

By: Dukes

H.B. No. 370

A BILL TO BE ENTITLED

AN ACT

relating to environmental lead investigations by the Department of State Health Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 88.001, Health and Safety Code, is amended by adding Subsections (13)-(16) to read as follows:

(13) "Child-occupied facility" means a building or part of a building, including a day-care center, preschool, or kindergarten classroom, that is visited regularly by the same child, six years of age or younger, at least two days in any calendar week if the visits are for at least:

(A) three hours each day; and

(B) 60 hours each year.

(14) "Lead hazard" means an item that contains or is contaminated with lead and, when ingested or inhaled, may cause exposures that contribute to blood lead levels in children, including:

(A) an accessible painted surface or coating;

(B) an article for residential or consumer use;

and

(C) food, water, or remedies.

(15) "Certified lead risk assessor" means a person who has been certified by the department to conduct lead risk assessments, inspections, and lead-hazard screens, as defined by

1 department rule.

2 (16) "Environmental lead investigation" means an  
3 investigation performed by a certified lead risk assessor of the  
4 home environment of, or other premises frequented by, a child who  
5 has a confirmed blood lead level warranting such an investigation,  
6 under the most recent criteria issued by the Centers for Disease  
7 Control and Prevention of the United States Public Health Service.

8 SECTION 2. Chapter 88, Health and Safety Code, is amended by  
9 adding Sections 88.007-88.009 to read as follows:

10 Sec. 88.007. DEPARTMENT RULES FOR FOLLOW-UP CARE;  
11 COORDINATION OF CARE. (a) The department may adopt rules  
12 establishing standards for follow-up care provided to children with  
13 a confirmed blood lead level of concern.

14 (b) Rules adopted under this section must meet any federal  
15 requirements for coordinated follow-up care for children with  
16 confirmed blood lead levels of concern and may include, in a manner  
17 consistent with current federal guidelines:

18 (1) an environmental lead investigation of all or  
19 parts of a child's home environment, child-care facility, or  
20 child-occupied facility that may be a source of a lead hazard  
21 causing or contributing to the child's lead exposure; and

22 (2) guidance to parents, guardians, and consulting  
23 physicians on how to eliminate or control lead exposures that may be  
24 contributing to the child's blood lead level.

25 Sec. 88.008. ENVIRONMENTAL LEAD INVESTIGATIONS. On  
26 receiving a report of a child with a confirmed blood lead level  
27 warranting an environmental lead investigation, the department may

1 conduct an environmental lead investigation of:

2 (1) the home environment in which the child resides,  
3 if the department obtains the written consent of an adult occupant;

4 (2) any child-care facility with which the child has  
5 regular contact and that may be contributing to the child's blood  
6 lead level, if the department obtains the written consent of the  
7 owner or operator of the facility; and

8 (3) any child-occupied facility with which the child  
9 has regular contact and that may be contributing to the child's  
10 blood lead level, if the department obtains the written consent of:

11 (A) the owner of the facility; or

12 (B) an adult occupant of the facility if the  
13 facility is subject to a lease agreement.

14 Sec. 88.009. ENVIRONMENTAL LEAD INVESTIGATION PROCEDURES.

15 The department may adopt rules establishing procedures for  
16 environmental lead investigations of dwellings and other premises  
17 subject to this chapter. The rules must meet, but may not exceed,  
18 any requirements established under regulations adopted by the  
19 federal Environmental Protection Agency under Subchapter IV, Toxic  
20 Substances Control Act (15 U.S.C. Section 2681 et seq.).

21 SECTION 3. This Act takes effect September 1, 2007.