

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Lead Poisoning Prevention Act is amended by
5 changing Sections 2, 3, 4, 5, 6, 6.01, 6.1, 6.2, 6.3, 7, 7.1,
6 7.2, 8, 8.1, 8.2, 9, 9.1, 9.4, 10, 11, 11.05, 11.1, 13, and 14
7 and by adding Sections 8.3 and 12.2 as follows:

8 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

9 Sec. 2. Definitions. As used in this Act:

10 ~~"Abatement" means the removal or encapsulation of all~~
11 ~~leadbearing substances in a residential building or dwelling~~
12 ~~unit.~~

13 "Child care facility" means any structure used by a child
14 care provider licensed by the Department of Children and Family
15 Services or public or private school structure frequented by
16 children ~~through~~ 6 years of age or younger.

17 "Childhood Lead Risk Questionnaire" means the
18 questionnaire developed by the Department for use by physicians
19 and other health care providers to determine risk factors for
20 children 6 years of age or younger residing in areas designated
21 as low risk for lead exposure.

22 "Delegate agency" means a unit of local government or
23 health department approved by the Department to carry out the

1 provisions of this Act.

2 "Department" means the Department of Public Health ~~of the~~
3 ~~State of Illinois.~~

4 "Director" means the Director of Public Health.

5 ~~"Dwelling" means any structure all or part of which is~~
6 ~~designed or used for human habitation.~~

7 "Dwelling unit" means an individual unit within a
8 residential building used as living quarters for one household.

9 "Elevated blood lead level" means a blood lead level in
10 excess of those considered within the permissible limits as
11 established under State and federal rules.

12 "Exposed surface" means any interior or exterior surface of
13 a regulated facility.

14 "High risk area" means an area in the State determined by
15 the Department to be high risk for lead exposure for children
16 ~~through~~ 6 years of age or younger. The Department may ~~shall~~
17 consider, but is not ~~be~~ limited to, the following factors to
18 determine a high risk area: age and condition (using Department
19 of Housing and Urban Development definitions of "slum" and
20 "blighted") of housing, proximity to highway traffic or heavy
21 local traffic or both, percentage of housing determined as
22 rental or vacant, proximity to industry using lead, established
23 incidence of elevated blood lead levels in children, percentage
24 of population living below 200% of federal poverty guidelines,
25 and number of children residing in the area who are 6 years of
26 age or younger.

1 ~~"Exposed surface" means any interior or exterior surface of~~
2 ~~a dwelling or residential building.~~

3 "Lead abatement" means any approved work practices that
4 will permanently eliminate lead exposure or remove the
5 lead-bearing substances in a regulated facility. The
6 Department shall establish by rule which work practices are
7 approved or prohibited for lead abatement.

8 "Lead abatement contractor" means any person or entity
9 licensed by the Department to perform lead abatement and
10 mitigation.

11 "Lead abatement supervisor" means any person employed by a
12 lead abatement contractor and licensed by the Department to
13 perform lead abatement and lead mitigation and to supervise
14 lead workers who perform lead abatement and lead mitigation.

15 "Lead abatement worker" means any person employed by a lead
16 abatement contractor and licensed by the Department to perform
17 lead abatement and mitigation.

18 "Lead activities" means the conduct of any lead services,
19 including, lead inspection, lead risk assessment, lead
20 mitigation, or lead abatement work or supervision in a
21 regulated facility.

22 "Lead-bearing substance" ~~"Lead bearing substance"~~ means
23 any item containing or coated with lead such that the lead
24 content is more than six-hundredths of one percent (0.06%) lead
25 by total weight; or any dust on surfaces or in furniture or
26 other nonpermanent elements of the regulated facility

1 ~~dwelling~~; or any paint or other surface coating material
2 containing more than five-tenths of one percent (0.5%) lead by
3 total weight (calculated as lead metal) in the total
4 non-volatile content of liquid paint; or lead-bearing ~~lead~~
5 ~~bearing~~ substances containing greater than one milligram per
6 square centimeter or any lower standard for lead content in
7 residential paint as may be established by federal law or rule
8 ~~regulation~~; or more than 1 milligram per square centimeter in
9 the dried film of paint or previously applied substance; or
10 item or dust on item containing lead in excess of the amount
11 specified in the rules ~~and regulations~~ authorized by this Act
12 or a lower standard for lead content as may be established by
13 federal law or rule ~~regulation~~. "Lead-bearing substance" "~~Lead~~
14 ~~bearing substance~~" does not include firearm ammunition or
15 components as defined by the Firearm Owners Identification Card
16 Act.

17 "Lead hazard" means a lead-bearing ~~lead-bearing~~ substance
18 that poses an immediate health hazard to humans.

19 "Lead hazard screen" means a lead risk assessment that
20 involves limited dust and paint sampling for lead-bearing
21 substances and lead hazards. This service is used as a
22 screening tool designed to determine if further lead
23 investigative services are required for the regulated
24 facility.

25 "Lead inspection" means a surface-by-surface investigation
26 to determine the presence of lead-based paint.

1 "Lead inspector" means an individual who has been trained
2 by a Department-approved training program and is licensed by
3 the Department to conduct lead inspections; to sample for the
4 presence of lead in paint, dust, soil, and water; and to
5 conduct compliance investigations.

6 "Lead mitigation" means the remediation, in a manner
7 described in Section 9, of a lead hazard so that the
8 lead-bearing substance does not pose an immediate health hazard
9 to humans.

10 "Lead poisoning" means the condition of having blood lead
11 levels in excess of those considered safe under State and
12 federal rules ~~and regulations.~~

13 ~~"Low risk area" means an area in the State determined by~~
14 ~~the Department to be low risk for lead exposure for children~~
15 ~~through 6 years of age. The Department shall consider the~~
16 ~~factors named in "high risk area" to determine low risk areas.~~

17 ~~"Mitigation" means the remediation, in a manner described~~
18 ~~in Section 9, of a lead hazard so that the lead bearing~~
19 ~~substance does not pose an immediate health hazard to humans.~~

20 "Lead risk assessment" means an on-site investigation to
21 determine the existence, nature, severity, and location of lead
22 hazards. "Lead risk assessment" includes any lead sampling and
23 visual assessment associated with conducting a lead risk
24 assessment and lead hazard screen and all lead sampling
25 associated with compliance investigations.

26 "Lead risk assessor" means an individual who has been

1 trained by a Department-approved training program and is
2 licensed by the Department to conduct lead risk assessments,
3 lead inspections, and lead hazard screens; to sample for the
4 presence of lead in paint, dust, soil, water, and sources for
5 lead-bearing substances; and to conduct compliance
6 investigations.

7 "Lead training program provider" means any person
8 providing Department-approved lead training in Illinois to
9 individuals seeking licensure in accordance with the Act.

10 "Low risk area" means an area in the State determined by
11 the Department to be low risk for lead exposure for children 6
12 years of age or younger. The Department may consider the
13 factors named in "high risk area" to determine low risk areas.

14 "Owner" means any person, who alone, jointly, or severally
15 with others:

16 (a) Has legal title to any regulated facility dwelling
17 or residential building, with or without accompanying
18 actual possession of the regulated facility dwelling or
19 residential building, or

20 (b) Has charge, care, or control of the regulated
21 facility dwelling or residential building as owner or agent
22 of the owner, or as executor, administrator, trustee, or
23 guardian of the estate of the owner.

24 "Person" means any individual, partnership, firm, company,
25 limited liability company, corporation, association, joint
26 stock company, trust, estate, political subdivision, State

1 agency, or any other legal entity, or their legal
2 representative, agent, or assign ~~one or more natural persons,~~
3 ~~legal entities, governmental bodies, or any combination.~~

4 "Regulated facility" means a residential building or child
5 care facility.

6 "Residential building" means any room, group of rooms, or
7 other interior areas of a structure designed or used for human
8 habitation; common areas accessible by inhabitants; and the
9 surrounding property or structures.

10 ~~"Risk assessment" means a questionnaire to be developed by~~
11 ~~the Department for use by physicians and other health care~~
12 ~~providers to determine risk factors for children through 6~~
13 ~~years of age residing in areas designated as low risk for lead~~
14 ~~exposure.~~

15 (Source: P.A. 94-879, eff. 6-20-06.)

16 (410 ILCS 45/3) (from Ch. 111 1/2, par. 1303)

17 Sec. 3. Lead-bearing ~~Lead bearing~~ substance use. No person
18 shall use or apply lead-bearing ~~lead bearing~~ substances:

19 (a) In or upon any exposed surface of a regulated facility
20 ~~dwelling or dwelling unit;~~

21 (b) (Blank) ~~In or around the exposed surfaces of a child~~
22 ~~care facility or other structure frequented by children;~~

23 (c) In or upon any fixtures or other objects used,
24 installed, or located in or upon any exposed surface of a
25 regulated facility ~~dwelling or residential building, or child~~

1 ~~care facility~~, or intended to be so used, installed, or located
2 and that, in the ordinary course of use, are accessible to or
3 chewable by children;

4 (d) In or upon any items, including, but not limited to,
5 clothing, accessories, jewelry, decorative objects, edible
6 items, candy, food, dietary supplements, toys, furniture, or
7 other articles used by or intended to be chewable by children;

8 (e) Within or upon a regulated facility ~~residential~~
9 ~~building or dwelling, child care facility, school,~~ playground,
10 park, or recreational area, or other areas regularly frequented
11 by children.

12 (Source: P.A. 94-879, eff. 6-20-06.)

13 (410 ILCS 45/4) (from Ch. 111 1/2, par. 1304)

14 Sec. 4. Sale of items containing lead-bearing ~~lead-bearing~~
15 substance. No person shall sell, have, offer for sale, or
16 transfer toys, furniture, clothing, accessories, jewelry,
17 decorative objects, edible items, candy, food, dietary
18 supplements, or other articles used by or intended to be
19 chewable by children that contains a lead-bearing ~~lead-bearing~~
20 substance.

21 (Source: P.A. 94-879, eff. 6-20-06.)

22 (410 ILCS 45/5) (from Ch. 111 1/2, par. 1305)

23 Sec. 5. Sale of objects containing lead-bearing ~~lead~~
24 ~~bearing~~ substance. No person shall sell or transfer or offer

1 for sale or transfer any fixtures or other objects intended to
2 be used, installed, or located in or upon any surface of a
3 regulated facility ~~dwelling or residential building, or child~~
4 ~~care facility~~, that contains a lead-bearing ~~lead-bearing~~
5 substance and that, in the ordinary course of use, are
6 accessible to or chewable by children.

7 (Source: P.A. 94-879, eff. 6-20-06.)

8 (410 ILCS 45/6) (from Ch. 111 1/2, par. 1306)

9 Sec. 6. Warning statement.

10 (a) Definitions. As used in this Section:

11 "Body piercing jewelry" means any part of jewelry that is
12 manufactured or sold for placement in a new piercing or a
13 mucous membrane, but does not include any part of that jewelry
14 that is not placed within a new piercing or a mucous membrane.

15 "Children's jewelry" means jewelry that is made for,
16 marketed for use by, or marketed to children under the age of
17 12 and includes jewelry that meets any of the following
18 conditions:

19 (1) represented in its packaging, display, or
20 advertising as appropriate for use by children under the
21 age of 12;

22 (2) sold in conjunction with, attached to, or packaged
23 together with other products that are packaged, displayed,
24 or advertised as appropriate for use by children under the
25 age of 12;

1 (3) sized for children and not intended for use by
2 adults; or

3 (4) sold in any of the following places: a vending
4 machine; a retail store, catalogue, or online Web site in
5 which a person exclusively offers for sale products that
6 are packaged, displayed, or advertised as appropriate for
7 use by children; or a discrete portion of a retail store,
8 catalogue, or online Web site in which a person offers for
9 sale products that are packaged, displayed or advertised as
10 appropriate for use by children.

11 "Child care article" means an item that is designed or
12 intended by the manufacturer to facilitate the sleep,
13 relaxation, or feeding of children ~~under the age of 6~~ years of
14 age or younger or to help with children ~~under the age of 6~~
15 years of age or younger who are sucking or teething. An item
16 meets this definition if it is (i) designed or intended to be
17 used directly in the mouth by the child or (ii) is used to
18 facilitate sleep, relaxation, or feeding of children ~~under the~~
19 ~~age of 6~~ years of age or younger or help with children ~~under~~
20 ~~the age of 6~~ years of age or younger who are sucking or
21 teething and, because of its proximity to the child, is likely
22 to be mouthed, chewed, sucked, or licked.

23 "Jewelry" means any of the following ornaments worn by a
24 person:

25 (A) Ankle bracelet.

26 (B) Arm cuff.

1 (C) Bracelet.

2 (D) Brooch.

3 (E) Chain.

4 (F) Crown.

5 (G) Cuff link.

6 (H) Hair accessory.

7 (I) Earring.

8 (J) Necklace.

9 (K) Decorative pin.

10 (L) Ring.

11 (M) Body piercing jewelry.

12 (N) Jewelry placed in the mouth for display or
13 ornament.

14 (O) Any charm, bead, chain, link, pendant, or other
15 component of the items listed in this definition.

16 (P) A charm, bead, chain, link, pendant, or other
17 attachment to shoes or clothing that can be removed and may
18 be used as a component of an item listed in this
19 definition.

20 (Q) A watch in which a timepiece is a component of an
21 item listed in this definition, excluding the timepiece
22 itself if the timepiece can be removed from the ornament.

23 "Toy containing paint" means a toy with an accessible
24 component containing any external coating, including, but not
25 limited to, paint, ink, lacquer, or screen printing, designed
26 for or intended for use by children under the age of 12 at

1 play. For the purposes of this Section, "toy" is any object
2 designed, manufactured, or marketed as a plaything for children
3 under the age of 12 and is excluded from the definitions of
4 "child care article" and "jewelry". In determining whether a
5 toy containing paint is designed for or intended for use by
6 children under the age of 12, the following factors shall be
7 considered:

8 (i) a statement by a manufacturer about the intended
9 use of the product, including a label on the product, if
10 such statement is reasonable;

11 (ii) whether the product is represented in its
12 packaging, display, promotion, or advertising as
13 appropriate for children under the age of 12; and

14 (iii) whether the product is commonly recognized by
15 consumers as being intended for use by a child under the
16 age of 12.

17 (b) Children's products. Effective January 1, 2010, no
18 person, firm, or corporation shall sell, have, offer for sale,
19 or transfer the items listed in this Section that contain a
20 total lead content in any component part of the item that is
21 more than 0.004% (40 parts per million) but less than 0.06%
22 (600 parts per million) by total weight or a lower standard for
23 lead content as may be established by federal or State law or
24 rule ~~regulation~~ unless that item bears a warning statement that
25 indicates that at least one component part of the item contains
26 lead.

1 The warning statement for items covered under this
2 subsection (b) shall contain at least the following: "WARNING:
3 CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. COMPLIES WITH
4 FEDERAL STANDARDS."

5 An entity is in compliance with this subsection (b) if the
6 warning statement is provided on the children's product or on
7 the label on the immediate container of the children's product.
8 This subsection (b) does not apply to any product for which
9 federal law governs warning in a manner that preempts State
10 authority.

11 The warning statement required under this subsection (b) is
12 not required if the component parts of the item containing lead
13 are inaccessible to a child through normal and reasonably
14 foreseeable use and abuse as defined by the United States
15 Consumer Product Safety Commission.

16 The warning statement required under this subsection (b) is
17 not required if the component parts in question are exempt from
18 third-party testing as determined by the United States Consumer
19 Product Safety Commission.

20 (c) Other lead-bearing ~~lead-bearing~~ substance. No person,
21 firm, or corporation shall have, offer for sale, sell, or give
22 away any lead-bearing ~~lead-bearing~~ substance that may be used
23 by the general public, except as otherwise provided in
24 subsection (b) of this Section, unless it bears the warning
25 statement as prescribed by federal rule ~~regulation~~. (i) If no
26 rule ~~regulation~~ is prescribed, the warning statement shall be

1 as follows when the lead-bearing ~~lead-bearing~~ substance is a
2 lead-based paint or surface coating: "WARNING--CONTAINS LEAD.
3 MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side
4 or Back) Panel. Do not apply on toys, or other children's
5 articles, furniture, or interior, or exterior exposed surfaces
6 of any residential building or facility that may be occupied or
7 used by children. KEEP OUT OF THE REACH OF CHILDREN.". (ii) If
8 no rule ~~regulation~~ is prescribed, the warning statement shall
9 be as follows when the lead-bearing ~~lead-bearing~~ substance
10 contains lead-based paint or a form of lead other than
11 lead-based paint: "WARNING CONTAINS LEAD. MAY BE HARMFUL IF
12 EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF
13 THE REACH OF CHILDREN.".

14 For the purposes of this subsection (c), the generic term
15 of a product, such as "paint" may be substituted for the word
16 "substance" in the above labeling.

17 (d) The warning statements on items covered in subsections
18 (a), (b), and (c) of this Section shall be in accordance with,
19 or substantially similar to, the following:

20 (1) the statement shall be located in a prominent place
21 on the item or package such that consumers are likely to
22 see the statement when it is examined under retail
23 conditions;

24 (2) the statement shall be conspicuous and not obscured
25 by other written matter;

26 (3) the statement shall be legible; and

1 (4) the statement shall contrast with the typography,
2 layout and color of the other printed matter.

3 Compliance with 16 C.F.R. 1500.121 adopted under the
4 Federal Hazardous Substances Act constitutes compliance with
5 this subsection (d).

6 (e) The manufacturer or importer of record shall be
7 responsible for compliance with this Section.

8 (f) Subsection (c) of this Section does not apply to any
9 component part of a consumer electronic product, including, but
10 not limited to, personal computers, audio and video equipment,
11 calculators, wireless phones, game consoles, and handheld
12 devices incorporating a video screen used to access interactive
13 software and their associated peripherals, that is not
14 accessible to a child through normal and reasonably foreseeable
15 use of the product. A component part is not accessible under
16 this subsection (f) if the component part is not physically
17 exposed by reason of a sealed covering or casing and does not
18 become physically exposed through reasonably foreseeable use
19 and abuse of the product. Paint, coatings, and electroplating,
20 singularly or in any combination, are not sufficient to
21 constitute a sealed covering or casing for purposes of this
22 Section. Coatings and electroplating are sufficient to
23 constitute a sealed covering for connectors, power cords, USB
24 cables, or other similar devices or components used in consumer
25 electronics products.

26 (Source: P.A. 97-612, eff. 1-1-12.)

1 (410 ILCS 45/6.01)

2 Sec. 6.01. Warning statement where supplies sold.

3 (a) Any retailer, store, or commercial establishment that
4 offers paint or other supplies intended for the removal of
5 paint shall display, in a prominent and easily visible
6 location, a poster containing, at a minimum, the following:

7 (1) a statement that dry sanding and dry scraping of
8 paint in regulated facilities ~~dwellings~~ built before 1978
9 is dangerous;

10 (2) a statement that the improper removal of old paint
11 is a significant source of lead dust and the primary cause
12 of lead poisoning; and

13 (3) contact information where consumers can obtain
14 more information.

15 (b) The Department shall provide sample posters and
16 brochures that commercial establishments may use. The
17 Department shall make these posters and brochures available in
18 hard copy and via download from the Department's Internet
19 website.

20 (c) A commercial establishment shall be deemed to be in
21 compliance with this Section if the commercial establishment
22 displays lead poisoning prevention posters or provides
23 brochures to its customers that meet the minimum requirements
24 of this Section but come from a source other than the
25 Department.

1 (Source: P.A. 94-879, eff. 6-20-06.)

2 (410 ILCS 45/6.1) (from Ch. 111 1/2, par. 1306.1)

3 Sec. 6.1. Removal of leaded soil. The Department shall, in
4 consultation with the Illinois Environmental Protection Agency
5 ~~EPA~~, specify safety guidelines for workers undertaking
6 removal or covering of leaded soil. Soil inspection
7 requirements shall apply to inspection of regulated
8 ~~residential buildings or child care~~ facilities subject to the
9 requirements of this Section.

10 (Source: P.A. 87-175.)

11 (410 ILCS 45/6.2) (from Ch. 111 1/2, par. 1306.2)

12 Sec. 6.2. Testing ~~Physicians to screen~~ children and
13 pregnant persons.

14 (a) Any ~~Every~~ physician licensed to practice medicine in
15 all its branches or health care provider who sees or treats ~~or~~
16 ~~health care provider shall screen~~ children 6 months through 6
17 years of age or younger shall test those children for lead
18 poisoning when those children ~~who are determined to~~ reside in
19 an area defined as high risk by the Department. Children
20 residing in areas defined as low risk by the Department shall
21 be evaluated ~~assessed~~ for risk by the Childhood Lead Risk
22 Questionnaire ~~a risk assessment procedure~~ developed by the
23 Department and tested if indicated. Children shall be evaluated
24 ~~screened~~, in accordance with rules adopted by the Department

1 ~~guidelines and criteria set forth by the American Academy of~~
2 ~~Pediatrics, at the priority intervals and using the methods~~
3 ~~specified in the guidelines.~~

4 (b) Each licensed, registered, or approved health care
5 facility serving children ~~from 6 months through~~ 6 years of age
6 or younger, including but not limited to, health departments,
7 hospitals, clinics, and health maintenance organizations
8 approved, registered, or licensed by the Department, shall take
9 the appropriate steps to ensure that children 6 years of age or
10 younger be evaluated for risk or tested for ~~the patients~~
11 ~~receive~~ lead poisoning or both ~~screening, where medically~~
12 ~~indicated or appropriate.~~

13 (c) Children 7 ~~6~~ years and older and pregnant persons may
14 also be tested ~~screened~~ by physicians or health care providers,
15 in accordance with rules adopted by the Department ~~guidelines~~
16 ~~and criteria set forth by the American Academy of Pediatrics,~~
17 ~~according to the priority intervals specified in the~~
18 ~~guidelines.~~ Physicians and health care providers shall also
19 evaluate ~~screen~~ children for lead poisoning in conjunction with
20 the school health examination, as required under the School
21 Code, when, in the medical judgement of the physician, advanced
22 practice nurse who has a written collaborative agreement with a
23 collaborating physician that authorizes the advance practice
24 nurse to perform health examinations, or physician assistant
25 who has been delegated to perform health examinations by the
26 supervising physician, the child is potentially at high risk of

1 lead poisoning.

2 (d) (Blank). ~~Nothing in this Section shall be construed to~~
3 ~~require any child to undergo a lead blood level screening or~~
4 ~~test whose parent or guardian objects on the grounds that the~~
5 ~~screening or test conflicts with his or her religious beliefs.~~

6 (Source: P.A. 93-104, eff. 1-1-04.)

7 (410 ILCS 45/6.3)

8 Sec. 6.3. Information provided by the Department of
9 Healthcare and Family Services.

10 (a) The Director of Healthcare and Family Services shall
11 provide, upon request of the Director of Public Health, an
12 electronic record of all children 6 ~~less than 7~~ years of age or
13 younger who receive Medicaid, Kidcare, or other health care
14 benefits from the Department of Healthcare and Family Services.
15 The records shall include a history of claims filed for each
16 child and the health care provider who rendered the services.
17 On at least an annual basis, the Director of Public Health
18 shall match the records provided by the Department of
19 Healthcare and Family Services with the records of children
20 receiving lead tests, as reported to the Department under
21 Section 7 of this Act.

22 (b) The Director of Healthcare and Family Services shall
23 prepare a report documenting the frequency of lead testing and
24 elevated blood and lead levels among children receiving
25 benefits from the Department of Healthcare and Family Services.

1 On at least an annual basis, the Director of Healthcare and
2 Family Services shall prepare and deliver a report to each
3 health care provider who has rendered services to children
4 receiving benefits from the Department of Healthcare and Family
5 Services. The report shall contain the aggregate number of
6 children receiving benefits from the Department of Healthcare
7 and Family Services to whom the provider has provided services,
8 the number and percentage of children tested for lead
9 poisoning, and the number and percentage of children having an
10 elevated blood lead level. The Department of Public Health may
11 exclude health care providers who provide specialized or
12 emergency medical care and who are unlikely to be the primary
13 medical care provider for a child. Upon the request of a
14 provider, the Department of Public Health may generate a list
15 of individual patients treated by that provider according to
16 the claims records and the patients' lead test results.

17 (Source: P.A. 94-879, eff. 6-20-06.)

18 (410 ILCS 45/7) (from Ch. 111 1/2, par. 1307)

19 Sec. 7. Reports of lead poisoning required; lead
20 information to remain confidential; disclosure prohibited.
21 Every physician who diagnoses, or a health care provider,
22 nurse, hospital administrator, or public health officer who has
23 verified information of the existence of a blood lead test
24 result for any child or pregnant person shall report the result
25 to the Department. Results ~~person found or suspected to have a~~

1 ~~level of lead in the blood~~ in excess of the permissible limits
2 set forth in rules ~~regulations~~ adopted by the Department shall
3 be reported to the Department, within 48 hours of receipt of
4 verification. Reports, shall include ~~report to the Department~~
5 the name, address, laboratory results, date of birth, and any
6 other information about the child or pregnant person deemed
7 essential by the Department. Directors of clinical
8 laboratories must report to the Department, within 48 hours of
9 receipt of verification, ~~positive results of~~ all blood lead
10 analyses above permissible limits set forth in rule performed
11 in their facility. The information included in the clinical
12 laboratories report shall include, but not be limited to, the
13 child's name, address, date of birth, name of physician
14 ordering analysis, and specimen type. All blood lead levels
15 less than the permissible limits set forth in rule ~~negative~~
16 ~~results~~ must be reported to the Department in accordance with
17 rules adopted by the Department. These rules shall not require
18 reporting in less than 30 days after the end of the month in
19 which the ~~negative~~ results are obtained. All information
20 obtained by the Department from any source and all information,
21 data, reports, e-mails, letters, and other documents generated
22 by the Department or any of its delegate agencies concerning
23 any person subject to this Act receiving a blood lead test
24 ~~reports~~ shall be treated in the same manner as information
25 subject to the provisions of Part 21 of Article VIII of the
26 Code of Civil Procedure and shall not be disclosed. This

1 prohibition on disclosure extends to all information and
2 reports obtained or created by the Department or any of its
3 delegate agencies concerning any regulated facility that has
4 been identified as a potential lead hazard or a source of lead
5 poisoning. This prohibition on disclosure does not prevent the
6 Department or its delegates from using any information it
7 obtains civilly, criminally, or administratively to prosecute
8 any person who violates this Act, nor does it prevent the
9 Department or its delegates from disclosing any certificate of
10 compliance, notice, or mitigation order issued pursuant to this
11 Act. Any physician, nurse, hospital administrator, director of
12 a clinical laboratory, public health officer, or allied health
13 professional making a report in good faith shall be immune from
14 any civil or criminal liability that otherwise might be
15 incurred from the making of a report.

16 (Source: P.A. 89-381, eff. 8-18-95; 90-182, eff. 1-1-98.)

17 (410 ILCS 45/7.1) (from Ch. 111 1/2, par. 1307.1)

18 Sec. 7.1. Requirements for child ~~Child~~ care facilities ~~must~~
19 ~~require lead blood level screening for admission.~~ Each ~~By~~
20 ~~January 1, 1993,~~ each day care center, day care home,
21 preschool, nursery school, kindergarten, or other child care
22 facility, licensed or approved by the State, including such
23 programs operated by a public school district, shall include a
24 requirement that each parent or legal guardian of a child
25 between one and 7 ~~between the ages of 6 months through 6 years~~

1 of age provide a statement from a physician or health care
2 provider that the child has been ~~risk~~ assessed for risk of lead
3 poisoning or tested or both, as provided in Section 6.2, ~~if the~~
4 ~~child resides in an area defined as low risk by the Department,~~
5 ~~or screened for lead poisoning as provided for in Section 6.2,~~
6 ~~if the child resides in an area defined as high risk.~~ This
7 statement shall be provided prior to admission and subsequently
8 in conjunction with required physical examinations.

9 ~~Nothing in this Section shall be construed to require any~~
10 ~~child to undergo a lead blood level screening or test whose~~
11 ~~parent or guardian objects on the grounds that the screening or~~
12 ~~test conflicts with his or her religious beliefs.~~

13 Child care facilities that participate in the Illinois
14 Child Care Assistance Program (CCAP) shall annually send or
15 deliver to the parents or guardians of children enrolled in the
16 facility's care an informational pamphlet regarding awareness
17 of lead ~~paint~~ poisoning. Pamphlets shall be produced and made
18 available by the Department and shall be downloadable from the
19 Department's Internet website. The Department of Human
20 Services and the Department of Public Health shall assist in
21 the distribution of the pamphlet.

22 (Source: P.A. 94-879, eff. 6-20-06.)

23 (410 ILCS 45/7.2) (from Ch. 111 1/2, par. 1307.2)

24 Sec. 7.2. Fees; reimbursement ~~Laboratory fees for blood~~
25 ~~lead screening; Lead Poisoning Fund.~~

1 (a) The Department may establish fees according to a
2 reasonable fee structure to cover the cost of providing a
3 testing service for laboratory analysis of blood lead tests and
4 any necessary follow-up. Fees collected from the Department's
5 testing service shall be placed in a special fund in the State
6 treasury known as the Lead Poisoning Screening, Prevention, and
7 Abatement Fund. Other State and federal funds for expenses
8 related to lead poisoning screening, follow-up, treatment, and
9 abatement programs may also be placed in the Fund. Moneys shall
10 be appropriated from the Fund to the Department ~~of Public~~
11 ~~Health solely~~ for the implementation and enforcement of this
12 Act the purposes of providing lead screening, follow-up, and
13 treatment programs.

14 (b) The Department shall certify, as required by the
15 Department of Healthcare and Family Services, any
16 non-reimbursed public expenditures for all approved lead
17 testing and evaluation activities for Medicaid-eligible
18 children expended by the Department from the non-federal
19 portion of funds, including, but not limited to, assessment of
20 home, physical, and family environments; comprehensive
21 environmental lead investigation; and laboratory services for
22 Medicaid-eligible children. The Department of Healthcare and
23 Family Services shall provide appropriate Current Procedural
24 Terminology (CPT) Codes for all billable services and claim
25 federal financial participation for the properly certified
26 public expenditures submitted to it by the Department. Any

1 federal financial participation revenue received pursuant to
2 this Act shall be deposited in the Lead Poisoning Screening,
3 Prevention, and Abatement Fund.

4 (c) Any delegate agency may establish fees, according to a
5 reasonable fee structure, to cover the costs of drawing blood
6 for blood lead testing and evaluation ~~screening~~ and any
7 necessary follow-up.

8 (Source: P.A. 87-175.)

9 (410 ILCS 45/8) (from Ch. 111 1/2, par. 1308)

10 Sec. 8. Inspection of dwelling units ~~buildings~~ occupied or
11 previously occupied by a person with an elevated blood lead
12 level ~~screening positive~~. A representative of the Department,
13 or delegate agency, shall ~~may~~, after notification that an
14 occupant of a regulated facility ~~the dwelling unit in question~~
15 is found to have an elevated ~~a~~ blood lead level as ~~value of the~~
16 ~~value~~ set forth in Section 7, upon presentation of the
17 appropriate credentials to the owner, occupant, or his
18 representative, inspect the affected dwelling units ~~dwelling~~
19 ~~or dwelling units~~, at reasonable times, for the purposes of
20 ascertaining that all surfaces accessible to children are
21 intact and in good repair, and for purposes of ascertaining the
22 existence of lead-bearing ~~lead-bearing~~ substances. Such
23 representative of the Department, or delegate agency, may
24 remove samples or objects necessary for laboratory analysis, in
25 the determination of the presence of lead-bearing substances in

1 the regulated facilities ~~designated dwelling or dwelling unit~~.

2 If a regulated facility ~~building~~ is occupied by a child of
3 less than 3 years of age with an elevated blood lead level
4 ~~screening positive~~, the Department, in addition to all other
5 requirements of this Section, must inspect the dwelling unit
6 and common place area of the child with an elevated blood lead
7 level ~~screening positive~~.

8 Following the inspection, the Department or its delegate
9 agency shall:

10 (1) Prepare an inspection report which shall:

11 (A) State the address of the dwelling unit.

12 (B) Describe the scope of the inspection, the
13 inspection procedures used, and the method of
14 ascertaining the existence of a lead-bearing ~~lead~~
15 ~~bearing~~ substance in the dwelling unit.

16 (C) State whether any lead-bearing ~~lead-bearing~~
17 substances were found in the dwelling unit.

18 (D) Describe the nature, extent, and location of
19 any lead-bearing ~~lead-bearing~~ substance that is found.

20 (E) State either that a lead hazard does exist or
21 that a lead hazard does not exist. If a lead hazard
22 does exist, the report shall describe the source,
23 nature and location of the lead hazard. The existence
24 of intact lead paint does not alone constitute a lead
25 hazard for the purposes of this Section.

26 (F) Give the name of the person who conducted the

1 inspection and the person to contact for further
2 information regarding the inspection and the
3 requirements of this Act.

4 (2) Mail or otherwise provide a copy of the inspection
5 report to the property owner and to the occupants of the
6 dwelling unit. If a lead-bearing ~~lead-bearing~~ substance is
7 found, at the time of providing a copy of the inspection
8 report, the Department or its delegate agency shall attach
9 an informational brochure.

10 (Source: P.A. 94-879, eff. 6-20-06.)

11 (410 ILCS 45/8.1) (from Ch. 111 1/2, par. 1308.1)

12 Sec. 8.1. Licensing of lead inspectors and lead risk
13 assessors.

14 (a) ~~The By January 1, 1994, the~~ Department shall establish
15 standards and licensing procedures for lead inspectors and lead
16 risk assessors. An integral element of these procedures shall
17 be an education and training program prescribed by the
18 Department which shall include but not be limited to scientific
19 sampling, chemistry, and construction techniques. No person
20 shall make inspections or risk assessments without first being
21 licensed by the Department. The penalty for inspection or risk
22 assessment without a license shall be a Class A misdemeanor and
23 an administrative fine.

24 (b) The Department shall charge licensed lead inspectors
25 and lead risk assessors reasonable license fees and the fees

1 shall be placed in the Lead Poisoning Screening, Prevention,
2 and Abatement Fund and used to fund the Department's licensing
3 of lead inspectors and lead risk assessors and any other
4 activities prescribed by this Act. A licensed lead ~~An~~ inspector
5 or lead risk assessor employed by the Department or its
6 delegate agency shall not be charged a license fee.

7 (Source: P.A. 87-175.)

8 (410 ILCS 45/8.2) (from Ch. 111 1/2, par. 1308.2)

9 Sec. 8.2. Warrant procedures. If the occupant of a
10 regulated facility ~~residential building or dwelling~~ designated
11 for inspection under Section 8 refuses to allow inspection, an
12 agent of the Department or of the Department's delegate agency
13 may apply for a search warrant to permit entry. A court may
14 issue a warrant upon receiving verification ~~a showing~~ that a
15 victim of lead poisoning resides or has recently resided in the
16 regulated facility during the previous 6 months ~~residential~~
17 ~~building~~. The findings of the inspection shall be reported to
18 the Department and to the appropriate enforcement authorities
19 established in this Act.

20 (Source: P.A. 87-175.)

21 (410 ILCS 45/8.3 new)

22 Sec. 8.3. Stop work orders. Whenever the Department or its
23 delegate agency finds that a situation exists that requires
24 immediate action to protect the public health, it may, without

1 notice or hearing, issue an order requiring that such action be
2 taken as it may deem necessary to protect the public health,
3 including, but not limited to, the issuance of a stop work
4 order, ordering the immediate suspension of any improper
5 activities that may disturb a lead-bearing surface, and
6 requiring that any person found to be improperly conducting
7 such activities immediately cease work. Notwithstanding any
8 other provision in this Act, such order shall be effective
9 immediately. The Attorney General, State's Attorney, or
10 Sheriff of the county in which the property is located has
11 authority to enforce the order after receiving notice thereof.
12 Any person subject to such an order is entitled, upon written
13 request to the Department, to a hearing to determine the
14 continued validity of the order.

15 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

16 Sec. 9. Procedures upon determination of lead hazard.

17 (1) If the inspection report identifies a lead hazard, the
18 Department or delegate agency shall serve a mitigation notice
19 on the property owner that the owner is required to mitigate
20 the lead hazard, and shall indicate the time period specified
21 in this Section in which the owner must complete the
22 mitigation. The notice shall include information describing
23 mitigation activities which meet the requirements of this Act.

24 (2) If the inspection report identifies a lead hazard, the
25 owner shall mitigate the lead hazard in a manner prescribed by

1 the Department and within the time limit prescribed by this
2 Section. The Department shall adopt rules regarding acceptable
3 methods of mitigating a lead hazard. If the source of the lead
4 hazard identified in the inspection report is lead paint or any
5 other lead-bearing ~~leaded~~ surface coating, the lead hazard
6 shall be deemed to have been mitigated if:

7 (A) the ~~The~~ surface identified as the source of the
8 lead hazard is no longer in a condition that produces a
9 hazardous level of lead ~~leaded~~ chips, flakes, dust or any
10 other form of lead-bearing ~~leaded~~ substance, that can be
11 ingested or inhaled by humans, ~~or;~~

12 (B) ~~If~~ the surface identified as the source of the lead
13 hazard is no longer accessible to children and could not
14 reasonably be chewed on by children; or, ~~the surface~~
15 ~~coating is either removed or covered, the surface is~~
16 ~~removed, or the access to the leaded surface by children is~~
17 ~~otherwise prevented as prescribed by the Department.~~

18 (C) the surface coating identified as the source of the
19 lead hazard is either removed or covered, or child access
20 to the lead-bearing surface is otherwise prevented as
21 prescribed by the Department.

22 (3) Mitigation activities which involve the destruction or
23 disturbance of any lead-bearing ~~leaded~~ surface shall be
24 conducted by a licensed lead abatement contractor using
25 licensed lead abatement supervisors or lead abatement workers.
26 The Department may prescribe by rule mitigation activities that

1 may be performed without a licensed lead abatement contractor,
2 lead abatement supervisor, or lead abatement worker. The
3 Department may, on a case by case basis, grant a waiver of the
4 requirement to use licensed lead abatement contractors, lead
5 abatement supervisors, and lead abatement workers, provided
6 the waiver does not endanger the health or safety of humans.

7 (4) The Department shall establish procedures whereby an
8 owner, after receiving a mitigation notice under this Section,
9 may submit a mitigation plan to the Department or delegate
10 agency for review and approval.

11 (5) When a mitigation notice is issued for a dwelling unit
12 inspected as a result of an elevated blood lead level in a
13 pregnant person ~~woman~~ or a child, or if the dwelling unit is
14 occupied by a child ~~under~~ 6 years of age or younger or a
15 pregnant person ~~woman~~, the owner shall mitigate the hazard
16 within 30 days of receiving the notice; when no such child or
17 pregnant person occupies the dwelling unit otherwise, the owner
18 shall complete the mitigation within 90 days.

19 (6) An owner may apply to the Department or its delegate
20 agency for an extension of the deadline for mitigation. If the
21 Department or its delegate agency determines that the owner is
22 making substantial progress toward mitigation, or that the
23 failure to meet the deadline is the result of a shortage of
24 licensed lead abatement contractors, lead abatement
25 supervisors, or lead abatement workers, or that the failure to
26 meet the deadline is because the owner is awaiting the review

1 and approval of a mitigation plan, the Department or delegate
2 agency may grant an extension of the deadline.

3 (7) The Department or its delegate agency may, after the
4 deadline set for completion of mitigation, conduct a follow-up
5 inspection of any dwelling unit for which a mitigation notice
6 was issued for the purpose of determining whether the
7 mitigation actions required have been completed and whether the
8 activities have sufficiently mitigated the lead hazard as
9 provided under this Section. The Department or its delegate
10 agency may conduct a follow-up inspection upon the request of
11 an owner or resident. If, upon completing the follow-up
12 inspection, the Department or its delegate agency finds that
13 the lead hazard for which the mitigation notice was issued is
14 not mitigated, the Department or its delegate agency shall
15 serve the owner with notice of the deficiency and a mitigation
16 order. The order shall indicate the specific actions the owner
17 must take to comply with the mitigation requirements of this
18 Act, which may include lead abatement if lead abatement is the
19 sole means by which the lead hazard can be mitigated. The order
20 shall also include the date by which the mitigation shall be
21 completed. If, upon completing the follow-up inspection, the
22 Department or delegate agency finds that the mitigation
23 requirements of this Act have been satisfied, the Department or
24 delegate agency shall provide the owner with a certificate of
25 compliance stating that the required mitigation has been
26 accomplished.

1 (Source: P.A. 87-175; 87-1144.)

2 (410 ILCS 45/9.1) (from Ch. 111 1/2, par. 1309.1)

3 Sec. 9.1. Owner's obligation to give notice. An owner of a
4 regulated facility ~~dwelling unit or residential building~~ who
5 has received a mitigation notice under Section 9 of this Act
6 shall, before entering into a new lease agreement or sales
7 contract for the dwelling unit for which the mitigation notice
8 was issued, provide prospective lessees or purchasers of that
9 unit with written notice that a lead hazard has previously been
10 identified in the dwelling unit, unless the owner has obtained
11 a certificate of compliance for the unit under Section 9. An
12 owner may satisfy this notice requirement by providing the
13 prospective lessee or purchaser with a copy of the inspection
14 report prepared pursuant to Section 9.

15 Before entering into a residential lease agreement or sales
16 contract, all owners of regulated facilities containing
17 dwelling units ~~residential buildings or dwelling units~~ built
18 before 1978 shall give prospective lessees or purchasers
19 information on the potential health hazards posed by lead in
20 regulated facilities ~~residential dwellings~~ by providing ~~the~~
21 prospective lessees or purchasers ~~lessee~~ with a copy of an
22 informational brochure prepared by the Department. ~~Within one~~
23 ~~year of the effective date of this amendatory Act of 1992,~~
24 ~~owners of residential buildings or dwelling units built before~~
25 ~~1978 shall provide current lessees with such brochure.~~

1 (Source: P.A. 87-1144.)

2 (410 ILCS 45/9.4)

3 Sec. 9.4. Owner's obligation to post notice. The owner of a
4 regulated facility ~~dwelling unit or residential building~~ who
5 has received a mitigation notice under Section 9 of this Act
6 shall post notices at all entrances to ~~in common areas of~~ the
7 regulated facility ~~building~~ specifying the identified lead
8 hazards. The posted notices, drafted by the Department and sent
9 to the property owner with the notification of lead hazards,
10 shall indicate the following:

11 (1) that a unit or units in the building have been
12 found to have lead hazards;

13 (2) that other units in the building may have lead
14 hazards;

15 (3) that the Department recommends that children 6
16 years of age or younger receive a blood lead testing
17 ~~screening~~;

18 (4) where to seek further information; and

19 (5) whether 2 or more mitigation notices have been
20 issued for the regulated facility ~~2 or more dwelling units~~
21 within a 5-year period of time.

22 Once the owner has complied with a mitigation notice or
23 mitigation order issued by the Department, the owner may remove
24 the notices posted pursuant to this Section.

25 (Source: P.A. 94-879, eff. 6-20-06.)

1 (410 ILCS 45/10) (from Ch. 111 1/2, par. 1310)

2 Sec. 10. The Department, or representative of a unit of
3 local government or health department approved by the
4 Department for this purpose, shall report any violation of this
5 Act to the State's Attorney of the county in which the
6 regulated facility dwelling is located. The State's Attorney,
7 ~~who~~ has ~~then~~ the authority to charge the owner with a Class A
8 misdemeanor, and who shall take additional measures to ensure
9 ~~insure~~ that rent is withheld from the owner by the occupants of
10 the ~~dwelling or~~ dwelling units affected, until the mitigation
11 requirements under Section 9 of this Act are complied with.

12 No tenant shall be evicted ~~because an individual with an~~
13 ~~elevated blood lead level or with suspected lead poisoning~~
14 ~~resides in the dwelling unit, or~~ because rent is withheld under
15 the provisions of this Act, or because of any action required
16 of the ~~dwelling~~ owner of the regulated facility as a result of
17 enforcement of this Act.

18 ~~In cases where no action is taken which will result in the~~
19 ~~remedy of the hazard created by the lead bearing substances~~
20 ~~within the stated time period, the local health officer and the~~
21 ~~local building officials may as practical utilize such~~
22 ~~community resources as are available to effect the relocation~~
23 ~~of the individuals who occupied the dwelling or dwelling unit~~
24 ~~affected until the remedy is made by the owner.~~

25 (Source: P.A. 87-175; 87-1144.)

1 (410 ILCS 45/11) (from Ch. 111 1/2, par. 1311)

2 Sec. 11. Lead abatement; ~~Manner of~~ mitigation of lead
3 hazards. All lead abatement and lead mitigation shall be
4 accomplished in a manner prescribed by the Department, which
5 will not endanger the health or well-being of ~~residential~~
6 ~~building or dwelling unit~~ occupants of regulated facilities,
7 and will result in the safe removal from the premises, and the
8 safe disposition, of flakes, chips, debris, dust, and other
9 potentially harmful materials. The Department shall establish,
10 by rule, work practice requirements for lead abatement and lead
11 mitigation.

12 (Source: P.A. 87-175; 87-1144; 88-670, eff. 12-2-94.)

13 (410 ILCS 45/11.05)

14 Sec. 11.05. Advisory Council.

15 (a) The General Assembly finds the following:

16 (1) Lead-based paint poisoning is a potentially
17 devastating but preventable disease and is the number one
18 environmental threat to children's health in the United
19 States.

20 (2) The number of lead-poisoned children in Illinois is
21 among the highest in the nation, especially in older,
22 affordable properties.

23 (3) Lead poisoning causes irreversible damage to the
24 development of a child's nervous system. Even at low and

1 moderate levels, lead poisoning causes learning
2 disabilities, speech problems, shortened attention span,
3 hyperactivity, and behavioral problems. Recent research
4 links high levels of lead exposure to lower IQ scores and
5 to juvenile delinquency.

6 (4) Older housing is the number one risk factor for
7 childhood lead poisoning. Properties built before 1950 are
8 statistically much more likely to contain lead-based paint
9 hazards than buildings constructed more recently.

10 (5) Illinois ranks 10th out of the 50 states in the age
11 of its housing stock. More than 50% of the housing units in
12 Chicago and in Rock Island, Peoria, Macon, Madison, and
13 Kankakee counties were built before 1960 and more than 43%
14 of the housing units in St. Clair, Winnebago, Sangamon,
15 Kane, and Cook counties were built before 1950.

16 (6) There are nearly 1.4 million households with
17 lead-based paint hazards in Illinois.

18 (7) Most children are lead-poisoned in their own homes
19 through exposure to lead dust from deteriorated lead-paint
20 surfaces, like windows, and when lead paint deteriorates or
21 is disturbed through home renovation and repainting.

22 (8) The control of lead hazards significantly reduces
23 lead poisoning rates. Other communities, including New
24 York City and Milwaukee, have successfully reduced lead
25 poisoning rates by removing lead-based paint hazards on
26 windows.

1 (9) Windows are considered a higher lead exposure risk
2 more often than other components in a housing unit. Windows
3 are a major contributor of lead dust in the home, due to
4 both weathering conditions and friction effects on paint.

5 (10) There is an insufficient pool of licensed lead
6 abatement workers and contractors to address the problem in
7 some areas of the State.

8 (11) Training, insurance, and licensing costs for lead
9 removal workers are prohibitively high.

10 (12) Through grants from the United States Department
11 of Housing and Urban Development, some communities in
12 Illinois have begun to reduce lead poisoning of children.
13 While this is an ongoing effort, it addresses only a small
14 number of the low-income children statewide in communities
15 with high levels of lead paint in the housing stock.

16 (b) For purposes of this Section:

17 "Advisory Council" means the Lead-Safe Housing Advisory
18 Council created under subsection (c).

19 "Lead-Safe Housing Maintenance Standards" or "Standards"
20 means standards developed by the Advisory Council pursuant to
21 this Section.

22 "Low-income" means a household at or below 80% of the
23 median income level for a given county as determined annually
24 by the United States Department of Housing and Urban
25 Development.

26 "Primary prevention" means removing lead hazards before a

1 child is poisoned rather than relying on identification of a
2 lead poisoned child as the triggering event.

3 (c) The Lead-Safe Housing Advisory Council is created to
4 advise the Department on lead poisoning prevention activities.
5 The Advisory Council shall be chaired by the Director or his or
6 her designee and the chair of the Illinois Lead Safe Housing
7 Task Force and provided with administrative support by the
8 Department. The Advisory Council shall be comprised of (i) the
9 directors, or their designees, of the Illinois Housing
10 Development Authority and the Environmental Protection Agency;
11 and (ii) the directors, or their designees, of public health
12 departments of counties identified by the Department that
13 contain communities with a concentration of high-risk,
14 lead-contaminated properties.

15 The Advisory Council shall also include the following
16 members appointed by the Governor:

17 (1) One representative from the Illinois Association
18 of Realtors.

19 (2) One representative from the insurance industry.

20 (3) Two pediatricians or other physicians with
21 knowledge of lead-paint poisoning.

22 (4) Two representatives from the private-sector, lead
23 abatement ~~lead-based paint abatement~~ industry who are
24 licensed in Illinois as a lead ~~an~~ abatement contractor,
25 lead abatement supervisor, lead abatement worker, lead
26 inspector, or lead risk assessor.

1 (5) Two representatives from community based
2 organizations in communities with a concentration of high
3 risk lead contaminated properties. High-risk communities
4 shall be identified based upon the prevalence of low-income
5 families whose children are lead poisoned and the age of
6 the housing stock.

7 (6) At least 3 lead-safe housing advocates, including
8 (i) the parent of a lead-poisoned child, (ii) a
9 representative from a child advocacy organization, and
10 (iii) a representative from a tenant housing organization.

11 (7) One representative from the Illinois paint and
12 coatings industry.

13 Within 9 months after its formation, the Advisory Council
14 shall submit a written report to the Governor and the General
15 Assembly on:

16 (1) developing a primary prevention program for
17 addressing lead poisoning;

18 (2) developing a sufficient pool of lead abatement
19 workers and contractors;

20 (3) targeting blood lead testing for ~~screening to~~
21 children residing in high-risk buildings and
22 neighborhoods;

23 (4) ensuring lead-safe work practices in all
24 remodeling, rehabilitation, and weatherization work;

25 (5) funding mechanisms to assist residential property
26 owners in costs of lead abatement and mitigation;

1 (6) providing insurance subsidies to licensed lead
2 abatement contractors who target their work to high-risk
3 communities; and

4 (7) developing any necessary legislation or rulemaking
5 to improve the effectiveness of State and local programs in
6 lead abatement and other prevention and control
7 activities.

8 The Advisory Council shall develop handbooks and training
9 for property owners and tenants explaining the Standards and
10 State and federal requirements for lead-safe housing.

11 The Advisory Council shall meet at least quarterly. Its
12 members shall receive no compensation for their services, but
13 their reasonable travel expenses actually incurred shall be
14 reimbursed by the Department.

15 (Source: P.A. 93-348, eff. 1-1-04; 93-789, eff. 7-22-04.)

16 (410 ILCS 45/11.1) (from Ch. 111 1/2, par. 1311.1)

17 Sec. 11.1. Licensing of lead abatement contractors, lead
18 abatement supervisors, and lead abatement workers. Except as
19 otherwise provided in this Act, performing lead abatement or
20 mitigation without a license is a Class A misdemeanor and is
21 also subject to civil and administrative penalties. The
22 Department shall provide by rule for the licensing of lead
23 abatement contractors, lead abatement supervisors, and lead
24 abatement workers and shall establish rules ~~standards and~~
25 ~~procedures~~ for the licensure. The Department may collect a

1 reasonable fee for the licenses. The fees shall be deposited
2 into the Lead Poisoning Screening, Prevention, and Abatement
3 Fund and used by the Department for the ~~costs of licensing lead~~
4 ~~abatement contractors and workers and other~~ activities
5 prescribed by this Act.

6 The Department shall promote and encourage minorities and
7 females and minority and female owned entities to apply for
8 licensure under this Act ~~as either licensed lead abatement~~
9 ~~workers or licensed lead abatement contractors.~~

10 The Department may adopt any rules necessary to ensure
11 proper implementation and administration of this Act and of the
12 federal Toxic Substances Control Act, 15 USC 2682 and 2684, and
13 the rules adopted ~~regulations promulgated~~ thereunder: Lead;
14 Requirements for Lead-Based Paint Activities (40 CFR 745). The
15 application of this Section shall not be limited to the
16 activities taken in regard to lead poisoned children and shall
17 include all activities related to lead abatement, mitigation
18 and training.

19 No person may act as a lead abatement contractor unless the
20 person is licensed as a lead abatement contractor by the
21 Department in accordance with this Act and the rules adopted
22 under it.

23 No person may act as a lead abatement supervisor unless the
24 person is licensed as a lead abatement supervisor by the
25 Department in accordance with this Act and the rules adopted
26 under it.

1 No person may act as a lead abatement worker unless the
2 person is licensed as a lead abatement worker by the Department
3 in accordance with this Act and the rules adopted under it.

4 Except as otherwise provided by Department rule, on and
5 after the effective date of this amendatory Act of the 98th
6 General Assembly, any licensing requirement adopted pursuant
7 to this Section that may be satisfied by an industrial
8 hygienist licensed pursuant to the Industrial Hygienists
9 Licensure Act repealed in this amendatory Act may be satisfied
10 by a Certified Industrial Hygienist certified by the American
11 Board of Industrial Hygiene.

12 (Source: P.A. 98-78, eff. 7-15-13.)

13 (410 ILCS 45/12.2 new)

14 Sec. 12.2. Violations and enforcement.

15 (a) The following provisions shall apply concerning
16 criminal sanctions:

17 (1) Violation of any Section of this Act other than
18 Section 6.01 or Section 7 shall be punishable as a Class A
19 misdemeanor. A violation of Section 6.01 shall cause the
20 Department to issue a written warning for a first offense
21 and shall be a petty offense for a second or subsequent
22 offense if the violation occurs at the same location within
23 12 months after the first offense.

24 (2) Any person who knowingly violates this Act or the
25 rules adopted by the Department or who knowingly violates

1 any determination or order of the Department under this Act
2 shall be guilty of a Class 4 felony. A person who, after
3 being convicted under this paragraph, knowingly violates
4 this paragraph a second or subsequent time commits a Class
5 3 felony.

6 (3) Any person who knowingly makes a false statement,
7 orally or in writing, to the Department related to or
8 required by this Act, a rule adopted under this Act, any
9 federal law or rule for which the Department has
10 responsibility, or any determination or order of the
11 Department under this Act, or any permit, term, or
12 condition thereof, commits a Class 4 felony, and each such
13 statement or writing shall be considered a separate Class 4
14 felony. A person who, after being convicted under this
15 paragraph, knowingly violates this paragraph a second or
16 subsequent time commits a Class 3 felony.

17 (4) Any criminal action brought under this Section
18 shall be brought by the State's Attorney of the county in
19 which the violation occurred or by the Attorney General and
20 shall be conducted in accordance with the applicable
21 provisions of the Code of Criminal Procedure of 1963.

22 (5) For an offense described in this subsection (a),
23 the period for commencing prosecution prescribed by the
24 statute of limitations shall not begin to run until the
25 offense is discovered by or reported to a State or local
26 agency having the authority to investigate violations of

1 this Act.

2 (6) In addition to any other penalty provided under
3 this Act, the court in a criminal action brought under this
4 subsection (a) may impose upon any person who violates this
5 Act or the rules adopted under this Act or who does not
6 comply with a notice of deficiency and a mitigation order
7 issued under subsection (7) of Section 9 of this Act or who
8 fails to comply with subsection (3) or subsection (5) of
9 Section 9 of this Act a penalty not to exceed \$5,000 for
10 each violation. Each day a violation exists constitutes a
11 separate violation. In assessing a criminal penalty under
12 this Section, the court shall consider any civil fines the
13 person has paid which were imposed pursuant to subsection
14 (b) of this Section. Any penalties collected in a court
15 proceeding shall be deposited into a delegated county lead
16 poisoning screening, prevention, and abatement fund or, if
17 no delegated county or lead poisoning screening,
18 prevention, and abatement fund exists, into the Lead
19 Poisoning Screening, Prevention, and Abatement Fund
20 established under Section 7.2 of this Act.

21 (b) The Department is authorized to assess administrative
22 civil fines against any licensee or any other person who
23 violates this Act or the rules adopted under this Act. These
24 fines may be assessed in addition to or in lieu of license
25 suspensions or revocations and in addition to or in lieu of
26 criminal sanctions. The amount of the administrative civil fine

1 shall be determined by rules adopted by the Department. Each
2 day a violation exists shall constitute a separate violation.
3 The minimum civil fine shall be \$50 per violation per day and
4 the maximum civil fine shall be \$5,000 per violation per day.
5 Any civil fines so collected shall be deposited into the Lead
6 Poisoning Screening, Prevention, and Abatement Fund
7 established under Section 7.2 of this Act.

8 (c) The Director, after notice and opportunity for hearing,
9 may deny, suspend, or revoke a license of a licensee or fine a
10 licensee or any other person who has violated this Act or the
11 rules adopted under this Act. Notice shall be provided by
12 certified mail, return receipt requested, or by personal
13 service, fixing a date, not less than 15 days from the date of
14 such mailing or service, at which time the person shall be
15 given an opportunity to request a hearing. Failure to request a
16 hearing within that time period constitutes a waiver of the
17 right to a hearing. The hearing shall be conducted by the
18 Director or by an individual designated in writing by the
19 Director as a hearing officer to conduct the hearing. On the
20 basis of any such hearing or upon default of the respondent,
21 the Director shall make a determination specifying his or her
22 findings and conclusions. A copy of the determination shall be
23 sent by certified mail, return receipt requested, or served
24 personally upon the respondent.

25 (d) The procedure governing hearings authorized by this
26 Section shall be in accordance with rules adopted by the

1 Department. A full and complete record shall be kept of all
2 proceedings, including the notice of hearing, complaint, and
3 all other documents in the nature of pleadings, written motions
4 filed in the proceedings, and the report and orders of the
5 Director and hearing officer. All testimony shall be reported,
6 but need not be transcribed unless the decision is sought to be
7 reviewed under the Administrative Review Law. A copy or copies
8 of the transcript may be obtained by any interested party on
9 payment of the cost of preparing the copy or copies. The
10 Director or hearing officer shall, upon his or her own motion
11 or on the written request of any party to the proceeding, issue
12 subpoenas requiring the attendance and the giving of testimony
13 by witnesses and subpoenas duces tecum requiring the production
14 of books, papers, records, or memoranda. All subpoenas and
15 subpoenas duces tecum issued under this Act may be served by
16 any person of legal age. The fees of witnesses for attendance
17 and travel shall be the same as the fees of witnesses before
18 the courts of this State, such fees to be paid when the witness
19 is excused from further attendance. When the witness is
20 subpoenaed at the instance of the Director or hearing officer,
21 the fees shall be paid in the same manner as other expenses of
22 the Department, and when the witness is subpoenaed at the
23 instance of any other party to any such proceeding the
24 Department may require that the cost of service of the subpoena
25 or subpoena duces tecum and the fee of the witness be borne by
26 the party at whose instance the witness is summoned. In such

1 case, the Department in its discretion may require a deposit to
2 cover the cost of such service and witness fees. A subpoena or
3 subpoena duces tecum so issued pursuant to this subsection (d)
4 shall be served in the same manner as a subpoena issued by a
5 circuit court.

6 (e) Any circuit court of this State, upon the application
7 of the Director or upon the application of any other party to
8 the proceeding, may, in its discretion, compel the attendance
9 of witnesses, the production of books, papers, records, or
10 memoranda, and the giving of testimony before the Director or
11 hearing officer conducting an investigation or holding a
12 hearing authorized by this Act, by an attachment for contempt
13 or otherwise, in the same manner as production of evidence may
14 be compelled before the court.

15 (f) All final administrative decisions of the Department
16 under this Act shall be subject to judicial review pursuant to
17 the provisions of the Administrative Review Law and the rules
18 adopted under it. "Administrative decision" has the meaning
19 ascribed to it in Section 3-101 of the Code of Civil Procedure.
20 The Department is not required to certify any record or file
21 any answer or otherwise appear in any proceeding for judicial
22 review unless the party filing the complaint deposits with the
23 clerk of the court the sum of \$2 per page representing the
24 costs of the certification. Failure on the part of the
25 plaintiff to make such deposit shall be grounds for dismissal
26 of the action.

1 (g) The State's Attorney of the county in which the
2 violation occurred or the Attorney General shall bring such
3 actions in the name of the people of the State of Illinois and
4 may, in addition to other remedies provided in this Act, bring
5 action for an injunction to restrain such violation, impose
6 civil penalties, and enjoin the operation of any such person or
7 establishment.

8 (410 ILCS 45/13) (from Ch. 111 1/2, par. 1313)

9 Sec. 13. The Department is authorized to adopt ~~promulgate~~
10 reasonable rules ~~and regulations~~ for carrying out the
11 provisions of this Act.

12 (Source: P.A. 87-175.)

13 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

14 Sec. 14. Departmental rules ~~regulations~~ and activities.
15 The Department shall establish and publish rules ~~regulations~~
16 ~~and guidelines~~ governing permissible limits of lead in and
17 about regulated facilities ~~residential buildings and~~
18 ~~dwellings.~~

19 The Department shall also initiate activities that:

20 (a) Either ~~Will either~~ provide for or support the
21 monitoring and validation of all medical laboratories and
22 private and public hospitals that perform lead
23 determination tests on human blood or other tissues.

24 (b) Subject ~~Will, subject~~ to Section 7.2 of this Act,

1 provide laboratory testing of blood specimens for lead
2 content to any physician, hospital, clinic, free clinic,
3 municipality, or private organization that cannot secure
4 or provide the services through other sources. The
5 Department shall not assume responsibility for blood lead
6 analysis required in programs currently in operation.

7 (c) Develop ~~Will develop~~ or encourage the development
8 of appropriate programs and studies to identify sources of
9 lead intoxication and assist other entities in the
10 identification of lead in children's blood and the sources
11 of that intoxication.

12 (d) Provide ~~May provide~~ technical assistance and
13 consultation to local, county, or regional governmental or
14 private agencies for the promotion and development of lead
15 poisoning prevention programs.

16 (e) Provide ~~Will provide~~ recommendations by the
17 Department on the subject of identification, case
18 management, and treatment of lead poisoning.

19 (f) Maintain ~~Will maintain~~ a clearinghouse of
20 information, and will develop additional educational
21 materials, on (i) lead hazards to children, (ii) lead
22 poisoning prevention, (iii) blood lead testing ~~poisoning~~
23 ~~screening~~, (iv) lead mitigation, lead abatement, and
24 disposal, and (v) health hazards during lead abatement. The
25 Department shall make this information available to the
26 general public.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 (410 ILCS 45/9.2 rep.)

3 (410 ILCS 45/9.3 rep.)

4 (410 ILCS 45/11.2 rep.)

5 (410 ILCS 45/12 rep.)

6 Section 10. The Lead Poisoning Prevention Act is amended by
7 repealing Sections 9.2, 9.3, 11.2, and 12.