



# HOUSE BILL No. 5601

June 1 1994, Introduced by Rep Clack and referred to the Committee on Public Health

A bill to amend the title of Act No 154 of the Public Acts of 1974, entitled as amended

"Michigan occupational safety and health act "

as amended, being sections 408 1001 to 408 1094 of the Michigan Compiled Laws and to add sections 77 78 79, 80, 81, 82, 83, 84, 85, 85a, 85b, 85c, 85d, 85e, 85f, 85g 85h, 85i, and 85j

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title of Act No 154 of the Public Acts of  
2 1974, as amended, being sections 408 1001 to 408 1094 of the  
3 Michigan Compiled Laws, is amended and sections 77, 78, 79 80  
4 81, 82, 83, 84, 85, 85a, 85b, 85c, 85d 85e, 85f, 85g, 85h, 85i,  
5 and 85j are added to read as follows

## TITLE

1  
2 An act to prescribe and regulate working conditions to pre-  
3 scribe the duties of employers and employees as to places and  
4 conditions of employment to create certain boards, commissions,  
5 committees, and divisions relative to occupational and construc-  
6 tion health and safety to prescribe their powers and duties  
7 ~~and TO PRESCRIBE THE powers and duties of the department of~~  
8 ~~labor and department of public health to prescribe certain~~  
9 ~~powers~~ CERTAIN DEPARTMENTS and ~~duties of~~ the directors of ~~the~~  
10 ~~departments of labor, public health, and agriculture~~ CERTAIN  
11 DEPARTMENTS to impose an annual levy to provide revenue for the  
12 safety education and training division to provide remedies and  
13 penalties to repeal certain acts and parts of acts and to  
14 repeal certain acts and parts of act on specific dates

15 SEC 77 AS USED IN SECTIONS 78 THROUGH 82

16 (A) "ABATEMENT" MEANS ANY MEASURE OR SET OF MEASURES  
17 DESIGNED TO PERMANENTLY ELIMINATE LEAD-BASED PAINT HAZARDS IN  
18 ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE DEPARTMENT SUCH  
19 TERM INCLUDES THE FOLLOWING

20 (i) THE REMOVAL OF LEAD-BASED PAINT AND LEAD-CONTAMINATED  
21 DUST, THE PERMANENT CONTAINMENT OF LEAD-BASED PAINT, THE ENCAPSU-  
22 LATION OF LEAD-BASED PAINT WITH APPROVED ENCAPSULANTS, THE  
23 REPLACEMENT OF LEAD-BASED PAINTED SURFACES OR FIXTURES, AND THE  
24 REMOVAL OR COVERING OF LEAD-CONTAMINATED SOIL

25 (ii) ALL PREPARATION, CLEANUP, DISPOSAL, MONITORING, AND  
26 CLEARANCE TESTING ACTIVITIES ASSOCIATED WITH SUCH MEASURES

1 (B) ACCESSIBLE SURFACE MEANS ANY INTERIOR OR EXTERIOR  
2 SURFACE CONTAINING LEAD-BASED PAINT THAT IS ACCESSIBLE FOR A  
3 YOUNG CHILD TO MOUTH OR CHEW

4 (C) 'ACCREDITED LABORATORY" MEANS A LABORATORY ACCREDITED  
5 UNDER THIS ACT

6 (D) 'CASE OF CHILDHOOD LEAD POISONING MEANS A CHILD UNDER 7  
7 YEARS OF AGE WITH A CONFIRMED BLOOD LEAD LEVEL GREATER THAN OR  
8 EQUAL TO 10 MICROGRAMS PER DECILITER OF WHOLE BLOOD (UG/DL),  
9 UNLESS THE DEPARTMENT FINDS THAT A LOWER CONCENTRATION IS APPRO-  
10 PRIATE TO PROTECT PUBLIC HEALTH

11 (E) CLEARANCE TESTING MEANS VISUAL EXAMINATION AND THE  
12 COLLECTION OF ENVIRONMENTAL SAMPLES INCLUDING DUST SAMPLES BY A  
13 LICENSED INSPECTOR OR A LICENSED RISK ASSESSOR, AND ANALYSIS BY  
14 AN ACCREDITED LABORATORY

15 (F) COMMUNITY OUTREACH MEANS A PROGRAM THAT PROVIDES  
16 INFORMATION ABOUT CHILDHOOD LEAD POISONING AND PRIMARY PREVENTION  
17 SERVICES TO THE PUBLIC AND ENCOURAGES COMMUNITY PARTICIPATION IN  
18 EFFORTS TO ERADICATE CHILDHOOD LEAD POISONING

19 (G) "CONTRACT FOR THE PURCHASE OF RESIDENTIAL REAL PROPERTY"  
20 MEANS ANY CONTRACT OR AGREEMENT IN WHICH 1 PARTY AGREES TO PUR-  
21 CHASE AN INTEREST IN REAL PROPERTY ON WHICH THERE IS SITUATED 1  
22 OR MORE RESIDENTIAL DWELLINGS USED OR OCCUPIED, OR INTENDED TO BE  
23 USED OR OCCUPIED IN WHOLE OR IN PART AS THE HOME OR RESIDENCE  
24 OF 1 OR MORE PERSONS

25 (H) DEPARTMENT" MEANS THE DIVISION OF THE DEPARTMENT OF  
26 PUBLIC HEALTH RESPONSIBLE FOR OCCUPATIONAL HEALTH UNDER THIS  
27 ACT

1 (I) DETERIORATED PAINT MEANS ANY INTERIOR OR EXTERIOR  
2 LEAD-BASED PAINT THAT IS PEELING CHIPPING, CHALKING FLAKING, OR  
3 CRACKING, OR ANY LEAD-BASED PAINT LOCATED ON AN INTERIOR OR EXTE-  
4 RIOR SURFACE OR FIXTURE THAT IS DAMAGED OR DETERIORATED

5 (J) "EVALUATION MEANS RISK ASSESSMENT OR INSPECTION

6 (K) 'FRICTION SURFACE' MEANS AN INTERIOR OR EXTERIOR SURFACE  
7 THAT IS SUBJECT TO ABRASION OR FRICTION INCLUDING CERTAIN  
8 WINDOW, FLOOR AND STAIR SURFACES

9 (L) 'IMPACT SURFACE" MEANS AN INTERIOR OR EXTERIOR SURFACE  
10 OR FIXTURE THAT IS SUBJECT TO DAMAGE BY REPEATED IMPACTS, FOR  
11 EXAMPLE, CERTAIN PARTS OF DOOR FRAMES

12 (M) INCLUDES MEANS INCLUDES, BUT IS NOT LIMITED TO AND  
13 SHALL NOT BE CONSTRUED AS A TERM OF LIMITATION

14 (N) INSPECTION MEANS A SURFACE-BY-SURFACE INVESTIGATION TO  
15 DETERMINE THE PRESENCE OF LEAD-BASED PAINT OR LEAD-BASED PAINT  
16 HAZARDS AND THE PROVISION OF A REPORT EXPLAINING THE RESULTS OF  
17 THE INVESTIGATION

18 (O) INTERIM CONTROLS MEANS A MEASURE OR SET OF MEASURES  
19 TAKEN BY THE OWNER OF A PREMISES THAT ARE DESIGNED TO CONTROL  
20 TEMPORARILY HUMAN EXPOSURE OR LIKELY EXPOSURE TO LEAD-BASED PAINT  
21 HAZARDS, INCLUDING SPECIALIZED DUST REMOVAL PROCEDURES, REPAIRS,  
22 MAINTENANCE, PAINTING TEMPORARY CONTAINMENT, ONGOING MONITORING  
23 OF LEAD-BASED PAINT HAZARDS OR POTENTIAL HAZARDS, AND THE ESTAB-  
24 LISHMENT AND OPERATION OF MANAGEMENT AND RESIDENT EDUCATION  
25 PROGRAMS

1 (P) LEAD-BASED PAINT MEANS PAINT OR OTHER SURFACE COATINGS  
2 THAT CONTAIN LEAD IN EXCESS OF LIMITS ESTABLISHED BY THE  
3 DEPARTMENT

4 (Q) LEAD-BASED PAINT HAZARD MEANS ANY CONDITION THAT  
5 CAUSES EXPOSURE TO LEAD FROM LEAD-CONTAMINATED DUST  
6 LEAD-CONTAMINATED SOIL, LEAD-BASED PAINT THAT IS DETERIORATED OR  
7 PRESENT IN ACCESSIBLE SURFACES, FRICTION SURFACES, OR IMPACT SUR-  
8 FACES THAT WOULD RESULT IN ADVERSE HUMAN HEALTH EFFECTS AS ESTAB-  
9 LISHED BY THE DEPARTMENT

10 (R) "LEAD-CONTAMINATED DUST" MEANS SURFACE DUST IN RESIDEN-  
11 TIAL DWELLINGS AND SUCH OTHER BUILDINGS, AS THE DEPARTMENT IN ITS  
12 DISCRETION MAY DESIGNATE BY REGULATION THAT CONTAINS AN AREA OR  
13 MASS CONCENTRATION OF LEAD IN EXCESS OF LEVELS DETERMINED BY THE  
14 DEPARTMENT TO POSE A THREAT OF ADVERSE HEALTH EFFECTS IN PREGNANT  
15 WOMEN OR YOUNG CHILDREN

16 (S) "LEAD-CONTAMINATED SOIL" MEANS BARE SOIL ON RESIDENTIAL  
17 REAL PROPERTY THAT CONTAINS LEAD AT OR IN EXCESS OF LEVELS DETER-  
18 MINED TO BE HAZARDOUS TO HUMAN HEALTH BY THE DEPARTMENT

19 (T) LEAD-FREE' MEANS THAT A PREMISES CONTAINS NO LEAD-BASED  
20 PAINT, EITHER AS A RESULT OF UNDERGOING COMPLETE REMOVAL OR  
21 BECAUSE NO LEAD-BASED PAINT EVER EXISTED IN THE PREMISES A  
22 LEAD-FREE PREMISES CONTAINS NO LEAD-BASED PAINT HAZARDS

23 (U) LEAD-SAFE' MEANS THAT A PREMISES IS THE SUBJECT OF A  
24 VALID CERTIFICATE OF LEAD SAFETY, AND IS IN COMPLIANCE WITH THE  
25 REQUIREMENTS OF THIS ACT, INCLUDING MONITORING REQUIREMENTS FOR  
26 ALL POTENTIAL LEAD-BASED PAINT HAZARDS

1 (V) 'LEAD ABATEMENT CONTRACTOR MEANS A PERSON PARTNERSHIP  
2 FIRM, ASSOCIATION CORPORATION, SOLE PROPRIETORSHIP PUBLIC OR  
3 PRIVATE AGENCY OR OTHER LEGAL ENTITY WHICH CARRIES ON THE BUSI-  
4 NESS OF LEAD ABATEMENT ON THE PREMISES OF ANOTHER BUSINESS ENTITY  
5 AND NOT ON THE LEAD ABATEMENT CONTRACTOR S PREMISES

6 (W) LEAD ABATEMENT PROJECT" MEANS ANY ACTIVITY INVOLVING  
7 PERSONS WORKING DIRECTLY WITH DEMOLITION, RENOVATION, REMOVAL,  
8 ENCAPSULATION, OR INTERIM CONTROL OF SURFACES CONTAINING  
9 LEAD-BASED PAINT OR LEAD-CONTAMINATED SOIL

10 (X) LEAD ABATEMENT WORKER MEANS AN EMPLOYEE OR AGENT OF A  
11 LEAD ABATEMENT CONTRACTOR ACTUALLY INVOLVED IN A LEAD ABATEMENT  
12 PROJECT OR HIRED OR RETAINED WITH THE EXPECTATION OR UNDERSTAND-  
13 ING THAT THE EMPLOYEE OR AGENT WILL BE INVOLVED IN LEAD ABATEMENT  
14 PROJECTS

15 (Y) "LICENSE ' MEANS AN AUTHORIZATION ISSUED BY THE DEPART-  
16 MENT FOR PERSONS ENGAGED IN INSPECTING FOR LEAD-BASED PAINT HAZ-  
17 ARDS, SUPERVISING LEAD ABATEMENT PROJECTS, DESIGNING LEAD ABATE-  
18 MENT PROJECTS, AND PERFORMING LEAD ABATEMENT CONTRACTING

19 (Z) 'LICENSED INSPECTOR MEANS A PERSON WHO IS LICENSED TO  
20 CONDUCT INSPECTIONS UNDER THIS ACT

21 (AA) "LICENSED LEAD ABATEMENT CONTRACTOR ' MEANS A LEAD  
22 ABATEMENT CONTRACTOR LICENSED UNDER THIS ACT

23 (BB) "LICENSED LEAD ABATEMENT SUPERVISOR" MEANS A PERSON  
24 LICENSED UNDER THIS ACT TO SUPERVISE WORKERS CONDUCTING LEAD  
25 ABATEMENT PROJECTS

26 (CC) LICENSED PROJECT DESIGNER MEANS A PERSON WHO IS  
27 LICENSED UNDER THIS ACT TO DESIGN LEAD ABATEMENT PROJECTS

1 (DD) OCCUPANT MEANS A PERSON WHO RESIDES IN OR REGULARLY  
2 USES, A PREMISES

3 (EE) OWN MEANS ANY OF THE FOLLOWING WHETHER DONE SINGLY OR  
4 JOINTLY WITH OTHERS

5 (i) HAVING LEGAL TITLE OR BEING THE GUARDIAN, EXECUTOR, OR  
6 ADMINISTRATOR OF THE ESTATE OR TRUSTEE OF THE HOLDER OF LEGAL  
7 TITLE

8 (ii) BEING AN AGENT OF THE HOLDER OF LEGAL TITLE WITH CHARGE  
9 OR CONTROL OF THE PROPERTY WITH RESPECT TO DECISIONS CONCERNING  
10 SUBSTANTIAL MAINTENANCE AND CAPITAL IMPROVEMENTS

11 (iii) WITH RESPECT TO PUBLICLY OWNED PROPERTY IS THE CHIEF  
12 EXECUTIVE OFFICER OF THE MUNICIPAL OR STATE AGENCY WHICH OWNS,  
13 LEASES, OR CONTROLS THE USE OF THE PROPERTY

14 PROVIDED THAT A MORTGAGEE OR OTHER SECURED LENDER SHALL NOT BE  
15 CONSIDERED TO OWN A PREMISES OR BUILDING UNLESS SUCH MORTGAGE HAS  
16 FORECLOSED OR TAKEN ACTUAL PHYSICAL POSSESSION UNDER APPLICABLE  
17 LAW

18 (FF) OWNER MEANS A PERSON WHO OWNS TARGET HOUSING, TARGET  
19 CHILD CARE FACILITIES, OR OTHER BUILDINGS THAT MAY BE REGULATED  
20 IN THE DISCRETION OF THE DEPARTMENT

21 (GG) "PERSON" MEANS ANY INDIVIDUAL PARTNERSHIP ASSOCIA-  
22 TION, FIRM CORPORATION, JOINT VENTURE, AGENCY, OR ANY FEDERAL,  
23 STATE, OR MUNICIPAL ORGANIZATION

24 (HH) 'POTENTIAL LEAD-BASED PAINT HAZARD MEANS ANY  
25 LEAD-BASED PAINT IN A PREMISES WHICH IS NOT INCLUDED IN THE DEFINI-  
26 TION OF A LEAD-BASED PAINT HAZARD

1        (II) PREMISES MEANS ANY REAL PROPERTY ON WHICH THERE IS  
2 SITUATED A RESIDENTIAL DWELLING, CHILD CARE FACILITY OR OTHER  
3 BUILDING DESIGNATED BY THE DEPARTMENT AND INCLUDES ANY LAND,  
4 OPEN AREAS, BUILDINGS ACCESSORY STRUCTURES OR OTHER STRUCTURES  
5 THEREON

6        (JJ) PROGRAM' MEANS THE LEAD POISONING PREVENTION PROGRAM  
7 ESTABLISHED BY THIS ACT

8        (KK) 'RESIDENTIAL DWELLING' MEANS A SINGLE FAMILY DWELLING  
9 OR A UNIT IN A MULTIFAMILY DWELLING, TOGETHER WITH ATTACHED  
10 COMMON AREAS, THAT IS USED OR OCCUPIED OR INTENDED TO BE USED OR  
11 OCCUPIED IN WHOLE OR IN PART AS THE RESIDENCE OF 1 OR MORE  
12 PERSONS

13        (LL) RISK ASSESSMENT MEANS AN ON-SITE INVESTIGATION TO  
14 DETERMINE AND REPORT THE EXISTENCE NATURE SEVERITY AND LOCA-  
15 TION OF LEAD-BASED PAINT HAZARDS IN RESIDENTIAL DWELLINGS OR TAR-  
16 GETED CHILD CARE FACILITIES, INCLUDING

17        (1) INFORMATION GATHERING REGARDING THE AGE AND HISTORY OF  
18 THE HOUSING AND OCCUPANCY BY YOUNG CHILDREN

19        (2) VISUAL INSPECTION

20        (3) LIMITED WIPE SAMPLING OR OTHER ENVIRONMENTAL SAMPLING  
21 TECHNIQUES

22        (4) OTHER ACTIVITY AS MAY BE APPROPRIATE

23        (5) PROVISION OF A REPORT EXPLAINING THE RESULTS OF THE  
24 INVESTIGATION

25        (MM) 'SALE AND TRANSFER' OF A RESIDENTIAL DWELLING OR  
26 PREMISES MEAN ANY CHANGE IN OWNERSHIP, TRANSFER THROUGH  
27 CONDEMNATION, DISSOLUTION OF CORPORATE IDENTITY, FINANCIAL



1 REORGANIZATION AND LIQUIDATION IN BANKRUPTCY OR INSOLVENCY  
2 TRANSFER OF SHARES OF A CORPORATION THAT RESULTS IN A CHANGE IN  
3 THE CONTROLLING INTEREST, AND A TERMINATION OF A LEASEHOLD INTER-  
4 EST BY THE OWNER OR OPERATOR, UNLESS THE LEASE IS RENEWED BY THE  
5 OWNER OR OPERATOR WITHIN 90 DAYS

6 (NN) "SCREENING" MEANS THE MEDICAL PROCEDURES BY WHICH THE  
7 CONCENTRATION OF LEAD IN WHOLE BLOOD IS MEASURED

8 (OO) "TARGET HOUSING MEANS ANY RESIDENTIAL DWELLING CON-  
9 STRUCTED PRIOR TO 1978, EXCEPT HOUSING FOR THE ELDERLY OR PERSONS  
10 WITH DISABILITIES OR ANY 0-BEDROOM RESIDENTIAL DWELLING UNLESS  
11 ANY CHILD UNDER 7 RESIDES OR IS EXPECTED TO RESIDE IN SUCH  
12 HOUSING HOUSING FOR THE ELDERLY OR PERSONS WITH DISABILITIES  
13 INCLUDES ONLY BUILDINGS OR PROJECTS IN WHICH OCCUPANCY IS LEGALLY  
14 RESTRICTED TO SUCH PERSONS

15 (PP) 'TARGETED CHILD CARE FACILITY' MEANS ANY FACILITY CON-  
16 STRUCTED PRIOR TO 1978 LICENSED BY THE STATE TO PROVIDE NONMEDI-  
17 CAL CHILD CARE DAY CARE OR PRESCHOOL SERVICES TO YOUNG CHILDREN  
18 AND ANY PUBLIC OR PRIVATE SCHOOL CONSTRUCTED PRIOR TO 1978 THAT  
19 IS ATTENDED BY CHILDREN UNDER 7

20 SEC 78 (1) THE DEPARTMENT SHALL ESTABLISH A LEAD POISON-  
21 ING PREVENTION PROGRAM WHICH SHALL BE VESTED WITH THE POWERS AND  
22 RESPONSIBILITIES SET FORTH IN THIS ACT

23 (2) THE PROGRAM SHALL BE RESPONSIBLE FOR CREATING AND IMPE-  
24 MENTING A COORDINATED AND COMPREHENSIVE PLAN TO PREVENT CHILDHOOD  
25 LEAD POISONING AND TO CONTROL EXPOSURE TO LEAD-BASED PAINT  
26 HAZARDS

1 (3) THE PROGRAM SHALL DEVELOP A COMPREHENSIVE EDUCATIONAL  
2 AND COMMUNITY OUTREACH PROGRAM REGARDING LEAD POISONING  
3 PREVENTION, WHICH SHALL AT A MINIMUM INCLUDE THE DEVELOPMENT OF  
4 APPROPRIATE EDUCATIONAL MATERIALS TARGETED TO HEALTH CARE PROVID-  
5 ERS, CHILD CARE PROVIDERS, PUBLIC SCHOOLS, OWNERS AND TENANTS OF  
6 RESIDENTIAL DWELLINGS AND PARENTS OF YOUNG CHILDREN THESE  
7 MATERIALS SHALL BE MADE AVAILABLE, UPON REQUEST, TO LOCAL AND  
8 STATE COMMUNITY GROUPS LEGAL SERVICES ORGANIZATIONS, AND  
9 TENANTS' GROUPS

10 (4) THE PROGRAM SHALL DEVELOP A CASE MANAGEMENT SYSTEM TO  
11 ENSURE THAT ALL CASES OF CHILDHOOD LEAD POISONING RECEIVE SERV-  
12 ICES APPROPRIATE TO THE SEVERITY OF LEAD POISONING CASE MANAGE-  
13 MENT SERVICES SHALL TO THE EXTENT PRACTICABLE INCLUDE THE  
14 FOLLOWING

15 (A) TIMELY DIAGNOSIS AND APPROPRIATE MEDICAL FOLLOW-UP

16 (B) PARENTAL EDUCATION

17 (C) OCCUPANT PROTECTION, INCLUDING TEMPORARY OR PERMANENT  
18 RELOCATION TO LEAD SAFE HOUSING AS NEEDED

19 (D) LEAD-BASED PAINT HAZARD EVALUATION AND CONTROL IN APPRO-  
20 PRIATE CIRCUMSTANCES

21 SEC 79 (1) THERE IS HEREBY CREATED A NONLAPSING, CONTINU-  
22 OUS, RESTRICTED RECEIPT ACCOUNT, TO BE CALLED THE LEAD POISONING  
23 PREVENTION PROGRAM FUND

24 (2) THE FUND SHALL BE USED FOR EXPENSES RELATED TO THE  
25 DEVELOPMENT, IMPLEMENTATION, AND OPERATION OF THE PROGRAM

26 (3) DEPOSIT OF MONEY IN THE FUND IS AUTHORIZED AS FOLLOWS

1 (A) THE DEPARTMENT SHALL ASSESS FEES FOR LICENSURE UNDER  
2 THIS ACT AND DEPOSIT SUCH FEES INTO THE FUND

3 (B) THE DEPARTMENT SHALL ASSESS FINES AND PENALTIES FOR VIO-  
4 LATIONS OF SPECIFIC PROVISIONS OF THIS ACT AND DEPOSIT SUCH MONEY  
5 INTO THE FUND

6 (C) THE STATE LEGISLATURE MAY THROUGH APPROPRIATIONS OR  
7 OTHER MEANS, CONTRIBUTE TO THE FUND

8 (D) THE FUND MAY ACCEPT MONEY, INCLUDING FEDERAL GRANTS AND  
9 APPROPRIATIONS, FROM ANY PERSON

10 (4) THE FUND SHALL EXIST IN THE STATE TREASURY THE STATE  
11 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND ALL INTEREST  
12 AND EARNINGS OF THE FUND SHALL BE RETAINED BY THE FUND MONEY IN  
13 THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND  
14 AND NOT REVERT TO THE GENERAL FUND

15 (5) NOT LATER THAN 1 YEAR AFTER THE ESTABLISHMENT OF THE  
16 FUND AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL PREPARE A  
17 WRITTEN REPORT REGARDING THE FUND, INCLUDING THE AMOUNTS AND  
18 SOURCES OF MONEY CONTRIBUTED TO THE FUND IN THE PREVIOUS YEAR AND  
19 A COMPLETE ACCOUNTING OF ITS USE SUCH REPORT SHALL BE GIVEN TO  
20 THE APPROPRIATE COMMITTEES OF THE LEGISLATURE AND BE MADE AVAIL-  
21 ABLE TO MEMBERS OF THE PUBLIC AND THE NEWS MEDIA UPON REQUEST

22 SEC 80 (1) THE DEPARTMENT MAY DELINEATE GEOGRAPHICAL  
23 AREAS WITHIN THE STATE, KNOWN AS PRIORITY AREAS, IN WHICH THE  
24 RISK OF LEAD POISONING IN CHILDREN UNDER 7 IS BELIEVED TO BE  
25 ESPECIALLY HIGH SUCH AREAS MAY BE TARGETED FOR COMMUNITY OUT-  
26 REACH AND SCREENING EFFORTS, BE GIVEN HIGH PRIORITY FOR STATE  
27 INSPECTION RESOURCES, BE TARGETED FOR EARLY LEAD HAZARD CONTROL

1 EFFORTS, AND BE GIVEN PRIORITY IN ALLOCATION OF PUBLIC FINANCIAL  
2 ASSISTANCE FOR LEAD HAZARD CONTROL

3 (2) A LIST OF THE PRIORITY AREAS AND A MAP SHOWING SUCH  
4 AREAS SHALL BE MADE AVAILABLE TO THE PUBLIC

5 SEC 81 (1) AFTER CONSULTATION WITH RECOGNIZED MEDICAL  
6 PUBLIC HEALTH, AND ENVIRONMENTAL HEALTH PROFESSIONALS, THE  
7 DEPARTMENT SHALL ISSUE REGULATIONS ESTABLISHING THE MEANS BY  
8 WHICH AND THE INTERVALS AT WHICH YOUNG CHILDREN AND ANY OTHER  
9 HIGH RISK GROUPS SHALL BE SCREENED FOR LEAD POISONING AT A MIN-  
10 IMUM, THE REGULATIONS SHALL BE CONSISTENT WITH THE SCREENING  
11 GUIDELINES ISSUED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND  
12 PREVENTION

13 (2) SUCH REGULATIONS SHALL BE PROPOSED NO LATER THAN 6  
14 MONTHS FROM THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
15 THIS SECTION AND SHALL BE MADE FINAL NO LATER THAN 12 MONTHS FROM  
16 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
17 SECTION

18 (3) WITHIN 6 MONTHS AFTER FINAL ISSUANCE OF THE SCREENING  
19 REGULATIONS, ANY HEALTH CARE PROGRAM THAT RECEIVES FUNDS FROM THE  
20 STATE AND HAS A CHILD HEALTH COMPONENT MUST PROVIDE SCREENING OF  
21 YOUNG CHILDREN FOR LEAD POISONING AT THE INTERVALS AND USING THE  
22 METHODS SPECIFIED BY THE REGULATIONS

23 (4) AS OF THE EFFECTIVE DATE OF THE SCREENING REGULATIONS  
24 ALL HEALTH CARE PROVIDERS WHO PROVIDE PRIMARY MEDICAL CARE SHALL  
25 ENSURE THAT PARENTS AND GUARDIANS OF YOUNG CHILDREN ARE ADVISED  
26 OF THE AVAILABILITY AND ADVISABILITY OF SCREENING THEIR CHILDREN  
27 FOR LEAD POISONING IN ACCORDANCE WITH SCREENING REGULATIONS

1 (5) AFTER THE SCREENING REGULATIONS ISSUED UNDER THIS  
2 SECTION HAVE BEEN IN EFFECT FOR 2 YEARS THE DEPARTMENT SHALL  
3 DETERMINE THE PERCENTAGE OF CHILDREN UNDER 7 WHO ARE BEING  
4 SCREENED IN ACCORDANCE WITH THOSE REGULATIONS IF FEWER THAN 75%  
5 OF CHILDREN UNDER 7 ARE RECEIVING SUCH SCREENING THE DEPARTMENT  
6 SHALL CONSIDER ADOPTING NEW REGULATIONS TO ENSURE THAT A HIGHER  
7 NUMBER OF CHILDREN ARE SCREENED

8 (6) AT LEAST ANNUALLY, THE DEPARTMENT SHALL COLLECT, ANALYZE,  
9 AND SUMMARIZE ALL OF THE LEAD SCREENING DATA AVAILABLE TO  
10 IT AND PROVIDE THIS INFORMATION TO THE LEGISLATURE AND THE  
11 PUBLIC

12 SEC 82 (1) BEGINNING 18 MONTHS AFTER THE EFFECTIVE DATE OF  
13 THE AMENDATORY ACT THAT ADDED THIS SECTION, AS A CONDITION FOR  
14 CONTINUING LICENSURE EACH CHILD CARE PROVIDER SHALL OBTAIN FROM  
15 A PARENT OR GUARDIAN OF EACH CHILD UNDER 7 PROOF THAT SUCH CHILD  
16 HAS BEEN SCREENED FOR LEAD POISONING PRIOR TO ENROLLMENT OR BY  
17 MEANS AND AT INTERVALS SPECIFIED IN THE REGULATIONS ISSUED UNDER  
18 THIS ACT

19 (2) EACH LOCAL BOARD OF EDUCATION SHALL INSTITUTE POLICIES  
20 AND PROCEDURES TO ENSURE THAT CHILDREN ARE SCREENED FOR LEAD POI-  
21 SONING PRIOR TO SCHOOL ENROLLMENT THE DECISION WHETHER OR NOT  
22 TO EXCLUDE FROM SCHOOL ENROLLMENT CHILDREN WHO HAVE NOT BEEN  
23 SCREENED SHALL BE MADE BY THE LOCAL BOARD OF EDUCATION

24 SEC 83 THE DEPARTMENT OF EDUCATION, AFTER CONSULTATION  
25 WITH THE DEPARTMENT, SHALL ISSUE REGULATIONS NO LATER THAN 12  
26 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
27 THIS SECTION PROVIDING THAT A DEVELOPMENTAL ASSESSMENT SHALL BE

1 CONDUCTED FOR APPROPRIATE CASES OF CHILDHOOD LEAD POISONING  
2 INCLUDING ANY RECOMMENDATIONS FOR ENROLLMENT OF THE AFFECTED  
3 CHILD IN EARLY INTERVENTION PROGRAMS AND PRESCHOOL SPECIAL EDUCA-  
4 TION PROGRAMS

5 SEC 83A WITHIN 12 MONTHS FROM THE EFFECTIVE DATE OF THE  
6 AMENDATORY ACT THAT ADDED THIS SECTION ANY GENERAL OR BLANKET  
7 POLICY OF ACCIDENT OR HEALTH INSURANCE OR ANY CONTRACT OR AGREE-  
8 MENT UNDER AN INDIVIDUAL OR GROUP HOSPITAL OR DENTAL SERVICE PLAN  
9 OR MEDICAL SERVICE AGREEMENT THAT IS DELIVERED OR ISSUED FOR  
10 DELIVERY IN THE STATE THAT PROVIDES FOR DEPENDENT COVERAGE SHALL  
11 INCLUDE COVERAGE FOR THE FOLLOWING

12 (A) SCREENING FOR LEAD POISONING AS PROVIDED FOR IN THE REG-  
13 ULATIONS OF THE DEPARTMENT

14 (B) MEDICAL FOLLOW-UP AND TREATMENT FOR CHILDREN DIAGNOSED  
15 WITH LEAD POISONING

16 (C) ENVIRONMENTAL INVESTIGATIONS PERFORMED AS PART OF THE  
17 MEDICALLY PRESCRIBED COURSE OF TREATMENT FOR CHILDREN DIAGNOSED  
18 WITH LEAD POISONING

19 (D) DEVELOPMENTAL ASSESSMENTS PERFORMED AS PART OF THE MEDI-  
20 CALLY PRESCRIBED COURSE OF TREATMENT FOR CHILDREN DIAGNOSED WITH  
21 LEAD POISONING

22 SEC 84 (1) ANY LABORATORY REGISTERED OR LICENSED BY THE  
23 FEDERAL GOVERNMENT OR ANY STATE AGENCY SHALL REPORT TO THE  
24 DEPARTMENT SUCH INFORMATION ON BLOOD LEAD ANALYSES AS THE DEPART-  
25 MENT MAY BY REGULATION, REQUIRE INCLUDING DATA ON THE NUMBER AND  
26 RESULTS OF BLOOD LEAD ANALYSES PERFORMED BY THE LABORATORY DURING  
27 SPECIFIED TIME PERIODS

1 (2) THE DEPARTMENT MAY ADDITIONALLY ISSUE REGULATIONS  
2 REQUIRING HEALTH CARE PROVIDERS TO REPORT TO IT SUCH INFORMATION  
3 ON BLOOD LEAD ANALYSES AND DIAGNOSES OF LEAD POISONING AS THE  
4 DEPARTMENT CONSIDERS APPROPRIATE

5 SEC 85 (1) NO LATER THAN 6 MONTHS FROM THE EFFECTIVE DATE  
6 OF THIS ACT THE DEPARTMENT SHALL PROPOSE REGULATIONS FOR THE  
7 CONDUCT OF LEAD INSPECTIONS BY LICENSED INSPECTORS AND FOR THE  
8 CONDUCT OF RISK ASSESSMENTS BY LICENSED RISK ASSESSORS SUCH  
9 REGULATIONS SHALL BE ISSUED FINALLY NO LATER THAN 12 MONTHS FROM  
10 THE EFFECTIVE DATE OF THIS ACT

11 (2) THE REGULATIONS FOR THE CONDUCT OF LEAD INSPECTIONS MAY  
12 SPECIFY PROCEDURES FOR CONDUCTING DIFFERENT TYPES OF LEAD INSPEC-  
13 TIONS AND SHALL INCLUDE PROCEDURES FOR TESTING AND SAMPLING DOC-  
14 UMENTATION REQUIREMENTS, AND SAFE WORK PRACTICES FOR LICENSED  
15 LEAD INSPECTORS

16 (3) THE REGULATIONS FOR THE CONDUCT OF RISK ASSESSMENTS MAY  
17 SPECIFY PROCEDURES FOR CONDUCTING RISK ASSESSMENTS IN DIFFERENT  
18 TYPES OF TARGET HOUSING AND SHALL ADDRESS PROCEDURES FOR CONDUCT-  
19 ING VISUAL INSPECTIONS AND SAMPLING AND TESTING, APPLYING CRI-  
20 TERIA THAT TRIGGER LEAD HAZARD CONTROL REQUIREMENTS AND ACCEPT-  
21 ABLE OPTIONS, AND PROVIDING DOCUMENTATION THE REGULATIONS SHALL  
22 FURTHER SPECIFY OBJECTIVE CRITERIA THAT SHALL BE USED BY LICENSED  
23 RISK ASSESSORS TO DETERMINE WHEN A UNIT IS NOT ELIGIBLE FOR  
24 INTERIM CONTROLS

25 SEC 85A (1) THE DEPARTMENT SHALL ESTABLISH GUIDELINES  
26 SETTING PRIORITIES FOR SCHEDULING AND CONDUCTING INSPECTIONS BY  
27 STATE INSPECTORS

1       (2) STATE INSPECTORS ARE AUTHORIZED TO INSPECT ANY PREMISES  
2 FOR ANY PURPOSE REASONABLY RELATED TO CARRYING OUT THE PROVISIONS  
3 OF THIS ACT

4       (3) INSPECTIONS SHALL TAKE PLACE DURING REASONABLE BUSINESS  
5 HOURS OR AT ANY OTHER TIME AS THE INSPECTOR AND THE OWNER, OCCU-  
6 PANT, OR OPERATOR MAY AGREE IF THE DEPARTMENT DETERMINES THAT A  
7 RESIDENTIAL DWELLING, RESIDENTIAL DWELLING UNIT PREMISES OR  
8 CHILD CARE FACILITY MAY PRESENT AN IMMINENT HAZARD, A STATE OR  
9 LOCAL INSPECTOR IS AUTHORIZED TO CONDUCT AN INSPECTION AT ANY  
10 TIME

11       (4) STATE OR LOCAL INSPECTORS SHALL PREPARE AND FILE WRITTEN  
12 INSPECTION REPORT THOSE INSPECTION REPORTS SHALL BE AVAILABLE  
13 TO THE PUBLIC PROVIDED THAT CONFIDENTIAL MEDICAL INFORMATION AND  
14 THE IDENTITY OF PERSONS SUPPLYING ENFORCEMENT-RELATED INFORMATION  
15 SHALL BE DELETED FROM PUBLICLY AVAILABLE RECORDS

16       (5) THE OWNER OPERATOR OR OTHER PERSON IN CHARGE OF A  
17 PREMISES SHALL GIVE THE STATE AND LOCAL INSPECTORS ENTRY AND FREE  
18 ACCESS TO EVERY PART THEREOF

19       SEC 85B NO LATER THAN 6 MONTHS FROM THE EFFECTIVE DATE OF  
20 THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL  
21 PROPOSE REGULATIONS REGARDING THE POSTING OF LEAD HAZARD WARN-  
22 INGS, AND THE PROVISION OF THE RESULTS OF RISK ASSESSMENTS AND  
23 LEAD INSPECTIONS TO OCCUPANTS THE REGULATIONS SHALL BE ISSUED  
24 FINALLY NO LATER THAN 12 MONTHS FROM THE EFFECTIVE DATE OF THIS  
25 ACT

26       SEC 85C (1) NOT LATER THAN 12 MONTHS FROM THE EFFECTIVE  
27 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE



1 DEPARTMENT SHALL ISSUE REGULATIONS FOR THE DISCLOSURE OF  
2 LEAD-BASED PAINT HAZARDS AND POTENTIAL HAZARDS IN TARGET HOUSING  
3 THAT IS OFFERED FOR SALE OR LEASE SUCH REGULATIONS, AT THE MIN-  
4 IMUM SHALL INCORPORATE THE REQUIREMENTS OF SECTION 1018 OF THE  
5 FEDERAL RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992  
6 (PL 102-550) AND SHALL ADDITIONALLY REQUIRE OWNERS OF TARGET  
7 HOUSING TO PROVIDE COPIES OF EDUCATIONAL MATERIALS DEVELOPED BY  
8 THE DEPARTMENT, INCLUDING INFORMATION ABOUT THE REQUIREMENTS OF  
9 THIS ACT AND PROGRAMS THAT PROVIDE FINANCIAL ASSISTANCE FOR LEAD  
10 HAZARD CONTROL

11 (2) WHENEVER A PROSPECTIVE PURCHASER OR LESSEE CONDUCTS A  
12 LEAD INSPECTION OR RISK ASSESSMENT, THAT PERSON SHALL PROMPTLY  
13 PROVIDE A COPY OF THE EVALUATION TO THE SELLER OR LESSOR AND ANY  
14 AGENT WITH WHOM THE SELLER OR LESSOR HAS ENTERED INTO A CONTRACT  
15 FOR THE PURPOSE OF SELLING OR LEASING THE UNIT OF TARGET  
16 HOUSING

17 (3) THE DUTIES REQUIRED UNDER THIS SECTION ARE NOT EXCLUSIVE  
18 AND DO NOT REPLACE OR ALTER ANY DUTY IMPOSED UPON THE OWNER TO  
19 PERFORM LEAD HAZARD CONTROL UNDER THIS ACT

20 (4) IN NO EVENT SHALL THE RECEIPT OF THE DISCLOSURES  
21 REQUIRED BY THIS SECTION OPERATE AS OR BE CONSTRUED AS A BAR TO  
22 RELIEF OR IN ANY MANNER BE USED AS AN AFFIRMATIVE DEFENSE FOR ANY  
23 OWNER OPERATOR OR REAL ESTATE AGENT IN ANY STATUTORY OR COMMON  
24 LAW ACTION

25 (5) NOTHING IN THIS SECTION SHALL AFFECT THE VALIDITY OR  
26 ENFORCEABILITY OF ANY SALE OR CONTRACT FOR THE PURCHASE AND SALE  
27 OR LEASE OF ANY INTEREST IN RESIDENTIAL REAL PROPERTY, OR ANY

1 LOAN, LOAN AGREEMENT MORTGAGE, OR LIEN MADE OR ARISING IN  
2 CONNECTION WITH A MORTGAGE LOAN NOR SHALL ANYTHING IN THIS SEC-  
3 TION CREATE A DEFECT IN TITLE

4 SEC 85D (1) EFFECTIVE 6 MONTHS FROM THE EFFECTIVE DATE OF  
5 THE AMENDATORY ACT THAT ADDED THIS SECTION A PERSON SHALL NOT  
6 KNOWINGLY AUTHORIZE OR EMPLOY ANY PERSON TO PERFORM A LEAD ABATE-  
7 MENT PROJECT EXCEPT FOR A LICENSED LEAD ABATEMENT CONTRACTOR

8 (2) EXEMPT FROM THIS REQUIREMENT IS ANY LEAD ABATEMENT THAT  
9 IS INCIDENTAL TO THE PRIMARY LICENSED TRADE AND INVOLVES NOT MORE  
10 THAN 25 SQUARE FEET OR 50 LINEAR FEET OF LEAD-BASED PAINT

11 (3) A LEAD ABATEMENT CONTRACTOR SHALL NOT KNOWINGLY PERMIT  
12 ITS EMPLOYEES, AGENTS, OR SUBCONTRACTORS TO PERFORM LEAD BASED  
13 PAINT ABATEMENT UNLESS THOSE WORKERS HAVE VALID LICENSES OR CER-  
14 TIFICATES OF TRAINING APPROPRIATE TO THEIR ABATEMENT DUTIES AS  
15 REQUIRED UNDER THIS ACT

16 (4) NOTHING IN THIS ACT PROHIBITS AN UNLICENSED OWNER FROM  
17 PERFORMING LEAD BASED PAINT ABATEMENT ON A SINGLE FAMILY DWELLING  
18 THAT IS OCCUPIED SOLELY BY THE OWNER

19 SEC 85E (1) OWNERS OF TARGET HOUSING WHICH IS OFFERED FOR  
20 RENTAL OR LEASE SHALL ENSURE THAT ALL SURFACES CONTAINING  
21 LEAD-BASED PAINT ARE KEPT INTACT AND FREE OF DETERIORATED PAINT  
22 AND THAT SUCH WALLS, SURFACES, AND FIXTURES ARE IN A STRUCTURALLY  
23 SOUND CONDITION SO THAT THEY CAN SUPPORT AN INTACT PAINTED  
24 SURFACE ALL PAINT IN SUCH TARGET HOUSING IS PRESUMED TO BE  
25 LEAD-BASED UNLESS A LICENSED RISK ASSESSOR OR LICENSED INSPECTOR  
26 HAS DETERMINED THAT IT IS NOT LEAD-BASED

1 (2) OWNERS SHALL AT THE TIME OF RENTAL OR LEASE GIVE TO  
2 THE INTENDED OCCUPANT OF TARGET HOUSING WRITTEN NOTICE MEETING  
3 ANY SPECIFICATIONS ESTABLISHED BY THE DEPARTMENT THE NOTICE  
4 SHALL INFORM OCCUPANTS OF THE IMPORTANCE OF PROMPTLY REPORTING  
5 THE PRESENCE OR DISCOVERY OF DETERIORATED PAINT TO BOTH THE OWNER  
6 OR DESIGNATED AGENT AND THE CODE ENFORCEMENT AGENCY THE NOTICE  
7 SHALL INCLUDE THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE  
8 OWNER OR DESIGNATED AGENT AND THE CODE ENFORCEMENT AGENCY

9 (3) WITHIN 20 BUSINESS DAYS OF RECEIVING A WRITTEN OR ORAL  
10 REPORT OF DETERIORATED PAINT FROM AN OCCUPANT THE OWNER OF  
11 TARGET HOUSING SHALL EITHER HAVE A LICENSED LEAD INSPECTOR EVALU-  
12 ATE THE REPORTED CONDITION OR SHALL CORRECT THE CONDITION FOLLOW-  
13 ING ALL PROCEDURES ESTABLISHED BY THE DEPARTMENT IF AN EVALU-  
14 ATION IS CONDUCTED AND DETERIORATED LEAD-BASED PAINT IS FOUND  
15 THE OWNER SHALL CORRECT THE CONDITION FOLLOWING ALL PROCEDURES  
16 ESTABLISHED BY THE DEPARTMENT

17 (4) OWNERS OF TARGET HOUSING WHICH IS OFFERED FOR RENTAL OR  
18 LEASE SHALL ENSURE THAT ITS EMPLOYEES AND AGENTS AS WELL AS  
19 TARGET HOUSING OCCUPANTS ARE PROTECTED DURING MAINTENANCE RENO-  
20 VATION OR REHABILITATION WORK THAT DISTURB PRE-1978 SURFACES  
21 UNLESS A LICENSED RISK ASSESSOR OR LICENSED INSPECTOR HAS DETER-  
22 MINED THAT THOSE SURFACES DO NOT CONTAIN LEAD-BASED PAINT

23 (5) OWNERS OF TARGET HOUSING WHICH IS OFFERED FOR RENTAL OR  
24 LEASE SHALL ENSURE THAT EMPLOYEES AND AGENTS WHOSE DUTIES MAY  
25 INVOLVE DISTURBING LEAD-BASED PAINTS ARE PROVIDED WITH THE TRAIN-  
26 ING REQUIRED BY THE DEPARTMENT

1           (6) WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THIS ACT THE  
2 DEPARTMENT SHALL PROPOSE REGULATIONS SPECIFYING THE CIRCUMSTANCES  
3 UNDER WHICH OWNERS OF TARGET HOUSING WHICH IS OFFERED FOR RENTAL  
4 OR LEASE SHALL UNDERTAKE LEAD HAZARD CONTROL AND ESTABLISH TIME  
5 FRAMES WITHIN WHICH SUCH MEASURES MUST BE TAKEN THE REGULATIONS  
6 SHALL ALSO SPECIFY WHEN AND UNDER WHAT CONDITIONS INTERIM CON-  
7 TROLS OR PARTIAL ABATEMENT ARE APPROPRIATE

8           SEC 85F (1) OWNERS OF CHILD CARE FACILITIES CONSTRUCTED  
9 PRIOR TO 1978 EXCLUDING THOSE FACILITIES REGULARLY SERVING FEWER  
10 THAN 3 CHILDREN UNDER 7 AT 1 TIME SHALL UNDERTAKE ABATEMENT OF  
11 THE FACILITY UNDER REGULATIONS ISSUED BY THE DEPARTMENT

12           (2) OWNERS OF TARGET CHILD CARE FACILITIES ARE RESPONSIBLE  
13 FOR ENSURING THAT ALL FACILITY USERS ARE EXCLUDED FROM THE FACIL-  
14 ITY DURING LEAD HAZARD CONTROL ACTIVITIES AS REQUIRED BY THE REG-  
15 ULATIONS ESTABLISHED UNDER THIS TITLE PROVIDED THAT SUCH REGULA-  
16 TIONS MAY SPECIFY CONTAINMENT AND CLEAN-UP METHODS WHICH MAY BE  
17 USED TO ALLOW ONGOING CHILD CARE ACTIVITIES IN AREAS OF THE  
18 FACILITY OTHER THAN WORK AREAS AND SPECIFIED ADJACENT AREAS

19           (3) EFFECTIVE 24 MONTHS FROM THE EFFECTIVE DATE OF THE AMEN-  
20 DATORY ACT THAT ADDED THIS SECTION, NO TARGET CHILD CARE FACILITY  
21 EXCLUDING THOSE CHILD CARE FACILITIES REGULARLY SERVING FEWER  
22 THAN 3 CHILDREN UNDER 7 AT 1 TIME SHALL BE LICENSED CERTIFIED,  
23 OR RECEIVE ANY FORM OF OPERATING APPROVAL OR FINANCIAL ASSISTANCE  
24 FROM ANY AGENCY OF THE STATE UNLESS IT HAS DEMONSTRATED THAT IT  
25 COMPLIES WITH THIS SECTION THE DEPARTMENT MAY EXTEND THE DEAD-  
26 LINE FOR COMPLIANCE FOR FAMILY- OR HOME-BASED CHILD CARE  
27 FACILITIES PROVIDED THAT SUCH FACILITIES INSTITUTE INTERIM

1 CONTROLS AND OBTAIN A CERTIFICATE OF INTERIM LEAD-SAFE STATUS  
2 PENDING COMPLETION OF ABATEMENT

3 (4) WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THE AMENDATORY  
4 ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL PROPOSE REGULA-  
5 TIONS SPECIFYING THE CIRCUMSTANCES UNDER WHICH OWNERS OF TARGET  
6 CHILD CARE FACILITIES SHALL UNDERTAKE LEAD HAZARD CONTROL AND  
7 ESTABLISH TIME FRAMES WITHIN WHICH SUCH MEASURES MUST BE TAKEN  
8 THE REGULATIONS SHALL ALSO SPECIFY WHEN AND UNDER WHAT CONDITIONS  
9 INTERIM CONTROLS OR PARTIAL ABATEMENT IS APPROPRIATE

10 SEC 85G (1) WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THE  
11 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL PRO-  
12 POSE REGULATIONS SETTING UP GUIDELINES UNDER WHICH OWNERS OF  
13 TARGET HOUSING OR TARGET CHILD CARE FACILITIES MAY OBTAIN CERTIF-  
14 ICATES SHOWING THAT THE HOUSING OR CHILD CARE FACILITY IS LEAD  
15 FREE OR LEAD SAFE

16 (2) THE REGULATIONS SHALL REQUIRE, AT A MINIMUM, THAT THE  
17 CERTIFICATE BE ISSUED ONLY AFTER THE FACILITY HAS BEEN INSPECTED  
18 BY A LICENSED INSPECTOR WHO HAS, AT A MINIMUM CONDUCTED A VISUAL  
19 INSPECTION AND TESTED A DUST SAMPLE FROM THE PREMISES

20 (3) THE REGULATIONS SHALL REQUIRE THAT THE NAME OF THE  
21 LICENSED INSPECTOR AND THE DATE OF THE INSPECTION APPEAR ON THE  
22 CERTIFICATE AND REQUIRE THAT THE CERTIFICATE STATE WHETHER THE  
23 PREMISES IS "LEAD-FREE" OR "LEAD-SAFE"

24 (4) THE REGULATIONS SHALL SPECIFY THE TIME PERIODS FOR WHICH  
25 SUCH CERTIFICATES ARE VALID AND SHALL INCLUDE STANDARD FORMATS  
26 FOR SUCH CERTIFICATES WHICH MUST BE USED BY LICENSED INSPECTORS

1        SEC 85H    (1) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A  
2 REGISTRY OF TARGET HOUSING THAT HAS OBTAINED A CERTIFICATE THAT  
3 THE PREMISES IS LEAD-FREE OR LEAD SAFE    THE HOUSING REGISTRY  
4 SHALL BE INDEXED GEOGRAPHICALLY IN A MANNER WHICH MAKES IT USEFUL  
5 TO PERSONS SEEKING TO RENT OR PURCHASE TARGET HOUSING THAT IS  
6 LEAD-FREE OR LEAD SAFE    THE DEPARTMENT MAY REQUIRE THE FILING OF  
7 OTHER RELEVANT DOCUMENTS, INCLUDING PUBLIC LEAD INSPECTION  
8 REPORTS AND ADMINISTRATIVE AND JUDICIAL ORDERS, IN THE REGISTRY

9        (2) ALL COPIES OF CERTIFICATES OF LEAD SAFETY AND OTHER REL-  
10 EVANT DOCUMENTS IN THE POSSESSION OF THE REGISTRY SHALL BE CON-  
11 sidered PUBLIC RECORDS

12       SEC 85I    (1) ABATEMENTS MUST BE CONDUCTED BASED ON THE  
13 RESULTS OF AN INSPECTION OR A RISK ASSESSMENT, UNLESS ALL SUR-  
14 FACES AND CONDITIONS THAT COULD CONSTITUTE A LEAD-BASED PAINT  
15 HAZARD ARE TO BE ABATED

16       (2) A DWELLING UNIT SHALL BE CONSIDERED ABATED ONLY IF ALL  
17 LEAD-BASED PAINT HAZARDS HAVE BEEN ABATED

18       (3) REPAINTING A DWELLING WITH NONLEAD BASED PAINT, WITHOUT  
19 REMOVAL, REPLACEMENT, OR ENCLOSURE OF THE UNDERLYING LEAD-BASED  
20 PAINT SHALL NOT CONSTITUTE ABATEMENT OF SUCH SURFACE

21       SEC 85J    THE DEPARTMENT OF COMMERCE SHALL, WITHIN 12  
22 MONTHS OF THE EFFECTIVE DATE OF THIS ACT, ESTABLISH PROCEDURES TO  
23 ENSURE THAT

24       (A) ALL TARGET HOUSING OWNED OR MANAGED BY A STATE AGENCY  
25 COMPLIES WITH THE PROVISIONS OF THIS ACT

1 (B) ALL TARGET HOUSING UNITS FOR WHICH THE OWNER RECEIVES  
2 RENTAL ASSISTANCE PAYMENTS OR OTHER OPERATING ASSISTANCE FROM A  
3 STATE AGENCY ARE IN COMPLIANCE WITH THIS ACT

4 (C) ALL PROGRAMS THAT PROVIDE FINANCIAL ASSISTANCE FOR THE  
5 PURCHASE AND REHABILITATION OR REFINANCING OF TARGET HOUSING  
6 COMPLY WITH THE PROVISIONS OF THIS ACT AND INCLUDE THE COSTS OF  
7 LEAD-BASED PAINT HAZARD EVALUATION AND CONTROL AS ELIGIBLE COSTS

8 Section 2 This amendatory act shall not take effect unless  
9 both of the following bills of the 87th Legislature are enacted  
10 into law

11 (a) Senate Bill No \_\_\_\_\_ or House Bill No \_\_\_\_\_ (request  
12 no 06643'94 a)

13 (b) Senate Bill No \_\_\_\_\_ or House Bill No 5602 (request  
14 no 06643'94 b)