

SENATE BILL NO. 211

BY SENATOR MORRELL

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§2351.1. Definitions

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

* * *

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

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

(b) Has been determined by the department, in conjunction with the

1 state health officer, to be a significant risk because of its contribution to lead
2 poisoning or lead exposure to children who are six years of age or younger.

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

4 * * *

5 §2351.53. Reporting of lead hazards at child-occupied facilities

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

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

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

25 D. The notification required in this Section shall not be required if a
26 facility or its grounds has been inspected or has been the subject to lead
27 abatement or remediation prior to August 1, 2012. If a portion of the facility
28 or its grounds has not been inspected or been the subject of lead abatement or
29 remediation prior to August 1, 2012, then that portion of the facility or its
30 grounds shall be subject to the provisions of this Section. The owner or

1 operator of the facility shall maintain documentation that the inspection, lead
2 abatement or remediation activities were conducted in accordance with
3 applicable requirements.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____