

As Amended by House Committee

Session of 2010

HOUSE BILL No. 2596

By Committee on Commerce and Labor

2-2

10 AN ACT concerning the secretary of health and environment; related to
11 rules and regulations regarding lead-based paint removal, repair and
12 painting; amending K.S.A. 65-1,202 and repealing the existing section.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 65-1,202 is hereby amended to read as follows: 65-
16 1,202. The secretary shall administer the provisions of the residential
17 childhood lead poisoning prevention act. In administering the provisions
18 of the residential childhood lead poisoning prevention act, the secretary
19 shall be authorized to:

20 (a) Develop and implement a childhood lead poisoning prevention
21 program as necessary to protect the health of the children of Kansas,
22 which may include provisions to:

23 (1) Investigate the extent of childhood lead poisoning in Kansas;

24 (2) develop a data management system designed to collect and ana-
25 lyze information on childhood lead poisoning;

26 (3) develop and conduct programs to educate health care providers
27 regarding the magnitude and severity of and the necessary responses to
28 lead poisoning in Kansas;

29 (4) issue recommendations for the methods and intervals for blood
30 lead screening and testing of children, taking into account recommen-
31 dations by the United States centers for disease control and prevention,
32 except that no child shall be screened or tested if the child's parent or
33 guardian objects in writing on the ground that such screening or testing
34 is contrary to the parent's or guardian's religious beliefs and practices;

35 (5) develop and issue health advisories urging health care providers
36 to conduct blood lead screening of children;

37 (6) encourage health care providers to ensure that parents and guard-
38 ians of children are advised of the availability and advisability of screening
39 and testing for lead poisoning;

40 (7) develop a program to assist local health departments in identifi-
41 cation and follow-up of cases of elevated blood lead levels in children and
42 other high-risk individuals; and

43 (8) in consultation with appropriate federal, state and local agencies,

1 develop a comprehensive public education program regarding environ-
2 mental lead exposures and lead poisoning by:

3 (A) Identifying appropriate target groups that are in a position to
4 prevent lead poisoning or reduce the number of children who are exposed
5 to lead;

6 (B) assessing the information needed for each of the target groups
7 and determine the best means of educating the members of each target
8 groups; and

9 (C) disseminating the information to the target groups in an effective
10 manner.

11 (b) adopt rules and regulations necessary for the administration of
12 the residential childhood lead poisoning prevention act *that are not more*
13 *stringent, restrictive or expansive than the rules and regulations adopted*
14 *by the United States environmental protection agency pursuant to the*
15 *federal residential lead-based paint hazard reduction act, and amend-*
16 *ments thereto, (42 U.S.C. ~~5851~~ 4851 et seq.),* including, but not limited
17 to, licensure of business entities and public agencies, certification of in-
18 dividuals, accreditation of training programs, on-site inspections and
19 requirements, notification and record keeping, procedures and work
20 practice standards relating to lead-based paint activities as are necessary
21 to protect the public health and safety. ~~The secretary shall have no au-~~
22 ~~thority to adopt any rules and regulations, standards or guidelines that~~
23 ~~require any person who tests for lead-based paint or performs lead-based~~
24 ~~paint mitigation in this state to make a report of such testing or mitigation~~
25 ~~to the secretary;~~

26 (c) adopt by rules and regulations a reasonable schedule of fees for
27 the issuance and renewal of certificates and licenses, training program
28 accreditations and on-site inspections. The fees shall be periodically in-
29 creased or decreased consistent with the need to cover the direct and
30 indirect costs to administer the program. At no time shall such fees exceed
31 those charged by the United States environmental protection agency for
32 the same or similar regulatory programs. The fees shall be based upon
33 the amount of revenue determined by the secretary to be required for
34 proper administration of the provisions of the residential childhood lead
35 poisoning prevention act. State and local health department personnel
36 certifying for the purpose of environmental investigation of lead poisoned
37 children shall be exempted from licensure fees;

38 (d) conduct on-site inspections of procedures being utilized by a li-
39 censee during an actual abatement project and conduct inspection of the
40 records pertaining to the residential childhood lead poisoning prevention
41 act;

42 (e) adopt rules and regulations regarding the distribution of lead haz-
43 ard information to owners and occupants of housing prior to conducting

- 1 renovation activities in housing;
- 2 (f) develop rules and regulations to control and disposition and reuse
- 3 of architectural debris that contains lead-based paint.
- 4 Sec. 2. K.S.A. 65-1,202 is hereby repealed.
- 5 Sec. 3. This act shall take effect and be in force from and after its
- 6 publication in the Kansas register.