

HCS SS SB 95 -- LEAD POISONING ABATEMENT

SPONSOR: Coleman (Hubbard)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Urban Issues by a vote of 11 to 0.

This substitute changes the laws regarding lead abatement and poisoning.

The substitute establishes a check-off on the Missouri income tax return for donations to the Childhood Lead Testing Fund.

The Department of Health and Senior Services must provide on its Internet web site educational information that explains the rights and responsibilities of the property owner and tenants of a dwelling and the lead inspector, risk assessors, and the lead abatement contractors. Authority is given to the department to reenter a dwelling or child-occupied facility to determine if the owner has taken the required actions for the reduction of lead hazards to an acceptable level. If consent to enter is not granted, a petition for a court order may be taken.

In commercial lead production areas, if the department finds lead hazards where a child has been identified with an elevated blood level, the owner must comply with the requirement for abating or establishing interim controls for the hazards. Residential property owners in commercial lead production areas will not be deemed in violation after compliance with the requirement for abating or establishing interim controls required by the department per the initial risk assessment or made to pay for any type of lead remediation necessary due to the commercial lead production and transport.

If a lead abatement contractor fails to notify the department prior to the commencement of a lead abatement project, the contractor will be fined \$250 for the first offense and \$500 for the second offense. Subsequent violations will be a class D felony and result in the doubling of the fines. Contractors are required to submit a final inspection certification to the department after completing a lead abatement project and maintain liability and errors and omission insurance.

The notification process is clarified for those issuing grants or loans for lead abatement projects and specifies that the department director has authority to impose administrative penalties.

FISCAL NOTE: No impact on General Revenue Fund in FY 2006, FY 2007, and FY 2008. Estimated Income on Other State Funds of

Unknown exceeding \$2,500 in FY 2006, FY 2007, and FY 2008.

PROPONENTS: Supporters say that better controls on lead abatement must be available for the protection of the health of children, families, and all of society.

Testifying for the bill were Senator Coleman; and Department of Health and Senior Services.

OPPONENTS: There was no opposition voiced to the committee.

Robert Triplett, Legislative Analyst