

By: Janek, Shapleigh

S.B. No. 814

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 Subdivisions (13) through (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, surface coating, or environmental media 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;

(C) accessible soil and dust, including attic dust; and

(D) food, water, or remedies.

(15) "Certified lead risk assessor" means a person who

1 has been certified by the department to conduct lead risk
2 assessments, inspections, and lead-hazard screens, as defined by
3 department rule.

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

10 SECTION 2. Chapter 88, Health and Safety Code, is amended by
11 adding Sections 88.007, 88.008, and 88.009 to read as follows:

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

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

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

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

27 Sec. 88.008. ENVIRONMENTAL LEAD INVESTIGATIONS. (a) On

1 receiving a report of a child with a confirmed blood lead level
2 warranting an environmental lead investigation, the department or
3 its authorized agent may conduct an environmental lead
4 investigation of:

5 (1) the home environment in which the child resides,
6 if the department or the department's authorized agent obtains the
7 written consent of an adult occupant;

8 (2) any child-care facility with which the child has
9 regular contact and that may be contributing to the child's blood
10 lead level, if the department or the department's authorized agent
11 obtains the written consent of the owner, operator, or principal of
12 the facility; and

13 (3) any child-occupied facility with which the child
14 has regular contact and that may be contributing to the child's
15 blood lead level, if the department or the department's authorized
16 agent obtains the written consent of:

17 (A) the owner, operator, or principal of the
18 facility; or

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

21 (b) Notwithstanding the consent requirements under
22 Subsection (a), consent for an investigation is not required to be
23 in writing for an investigation related to a report of a child with
24 a blood lead level of 45 micrograms per deciliter or more if a good
25 faith attempt to contact the persons authorized to provide written
26 consent under Subsection (a) has been unsuccessful.

27 Sec. 88.009. ENVIRONMENTAL LEAD INVESTIGATION PROCEDURES.

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

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