

**HOUSE . . . . . No. 02257**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Alice Hanlon Peisch*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relating to lead poisoning regulations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>

# HOUSE . . . . . No. 02257

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 2257) of Walsh and others relative to criminal complaints for failure to comply with certain lead poisoning regulations Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 1654 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act relating to lead poisoning regulations.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 198 of chapter 111 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended to add the following sentence:-

3 No application for a criminal complaint for failure to comply with section 194 and 197 may be  
4 made unless there is reasonable cause to believe that the lead present in the premises which is the  
5 subject of the order to abate or contain are the proximate cause of elevated levels of lead in the  
6 blood of a child age six years or younger.

7 SECTION 2. Section 197 of said chapter 111 is hereby amended to add to subsection (e) the  
8 following sentence:-

9 The director shall waive the requirements of this section if the remediation to contain or abate the  
10 lead presents a danger of lead poisoning to the children residing in the premises after remediation  
11 is complete.

12 SECTION 3. Section 192 of said chapter 111 is hereby amended to add the following:-

13 Included in such program shall be information regarding the potential for lead to be present in  
14 toys, jewelry, pottery and other objects to which children are regularly exposed.

15 SECTION 4. Section 194 of said chapter 111 is hereby amended to insert after second  
16 sentence:-

17 Additionally, said program shall attempt to identify all objects likely to come into contact with  
18 children under the age of six that contain dangerous levels of lead.

19 And to amend the third sentence of said section by striking the word “or” after the word “plaster”  
20 and insert the words:- “, or other object” after the word “material”.

21 And to amend the second paragraph of said section by inserting after the word “reside” the  
22 words:- “, or spends three or more hours per day, such as a nursery or day care facility”.

23 And to amend the first sentence of the fourth paragraph of said section by inserting after the  
24 word “months” the words:- “and/ or attended school or day care,”

25 And to amend the third sentence of the fifth paragraph of said section by inserting after the word  
26 “age” the words:- “and there is reasonable cause to believe that the poisoning was caused by the  
27 lead in the premises.”

28 SECTION 5. Section 192B of said chapter 111 is hereby amended to insert after the first

29 sentence the sentence:-

30 Included in such program shall be information on sources of lead to which children under the

31 age of six may be exposed, including but not limited to paint in homes, and/or on the surface of

32 jewelry, pottery, and toys, and other objects to which under the age of six are routinely exposed.