

2020 Regular Session

HOUSE BILL NO. 665

BY REPRESENTATIVE CORMIER AND SENATOR CARTER

PUBLIC HEALTH: Reestablishes the Louisiana Toxic Mold Task Force

1 AN ACT

2 To amend and reenact Subpart A of Part IV of Subchapter B of Chapter 5-F of Title 40 of
3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1289.1 through
4 1289.5, and to enact R.S. 36:259(B)(37), relative to toxic mold; to provide for a task
5 force to study the public health impacts of toxic mold in this state; to provide for the
6 composition, functions, and duties of the task force; to terminate the task force on
7 a certain date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 36:259(B)(37) is hereby enacted to read as follows:

10 §259. Transfer of agencies and functions to Louisiana Department of Health

11 * * *

12 B. The following agencies, as defined in R.S. 36:3, are placed within the
13 Louisiana Department of Health and shall perform and exercise their powers, duties,
14 functions, and responsibilities as otherwise provided by law:

15 * * *

16 (37) The Louisiana Toxic Mold Task Force (R.S. 40:1289.1 et seq.).

17 * * *

18 Section 2. Subpart A of Part IV of Subchapter B of Chapter 5-F of Title 40 of the
19 Louisiana Revised Statutes of 1950, comprised of R.S. 40:1289.1 through 1289.5, is hereby
20 amended and reenacted to read as follows:

1 PART IV. TOXIC SUBSTANCES

2 SUBPART A. TOXIC MOLD TASK FORCE

3 §1289.1. Legislative findings; declaration

4 A. The legislature hereby finds the following:

5 (1) Certain forms of mold pose a severe and unacceptable risk to the
6 environment of Louisiana and the health of its people. Moreover, the legislature
7 finds that indoor toxins, specifically toxic mold, represent an insufficiently
8 understood health and environmental problem.

9 (2) ~~The legislature recognizes that numerous~~ Numerous studies indicate
10 ~~likely that adverse~~ health effects result from mold spores, varying from cold-like
11 symptoms to more serious symptoms, such as allergy and asthma outbreaks. ~~These~~
12 ~~toxins~~ Toxins in mold can have negative effects on humans when ingested, inhaled,
13 or when they come in contact with the skin. These effects can have serious health
14 consequences for some population subgroups, especially infants, children, pregnant
15 women, persons who are elderly, ~~asthmatics~~ individuals with asthma, individuals
16 with allergies, and individuals with compromised immune systems. Healthcare
17 professionals now acknowledge that molds can cause allergies, trigger asthma
18 attacks, detrimentally affect the function of vital human organs, and increase
19 susceptibility to colds and flu.

20 (3) ~~The legislature further recognizes that though~~ Though not all molds are
21 toxic, there are certain dangers that molds present within buildings and structures.
22 It is thus imperative that the toxicity of ~~its presence~~ mold be determined where it is
23 found and a corresponding plan of action be implemented to address ~~such~~ mold-
24 related hazards in buildings and structures within this state.

25 B. The legislature hereby declares that it is in the best interest of the public
26 health, welfare, and safety to establish a task force to lead development of
27 comprehensive policies and promote best practices concerning mitigation and
28 remediation of toxic mold and reducing the adverse health effects caused by this
29 unique threat to public health.

1 §1289.2. Definition

2 For ~~the~~ purposes of this Subpart, the term "mold" means any form of
3 multicellular fungi that live on plant or animal matter and in indoor environments.
4 Types of mold include but are not limited to cladosporium, alternaria, aspergillus,
5 trichoderma, memnoniella, mucor, and stachybotrys chartarum.

6 §1289.3. Toxic Mold Task Force; creation; composition; meetings

7 A. ~~There is hereby created~~ The legislature hereby creates within the
8 Louisiana Department of Health the Louisiana Toxic Mold Task Force, referred to
9 hereafter in this Subpart as the "task force", which shall be composed of ~~fifteen~~ the
10 following members ~~as follows~~:

11 (1) One pediatric environmental health specialist ~~selected and~~ appointed by
12 the secretary of the Louisiana Department of Health.

13 (2) One person with expertise in toxicology ~~selected and~~ appointed by the
14 secretary of the Louisiana Department of Health.

15 (3) The assistant secretary of the office of public health of the Louisiana
16 Department of Health or his designee.

17 (4) ~~One member designated by the office of health affairs and medical~~
18 ~~education of the Louisiana State University System.~~ The chancellor of the Louisiana
19 State University Health Sciences Center at New Orleans or his designee.

20 (5) The chancellor of the Louisiana State University Health Sciences Center
21 at Shreveport or his designee.

22 (6) The dean of the School of Public Health and Tropical Medicine of Tulane
23 University or his designee.

24 (5) (7) One member ~~designated~~ appointed by the Louisiana State Medical
25 Society.

26 (6) (8) One member ~~designated~~ appointed by the Louisiana Primary Care
27 Association.

28 (7) (9) One member with expertise in consumer protection ~~designated~~
29 appointed by the Louisiana attorney general.

1 ~~(8)~~ (10) One member ~~designated~~ appointed by the Southern University Law
2 Center.

3 ~~(9)~~ (11) One member ~~designated~~ appointed by the Paul M. Hebert Law
4 Center of Louisiana State University.

5 ~~(10)~~ (12) One member with expertise in toxic mold remediation ~~designated~~
6 appointed by the Louisiana State Licensing Board for Contractors.

7 ~~(11)~~ (13) One member ~~designated~~ appointed by the Louisiana Housing
8 Corporation.

9 ~~(12)~~ One member ~~designated~~ by the dean of the School of Public Health and
10 Tropical Medicine of Tulane University.

11 ~~(13)~~ (14) One member ~~designated~~ appointed by the Louisiana Realtors
12 Association.

13 ~~(14)~~ (15) One member ~~designated~~ appointed by the Louisiana Home
14 Builders Association.

15 ~~(15)~~ (16) One member ~~designated~~ appointed by the Apartment Association
16 of Louisiana.

17 B. The secretary of the Louisiana Department of Health shall take such
18 actions as are necessary to ensure that the initial convening of the task force occurs
19 no later than October 1, ~~2014~~ 2020.

20 C. The task force members shall select a chairman annually, and he shall
21 serve as chairman without salary.

22 D. Task force members shall serve without compensation, except per diem
23 or expense reimbursement to which they may be individually entitled by their
24 respective employer organizations.

25 E. The task force shall hold at least two ~~regular~~ meetings each year at a place
26 designated by the chairman.

27 §1289.4. Functions and duties of the task force; report to the governor and
28 legislature

29 A. The functions of the task force shall include all of the following:

1 (1) Serve as an advisory body to the legislature on policies and practices that
2 protect all people of this state, particularly tenants, consumers, and vulnerable
3 populations, from harm related to toxic mold.

4 (2) Serve as a coordinating forum between and among state agencies, local
5 ~~government~~ governments, and nongovernmental groups on matters related to toxic
6 mold.

7 (3) On a regular basis, research and review state regulations, guidelines,
8 policies, and procedures that pertain in any way to toxic mold and make
9 recommendations to the governor, the legislature, and the secretary of the Louisiana
10 Department of Health as deemed necessary and appropriate by the chairman of the
11 task force.

12 B. On or before January 1, ~~2015~~ 2021, and annually thereafter, the task force
13 shall prepare and submit to the governor and the legislature a report on the status of
14 public health risks from toxic mold in Louisiana. The annual report shall include,
15 without limitation, all of the following:

16 (1) An assessment, based on scientific evidence, of the nature, scope, and
17 magnitude of the adverse environmental and health impacts caused by toxic mold in
18 ~~the~~ this state.

19 (2) Measurement, based on scientific evidence, of the adverse health effects
20 of exposure to molds on the general population, including specific effects on any
21 subgroups identifiable as being at greater risk of adverse health effects when exposed
22 to molds.

23 (3) Identification of actions taken by the state, local governments, and any
24 other public or private organizations that have made a positive impact on mitigating
25 the harm to public health of toxic mold.

26 (4) Identification of best practices for the control of mold in a cost-effective
27 and environmentally sound manner.

1 C. The task force may request administrative and technical support from the
2 Louisiana Department of Health, office of public health, to carry out the functions
3 and responsibilities provided in this Section.

4 §1289.5. Termination

5 The provisions of this Subpart shall terminate on January 1, ~~2018~~ 2024.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 665 Engrossed

2020 Regular Session

Cormier

Abstract: Reestablishes the Louisiana Toxic Mold Task Force.

Proposed law provides a legislative declaration that it is in the best interest of the public health, welfare, and safety to establish a task force to lead development of comprehensive policies and promote best practices concerning mitigation and remediation of toxic mold and reducing the adverse health effects caused by this unique threat to public health. Establishes the Louisiana Toxic Mold Task Force, comprised of the following sixteen members:

- (1) One pediatric environmental health specialist appointed by the secretary of the La. Department of Health (LDH).
- (2) One person with expertise in toxicology appointed by the secretary of LDH.
- (3) The assistant secretary of the office of public health of LDH or his designee.
- (4) The chancellor of the Louisiana State University Health Sciences Center at New Orleans or his designee.
- (5) The chancellor of the Louisiana State University Health Sciences Center at Shreveport or his designee.
- (6) The dean of the School of Public Health and Tropical Medicine of Tulane University or his designee.
- (7) One member appointed by the La. State Medical Society.
- (8) One member appointed by the La. Primary Care Association.
- (9) One member with expertise in consumer protection appointed by the La. attorney general.
- (10) One member appointed by the Southern University Law Center.
- (11) One member appointed by the Paul M. Hebert Law Center of Louisiana State University.
- (12) One member with expertise in toxic mold remediation appointed by the La. State Licensing Board for Contractors.

- (13) One member appointed by the La. Housing Corporation.
- (14) One member appointed by the La. Realtors Association.
- (15) One member appointed by the La. Home Builders Association.
- (16) One member appointed by the Apartment Association of La.

Proposed law provides that on or before Jan. 1, 2021, and annually thereafter, the task force shall prepare and submit to the governor and the legislature a report on the status of public health risks from toxic mold in La. Requires that the report include the following:

- (1) An assessment, based on scientific evidence, of the nature, scope, and magnitude of the adverse environmental and health impacts caused by toxic mold in La.
- (2) Measurement, based on scientific evidence, of the adverse health effects of exposure to molds on the general population, including specific effects on any subgroups identifiable as being at greater risk of adverse health effects when exposed to molds.
- (3) Identification of actions taken by the state, local governments, and any other public or private organizations that have made a positive impact on mitigating the harm to public health of toxic mold.
- (4) Identification of best practices for the control of mold in a cost-effective and environmentally sound manner.

Proposed law provides that the task force shall terminate on Jan. 1, 2024.

(Amends R.S. 40:1289.1-1289.5; Adds R.S. 36:259(B)(37))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

- 1. Revise proposed law providing that the dean of the School of Public Health and Tropical Medicine of Tulane University shall be a task force member to provide instead that the dean or his designee shall be a task force member.
- 2. Make technical changes.