



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1891/1
SWB:amn

2017 ASSEMBLY BILL 949

February 13, 2018 - Introduced by Representatives C. TAYLOR, BROSTOFF, YOUNG, KOLSTE, BERCEAU, HESSELBEIN, ANDERSON, CROWLEY, SARGENT, SINICKI, ZEPNICK, OHNSTAD, FIELDS, SUBECK, SPREITZER and WACHS, cosponsored by Senators JOHNSON, L. TAYLOR, CARPENTER, RISSER and LARSON. Referred to Committee on Health.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 254.168; and *to create* 254.168 (2m) of the
2 statutes; **relating to:** testing for lead in facilities serving certain children and
3 requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires, instead of allows, the Department of Health Services to promulgate rules requiring certain foster homes, group homes, shelter care facilities, child care providers and centers, nursery schools, kindergartens, and other facilities specifically identified by the department serving children under the age of six to have periodic lead inspections or to otherwise demonstrate that the facility does not contain a lead hazard, if any part of the facility was constructed before 1978. Additionally, under this bill, a facility required to have a lead investigation or to otherwise demonstrate that the facility does not contain a lead hazard must either notify DHS and the parents, guardians, or legal custodians of each child served by the facility of the results of the investigation or provide them materials sufficient to demonstrate that the facility does not contain a lead hazard. Under current law, the Department of Children and Families, after providing notice, may suspend, revoke, or refuse to renew or continue a license or certification for certain child care providers or child care centers in any case in which DCF finds that there has been a substantial failure to comply with certain rules, including the periodic lead investigation requirements promulgated by DHS.

ASSEMBLY BILL 949

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 254.168 of the statutes is renumbered 254.168 (1m), and 254.168
2 (1m) (intro.) and (g), as renumbered, are amended to read:

3 254.168 **(1m)** (intro.) Subject to the limitation under s. 254.174, the
4 department may ~~shall~~ promulgate rules that require any ~~any~~ all of the following facilities
5 to have periodic lead investigations at intervals determined by the department or to
6 otherwise demonstrate that the facility does not contain a lead hazard, if any part
7 of the facility was constructed before January 1, 1978:

8 (g) Any other facility specifically identified by the department serving children
9 under 6 years of age that presents a risk for causing lead poisoning or lead exposure
10 in children.

11 **SECTION 2.** 254.168 (2m) of the statutes is created to read:

12 254.168 **(2m)** A facility that is required under this section to have a lead
13 investigation or otherwise demonstrate that the facility does not contain a lead
14 hazard shall do one of the following:

15 (a) After completion of any required lead investigation, notify, in writing, the
16 department and the parents, guardians, or legal custodians of each child served by
17 the facility of the results of the lead investigation.

18 (b) Provide to the department and the parents, guardians, or legal custodians
19 of each child served by the facility materials sufficient to demonstrate that the
20 facility does not contain a lead hazard.

21

(END)