

1-1 By: Janek S.B. No. 814
1-2 (In the Senate - Filed February 22, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 26, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 26, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 814 By: Janek

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to environmental lead investigations by the Department of
1-11 State Health Services.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 88.001, Health and Safety Code, is
1-14 amended by adding Subdivisions (13) through (16) to read as
1-15 follows:

1-16 (13) "Child-occupied facility" means a building or
1-17 part of a building, including a day-care center, preschool, or
1-18 kindergarten classroom, that is visited regularly by the same
1-19 child, six years of age or younger, at least two days in any
1-20 calendar week if the visits are for at least:

1-21 (A) three hours each day; and

1-22 (B) 60 hours each year.

1-23 (14) "Lead hazard" means an item, surface coating, or
1-24 environmental media that contains or is contaminated with lead and,
1-25 when ingested or inhaled, may cause exposures that contribute to
1-26 blood lead levels in children, including:

1-27 (A) an accessible painted surface or coating;

1-28 (B) an article for residential or consumer use;

1-29 (C) accessible soil and dust, including attic
1-30 dust; and

1-31 (D) food, water, or remedies.

1-32 (15) "Certified lead risk assessor" means a person who
1-33 has been certified by the department to conduct lead risk
1-34 assessments, inspections, and lead-hazard screens, as defined by
1-35 department rule.

1-36 (16) "Environmental lead investigation" means an
1-37 investigation performed by a certified lead risk assessor of the
1-38 home environment of, or other premises frequented by, a child who
1-39 has a confirmed blood lead level warranting such an investigation,
1-40 under the most recent criteria issued by the Centers for Disease
1-41 Control and Prevention of the United States Public Health Service.

1-42 SECTION 2. Chapter 88, Health and Safety Code, is amended by
1-43 adding Sections 88.007, 88.008, and 88.009 to read as follows:

1-44 Sec. 88.007. DEPARTMENT RULES FOR FOLLOW-UP CARE;
1-45 COORDINATION OF CARE. (a) The department may adopt rules
1-46 establishing standards for follow-up care provided to children with
1-47 a confirmed blood lead level of concern.

1-48 (b) Rules adopted under this section must meet any federal
1-49 requirements for coordinated follow-up care for children with
1-50 confirmed blood lead levels of concern and may include, in a manner
1-51 consistent with current federal guidelines:

1-52 (1) an environmental lead investigation of all or
1-53 parts of a child's home environment, child-care facility, or
1-54 child-occupied facility that may be a source of a lead hazard
1-55 causing or contributing to the child's lead exposure; and

1-56 (2) guidance to parents, guardians, and consulting
1-57 physicians on how to eliminate or control lead exposures that may be
1-58 contributing to the child's blood lead level.

1-59 Sec. 88.008. ENVIRONMENTAL LEAD INVESTIGATIONS. (a) On
1-60 receiving a report of a child with a confirmed blood lead level
1-61 warranting an environmental lead investigation, the department or
1-62 its authorized agent may conduct an environmental lead
1-63 investigation of:

2-1 (1) the home environment in which the child resides,
2-2 if the department or the department's authorized agent obtains the
2-3 written consent of an adult occupant;

2-4 (2) any child-care facility with which the child has
2-5 regular contact and that may be contributing to the child's blood
2-6 lead level, if the department or the department's authorized agent
2-7 obtains the written consent of the owner, operator, or principal of
2-8 the facility; and

2-9 (3) any child-occupied facility with which the child
2-10 has regular contact and that may be contributing to the child's
2-11 blood lead level, if the department or the department's authorized
2-12 agent obtains the written consent of:

2-13 (A) the owner, operator, or principal of the
2-14 facility; or

2-15 (B) an adult occupant of the facility if the
2-16 facility is subject to a lease agreement.

2-17 (b) Notwithstanding the consent requirements under
2-18 Subsection (a), consent for an investigation is not required to be
2-19 in writing for an investigation related to a report of a child with
2-20 a blood lead level of 45 micrograms per deciliter or more if a good
2-21 faith attempt to contact the persons authorized to provide written
2-22 consent under Subsection (a) has been unsuccessful.

2-23 Sec. 88.009. ENVIRONMENTAL LEAD INVESTIGATION PROCEDURES.
2-24 The department may adopt rules establishing procedures for
2-25 environmental lead investigations of dwellings and other premises
2-26 subject to this chapter. The rules must meet, but may not exceed,
2-27 any requirements established under regulations adopted by the
2-28 federal Environmental Protection Agency under Subchapter IV, Toxic
2-29 Substances Control Act (15 U.S.C. Section 2681 et seq.).

2-30 SECTION 3. This Act takes effect September 1, 2007.

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