

SENATE BILL NO. 200

BY SENATOR MORRELL

1 AN ACT

2 To amend and reenact R.S. 30:2351.28(B) and to enact R.S. 30:2351.1(6) and 2351.28(C),  
3 relative to environmental quality; to require the owner of a new day care center,  
4 preschool, or certain elementary school facility that qualifies as a child-occupied  
5 facility to have that facility and grounds inspected for the presence of lead materials  
6 and report its findings to the state health officer who shall compile the results and  
7 report the findings to the legislature annually; to provide terms, conditions,  
8 requirements and definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2351.28(B) is hereby amended and reenacted and R.S.  
11 30:2351.1(6) and 2351.28(C) are hereby enacted to read as follows:

12 §2351.1. Definitions

13 As used in this Chapter, unless the context indicates otherwise, the following  
14 terms have the following meanings:

15 \* \* \*

16 **(6) "Child-occupied facility" means a building or portion of a building**  
17 **or common area, other than the child's principal residence, constructed prior**  
18 **to 1978, and meeting one of the following:**

19 **(a) Is visited regularly by the same child, who is six years of age or**  
20 **younger, on at least two different days within any week, provided that each**  
21 **day's visit lasts at least three hours, that the combined weekly visits last at least**  
22 **six hours, and that the combined annual visits last at least sixty hours.**  
23 **Examples of child-occupied facilities include but are not limited to public and**  
24 **non-public elementary schools, day care centers, parks, playgrounds and**  
25 **community centers.**

26 **(b) Has been determined by the department, in conjunction with the**  
27 **state health officer, to be a significant risk because of its contribution to lead**

1 poisoning or lead exposure to children who are six years of age or younger.

2 (c) Is a child-occupied unit and common area in a multi-use building.

3 \* \* \*

4 §2351.28. Data collection program

5 \* \* \*

6 B. The owner of any licensed day care center, preschool, or public or  
7 non-public elementary school facility that qualifies as a child-occupied facility  
8 and first placed in operation after August 1, 2012, shall have an inspector  
9 conduct an inspection of the facility and grounds for the presence of lead  
10 hazards. No inspection shall be required if the facility or its grounds has been  
11 inspected or has been the subject of lead abatement or remediation since 1978.  
12 If a portion of the facility or its grounds has not been inspected or been the  
13 subject of lead abatement or remediation since 1978, then those portions of the  
14 facility or its grounds shall be subject to the provisions of this Section. The  
15 owner or operator of the facility shall maintain documentation that the  
16 inspection or lead abatement or remediation activities were conducted in  
17 accordance with applicable requirements. If a lead hazard is found to be  
18 present, the inspector and the owner shall report those findings to the state  
19 health officer and the secretary. The state health officer shall compile the  
20 results and report the findings to the legislature in the annual Louisiana Health  
21 Report Card.

22 C. The secretary may enter into agreements with the Department of Health  
23 and Hospitals to implement this Section.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_