

Regular Session, 2012

SENATE BILL NO. 200

BY SENATOR MORRELL

ENVIRONMENTAL QUALITY. Requires owners of certain school buildings to have inspection for the presence of lead hazards. (8/1/12)

1 AN ACT  
2 To amend and reenact R.S. 30:2351.28(B) and to enact R.S. 30:2351.1(6) and 2351.28(C),  
3 relative to environmental quality; to require the owner of a new day care center,  
4 preschool, or certain elementary school facility that qualifies as a child-occupied  
5 facility to have that facility and grounds inspected for the presence of lead materials  
6 and report its findings to the state health officer who shall compile the results and  
7 report the findings to the legislature annually; to provide terms, conditions,  
8 requirements and definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2351.28(B) is hereby amended and reenacted and R.S.  
11 30:2351.1(6) and 2351.28(C) are hereby enacted to read as follows:

12 §2351.1. Definitions

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

15 \* \* \*

16 **(6) "Child-occupied facility" means a building or portion of a building**  
17 **or common area, other than the child's principal residence, constructed prior**

1 **to 1978, and meets one of the following:**

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

9 **(b) Has been determined by the department, in conjunction with the**  
10 **state health officer, to be a significant risk because of its contribution to lead**  
11 **poisoning or lead exposure to children who are six years of age or younger.**

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

13 \* \* \*

14 §2351.28. Data collection program

15 \* \* \*

16 **B. The owner of any day care center, preschool, or public or non-public**  
17 **elementary school facility that qualifies as a child-occupied facility, placed in**  
18 **operation after August 1, 2012, shall have an inspection conducted by an**  
19 **inspector of the facility and grounds for the presence of lead hazards. If a lead**  
20 **hazard is found to be present, the inspector and the owner shall report those**  
21 **findings to the state health officer. The state health officer shall compile the**  
22 **results and report the findings to the legislature on an annual basis.**

23 **B.C.** The secretary may enter into agreements with the Department of Health  
24 and Hospitals to implement this Section.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Heyward Jeffers.

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DIGEST

Morrell (SB 200)

Present law provides that the secretary of DEQ may establish a program for the collection and analysis of data on lead hazard detection and reduction activities in the state and on the certification, accreditation and enforcement activities of the department.

Present law provides that the secretary may enter into agreements with the Department of Health and Hospitals to implement detection and reduction of lead activities in the state.

Proposed law requires owners of any day care center, preschool, or public or non-public elementary school facility that qualifies as a child-occupied facility occupied by children six years of age or younger to have inspections conducted for the presence of lead hazards and further requires that the inspector and the owner report findings of such lead hazards to the state health officer who shall compile and report the findings to the legislature annually.

Proposed law provides definition of "child-occupied facility".

Effective August 1, 2012.

(Amends R.S. 30:2351.28(B); adds R.S. 30:2351.1(6) and 2351.28(C))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Environmental Quality to the original bill.

1. Provides definition of "child occupied facility".
2. Adds requirement that inspector, as well as owner, report findings of lead presence from an inspection to the state health officer.
3. Removes DEQ responsibility for conducting inspections for lead presence at certain public and non-public schools.
4. Removes requirements to test for lead presence in secondary school buildings.
5. Limits testing requirements for lead presence in day care centers, preschools, or public and non-public elementary school facilities that qualify as child-occupied facilities.