

HCS SS SB 95 -- LEAD POISONING ABATEMENT

This bill changes the laws regarding lead abatement and poisoning and establishes a checkoff 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 re-enter 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.

If the department finds lead hazards in a commercial lead production area 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 be 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. Any subsequent violation 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 bill clarifies the notification process for those issuing grants or loans for lead abatement projects and specifies that the department director has authority to impose administrative penalties.