

**ACT No. 258**

Regular Session, 2014

HOUSE BILL NO. 802

BY REPRESENTATIVE BARROW AND SENATOR MILLS

1 AN ACT

2 To enact Part LXXV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to  
3 be comprised of R.S. 40:1300.381 through 1300.385, relative to toxic mold; to  
4 provide for a task force to study the public health impacts of toxic mold in this state;  
5 to provide for composition, functions, and duties of the task force; to terminate the  
6 task force on a certain date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part LXXV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of  
9 1950, comprised of R.S. 40:1300.381 through 1300.385, is hereby enacted to read as  
10 follows:

11 PART LXXV. TOXIC MOLD TASK FORCE

12 §1300.381. Legislative findings; declaration

13 A. The legislature hereby finds the following:

14 (1) Certain forms of mold pose a severe and unacceptable risk to the  
15 environment of Louisiana and the health of its people. Moreover, the legislature  
16 finds that indoor toxins, specifically toxic mold, represent an insufficiently  
17 understood health and environmental problem.

18 (2) The legislature recognizes that numerous studies indicate likely health  
19 effects from mold spores, varying from cold-like symptoms to more serious  
20 symptoms, such as allergy and asthma outbreaks. These toxins can have negative  
21 effects on humans when ingested, inhaled, or when they come in contact with the

1 skin. These effects can have serious consequences for some population subgroups,  
2 especially infants, children, pregnant women, persons who are elderly, asthmatics,  
3 individuals with allergies, and individuals with compromised immune systems.  
4 Healthcare professionals now acknowledge that molds can cause allergies, trigger  
5 asthma attacks, detrimentally affect the function of vital human organs, and increase  
6 susceptibility to colds and flu.

7 (3) The legislature further recognizes that though not all molds are toxic,  
8 there are certain dangers that molds present within buildings and structures. It is thus  
9 imperative that the toxicity of its presence be determined and a corresponding plan  
10 of action be implemented to address such hazards in buildings and structures within  
11 this state.

12 B. The legislature hereby declares that it is in the best interest of the public  
13 health, welfare, and safety to establish a task force to lead development of  
14 comprehensive policies and promote best practices concerning mitigation of toxic  
15 mold and the adverse health effects caused by this unique threat to public health.

16 §1300.382. Definition

17 For the purposes of this Part, the term "mold" means any form of  
18 multicellular fungi that live on plant or animal matter and in indoor environments.  
19 Types of mold include but are not limited to cladosporium, alternaria, aspergillus,  
20 trichoderma, memnoniella, mucor, and stachybotrys chartarum.

21 §1300.383. Toxic Mold Task Force; creation; composition; meetings

22 A. There is hereby created the Louisiana Toxic Mold Task Force, referred  
23 to hereafter as the "task force", composed of fifteen members as follows:

24 (1) One pediatric environmental health specialist selected and appointed by  
25 the secretary of the Department of Health and Hospitals.

26 (2) One person with expertise in toxicology selected and appointed by the  
27 secretary of the Department of Health and Hospitals.

28 (3) The assistant secretary of the office of public health of the Department  
29 of Health and Hospitals or his designee.

1                   (4) One member designated by the office of health affairs and medical  
2                   education of the Louisiana State University System.

3                   (5) One member designated by the Louisiana State Medical Society.

4                   (6) One member designated by the Louisiana Primary Care Association.

5                   (7) One member with expertise in consumer protection designated by the  
6                   Louisiana attorney general.

7                   (8) One member designated by the Southern University Law Center.

8                   (9) One member designated by the Paul M. Hebert Law Center of Louisiana  
9                   State University.

10                  (10) One member with expertise in toxic mold remediation designated by the  
11                  Louisiana State Licensing Board for Contractors.

12                  (11) One member designated by the Louisiana Housing Corporation.

13                  (12) One member designated by the dean of the School of Public Health and  
14                  Tropical Medicine of Tulane University.

15                  (13) One member designated by the Louisiana Realtors Association.

16                  (14) One member designated by the Louisiana Home Builders Association.

17                  (15) One member designated by the Apartment Association of Louisiana.

18                  B. The secretary of the Department of Health and Hospitals shall take such  
19                  actions as are necessary to ensure that the initial convening of the task force occurs  
20                  no later than October 1, 2014.

21                  C. The task force members shall select a chairman annually, and he shall  
22                  serve as chairman without salary.

23                  D. Task force members shall serve without compensation, except per diem  
24                  or expense reimbursement to which they may be individually entitled by their  
25                  respective employer organizations.

26                  E. The task force shall hold at least two regular meetings each year at a place  
27                  designated by the chairman.

28                  §1300.384. Functions and duties of the task force

29                  A. The functions of the task force shall include all of the following:

1                   (1) Serve as an advisory body to the legislature on policies and practices that  
2                   protect all people of this state, particularly tenants, consumers, and vulnerable  
3                   populations, from harm related to toxic mold.

4                   (2) Serve as a coordinating forum between and among state agencies, local  
5                   government, and nongovernmental groups on matters related to toxic mold.

6                   (3) On a regular basis, research and review state regulations, guidelines,  
7                   policies, and procedures that pertain in any way to toxic mold and make  
8                   recommendations to the governor, the legislature, and the secretary of the  
9                   Department of Health and Hospitals as deemed necessary and appropriate by the  
10                  chairman.

11                  B. On or before January 1, 2015, and annually thereafter, the task force shall  
12                  prepare and submit to the governor and the legislature a report on the status of public  
13                  health risks from toxic mold in Louisiana. The report shall include, without  
14                  limitation, the following:

15                         (1) An assessment, based on scientific evidence, of the nature, scope, and  
16                         magnitude of the adverse environmental and health impacts caused by toxic mold in  
17                         the state.

18                         (2) Measurement, based on scientific evidence, of the adverse health effects  
19                         of exposure to molds on the general population, including specific effects on any  
20                         subgroups identifiable as being at greater risk of adverse health effects when exposed  
21                         to molds.

22                         (3) Identification of actions taken by the state, local governments, and any  
23                         other public or private organizations that have made a positive impact on mitigating  
24                         the harm to public health of toxic mold.

25                         (4) Identification of best practices for the control of mold in a cost-effective  
26                         and environmentally sound manner.

27                         C. The task force may request administrative and technical support from the  
28                         Department of Health and Hospitals, office of public health, to carry out the  
29                         functions and responsibilities provided in this Section.

1           §1300.385. Termination

2           The provisions of this Part shall terminate on January 1, 2018.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_