

SENATE BILL No. 356

By Committee on Ways and Means

1-12

9 AN ACT concerning the residential childhood lead poisoning prevention
10 act; pertaining to rules and regulations; amending K.S.A. 65-1,201 and
11 65-1,202 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 65-1,201 is hereby amended to read as follows: 65-
15 1,201. As used in the residential childhood lead poisoning prevention act:

16 (a) “Abatement” means any measure or set of measures designed to
17 permanently eliminate lead-based paint hazards as defined in the federal
18 program.

19 (b) “Accredited training program” means a training program that has
20 been accredited by the federal program or the secretary to present train-
21 ing courses to individuals engaged in lead-based paint activities.

22 (c) “Business entity” means a company, partnership, corporation, sole
23 proprietorship, association, or other business concern.

24 (d) “Certificate” means an authorization issued by the secretary per-
25 mitting an individual to engage in lead-based paint activities.

26 (e) “Federal program” means subpart L, lead-based paint activities
27 of 40 CFR part 745, as in effect on the effective date of this act, *or any*
28 *later version as established in rules and regulations adopted by the*
29 *secretary.*

30 (f) “Lead-based paint” means paint or other surface coatings that
31 contain lead equal to or in excess of one milligram per square centimeter
32 or more than 0.5% by weight.

33 (g) “Lead-based paint activities” means the inspection, assessment
34 and abatement of lead-based paint, including the disposal of waste gen-
35 erated therefrom.

36 (h) “License” means an authorization issued by the secretary per-
37 mitting a business entity to engage in lead-based paint activities.

38 (i) “Public agency” means any state agency or political or taxing sub-
39 division of the state and those federal departments, agencies or instru-
40 mentalities thereof which are not subject to preemption.

41 (j) “Secretary” means the secretary of health and environment.

42 (k) “Residential dwelling” means a detached single family dwelling
43 or a single family dwelling unit in a structure that contains more than one

1 separate residential dwelling unit used as a place of residence for habi-
2 tation by an individual or the individual's immediate family, or both.

3 (l) "Habitation" means a place of abode or residence constructed be-
4 fore 1978 where individuals eat, sleep and reside.

5 (m) "Immediate family" means spouse, parent, stepparent, child,
6 stepchild or sibling.

7 Sec. 2. K.S.A. 65-1,202 is hereby amended to read as follows: 65-
8 1,202. (a) The secretary shall administer the provisions of the residential
9 childhood lead poisoning prevention act. In administering the provisions
10 of the residential childhood lead poisoning prevention act, the secretary
11 shall be authorized to:

12 ~~(a)~~ (1) Develop and implement a childhood lead poisoning preven-
13 tion program as necessary to protect the health of the children of Kansas,
14 which may include provisions to:

15 ~~(1)~~ (A) Investigate the extent of childhood lead poisoning in Kansas;

16 ~~(2)~~ (B) develop a data management system designed to collect and
17 analyze information on childhood lead poisoning;

18 ~~(3)~~ (C) develop and conduct programs to educate health care provid-
19 ers regarding the magnitude and severity of and the necessary responses
20 to lead poisoning in Kansas;

21 ~~(4)~~ (D) issue recommendations for the methods and intervals for
22 blood lead screening and testing of children, taking into account recom-
23 mendations by the United States centers for disease control and preven-
24 tion, except that no child shall be screened or tested if the child's parent
25 or guardian objects in writing on the ground that such screening or testing
26 is contrary to the parent's or guardian's religious beliefs and practices;

27 ~~(5)~~ (E) develop and issue health advisories urging health care provid-
28 ers to conduct blood lead screening of children;

29 ~~(6)~~ (F) encourage health care providers to ensure that parents and
30 guardians of children are advised of the availability and advisability of
31 screening and testing for lead poisoning;

32 ~~(7)~~ (G) develop a program to assist local health departments in iden-
33 tification and follow-up of cases of elevated blood lead levels in children
34 and other high-risk individuals; and

35 ~~(8)~~ (H) in consultation with appropriate federal, state and local agen-
36 cies, develop a comprehensive public education program regarding en-
37 vironmental lead exposures and lead poisoning by:

38 ~~(A)~~ (i) Identifying appropriate target groups that are in a position to
39 prevent lead poisoning or reduce the number of children who are exposed
40 to lead;

41 ~~(B)~~ (ii) assessing the information needed for each of the target groups
42 and determine the best means of educating the members of each target
43 groups; and

- 1 ~~(C)~~ (iii) disseminating the information to the target groups in an ef-
2 fective manner.
- 3 ~~(B)~~ (2) adopt rules and regulations necessary for the administration
4 of the residential childhood lead poisoning prevention act including, but
5 not limited to, licensure of business entities and public agencies, certifi-
6 cation of individuals, accreditation of training programs, on-site inspec-
7 tions and requirements, notification and record keeping, procedures and
8 work practice standards relating to lead-based paint activities as are nec-
9 essary to protect the public health and safety;
- 10 ~~(E)~~ (3) adopt by rules and regulations a reasonable schedule of fees
11 for the issuance and renewal of certificates and licenses, training program
12 accreditations and on-site inspections. The fees shall be periodically in-
13 creased or decreased consistent with the need to cover the direct and
14 indirect costs to administer the program. At no time shall such fees exceed
15 those charged by the United States environmental protection agency for
16 the same or similar regulatory programs. The fees shall be based upon
17 the amount of revenue determined by the secretary to be required for
18 proper administration of the provisions of the residential childhood lead
19 poisoning prevention act. State and local health department personnel
20 certifying for the purpose of environmental investigation of lead poisoned
21 children shall be exempted from licensure fees;
- 22 ~~(F)~~ (4) conduct on-site inspections of procedures being utilized by a
23 licensee during an actual abatement project and conduct inspection of
24 the records pertaining to the residential childhood lead poisoning pre-
25 vention act;
- 26 ~~(E)~~ (5) adopt rules and regulations regarding the distribution of lead
27 hazard information to owners and occupants of housing prior to con-
28 ducting renovation activities in housing;
- 29 ~~(F)~~ (6) develop rules and regulations to control and disposition and
30 reuse of architectural debris that contains lead-based paint.
- 31 (b) *All rules and regulations promulgated pursuant to the residential*
32 *childhood lead poisoning prevention act in existence on the effective date*
33 *of this act, shall continue to be effective and shall be deemed to be duly*
34 *adopted rules and regulations of the secretary until revised, amended,*
35 *revoked or nullified pursuant to law.*
- 36 Sec. 3. K.S.A. 65-1,201 and 65-1,202 are hereby repealed.
- 37 Sec. 4. This act shall take effect and be in force from and after its
38 publication in the statute book.