

Regular Session, 2012

SENATE BILL NO. 211

BY SENATOR MORRELL

ENVIRONMENTAL QUALITY. Requires child-occupied facilities to disclose lead hazards, lead abatement activities, or lead testing. (8/1/12)

1 AN ACT

2 To enact R.S. 30:2351.1(6) and 2351.53, relative to environmental quality; to require certain
3 child-occupied facilities to publicly disclose any lead hazards, abatement activities
4 or testing; to provide for notice to parents or legal guardians of children enrolled at
5 such facilities; to provide terms and conditions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2351.1(6) and 2351.53 are hereby enacted to read as follows:

8 §2351.1. Definitions

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

11 * * *

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

15 **(a) Is visited regularly by the same child, who is six years of age or**
16 **younger, on at least two different days within any week, provided that each**
17 **day's visit lasts at least three hours, that the combined weekly visits last at least**

1 six hours, and the combined annual visits last at least sixty hours. Examples of
2 child-occupied facilities include but are not limited to public and non-public
3 elementary schools, day care centers, parks, playgrounds, and community
4 centers.

5 (b) Has been determined by the department, in conjunction with the
6 state health officer, to be a significant risk because of its contribution to lead
7 poisoning or lead exposure to children who are six years of age or younger.

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

9 * * *

10 §2351.53. Reporting of lead hazards at child-occupied facilities

11 A. The secretary shall notify the State Board of Elementary and
12 Secondary Education and the Department of Children and Family Services that
13 notification of lead hazards, lead abatement activities, or any lead testing
14 performed which exceeds applicable standards in any licensed day care center,
15 preschool, or public or non-public elementary school facility placed into
16 operation after August 1, 2012, that qualifies as a child-occupied facility is
17 required by this Chapter.

18 B. For a child-occupied facility subject to this Section, the owner and the
19 inspector shall jointly provide notification in writing to the secretary and the
20 state health officer within ninety days of receipt of reports of lead hazards, lead
21 abatement activities, or any lead testing performed which exceeds applicable
22 standards. A copy of the notification shall be displayed in a prominent location
23 at the child-occupied facility subject to this Section.

24 C. A child-occupied facility subject to this Section shall provide
25 notification to all parents or legal guardians of each child enrolled at the facility
26 of lead abatement activities, lead testing which exceeds applicable standards or
27 lead hazard reduction activities performed at the facility or on its grounds.
28 Such notification shall be made by written or electronic means, such as email
29 or posting on the facility's website.

1 **D. The notification required in this Section shall not be required if a**
 2 **facility or its grounds has been inspected or has been the subject to lead**
 3 **abatement or remediation prior to August 1, 2012. If a portion of the facility**
 4 **or its grounds has not been inspected or been the subject of lead abatement or**
 5 **remediation prior to August 1, 2012, then that portion of the facility or its**
 6 **grounds shall be subject to the provisions of this Section. The owner or**
 7 **operator of the facility shall maintain documentation that the inspection, lead**
 8 **abatement or remediation activities were conducted in accordance with**
 9 **applicable requirements.**

The original instrument was prepared by Heyward Jeffers. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. W. Wiley.

DIGEST

Morrell (SB 211)

Proposed law provides for the definition of a "child-occupied facility".

Proposed law provides that the secretary of DEQ will notify the State Board of Elementary and Secondary Education and the Dept. of Children and Family Services that notification of lead hazards, lead abatement activities, or any lead testing performed which exceeds applicable standards in any licensed day care center, preschool, or public or non-public elementary school facility placed into operation after August 1, 2012, that qualifies as a child-occupied facility is required by proposed law.

Proposed law requires the owner of a certain child-occupied facility and the inspector to jointly provide notification in writing to the secretary and the state health officer within ninety days of receipt of reports of lead hazards, lead abatement activities, or any lead testing performed which exceeds applicable standards. Further provides that notification be displayed in a prominent location at the child-occupied facility.

Proposed law requires that parents or legal custodians of children enrolled at child-occupied facilities affected by the proposed law be notified by electronic means such as email or posting on a website or in writing of all lead abatement activities, lead testing which exceeds applicable standards or lead hazard reduction activities performed at the facility or its grounds.

Proposed law provides that the notification will not be required if the facility or its grounds has been inspected or has been the subject to lead abatement or remediation prior to August 1, 2012. Further provides that if a portion of the facility or its grounds has not been inspected or been the subject of lead abatement or remediation prior to August 1, 2012, then that portion of the facility or its grounds will be subject to proposed law.

Proposed law requires the owner or operator of the facility to maintain documentation that the inspection, lead abatement or remediation activities were conducted in accordance with applicable requirements.

Effective August 1, 2012.

(Adds R.S. 30:2351.1(6) and 2351.53)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill.

1. Provides definition for a "child-occupied facility".
2. Changes "public and non-public elementary and secondary schools" to "child-occupied facilities".
3. Provides notification requirements.

Senate Floor Amendments to engrossed bill

1. Requires notification of lead hazards, lead abatement activities, or any lead testing at a certain licensed day care center, preschool, or public or non-public elementary school facility.
2. Provides for the notifying parties.
3. Requires the facility owner or operator to maintain certain documentation.
4. Makes technical corrections.