
DIGEST

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HB 490 Original

2019 Regular Session

Gaines

Abstract: Expands the definition of a child occupied facility and expands data collection to include mercury hazards.

Present law defines a "child-occupied facility" as a building or portion of a building or common area, other than the child's principal residence, constructed prior to 1978, and meeting one of three criteria. Proposed law removes that requirement that the facility was constructed prior to 1978.

Present law provides that the first criteria is the facility is visited regularly by the same child, who is six years of age or younger, on at least two different days within any week, provided that each day's visit lasts at least three hours, that the combined weekly visits last at least six hours, and that the combined annual visits last at least 60 hours. Proposed law raises the age of the child from six years of age to 18.

Present law provides for examples of child-occupied facilities meeting the first criteria include but are not limited to public and non-public elementary schools, day care centers, parks, playgrounds, and community centers. Proposed law expands the schools from elementary to include secondary schools and moves parks and playground to become additional criteria.

Present law provides the second criteria is a facility that has been determined by the department, in conjunction with the state health officer, to be a significant risk because of its contribution to lead poisoning or lead exposure to children who are six years of age or younger. Proposed law retains present law.

Present law provides the third criteria is a facility that has a child-occupied unit and common area in a multi-use building. Proposed law retains present law.

Proposed law adds playgrounds and parks as additional criteria. Proposed law defines a "playground" as any outdoor facility, including any attached parking lot, intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swing sets, and teeter boards.

Proposed law defines a "park" as an enclosed pleasure-ground in or near a city, set apart for the recreation of the public.

Present law authorizes the secretary of the Dept. of Environmental Quality to establish a program

for the collection and analysis of data on lead hazard detection and lead hazard reduction activities in the state, and on the certification, accreditation, and enforcement activities of the department. Proposed law requires the secretary to establish the program and expands the program to include data on mercury.

Present law requires the owner of any licensed day care center, preschool, or public or non-public elementary school facility that qualifies as a child-occupied facility and first placed in operation after Aug. 1, 2012, to have an inspection of the facility and grounds for the presence of lead hazards. Proposed law expands the facilities required to be inspected to include playgrounds, parks, and secondary schools. Proposed law also changes the date facilities are first placed in operation that are required to inspect from those after Aug. 1, 2012, to those before Feb. 1, 2020.

Proposed law requires that any facility and grounds first placed into operation after Feb. 1, 2020, be inspected prior to commencement of the facility and grounds first being placed into operation.

Present law provides that no inspection shall be required if the facility or its grounds has been inspected or has been the subject of lead abatement or remediation since 1978. Proposed law also requires that in order to be relieved of the inspection requirement that records exist establishing the inspection, abatement, or remediation and are provided to the state health officer and the secretary, including a full report containing sampling locations and findings.

Present law provides that if a portion of the facility or its grounds has not been inspected or been the subject of lead abatement or remediation since 1978, then those portions of the facility or its grounds shall be subject to the provisions of this Section. Proposed law retains present law.

Present law requires the owner or operator of the facility to maintain documentation that the inspection, lead abatement, or remediation activities were conducted in accordance with applicable requirements. Proposed law retains present law.

Present law requires the inspector and the owner to report findings to the state health officer and the secretary if a lead hazard is found to be present. Proposed law requires the reporting of all findings, whether a lead hazard is found or not and include sampling locations and findings.

Present law requires the state health officer to compile the results and report the findings to the legislature in the annual La. Health Report Card. Proposed law retains present law.

(Amends R.S. 30:2351.1(6)(a) and 2351.28(A) and (B); Adds R.S. 30:2351.1(6)(d) and (e))