

SENATE BILL NO. 274

BY SENATORS EDMONDS, CARTER AND MCMATH

1 AN ACT

2 To amend and reenact R.S. 30:2351.28, relative to environmental quality; to provide for data
3 and records related to lead hazard detection; to provide for risk assessments of
4 certain facilities; to provide for applicability; to provide for notice; to provide for
5 authority of state departments to enter agreements; to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2351.28 is hereby amended and reenacted to read as follows:

8 §2351.28. Data collection program

9 A. The secretary may establish **and administer** a program for the collection
10 ~~and~~, analysis, **and reporting** of data ~~on~~ **related to** lead hazard detection and lead
11 hazard reduction activities in the state, and on the certification, accreditation, and
12 enforcement activities of the department.

13 B. The owner ~~of any licensed day care center, preschool, or public or~~
14 ~~nonpublic elementary school facility that qualifies as a child-occupied facility and,~~
15 **operator, or governing authority of any proposed licensed early learning center,**
16 **a daycare center that is subject to federal daycare center licensing**
17 **requirements, a public prekindergarten program that is part of a public**
18 **elementary school, or an approved nonpublic prekindergarten program that is**
19 **part of an approved nonpublic elementary school which is** first placed in
20 operation **on or** after August 1, 2012; **2026**, shall have ~~an inspector conduct an~~
21 ~~inspection~~ **a risk assessor conduct a risk assessment** of the facility and grounds for
22 the presence of **paint, dust, and soil** lead hazards. ~~No inspection shall~~ **The results**
23 **of the risk assessment shall be attached to the original application for any**
24 **license required by a state department for the facility to operate. A risk**
25 **assessment shall not** be required if the facility or its grounds has been inspected, **has**
26 **had a risk assessment**, or has been the subject of lead abatement or remediation
27 since 1978. If a portion of the facility or its grounds has not been inspected, **has not**

1 had a risk assessment, or has not been the subject of lead abatement or remediation
2 since 1978, then those portions of the facility or its grounds shall be subject to the
3 provisions of this Section. The owner ~~or~~, operator ~~of the facility~~, or governing
4 authority shall maintain ~~documentation that the inspection or lead abatement and~~
5 make available upon request documentation demonstrating that all required
6 inspections, risk assessments, abatement, or remediation activities were conducted
7 in accordance with applicable requirements. If a lead hazard is found to be present,
8 ~~the inspector~~ federal and state requirements. Prior to issuance of a license for
9 operation, the owner, operator, or governing authority shall submit the results
10 of the risk assessment to the department, the state Department of Education,
11 and the Louisiana Department of Health in a form and manner prescribed by
12 the department. The risk assessor and the owner shall report those findings to the
13 state health officer, the Louisiana Department of Health, the state Department
14 of Education, and the secretary. The state health officer shall compile the results and
15 report the findings to the legislature in the annual Louisiana Health Report Card.

16 C.(1) If the results of the risk assessment indicate that lead hazards were
17 found, the department shall notify the Louisiana Department of Health and the
18 state Department of Education. The facility shall not commence operations until
19 appropriate lead hazard control methods have been implemented and
20 confirmed by the department.

21 (2) Once a report documenting the absence of lead hazards, either
22 initially or after any known lead hazards have been addressed, is provided to
23 the department, the Louisiana Department of Health, and the state Department
24 of Education, no further lead hazard testing shall be required for opening by
25 such owner, operator, or governing authority. Further lead testing may be
26 required if the owner, operator, or governing authority thereafter initiates
27 major alterations of the facility through renovation or remodeling. Further lead
28 testing may also be required if lead hazards are thereafter found on the
29 premises. However, renovated buildings shall qualify for a limited scope risk
30 assessment when determined appropriate by a certified risk assessor based on

1 the nature and extent of renovations completed. The limited scope risk
2 assessment shall include soil samples, if bare soil is present.

3 D. The department shall provide a prospective owner, operator, or
4 governing authority of an early learning center, a daycare center that is subject
5 to federal daycare center licensing requirements, a public prekindergarten
6 program that is part of a public elementary school, or an approved nonpublic
7 prekindergarten program that is part of an approved nonpublic elementary
8 school with a list of persons approved or licensed to conduct the lead testing
9 required by this Subsection.

10 ~~C.E.~~ The secretary may enter into ~~agreements~~ a memorandum of agreement
11 with the Louisiana Department of Health and the state Department of Education
12 to implement this Section.

13 F. The state Department of Education shall provide notice of the
14 requirements of this Section to facilities requiring licensure pursuant to R.S.
15 17:407.31 et seq. For facilities not licensed by the state Department of
16 Education, the Department of Education shall publish information regarding
17 risk assessments.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____