

FIRST REGULAR SESSION

HOUSE BILL NO. 494

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES OXFORD (Sponsor), CASEY, ROORDA, HUGHES, FRASER,
WALTON, LAMPE, HOSKINS, CHAPPELLE-NADAL, LOW (39), HUBBARD,
BOYKINS AND STORCH (Co-sponsors).

Read 1st time February 9, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1459L.011

AN ACT

To repeal sections 701.304, 701.309, and 701.320, RSMo, and to enact in lieu thereof three new sections relating to prevention, screening, and treatment of lead poisoning, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 701.304, 701.309, and 701.320, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 701.304, 701.309, and 701.320, to read
3 as follows:

701.304. 1. A representative of the department, or a representative of a unit of local
2 government or health department licensed by the department for this purpose, may conduct an
3 inspection or a risk assessment at a dwelling or a child-occupied facility for the purpose of
4 ascertaining the existence of a lead hazard under the following conditions:

5 (1) The department, owner of the dwelling, and an adult occupant of a dwelling which
6 is rented or leased have been notified that an occupant of the dwelling or a child six or fewer
7 years of age who regularly visits the child-occupied facility has been identified as having an
8 elevated blood lead level as defined by rule; and

9 (2) The inspection or risk assessment occurs at a reasonable time; and

10 (3) The representative of the department or local government presents appropriate
11 credentials to the owner or occupant; and

12 (4) Either the dwelling's owner or adult occupant or the child-occupied facility's owner

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 or agent grants consent to enter the premises to conduct an inspection or risk assessment; or

14 (5) If consent to enter is not granted, the representative of the department, local
15 government, or local health department may petition the circuit court for an order to enter the
16 premises and conduct an inspection or risk assessment after notifying the dwelling's owner or
17 adult occupant in writing of the time and purpose of the inspection or risk assessment at least
18 forty-eight hours in advance. The court shall grant the order upon a showing that an occupant
19 of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility
20 has been identified as having an elevated blood lead level as defined by rule.

21 2. In conducting such an inspection or risk assessment, a representative of the
22 department, or representative of a unit of local government or health department licensed by the
23 department for this purpose, may remove samples necessary for laboratory analysis in the
24 determination of the presence of a lead-bearing substance or lead hazard in the designated
25 dwelling or child-occupied facility.

26 3. The director shall assess fees for licenses and accreditation **and initiate civil actions**
27 in accordance with rules promulgated pursuant to sections 701.300 to [701.330] **701.348**. All
28 such fees **and civil penalties** shall be deposited into the state treasury to the credit of the public
29 health services fund established in section 192.900, RSMo.

701.309. 1. At least ten days prior to the onset of a lead abatement project, the lead
2 abatement contractor conducting such an abatement project shall:

- 3 (1) Submit to the department a written notification as prescribed by the department; and
4 (2) Pay a notification fee of twenty-five dollars.

5
6 **In addition to the specified penalties in section 701.320, failure to notify the department**
7 **prior to the onset of a lead abatement project shall result in a civil penalty of one thousand**
8 **dollars imposed against the lead abatement contractor for the first identified offense, two**
9 **thousand dollars for a second identified offense, and thereafter, civil penalties shall be**
10 **double for each identified offense.**

11 2. If the lead abatement contractor is unable to comply with the requirements of
12 subsection 1 of this section because of an emergency situation as defined by rule, the contractor
13 shall:

14 (1) Notify the department by other means of communication within twenty-four hours
15 of the onset of the project; and

16 (2) Submit the written notification and notification fee prescribed in subsection 1 of this
17 section to the department no more than five days after the onset of the project.

18 **3. Upon completion of the abatement, the lead abatement contractor shall submit**
19 **the final inspection certification to the department.**

701.320. **1.** Except as otherwise provided, violation of the provisions of sections
2 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A misdemeanor.

3 **2. Any subsequent violation of the provisions of section 701.309 is a class D felony.**