

2026 Regular Session

SENATE BILL NO. 37

BY SENATOR MCMATH

HEALTH DEPARTMENT. Provides relative to lead poisoning prevention. (8/1/26)

1 AN ACT

2 To amend and reenact R.S. 40:1285.1 through 1285.4, 1285.6(B), and 1285.7 and to repeal
3 R.S. 30:2351.1(7), 2351.52(A) and (C), and 2351.53 and R.S. 40:1285.6(G), relative
4 to lead poisoning prevention; to provide for the duties of the Louisiana Department
5 of Health; to provide for lead testing requirements for early learning centers and
6 schools with prekindergarten programs; to provide for mandatory reporting of lead
7 poisoning cases; to provide for the detection of lead poisoning sources; to provide
8 for the sale and use of lead-based paint; to provide for lead risk assessments and
9 hazard control; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1285.1 through 1285.4, 1285.6(B), and 1285.7 are hereby
12 amended and reenacted to read as follows:

13 PART II. LEAD POISONING PREVENTION AND CONTROL **PROGRAM**

14 §1285.1. ~~Establishment of lead poisoning prevention program~~ **Lead Poisoning**
15 **Prevention and Control Program**

16 **A.** The Louisiana Department of Health shall establish ~~a program for the~~
17 ~~prevention, screening, diagnosis, and treatment of lead poisoning in its~~ **the Lead**

1 **Poisoning Prevention and Control Program within the** office of public health.

2 ~~B. This program shall, to the extent permitted by appropriations, The~~
3 **program shall** provide for the prevention of lead poisoning through **all of the**
4 **following:**

5 **(1) Requiring submission of lead testing results for early learning centers**
6 **and schools with prekindergarten programs that were built prior to 1978 in**
7 **order to obtain any required department approval of plans and specifications.**

8 **(2) Managing mandatory reporting of lead poisoning cases.**

9 **(3) Developing, implementing, and enforcing protocols for detection of**
10 **lead poisoning sources.**

11 **(4) Developing and conducting** public and professional education;

12 ~~(5) shall ensure~~ **Ensuring** the availability of screening, diagnosis, and
13 treatment relative to lead poisoning of children under the age of six years and
14 persons deemed at risk by the state health officer;

15 ~~(6) and shall advocate for the abatement of~~ **Advocating for lead hazard**
16 **control methods concerning** sources of lead when appropriate. The program shall
17 not apply to those persons having religious objections to the examination.

18 **C. The state health officer or his designee may contract with a public**
19 **agency or a university or collaborate with any agencies, individuals, or groups**
20 **for the provision of necessary services, the development of educational**
21 **programs, scientific research, and detection and abatement of sources of lead**
22 **poisoning required pursuant to this Part.**

23 **D. As used in this Part, unless the context clearly requires otherwise, the**
24 **following terms shall have the following meanings:**

25 **(1) "Facility" or "facilities" means a building including but not limited**
26 **to those buildings operating as an early learning center or a school with a**
27 **prekindergarten program.**

28 **(2) "Lead hazard" shall have the meaning set forth in R.S. 30:2351.1.**

29 **(3) "Lead hazard control methods" means measures taken to reduce or**

1 eliminate a lead hazard, including but not limited to lead abatement, interim
2 controls, or both, as appropriate.

3 (4) "Schools with prekindergarten program" means and is limited to the
4 classroom space primarily occupied by children in the prekindergarten
5 program and shall not include communal spaces such as cafeterias, libraries,
6 gymnasiums, or places of worship.

7 E. In the event of a conflict between any provision of this Part and a
8 provision of R.S. 13:5233.1 or Title 17, the provision of this Part shall prevail.

9 F. The office of public health shall promulgate rules and regulations to
10 implement this program.

11 ~~§1285.2. Collaboration with other organizations~~ Lead testing requirements; early
12 learning centers; schools with prekindergarten programs

13 ~~The state health officer or his designee may contract with a public agency or~~
14 ~~a university or collaborate with any agencies, individuals, or groups for the provision~~
15 ~~of necessary services, the development of educational programs, scientific research,~~
16 ~~and detection and abatement of sources of lead poisoning, subject to appropriations,~~
17 ~~and shall promulgate and from time to time amend such rules and regulations as may~~
18 ~~be necessary.~~

19 A.(1) Every early learning center and school with a prekindergarten
20 program that was built, in whole or in part, prior to 1978 shall have a lead risk
21 assessment performed by a certified lead risk assessor and submit the results to
22 the department as a requirement for obtaining any departmental approval of
23 plans and specifications.

24 (2) The lead risk assessment shall include lead testing results which shall
25 include testing of all painted surfaces of the building, dust, water, and soil
26 adjacent to the building and on any property that is regularly utilized by the
27 children enrolled at the early learning center or prekindergarten program.

28 B.(1) If test results identify lead hazards, the department shall not grant
29 approval of plans and specifications for a new early learning center or new

1 school with a prekindergarten program until appropriate lead hazard control
2 methods have been verified by a clearance inspection authorized by the state
3 health officer.

4 (2) If test results identify lead hazards the early learning center or school
5 with a prekindergarten program shall enter into a lead hazard abatement
6 agreement with the department which shall include required compliance with
7 certain timelines and efforts to mitigate danger to children on the premises as
8 required by the state health officer.

9 C. If the owner or operator of an early learning center or school with a
10 prekindergarten program provides test results to the department which show
11 no lead hazards in the building, water supply, or soil, the documentation shall
12 be sufficient for one-time submission and shall be noted in the files held by the
13 department. No further lead hazard testing shall be required unless the owner
14 or operator initiates major alterations through renovation or remodeling that
15 warrants subsequent approval by the department.

16 D. The department shall provide an owner or operator with a list
17 developed by the Department of Environmental Quality of persons approved
18 or licensed to conduct the non-drinking water lead testing required by this Part.

19 §1285.3. Mandatory reporting of lead poisoning cases required; comprehensive
20 records

21 ~~A. Any local health officer, health unit supervisor, examining physician,~~
22 ~~hospital, public health nurse, or reporting person~~ The state health officer shall
23 define test results which are positive for the presence of lead. Healthcare
24 providers shall report to the state health officer or his designee the existence and
25 ~~circumstances of each case of lead poisoning known to him and not previously~~
26 ~~reported. Such reports~~ all test results for lead hazards. Reports shall be made on
27 forms prescribed by the state health officer or his designee. ~~The state health officer~~
28 ~~shall by regulation, and in accordance with current technical knowledge and~~
29 ~~guidelines of the United States Centers for Disease Control and Prevention, United~~

1 States Environmental Protection Agency, and United States Department of Housing
 2 and Urban Development, define the terms "lead poisoning" and "previously
 3 reported" and what constitutes hazardous lead conditions in the environment.

4 B. When the state health officer or his designee is informed of a case of lead
 5 poisoning pursuant to Subsection A of this Section or otherwise, he shall ~~strongly~~
 6 ~~encourage~~ **recommend** the examination of all ~~other~~ children under the age of six
 7 years; and ~~all~~ **any** other ~~persons~~ **person** deemed at risk by the state health officer or
 8 his designee; **who is** residing or recently ~~residing~~ **resided** in the household of the
 9 person with lead poisoning. The results of ~~such~~ **the** examinations shall be reported
 10 to the persons or agency reporting the original case pursuant to Subsection A of this
 11 Section, and to ~~such~~ other persons or agencies as the state health officer or his
 12 designee deems advisable.

13 §1285.4. ~~Program for detection~~ **Detection** of lead poisoning sources; voluntary and
 14 compulsory inspections; posting dangerous areas; mandatory physical
 15 examinations

16 A.(1) The state health officer or his designee shall establish ~~a comprehensive~~
 17 ~~program~~ **protocols** for detection of sources of lead poisoning. ~~Such program shall~~
 18 ~~attempt, to the extent permitted by appropriations, to locate~~ **To the extent**
 19 **practicable, the protocols shall identify** all dwellings, **early learning centers, and**
 20 **schools with prekindergarten programs** in which the paint, plaster, or other
 21 accessible substance contains ~~dangerous amounts of lead~~ **hazards**. The means of
 22 detection and the amount of lead that produces the danger of lead poisoning shall be
 23 determined by ~~regulation~~ **by** the state health officer in accordance with current
 24 technical knowledge and guidelines of the United States Centers for Disease Control
 25 and Prevention, United States Environmental Protection Agency, and United States
 26 Department of Housing and Urban Development.

27 (2) ~~Such programs of detection~~ **Lead detection** shall, ~~to the extent that all~~
 28 ~~appropriate dwellings are not inspected, give priority in inspections to~~ **be prioritized**
 29 **in** those dwellings located in areas where significant numbers of lead poisoning cases

1 have recently been reported, and in which children under the age of six years or other
 2 persons deemed at risk by the state health officer or his designee reside: and which
 3 serve as the primary residence for a child under the age of six, a person deemed
 4 at risk by the surgeon general, or are operating as an early learning center or
 5 school with a prekindergarten program.

6 B. When the state health officer or his designee is informed of a case of child
 7 lead poisoning pursuant to this Part, or otherwise, he shall cause to have inspected
 8 the he shall order an investigation of any dwelling in which the person child with
 9 lead poisoning resides, or has recently resided, if the occupants of ~~said~~ the dwelling
 10 consent, after reasonable notice, to ~~such inspection~~ the investigation. The state
 11 health officer or his designee may also order an investigation of any other
 12 properties or premises in which the child spends a significant amount of time.

13 The findings of ~~such inspection~~ the investigations shall be reported to the state
 14 health officer or his designee and to the appropriate enforcement authorities provided
 15 in R.S. 40:1285.9.

16 C. ~~A dangerous level of lead~~ Lead hazards found in a dwelling, early
 17 learning center, or school with a prekindergarten program inspected
 18 investigated pursuant to this Section, or otherwise, shall be reported immediately to
 19 the owner of the building, early learning center, or school with a prekindergarten
 20 program or to his duly appointed representative, all affected tenants or occupants,
 21 the appropriate enforcement authorities set out in R.S. 40:1285.9, and the state health
 22 officer or his designee. The state health officer or his designee shall inform ~~such~~
 23 other persons or agencies as he deems advisable, and shall ~~cause to have~~ prominently
 24 ~~posted~~ post on the main entrance to ~~said~~ the dwelling or facility a notice that the
 25 dwelling or facility contains ~~dangerous amounts of lead paint or other lead materials~~
 26 lead hazards and that children under the age of six years and persons deemed at risk
 27 should not be allowed to reside in ~~said~~ or occupy the dwelling or facility. ~~Such~~ The
 28 notice may not be removed until all premises have been found to comply with R.S.
 29 40:1285.7. Unauthorized intentional removal of the notice shall subject the offender

1 to a fine of five hundred dollars.

2 D. When a ~~dangerous level of lead~~ **hazard** is found in a dwelling, **early**
 3 **learning center, or school with a prekindergarten program** inspected
 4 **investigated** pursuant to this Part, or otherwise, the state health officer or his
 5 designee shall ~~cause to have examined~~ **order an examination of** all children under
 6 the age of six years and other persons as he may find advisable to examine, residing
 7 **in or occupying,** or who have recently resided in **or occupied** ~~said the~~ dwelling,
 8 **early learning center, or school with a prekindergarten program.** The results of
 9 ~~such the~~ examinations shall be reported to the state health officer or his designee, the
 10 affected individual, and his parent or legal guardian. The state health officer or his
 11 designee shall inform ~~such~~ other persons or agencies as he deems advisable.

12 * * *

13 §1285.6. Sale and use of lead-based paint and other similar lead-based surface
 14 coating material restricted; penalties

15 * * *

16 B.(1) No person shall knowingly sell or offer for sale any other lead-based
 17 paint or similar surface coating material that may be purchased by the general public
 18 unless the container is clearly labeled as to its intended use and bears on the principal
 19 display panel the word "WARNING" and the following statement: "Contains lead.
 20 Dried film of this paint may be harmful if eaten or chewed."

21 (2) The following cautionary statement, or its practical equivalent, shall be
 22 placed on the label but need not be part of the warning statement on the principal
 23 display panel:

24 "~~Do not apply on toys and other children's articles, furniture, or interior~~
 25 ~~surfaces of any dwelling. Do not apply on those exterior surfaces of any dwelling,~~
 26 ~~such as window sills, porches, stairs, or railings, to which children may be~~
 27 ~~commonly exposed. Keep Out Of The Reach of Children."~~

28 (3) The type size of this labeling shall be in accordance with the requirements
 29 for precautionary labeling under the Federal Hazardous Substances Act, 15 U.S.C.

1 not his premises have been inspected pursuant to R.S. 40:1285.4 or otherwise. The
 2 provisions of this Section shall be strictly construed and enforced ~~so as~~ to best
 3 protect the safety of residents of ~~such~~ **the** dwellings.

4 D. Every owner of residential premises who violates the provisions of this
 5 Section shall commence correction of the condition constituting the violation within
 6 fifteen days after notification of the violation, ~~which project shall be completed~~ and
 7 **complete the correction** within thirty days of **commencement**.

8 Section 2. R.S. 30:2351.1(7), 2351.52(A) and (C), and 2351.53 and R.S.
 9 40:1285.6(G) are hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 37 Engrossed

2026 Regular Session

McMath

Present law provides for lead poisoning provisions relative to children in both Title 30 under the La. Dept. of Environmental Quality and in Title 40 under the La. Dept. of Health.

Proposed law consolidates all lead poisoning provisions relative to children into Title 40.

Title 30

Present law requires healthcare providers to report blood test results that are positive for the presence of lead to the state health officer and for the state health officer to define what constitutes a positive test result. Present law further authorizes the state health officer to enter into agreements with other departments for purposes of lead exposure reporting. Proposed law combines present law provisions with similar provisions in Title 40.

Present law defines "child-occupied facility" and includes public and nonpublic elementary schools and day care centers in the definition.

Proposed law moves provisions relative to day care centers and public and nonpublic schools with prekindergarten programs to Title 40.

Present law requires the owner of a child-occupied facility and the inspector to provide joint notification to the secretary of the Dept. of Environmental Quality and the state health officer within 90 days of receipt of a report of lead hazards, lead abatement activities, or any lead testing performed that exceeds applicable standards. Proposed law repeals present law.

Present law further requires the child-occupied facility to display a copy of the notification in a prominent location at the facility and to notify all parents and legal guardians or children enrolled at the facility. Proposed law repeals present law.

Title 40

Present law provides for the state Sanitary Code which authorizes the La. Dept. of Health

to conduct health and safety inspections and to issue permits to public and private schools and buildings where people congregate.

Present law establishes a lead poisoning prevention program within the La. Dept. of Health to provide for the prevention, screening, diagnosis, and treatment of lead poisoning.

Proposed law retains present law and requires early learning centers and schools with prekindergarten programs built prior to 1978 to have a lead risk assessment and submit the testing results to the department prior to obtaining department approval of plans and specifications as part of the department's lead poisoning prevention program.

Proposed law provides that the lead risk assessment shall include painted surfaces of the building, dust, water, and soil adjacent to the building and on any property that is regularly utilized by the children enrolled at the early learning center or prekindergarten program.

Proposed law provides that the La. Dept. of Health shall provide the owner or operator with a list developed by the Dept. of Environmental Quality of persons approved or licensed to conduct non-drinking water lead testing.

Present law authorizes the sale of lead-based paint if the container contains a warning label.

Proposed law repeals present law to prohibit the sale of lead-based paint.

Effective August 1, 2026.

(Amends R.S. 40:1285.1-1285.4, 1285.6(B), and 1285.7; repeals R.S. 30:2351.1(7), 2351.52(A) and (C), and 2351.53 and R.S. 40:1285.6(G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Changes references from "lead inspections" and "presence of lead" to "lead investigation", "lead risk assessment", and "lead hazards".
2. Removes elementary schools from the lead risk assessment requirement.
3. Makes technical changes.