

HOUSE No. 1272

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

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 directing the attorney general and department of public health to investigate the extent of liability and determine possible legal actions to remediate the negative effects caused by the manufacture and sale of lead based paint products.

PETITION OF:

NAME:

Bruce J. Ayers

DISTRICT/ADDRESS:

1st Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 1309 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT DIRECTING THE ATTORNEY GENERAL AND DEPARTMENT OF PUBLIC HEALTH TO INVESTIGATE THE EXTENT OF LIABILITY AND DETERMINE POSSIBLE LEGAL ACTIONS TO REMEDIATE THE NEGATIVE EFFECTS CAUSED BY THE MANUFACTURE AND SALE OF LEAD BASED PAINT PRODUCTS.

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. Chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by
2 inserting after section 195 the following new section:—
3 SECTION 195A. The attorney general for the commonwealth and the director of the state department of public
4 health shall enter into an interagency agreement to investigate the extent of contamination and poisoning caused by
5 the manufacture, sale and use of lead based paint products. Such investigation shall detail the extent of this product
6 use in the commonwealth and the number and severity of lead poisoning cases reported since this product was
7 banned in 1978. A determination shall also be concluded that estimates the type of remediation and estimated cost
8 for such work that would need to be conducted at all public and private buildings to eliminate this hazard and protect
9 against future poisoning cases and instances of lead paint contamination.
10 At the conclusion of the report prepared in accordance with the guidelines enumerated above, the attorney general
11 shall investigate the likelihood of success in a lawsuit to reimburse the cost for such remediation recommended in
12 the report and any other damages for which the state and its population may be entitled. The attorney general shall
13 also examine the possibility of entering into a multi-state compact with respect to advancing any lawsuit that may be
14 filed to recover settlements from parties liable for damages caused by the manufacture, sale and use of lead based
15 paint products.
16 Said report and the recommendations of the state attorney general shall be concluded within ninety days following
17 the enactment of this legislation and shall be filed with the House and Senate committees on ways and means and
18 the joint committee on health care.