaning set**
40 **forth in IC 16-41-39.5-1(n).**

41 SECTION 11. IC 16-18-2-298.7 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: **Sec. 298.7. "Public health lead**
 2 **investigator"**, for purposes of IC 16-41-39.5, has the meaning set
 3 **forth in IC 16-41-39.5-1(o).**

4 SECTION 12. IC 16-18-2-298.9 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: **Sec. 298.9. "Public health lead risk**
 7 **assessment"**, for purposes of IC 16-41-39.5, has the meaning set
 8 **forth in IC 16-41-39.5-1(p).**

9 SECTION 13. IC 16-18-2-317.8 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2019]: **Sec. 317.8. "Residential unit"**, for
 12 **purposes of IC 16-41-39.5, has the meaning set forth in**
 13 **IC 16-41-39.5-1(q).**

14 SECTION 14. IC 16-18-2-323.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2019]: **Sec. 323.5. "School"**, for purposes of
 17 **IC 16-41-39.5, has the meaning set forth in IC 16-41-39.5-1(r).**

18 SECTION 15. IC 16-41-39.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2019]:

21 **Chapter 39.5. Lead Poisoning of Children: Testing and Hazard**
 22 **Abatement**

23 **Sec. 1. (a) The definitions in this section apply throughout this**
 24 **chapter.**

25 **(b) "Child at risk of lead poisoning" means a child less than six**
 26 **(6) years of age who meets one (1) or more of the following**
 27 **conditions:**

- 28 **(1) Is a Medicaid eligible individual.**
 29 **(2) Lives in a high risk ZIP code, as determined by the state**
 30 **department under section 2(d) of this chapter.**
 31 **(3) Lives in or regularly visits:**
 32 **(A) a residential unit;**
 33 **(B) a child care center; or**
 34 **(C) a school;**
 35 **built before 1950.**
 36 **(4) Lives in or regularly visits a residential unit that:**
 37 **(A) was built before 1978; and**
 38 **(B) contains deteriorated paint.**
 39 **(5) Lives in or regularly visits a residential unit that was built**
 40 **before 1978 and that is being or was recently renovated or**
 41 **remodeled.**
 42 **(6) Is the sibling or playmate of an individual who has or had**



- 1 **lead poisoning.**
 2 **(7) Frequently comes in contact with an adult who has a**
 3 **lead-related hobby or occupation.**
 4 **(8) Lives near:**
 5 **(A) an active lead smelter;**
 6 **(B) a battery recycling plant; or**
 7 **(C) another industrial facility known to generate airborne**
 8 **lead dust.**
 9 **(c) "Child care center" has the meaning set forth in**
 10 **IC 12-7-2-28.4.**
 11 **(d) "Clearance examination" means an examination of a**
 12 **residential unit, child care center, or school that includes:**
 13 **(1) a visual assessment; and**
 14 **(2) the collection and analysis of environmental samples;**
 15 **to determine whether the lead hazards in the residential unit, child**
 16 **care center, or school have been sufficiently controlled.**
 17 **(e) "Lead abatement" has the meaning set forth in**
 18 **IC 16-18-2-0.5.**
 19 **(f) "Lead hazard" means the presence in a residential unit, child**
 20 **care center, or school of a condition that is likely to cause the**
 21 **exposure of an individual to lead and thereby endanger the**
 22 **individual's health.**
 23 **(g) "Lead poisoning" means a confirmed level of lead in human**
 24 **blood of at least five (5) micrograms per deciliter.**
 25 **(h) "Lead-based paint" has the meaning set forth in**
 26 **IC 16-18-2-198.5.**
 27 **(i) "Lead-contaminated dust" means surface dust that contains**
 28 **an area or mass concentration of lead at or in excess of the level**
 29 **that is hazardous to human health.**
 30 **(j) "Lead-contaminated soil" means soil that contains lead at or**
 31 **in excess of the level that is hazardous to human health.**
 32 **(k) "Lead-contaminated water pipes" means water pipes**
 33 **containing lead materials resulting in contamination of the water**
 34 **supply with lead at or in excess of the level that is hazardous to**
 35 **human health.**
 36 **(l) "Manager" means an individual who is responsible for the**
 37 **daily operation of a residential unit, child care center, or school.**
 38 **(m) "Primary health care provider" means any individual or**
 39 **entity that provides well child health care services, such as annual**
 40 **examinations and immunizations, to children less than six (6) years**
 41 **of age. The term may include:**
 42 **(1) a licensed physician;**



1 (2) an advanced practice nurse licensed under IC 25-23-1;

2 (3) a local health department; and

3 (4) a medical clinic, medical office, or hospital.

4 (n) "Public health lead investigation" means an investigation of
5 a residential unit, child care center, or school for lead hazards that
6 is conducted by a public health lead investigator under section 8 of
7 this chapter.

8 (o) "Public health lead investigator" means an employee or
9 contractor of:

10 (1) the state department; or

11 (2) a local health department to which the state health
12 commissioner has delegated authority under section 7 of this
13 chapter;

14 who is authorized to conduct public health lead investigations and
15 public health lead risk assessments of residential units, child care
16 centers, and schools under this chapter.

17 (p) "Public health lead risk assessment" means an assessment
18 of a residential unit, child care center, or school that is conducted
19 by a public health lead investigator under section 9 of this chapter
20 after the state health commissioner determines that the residential
21 unit, child care center, or school is a possible source of a child's
22 lead poisoning.

23 (q) "Residential unit" means a dwelling or any part of a
24 building being used as an individual's private residence. The term
25 may include a day care center, a preschool, the home of a child
26 care provider, or the home of a relative.

27 (r) "School" means a public or nonpublic school attended by
28 children less than six (6) years of age.

29 Sec. 2. (a) The state department shall develop, print, and
30 distribute to licensed physicians and other primary health care
31 providers a one (1) page informational form about the testing of
32 the blood of Indiana children less than six (6) years of age for the
33 presence of lead.

34 (b) The informational form required by subsection (a):

35 (1) must set forth a series of questions to be answered by a
36 child's family;

37 (2) must include boxes to be checked to indicate whether the
38 family's answer to each question is "yes", "do not know", or
39 "no"; and

40 (3) must include guidance to the primary health care provider
41 as to the action the primary health care provider should take
42 in response to the answers given by a child's family.



1 (c) The questions and other information must be set forth in the
 2 informational form in easily readable type, in wording
 3 substantially as follows:

4 **"BLOOD LEAD TESTING REQUIREMENTS FOR**
 5 **INDIANA CHILDREN LESS THAN 6 YEARS OF AGE**

6 If the family answers "yes" or "do not know" to any of the
 7 questions below, the child's blood must be tested for lead. If
 8 the family answers "no" to all of the questions, provide lead
 9 poisoning prevention guidance to the family and follow up at
 10 the next visit.

11 1. Does the child live in or regularly visit a property built
 12 before 1978 that has peeling or chipping paint or that is being
 13 or was recently renovated? This includes a child care center,
 14 a preschool, or the home of a baby-sitter or relative. If the
 15 answer is "yes" or "do not know", the child's blood must be
 16 tested. If the answer is "no", go on to number 2.

17 2. Is the child on Medicaid? If the answer is "yes" and the
 18 child is less than 3 years old, the child's blood must be tested.
 19 If the answer is "yes" and the child is at least 3 and less than
 20 6 years old, the child's blood must be tested, regardless of risk
 21 factors, if the child has no history of being tested for lead. If
 22 the answer is "no", go on to number 3.

23 3. Does the child live in one of the high risk ZIP codes printed
 24 on this page? If the answer is "yes", the child's blood must be
 25 tested. If the answer is "no", go on to number 4.

26 4. Ask the parent the following six key questions to assess risk.
 27 If the answer is "yes" or "do not know" to any of these
 28 questions, the child's blood must be tested.

29 Does your child live in or regularly visit a home built before
 30 1950?

31 Does your child have a sibling or playmate who has or had
 32 lead poisoning?

33 Does your child frequently come in contact with an adult
 34 whose hobby or job involves working with lead? (Examples
 35 are construction, welding, pottery, painting, and casting
 36 ammunition.)

37 Did the child's mother have known exposure to lead during
 38 her pregnancy with the child?

39 Is the child or the child's mother an immigrant or refugee?

40 Does your child live near an active or former lead smelter,
 41 battery recycling plant, or other industry known to release
 42 lead?".



1 (d) In developing the informational form required by subsection
 2 (a), the state department, using statistical modeling, shall
 3 determine the ZIP code areas of Indiana that fully or partially
 4 contain at least one (1) census tract in which at least twelve percent
 5 (12%) of the residents less than six (6) years of age are predicted
 6 to have blood lead levels of at least five (5) micrograms of lead per
 7 deciliter of blood. The state department shall publish the list of
 8 these ZIP codes and print the list in the informational form
 9 required by subsection (a).

10 Sec. 3. (a) A primary health care provider who provides well
 11 child health care services to a child less than six (6) years of age
 12 shall do the following:

13 (1) Determine whether the child has had a blood lead
 14 screening test.

15 (2) If the child has had a blood lead screening test, determine
 16 at what age the child was tested and the results of the blood
 17 lead screening test.

18 (3) If the child has not had a blood lead screening test and is
 19 at least nine (9) months old and less than seventy-two (72)
 20 months old, determine whether the child is a child at risk of
 21 lead poisoning.

22 (4) If the child:

23 (A) is less than six (6) years of age and is determined to be
 24 a child at risk of lead poisoning; but

25 (B) has not had a blood lead screening test or has had a
 26 blood lead screening test of which the results are not
 27 available;

28 order a blood lead screening test.

29 (b) A primary health care provider shall recommend that a
 30 child at risk of lead poisoning have a blood lead screening test:

31 (1) at the time of the child's one (1) year well child visit and
 32 two (2) year well child visit; and

33 (2) annually after the child's two (2) year well child visit, as
 34 medically indicated.

35 (c) A primary health care provider who provides well child
 36 health care services to a child at risk of lead poisoning shall make
 37 a good faith effort to obtain the results of all blood lead screening
 38 tests performed on the child at risk of lead poisoning.

39 Sec. 4. (a) A blood lead screening test of a child at risk of lead
 40 poisoning must be conducted by:

41 (1) venous draw of blood; or

42 (2) a capillary test, with the blood collected in a capillary tube



1 or on filter paper.

2 (b) If:

3 (1) a blood lead screening test of a child at risk of lead
4 poisoning is conducted by a capillary test of blood collected in
5 a capillary tube or on filter paper; and

6 (2) the result is at least five (5) micrograms per deciliter;
7 a confirmatory blood lead screening test of the child by venous
8 collection shall be performed as soon as possible but not more than
9 ninety (90) days after the blood lead screening test conducted by a
10 capillary test.

11 (c) The rules adopted by the state health commissioner under
12 this chapter must provide written guidance for follow-up of
13 elevated blood lead screening test results.

14 Sec. 5. (a) A child at risk of lead poisoning may not be required
15 to undergo a blood lead screening test under this chapter if the
16 parents of the child object to the blood lead screening test on the
17 grounds that it conflicts with their religious tenets and practices.

18 (b) A parent's objection to a blood lead screening test described
19 in subsection (a) shall be documented in the child's medical record.

20 Sec. 6. (a) A clinical laboratory that performs an analysis of the
21 blood of a child less than sixteen (16) years of age who resides in
22 Indiana to detect or determine levels of lead shall report to the
23 state health commissioner, on a form prescribed by the state health
24 commissioner, all of the following information:

25 (1) The child's name and the name of the child's parent or
26 guardian.

27 (2) The child's street address and mailing address, including
28 the city, state, county, and ZIP code.

29 (3) The child's Social Security number, date of birth, gender,
30 race, and ethnicity.

31 (4) A telephone number, with area code, at which the parents
32 or guardians of the child can be reached.

33 (5) The specimen matrix (blood).

34 (6) The analyte (lead).

35 (7) The procedure used to obtain the specimen and the date on
36 which the specimen was obtained.

37 (8) The primary health care provider's:

38 (A) name (if an entity) or first name and last name (if an
39 individual);

40 (B) address;

41 (C) telephone number; and

42 (D) national provider identifier, if applicable.



1 **(9) The child's Medicaid number, if any.**

2 **(10) The Clinical Laboratory Improvement Amendments of**
 3 **1998 (CLIA) number of the laboratory performing the**
 4 **analysis.**

5 **(11) The accession number, the date on which the sample was**
 6 **analyzed, and the test result in micrograms per deciliter.**

7 **(b) A licensed physician or other primary health care provider**
 8 **who requests an analysis of the blood of a child who is less than**
 9 **sixteen (16) years of age and resides in Indiana to detect or**
 10 **determine the levels of lead in the child's blood shall include with**
 11 **the request for analysis the information described in subsection**
 12 **(a)(1) through (a)(9).**

13 **(c) A clinical laboratory's report of information to the state**
 14 **health commissioner as required by subsection (a) must be by**
 15 **electronic transfer, unless otherwise authorized by the state health**
 16 **commissioner. A clinical laboratory shall transmit all electronic**
 17 **information to the state health commissioner under this subsection**
 18 **not more than seven (7) calendar days after the result of the**
 19 **analysis is obtained.**

20 **(d) Not more than ten (10) calendar days after receiving a blood**
 21 **lead screening test analysis result reported by a clinical laboratory**
 22 **under subsection (a) indicating a child's blood lead level of at least**
 23 **five (5) micrograms per deciliter, the state health commissioner**
 24 **shall forward the result to the appropriate local health department**
 25 **to which the state health commissioner has delegated authority**
 26 **under section 7 of this chapter.**

27 **(e) The state health commissioner shall record all children's**
 28 **blood lead screening test analysis results reported to the state**
 29 **health commissioner under subsection (a) in the state's**
 30 **immunization data registry maintained under IC 16-38-5.**

31 **Sec. 7. (a) The state health commissioner may delegate to a local**
 32 **health department the authority, as the state health commissioner's**
 33 **authorized agent, to conduct public health lead investigations and**
 34 **public health lead risk assessments of residential units, child care**
 35 **centers, and schools and to enforce this chapter if the local health**
 36 **department:**

37 **(1) employs or contracts with one (1) or more public health**
 38 **lead investigators who have been approved by the state health**
 39 **commissioner; and**

40 **(2) provides the public health lead investigators referred to in**
 41 **subdivision (1) with the equipment and supplies the state**
 42 **health commissioner considers necessary for performing the**



- 1 **duties of a public health lead investigator.**
- 2 **(b) A local health department that accepts the delegation of**
- 3 **authority from the state health commissioner under subsection (a)**
- 4 **may do the following, as set forth in the order of delegation:**
- 5 **(1) Conduct public health lead investigations and public**
- 6 **health lead risk assessments, in accordance with this chapter,**
- 7 **within the local health department's delegation of authority.**
- 8 **(2) Issue and enforce lead hazard control orders within the**
- 9 **local health department's delegation of authority, as required**
- 10 **by this chapter.**
- 11 **(c) A local health department that accepts a delegation of**
- 12 **authority from the state health commissioner under subsection (a)**
- 13 **shall maintain and make available to the state health commissioner**
- 14 **all records relating to work performed under the delegation of**
- 15 **authority, along with supporting documentation:**
- 16 **(1) for at least six (6) years; or**
- 17 **(2) if an audit, litigation, or other action related to the**
- 18 **delegation of authority is initiated during the period referred**
- 19 **to in subdivision (1), until:**
- 20 **(A) the audit, litigation, or other action is concluded and all**
- 21 **issues related to the audit, litigation, or other action are**
- 22 **resolved; or**
- 23 **(B) the period referred to in subdivision (1) expires;**
- 24 **whichever is later.**
- 25 **(d) A local health department that accepts a delegation of**
- 26 **authority from the state health commissioner under subsection (a),**
- 27 **if refused admission to a property by the occupant, owner, or**
- 28 **manager of the property, may obtain an order from a circuit or**
- 29 **superior court of the county in which the property is located**
- 30 **authorizing the local health department to enter the property if**
- 31 **entering the property is necessary for the local health department**
- 32 **to carry out its duties under this chapter.**
- 33 **Sec. 8. (a) If the state health commissioner becomes aware that**
- 34 **a child less than six (6) years of age has a confirmed blood lead**
- 35 **level of at least five (5) micrograms per deciliter, the state health**
- 36 **commissioner shall require that a public health lead investigation**
- 37 **be conducted under this section to determine the source of the**
- 38 **child's lead poisoning.**
- 39 **(b) If the state health commissioner becomes aware that a child**
- 40 **at least six (6) years of age and less than sixteen (16) years of age**
- 41 **has a confirmed blood lead level of at least five (5) micrograms per**
- 42 **deciliter, the state health commissioner may require that a public**



1 health lead investigation be conducted under this section to
2 determine the source of the child's lead poisoning.

3 (c) If a public health lead investigation is conducted under this
4 section in the case of a child who has a blood lead level of at least
5 five (5) micrograms per deciliter but less than ten (10) micrograms
6 per deciliter, the state health commissioner shall require at least
7 the completion of a comprehensive questionnaire, on a form
8 prescribed by the state health commissioner, concerning the child.
9 If the comprehensive questionnaire is completed by someone other
10 than a public health lead investigator, a public health lead
11 investigator must review and approve the questionnaire. The
12 public health lead investigator shall complete and provide a public
13 health lead investigation report, on a form prescribed by the state
14 health commissioner, to the parent or guardian of a child to whom
15 this subsection applies, along with educational materials prescribed
16 by the state health commissioner.

17 (d) If a public health lead investigation is conducted under this
18 section in the case of a child who has a blood lead level of at least
19 ten (10) micrograms per deciliter, the state health commissioner
20 shall require an onsite investigation of the residential unit in which
21 the child lives, the child care center that the child regularly visits,
22 or the school the child attends. The investigation shall be
23 performed by a public health lead investigator as follows:

24 (1) The public health lead investigator shall:

25 (A) review known records and reports concerning relevant
26 residential units, child care centers, and schools made by
27 any person licensed under IC 16-41-39.8-3 as a lead-based
28 paint activities inspector, risk assessor, project designer,
29 supervisor, abatement worker, or contractor; and

30 (B) complete a comprehensive questionnaire on a form
31 prescribed by the state health commissioner.

32 (2) Based on the review of known records and reports and the
33 completion of the comprehensive questionnaire under
34 subdivision (1), the public health lead investigator shall do the
35 following, as appropriate:

36 (A) Conduct a visual assessment of the residential unit,
37 child care center, or school, recording findings on a form
38 prescribed by the state health commissioner.

39 (B) Perform x-ray fluorescence (XRF) analysis of
40 deteriorated paint on or in:

41 (i) interior surfaces, exterior surfaces, and common
42 areas of the residential unit, child care center, or school;



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and
(ii) attached or unattached structures located within the same lot line as the residential unit, child care center, or school, including garages, play equipment, and fences.
(C) Collect other samples of personal property from the residential unit, child care center, or school, such as glazed dinnerware, ceramic cookware, toys, and folk remedies, for analysis as the public health lead investigator considers necessary to determine a possible source of lead poisoning.
(3) After satisfying the requirements of subdivisions (1) and (2), the public health lead investigator shall do the following:
(A) If the public health lead investigator determines that a residential unit, child care center, or school is a possible source of lead poisoning, the public health lead investigator shall conduct a public health lead risk assessment of the residential unit, child care center, or school under section 9 of this chapter.
(B) If the public health lead investigator's actions under subdivisions (1) and (2) do not enable the public health lead investigator to determine whether a residential unit, child care center, or school is a possible source of lead poisoning, the public health lead investigator shall collect targeted environmental samples at the residential unit, child care center, or school, which may include the following:
(i) Dust samples for analysis, as appropriate, from kitchens, bedrooms, living rooms, dining rooms, porches, and other exterior living areas.
(ii) Soil samples for analysis, as appropriate, from bare soil surfaces on play areas, the drip line of the residential unit, child care center, or school, and the yard of the residential unit, child care center, or school.
(iii) First draw or flushed water samples for analysis, as appropriate, from the tap most commonly used for drinking water, infant formula, or food preparation.
If the results of the analysis of targeted environmental samples collected under this clause exceed the hazard level as established by the state health commissioner, the public health lead investigator may conclude that the residential unit, child care center, or school is a possible source of lead poisoning and conduct a public health lead risk assessment of the residential unit, child care center, or school under section 9 of this chapter. If the results of the analysis of any



1 of the targeted environmental samples are below the
2 hazard level established by the state health commissioner,
3 the public health lead investigator may conclude that the
4 residential unit, child care center, or school is not a
5 possible source of the lead poisoning and shall then
6 investigate any other residential unit, child care center, or
7 school that the child regularly visits and that the public
8 health lead investigator reasonably suspects to be a
9 possible source of lead poisoning.

10 (e) At the conclusion of a public health lead investigation under
11 this section, the public health lead investigator shall prepare, in a
12 format prescribed by the state health commissioner, a report
13 containing the following information:

14 (1) The date of the public health lead investigation.

15 (2) The address, unit number, and date of construction of each
16 residential unit, child care center, or school investigated.

17 (3) The name, address, and telephone number of the owner or
18 manager of each residential unit, child care center, or school
19 investigated.

20 (4) The name, license number, and signature of the public
21 health lead investigator conducting the public health lead
22 investigation and, if applicable, the name, address, and
23 telephone number of the local health department of which the
24 public health lead investigator is an employee or contractor.

25 (5) The name, address, and telephone number of each clinical
26 laboratory performing the analysis of any collected samples.

27 (6) The results of the visual assessment of each residential
28 unit, child care center, or school investigated.

29 (7) The testing method and sampling procedure for paint
30 analysis employed and the specific locations of each
31 component tested for the presence of lead.

32 (8) All data collected from onsite testing, including the quality
33 control data.

34 (9) If a residential unit was investigated, the following
35 statement displayed at the top of the report in bold letters:

36 "Federal law (24 CFR Part 35 and 40 CFR Part 745) requires
37 sellers and lessors of residential units constructed prior to
38 1978, except housing for the elderly or persons with
39 disabilities (unless any child who is less than six (6) years of
40 age resides or is expected to reside in such housing) or any
41 zero (0) bedroom dwelling, to disclose and provide a copy of
42 this report to new purchasers or lessees before they become



1 obligated under a lease or sales contract. Property owners and
 2 sellers are also required to distribute an educational pamphlet
 3 approved by the United States Environmental Protection
 4 Agency and include standard warning language in sales
 5 contracts or in or attached to lease contracts to ensure that
 6 parents have the information they need to protect children
 7 from lead-based paint hazards."

8 (10) Background information concerning physical
 9 characteristics and occupant use patterns that may cause lead
 10 hazard exposure to one (1) or more children.

11 (11) The results of the lead loading analysis of dust samples,
 12 expressed in micrograms per square foot, with the locations
 13 where samples were collected indicated on a diagram of the
 14 floor plan of each residential unit, child care center, or school
 15 investigated.

16 (12) The results of the lead concentration analysis of soil
 17 samples, expressed in parts per million, with the locations
 18 where samples were collected indicated on a plot plan of each
 19 residential unit, child care center, or school investigated.

20 (13) The results of the lead concentration analysis of water
 21 samples, expressed in parts per billion.

22 (14) Other sources of lead identified by the public health lead
 23 investigator in the child's environment.

24 (15) Any other information required by the state health
 25 commissioner.

26 If the public health lead investigation report applies to a child care
 27 center or school, the public health lead investigator shall deliver a
 28 copy of the report to the parent or guardian of each child less than
 29 six (6) years of age who receives child care at the child care center
 30 or attends the school.

31 Sec. 9. (a) If the state health commissioner determines that a
 32 residential unit, child care center, or school is a possible source of
 33 a child's lead poisoning, the state health commissioner shall require
 34 that a public health lead risk assessment of that property be
 35 conducted under this section. If a public health lead investigator
 36 completed one (1) or more of the components of the public health
 37 lead risk assessment when conducting a public health lead
 38 investigation under section 8 of this chapter within the previous
 39 twenty-eight (28) calendar days, the public health lead investigator
 40 is not required to repeat those components when conducting the
 41 public health lead risk assessment under this section.

42 (b) A public health lead investigation under section 8 of this



1 chapter and a public health lead risk assessment of a property
 2 under this section may be completed on the same day. Not later
 3 than three (3) calendar days after a public health lead risk
 4 assessment of a property, the public health lead investigator shall
 5 send by regular mail or hand deliver to the owner or manager of
 6 the property a written notice stating that the property is suspected
 7 of being a possible source of a child's lead poisoning and is the
 8 subject of a public health lead risk assessment.

9 (c) At the conclusion of a public health lead risk assessment, the
 10 public health lead investigator shall prepare a report for each
 11 residential unit, child care center, or school where the public health
 12 lead risk assessment was conducted. The report must be written in
 13 a format prescribed by the state health commissioner and must
 14 contain the following, as applicable:

- 15 (1) The date of the public health lead risk assessment.
- 16 (2) The address, unit number, and date of construction of each
 17 residential unit, child care center, or school assessed.
- 18 (3) The name, address, and telephone number of the owner or
 19 manager of each residential unit, child care center, or school
 20 assessed.
- 21 (4) The name, license number, and signature of the public
 22 health lead investigator conducting the public health lead risk
 23 assessment and, if applicable, the name, address, and
 24 telephone number of the local health department of which the
 25 public health lead investigator is an employee or contractor.
- 26 (5) The name, address, and telephone number of each clinical
 27 laboratory performing the analysis of any collected
 28 environmental samples.
- 29 (6) The results of the visual assessment of each residential
 30 unit, child care center, or school assessed.
- 31 (7) The testing method and sampling procedure for paint
 32 analysis employed and the specific locations of each
 33 component tested for the presence of lead.
- 34 (8) All data collected from onsite testing, including quality
 35 control data.
- 36 (9) If a residential unit was the subject of the public health
 37 lead risk assessment, the following statement displayed at the
 38 top of the report in bold letters:
 39 "Federal law (24 CFR Part 35 and 40 CFR Part 745) requires
 40 sellers and lessors of residential units constructed prior to
 41 1978, except housing for the elderly or persons with
 42 disabilities (unless any child who is less than six (6) years of



1 age resides or is expected to reside in such housing) or any
 2 zero (0) bedroom dwelling, to disclose and provide a copy of
 3 this report to new purchasers or lessees before they become
 4 obligated under a lease or sales contract. Property owners and
 5 sellers are also required to distribute an educational pamphlet
 6 approved by the United States Environmental Protection
 7 Agency and include standard warning language in sales
 8 contracts or in or attached to lease contracts to ensure that
 9 parents have the information they need to protect children
 10 from lead-based paint hazards."

11 (10) Background information regarding physical
 12 characteristics and occupant use patterns that may cause lead
 13 hazard exposure to one (1) or more children.

14 (11) The results of the lead loading analysis of dust samples,
 15 expressed in micrograms per square foot, with the locations
 16 where samples were collected indicated on a diagram of the
 17 floor plan of each residential unit, child care center, or school
 18 investigated, and a copy of the laboratory report.

19 (12) The results of the lead concentration analysis of soil
 20 samples, expressed in parts per million, with the locations
 21 where samples were collected indicated on a diagram of each
 22 residential unit, child care center, or school assessed, and a
 23 copy of the laboratory report.

24 (13) Results of the lead concentration analysis of water
 25 samples, expressed in parts per billion, and a copy of the
 26 laboratory report.

27 (14) A description of the location and type of lead hazards
 28 identified in the residential unit, child care center, or school.

29 (15) A description of recommended control options for each
 30 identified lead hazard.

31 (16) A copy of the performance characteristics sheet for the
 32 x-ray fluorescence (XRF) instrument used for paint analysis.

33 The report shall be sent by certified mail return receipt requested
 34 or hand delivered to all relevant property owners or managers of
 35 the residential unit, child care center, or school that is a subject of
 36 the public health lead risk assessment within fourteen (14) calendar
 37 days after the public health lead investigator receives the
 38 laboratory test results.

39 Sec. 10. (a) If the state health commissioner determines, based
 40 on a public health lead risk assessment conducted under section 9
 41 of this chapter, that one (1) or more lead hazards that exist in a
 42 residential unit, child care center, or school are contributing, in



1 whole or in part, to a child's lead poisoning, the state health
 2 commissioner shall issue an order to have each lead hazard
 3 controlled. The areas of each residential unit, child care center, or
 4 school that may be subject to the lead hazard control order
 5 include:

6 (1) the interior and exterior surfaces and all common areas of
 7 the residential unit, child care center, or school;

8 (2) every attached or unattached structure located within the
 9 same lot line as the residential unit, child care center, or
 10 school, including garages, play equipment, and fences; and

11 (3) the lot or land that the residential unit, child care center,
 12 or school occupies.

13 (b) A lead hazard control order issued under subsection (a) must
 14 be in writing and:

15 (1) must specify each lead hazard to be controlled;

16 (2) must specify the date by which the residential unit, child
 17 care center, or school must pass a clearance examination
 18 demonstrating that each lead hazard has been sufficiently
 19 controlled, which must be at least ninety (90) calendar days
 20 after the manager of the residential unit, child care center, or
 21 school receives the lead hazard control order; and

22 (3) if the state health commissioner determines that the health
 23 of the occupants of the residential unit, child care center, or
 24 school may be at risk during the work mandated by the lead
 25 hazard control order, must require that the occupants be
 26 removed from the residential unit, child care center, or school
 27 until the residential unit, child care center, or school passes a
 28 clearance examination.

29 (c) A lead hazard control order issued under subsection (a) must
 30 be:

31 (1) sent by certified mail return receipt requested; or

32 (2) hand delivered;

33 to the manager and the owner (if other than the manager) of the
 34 residential unit, child care center, or school that is the subject of
 35 the lead hazard control order.

36 (d) If a lead hazard control order that was sent under subsection
 37 (c)(1) is returned undelivered, the state health commissioner shall
 38 resend the lead hazard control order by regular mail. If the lead
 39 hazard control order is not returned undelivered within three (3)
 40 calendar days after being resent under this subsection, the order is
 41 assumed to have been delivered. If the lead hazard control order
 42 is returned undelivered after being resent under this subsection,



1 the order is assumed to have been delivered if it is conspicuously
 2 posted at the residential unit, child care center, or school that is the
 3 subject of the lead hazard control order.

4 (e) The state health commissioner may grant an extension to the
 5 date specified under subsection (b)(2). A request for an extension
 6 under this subsection must:

- 7 (1) be in writing;
- 8 (2) set forth the reasons for the extension request; and
- 9 (3) describe the measures that have been implemented in the
 10 residential unit, child care center, or school to protect against
 11 further lead poisoning.

12 (f) If a lead hazard control order applies to a building in which
 13 there is more than one (1) residential unit, the state health
 14 commissioner shall:

- 15 (1) have a copy of the order delivered to the occupants of each
 16 residential unit in the building; or
- 17 (2) require that the owner or manager of the building deliver
 18 a copy of the order to the occupants of each residential unit in
 19 the building.

20 (g) If a lead hazard control order applies to a child care center
 21 or school, the state health commissioner shall:

- 22 (1) deliver; or
- 23 (2) require the owner or manager of the child care center or
 24 school to deliver;

25 a copy of the order to the parent, guardian, or custodian of each
 26 child less than six (6) years of age who receives child care at the
 27 child care center or attends the school.

28 (h) If ownership of a property subject to a lead hazard control
 29 order is transferred after the issuance of the lead hazard control
 30 order, the property remains subject to the order and the state
 31 health commissioner shall treat the individual or entity identified
 32 as the transferee in the deed recorded in the county recorder's
 33 office after the transfer as the owner of the property.

34 Sec. 11. (a) An owner or manager of a residential unit, child
 35 care center, or school that is issued a lead hazard control order
 36 under section 10 of this chapter must choose, from the methods
 37 listed in subsection (b), a method of controlling each lead hazard
 38 specified in the order so that the residential unit, child care center,
 39 or school can pass a clearance examination. The control of a lead
 40 hazard specified in a lead hazard control order using a control
 41 method described in subsection (b)(1), (b)(2), or (b)(3) must be
 42 carried out by a person who holds a lead-based paint activities



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- contractor's license under IC 16-41-39.8-3.
- (b) The following measures of control for lead hazards are acceptable and shall be applied in accordance with the guidelines of the United States Department of Housing and Urban Development and other applicable federal, state, and local laws:
- (1) Deterioration of lead-based paint on a nonfriction or nonimpact surface must be controlled by using one (1) or more of the following methods:
 - (A) Removal of the lead-based painted component and replacement with a lead-free component.
 - (B) Paint removal by separation of the lead-based paint from the substrate using a heat gun (operated below one thousand one hundred (1,100) degrees Fahrenheit), chemicals, or certain abrasive measures either onsite or offsite.
 - (C) Enclosure of the lead-based painted component with durable materials. Acceptable durable materials include wallboard, drywall, paneling, siding, coil stock, and the sealing or caulking of edges and joints so as to prevent or control chalking, flaking, peeling, scaling, or loose lead-containing substances from becoming part of house dust or otherwise accessible to children.
 - (D) Encapsulation of the lead-based painted component with a durable surface coating.
 - (E) Any other lead-safe method of permanently stabilizing or removing the lead hazard as approved by the state health commissioner.
 - (2) Deterioration of lead-based paint on friction or impact surfaces shall be controlled by using one (1) or more of the following methods:
 - (A) The removal of the lead-based painted component and replacement with a lead-free component.
 - (B) Lead-based paint removal by separation of the lead-based paint from the substrate using a heat gun operated below one thousand one hundred (1,100) degrees Fahrenheit, chemicals, or certain abrasive measures, either onsite or offsite.
 - (C) Enclosure of impact surfaces with durable materials. Acceptable durable materials include wallboard, drywall, paneling, one-quarter (1/4) inch thick or thicker plywood or other underlayment for floors, coil stock, and the sealing or caulking of edges and joints so as to prevent or



- 1 control chalking, flaking, peeling, scaling, or loose
 2 lead-containing substances from becoming part of house
 3 dust or otherwise accessible to children. The underlayment
 4 for floors must be covered with a cleanable, impermeable
 5 surface.
- 6 (D) Any other lead-safe method of permanently removing
 7 the lead hazard as approved by the state health
 8 commissioner.
- 9 (E) Either:
- 10 (i) the immobilization of the friction points; or
 11 (ii) the application of a treatment that will prevent
 12 abrasion of the friction surface along with the adoption
 13 of a written, ongoing maintenance and monitoring
 14 schedule.
- 15 (3) Deterioration of lead-based paint on a chewable surface
 16 shall be controlled by using one (1) or more of the following
 17 methods:
- 18 (A) Removal of the lead-based painted component and
 19 replacement with lead-free components.
- 20 (B) Lead-based paint removal by separation of the
 21 lead-based paint from the substrate using a heat gun
 22 operated below one thousand one hundred (1,100) degrees
 23 Fahrenheit, chemicals, or certain abrasive measures, either
 24 onsite or offsite.
- 25 (C) Enclosure of the lead-based painted component with a
 26 material that cannot be penetrated by a child's teeth.
- 27 (D) Encapsulation of the lead-based painted component by
 28 coating and sealing of the component with a durable
 29 surface coating.
- 30 (E) Any other lead-safe method of permanently removing
 31 the lead hazard as approved by the state health
 32 commissioner.
- 33 (4) Lead-contaminated dust must be controlled by using one
 34 (1) or more of the following methods:
- 35 (A) Elimination or control of the source creating the
 36 lead-contaminated dust using an appropriate control
 37 method listed in this subsection followed by specialized
 38 cleaning to eliminate the lead-contaminated dust, such as
 39 by the use of a high efficiency particulate air (HEPA)
 40 vacuum, wet-mopping, or wet-scrubbing.
- 41 (B) Elimination of the lead-contaminated dust through
 42 specialized cleaning when the source creating the



- 1 lead-contaminated dust cannot be identified, such as by the
2 use of a high efficiency particulate air (HEPA) vacuum,
3 wet-mopping, or wet-scrubbing.
- 4 **(5) Lead-contaminated soil must be controlled by using one**
5 **(1) or more of the following methods:**
- 6 **(A) Covering of the lead-contaminated bare soil with a**
7 **permanent covering such as concrete or asphalt.**
8 **(B) Removal of the top six (6) inches of lead-contaminated**
9 **bare soil and replacing it with six (6) inches of new soil**
10 **having a lead concentration of less than four hundred (400)**
11 **parts per million.**
12 **(C) Covering of the lead-contaminated soil with an**
13 **impermanent covering along with the adoption of a**
14 **written, ongoing maintenance and monitoring schedule.**
15 **Acceptable impermanent covering includes sod and**
16 **artificial turf. Gravel and mulch may be used as an**
17 **impermanent covering if applied at a minimum of six (6)**
18 **inches in depth.**
19 **(D) Any other lead-safe method of permanently removing**
20 **the lead hazard as approved by the state health**
21 **commissioner.**
- 22 **(6) Lead-contaminated water pipes must be controlled using**
23 **one (1) or more of the following methods:**
- 24 **(A) Removal of plumbing fixtures and replacement with**
25 **lead-free fixtures.**
26 **(B) Any other lead-safe method of permanently removing**
27 **the lead hazard as approved by the state health**
28 **commissioner.**
29 **(C) Flushing of water lines that are used for drinking or**
30 **cooking for at least one (1) minute when water has not**
31 **been used in the last six (6) hours.**
- 32 **(c) The use of the following practices is prohibited as a method**
33 **of control for lead hazards:**
- 34 **(1) Open flame burning or torching.**
35 **(2) Machine sanding or grinding without a high efficiency**
36 **particulate air (HEPA) local vacuum exhaust tool.**
37 **(3) Abrasive blasting or sandblasting without a high efficiency**
38 **particulate air (HEPA) local vacuum exhaust tool.**
39 **(4) Use of a heat gun operating above one thousand one**
40 **hundred (1,100) degrees Fahrenheit.**
41 **(5) Charring paint.**
42 **(6) Dry sanding.**



1 **(7) Dry scraping, except when done as follows:**

2 **(A) In conjunction with a heat gun operating at not more**
 3 **than one thousand one hundred (1,100) degrees**
 4 **Fahrenheit.**

5 **(B) Within one (1) foot of an electrical outlet.**

6 **(C) To treat defective paint spots totaling not more than**
 7 **two (2) square feet in an interior room or space or twenty**
 8 **(20) square feet on an exterior surface.**

9 **(8) Uncontained hydroblasting or high-pressure washing.**

10 **(9) Paint stripping in a poorly ventilated space using a volatile**
 11 **stripper that is considered a hazardous substance under 16**
 12 **CFR 1500.3 or a hazardous chemical under 29 CFR 1910.1200**
 13 **or 29 CFR 1926.59 in the type of work being performed.**

14 **(d) In addition to or instead of the accepted measures of control**
 15 **for lead hazards identified in subsection (b), upon written**
 16 **determination from the state health commissioner, a property**
 17 **owner or manager may implement reasonable controls of lead**
 18 **hazards through the demolition of a building containing lead**
 19 **hazards. In order to be considered a reasonable control of lead**
 20 **hazards, all demolition efforts must be conducted in a manner that**
 21 **protects human health and the environment and complies with all**
 22 **applicable federal, state, and local laws.**

23 **(e) A property owner or manager is not required to engage a**
 24 **person who holds a lead-based paint activities contractor's license**
 25 **under IC 16-41-39.8-3 to do the following:**

26 **(1) Remove mini blinds.**

27 **(2) Flush water lines that are used for drinking or cooking.**

28 **(3) If performed by an individual who has completed a**
 29 **training program approved by the state health commissioner,**
 30 **the following:**

31 **(A) Specialized cleaning not associated with lead**
 32 **abatement.**

33 **(B) Permanent immobilization of friction points on a**
 34 **window.**

35 **(C) Covering of lead-contaminated bare soil with an**
 36 **impermanent covering, such as sod, artificial turf, or six**

37 **(6) inches of gravel or mulch.**

38 **(f) The owner or manager of a property subject to a lead hazard**
 39 **control order shall:**

40 **(1) notify the state health commissioner in writing on a form**
 41 **prescribed by the state health commissioner as to which lead**
 42 **hazard control method the owner or manager has chosen to**



1 control each lead hazard specified in the lead hazard control
2 order; and

3 (2) send the notification to the state health commissioner by
4 facsimile, electronic mail, or regular mail at least ten (10)
5 business days before the start of the lead hazard control work.

6 If the notification form sent to the state health commissioner
7 indicates that the property owner or manager has chosen a control
8 method described in subsection (b)(1), (b)(2), or (b)(3) to control a
9 lead hazard specified in the lead hazard control order, the
10 notification form must be signed by the person licensed as a
11 lead-based paint activities contractor under IC 16-41-39.8-3 who
12 has been hired to perform the lead hazard control work. The state
13 health commissioner may provide written comments to the
14 property owner or manager within ten (10) calendar days after
15 receiving the notification under this subsection.

16 (g) After each lead hazard specified in a lead hazard control
17 order has been sufficiently controlled, the owner or manager of the
18 property subject to the lead hazard control order shall ensure that
19 the property passes a clearance examination conducted by a person
20 who holds a clearance examiner license under IC 16-41-39.8. The
21 property owner or manager shall submit a copy of the clearance
22 examination report to the state health commissioner.

23 (h) Upon the determination by the state health commissioner
24 that:

25 (1) all lead hazards specified in a lead hazard control order
26 applying to a property have been sufficiently controlled;

27 (2) if applicable, an ongoing maintenance and monitoring plan
28 is in place; and

29 (3) the property has passed a clearance examination
30 conducted by a person who holds a clearance examiner license
31 under IC 16-41-39.8;

32 the state health commissioner shall issue a notice to the property
33 owner or manager that lifts the lead hazard control order.

34 (i) After lifting a lead hazard control order under subsection (h),
35 the state health commissioner shall provide to the owner and
36 manager of the residential unit, child care center, or school to
37 which the lead hazard control order applied information on
38 methods of maintaining control of each lead hazard that was
39 specified in the order. If the order applied to one (1) or more
40 residential units, the state health commissioner or the property
41 owner or manager shall also provide information on lead hazard
42 control methods to the residents of the residential units. If the



1 order applied to a child care center or school, the state health
 2 commissioner or the property owner or manager shall provide
 3 information on lead hazard control methods to the parent,
 4 guardian, or custodian of each child less than six (6) years of age
 5 who receives child care at the child care center or attends the
 6 school.

7 **Sec. 12. (a)** If the owner or manager of a residential unit, child
 8 care center, or school to whom a lead hazard control order is
 9 issued under section 10 of this chapter does not comply with the
 10 lead hazard control order, the state health commissioner shall issue
 11 a noncompliance order prohibiting the use of the property subject
 12 to the order as a residential unit, child care center, or school.

13 **(b)** A noncompliance order issued under subsection (a):

14 **(1)** must state a date as of which the use of the property
 15 subject to the order as a residential unit, child care center, or
 16 school is prohibited; and

17 **(2)** remains in effect until the state health commissioner
 18 receives evidence that the residential unit, child care center,
 19 or school has passed a clearance examination.

20 **(c)** A property owner or manager who receives a noncompliance
 21 order under subsection (a) shall take appropriate measures to
 22 notify:

23 **(1)** each occupant of a residential unit in the property to
 24 which the order relates; or

25 **(2)** the parent, guardian, or custodian of each child who
 26 regularly visits the child care center or attends the school;

27 that the residential unit, child care center, or school must be
 28 vacated until the residential unit, child care center, or school passes
 29 a clearance examination. The owner or manager shall notify each
 30 occupant, parent, guardian, or custodian under this subsection at
 31 least ten (10) business days before the date stated in the order
 32 under subsection (b)(1).

33 **(d)** After issuing a noncompliance order under subsection (a),
 34 the state health commissioner shall post a sign on one (1) or more
 35 entrances to the residential unit, child care center, or school to
 36 which the order relates. The sign must state that the residential
 37 unit, child care center, or school:

38 **(1)** has a lead hazard; and

39 **(2)** is unsafe for human occupation, especially for children less
 40 than six (6) years of age and pregnant women.

41 **(e)** A sign posted under subsection (d) must remain posted until
 42 the state health commissioner determines that the lead hazards in



1 the residential unit, child care center, or school have been
2 sufficiently controlled and lifts the lead hazard control order under
3 section 11(h) of this chapter.

4 (f) A person who knowingly or intentionally:

- 5 (1) removes;
- 6 (2) alters;
- 7 (3) defaces; or
- 8 (4) covers;

9 a sign posted on an entrance to a residential unit, child care center,
10 or school under subsection (d) before the lead hazard control order
11 applying to the residential unit, child care center, or school is lifted
12 under section 11(h) of this chapter commits a Class B
13 misdemeanor.

14 Sec. 13. The state health commissioner shall adopt rules under
15 IC 4-22-2 to administer this chapter.

16 SECTION 16. IC 35-52-16-78.5 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2019]: Sec. 78.5. IC 16-41-39.5-12(f) defines
19 a crime concerning a sign posted on a property containing lead
20 hazards.

