



Rep. Robyn Gabel

Filed: 3/19/2014

09800HB5410ham001

LRB098 16193 RPM 57015 a

1 AMENDMENT TO HOUSE BILL 5410

2 AMENDMENT NO. _____. Amend House Bill 5410 by replacing
3 everything after the enacting clause with the following:

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 school structure frequented by children
16 ~~through~~ 6 years of age or younger.

1 "Childhood Lead Risk Questionnaire" means the
2 questionnaire developed by the Department for use by physicians
3 and other health care providers to determine risk factors for
4 children 6 years of age or younger residing in areas designated
5 as low risk for lead exposure.

6 "Delegate agency" means a unit of local government or
7 health department approved by the Department to carry out the
8 provisions of this Act.

9 "Department" means the Department of Public Health ~~of the~~
10 ~~State of Illinois.~~

11 "Director" means the Director of Public Health.

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

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

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

19 "Exposed surface" means any interior or exterior surface of
20 a regulated facility.

21 "High risk area" means an area in the State determined by
22 the Department to be high risk for lead exposure for children
23 ~~through~~ 6 years of age or younger. The Department may ~~shall~~
24 consider, but is not ~~be~~ limited to, the following factors to
25 determine a high risk area: age and condition (using Department
26 of Housing and Urban Development definitions of "slum" and

1 "blighted") of housing, proximity to highway traffic or heavy
2 local traffic or both, percentage of housing determined as
3 rental or vacant, proximity to industry using lead, established
4 incidence of elevated blood lead levels in children, percentage
5 of population living below 200% of federal poverty guidelines,
6 and number of children residing in the area who are 6 years of
7 age or younger.

8 ~~"Exposed surface" means any interior or exterior surface of~~
9 ~~a dwelling or residential building.~~

10 "Lead abatement" means any approved work practices that
11 will permanently eliminate lead exposure or remove the
12 lead-bearing substances in a regulated facility. The
13 Department shall establish by rule which work practices are
14 approved or prohibited for lead abatement.

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

18 "Lead abatement supervisor" means any person employed by a
19 lead abatement contractor and licensed by the Department to
20 perform lead abatement and lead mitigation and to supervise
21 lead workers who perform lead abatement and lead mitigation.

22 "Lead abatement worker" means any person employed by a lead
23 abatement contractor and licensed by the Department to perform
24 lead abatement and mitigation.

25 "Lead activities" means the conduct of any lead services,
26 including, lead inspection, lead risk assessment, lead

1 mitigation, or lead abatement work or supervision in a
2 regulated facility.

3 "Lead-bearing substance" ~~"Lead-bearing substance"~~ means
4 any item containing or coated with lead such that the lead
5 content is more than six-hundredths of one percent (0.06%) lead
6 by total weight; or any dust on surfaces or in furniture or
7 other nonpermanent elements of the regulated facility
8 ~~dwelling~~; or any paint or other surface coating material
9 containing more than five-tenths of one percent (0.5%) lead by
10 total weight (calculated as lead metal) in the total
11 non-volatile content of liquid paint; or lead-bearing ~~lead~~
12 ~~bearing~~ substances containing greater than one milligram per
13 square centimeter or any lower standard for lead content in
14 residential paint as may be established by federal law or rule
15 ~~regulation~~; or more than 1 milligram per square centimeter in
16 the dried film of paint or previously applied substance; or
17 item or dust on item containing lead in excess of the amount
18 specified in the rules ~~and regulations~~ authorized by this Act
19 or a lower standard for lead content as may be established by
20 federal law or rule ~~regulation~~. "Lead-bearing substance" ~~"Lead~~
21 ~~bearing substance"~~ does not include firearm ammunition or
22 components as defined by the Firearm Owners Identification Card
23 Act.

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

26 "Lead hazard screen" means a lead risk assessment that

1 involves limited dust and paint sampling for lead-bearing
2 substances and lead hazards. This service is used as a
3 screening tool designed to determine if further lead
4 investigative services are required for the regulated
5 facility.

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

8 "Lead inspector" means an individual who has been trained
9 by a Department-approved training program and is licensed by
10 the Department to conduct lead inspections; to sample for the
11 presence of lead in paint, dust, soil, and water; and to
12 conduct compliance investigations.

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

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

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

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

1 "Lead risk assessment" means an on-site investigation to
2 determine the existence, nature, severity, and location of lead
3 hazards. "Lead risk assessment" includes any lead sampling and
4 visual assessment associated with conducting a lead risk
5 assessment and lead hazard screen and all lead sampling
6 associated with compliance investigations.

7 "Lead risk assessor" means an individual who has been
8 trained by a Department-approved training program and is
9 licensed by the Department to conduct lead risk assessments,
10 lead inspections, and lead hazard screens; to sample for the
11 presence of lead in paint, dust, soil, water, and sources for
12 lead-bearing substances; and to conduct compliance
13 investigations.

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

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

21 "Owner" means any person, who alone, jointly, or severally
22 with others:

- 23 (a) Has legal title to any regulated facility ~~dwelling~~
24 ~~or residential building,~~ with or without ~~accompanying~~
25 actual possession of the regulated facility ~~dwelling or~~
26 ~~residential building,~~ or

1 (b) Has charge, care, or control of the regulated
2 facility ~~dwelling or residential building~~ as owner or agent
3 of the owner, or as executor, administrator, trustee, or
4 guardian of the estate of the owner.

5 "Person" means any individual, partnership, firm, company,
6 limited liability company, corporation, association, joint
7 stock company, trust, estate, political subdivision, State
8 agency, or any other legal entity, or their legal
9 representative, agent, or assign ~~one or more natural persons,~~
10 ~~legal entities, governmental bodies, or any combination.~~

11 "Regulated facility" means a residential building or child
12 care facility.

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

17 ~~"Risk assessment" means a questionnaire to be developed by~~
18 ~~the Department for use by physicians and other health care~~
19 ~~providers to determine risk factors for children through 6~~
20 ~~years of age residing in areas designated as low risk for lead~~
21 ~~exposure.~~

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

23 (410 ILCS 45/3) (from Ch. 111 1/2, par. 1303)

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

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

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

5 (c) In or upon any fixtures or other objects used,
6 installed, or located in or upon any exposed surface of a
7 regulated facility ~~dwelling or residential building, or child~~
8 ~~care facility~~, or intended to be so used, installed, or located
9 and that, in the ordinary course of use, are accessible to or
10 chewable by children;

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

15 (e) Within or upon a regulated facility ~~residential~~
16 ~~building or dwelling, child care facility, school, playground,~~
17 park, or recreational area, or other areas regularly frequented
18 by children.

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

20 (410 ILCS 45/4) (from Ch. 111 1/2, par. 1304)

21 Sec. 4. Sale of items containing lead-bearing ~~lead bearing~~
22 substance. No person shall sell, have, offer for sale, or
23 transfer toys, furniture, clothing, accessories, jewelry,
24 decorative objects, edible items, candy, food, dietary
25 supplements, or other articles used by or intended to be

1 chewable by children that contains a lead-bearing ~~lead-bearing~~
2 substance.

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

4 (410 ILCS 45/5) (from Ch. 111 1/2, par. 1305)

5 Sec. 5. Sale of objects containing lead-bearing ~~lead~~
6 ~~bearing~~ substance. No person shall sell or transfer or offer
7 for sale or transfer any fixtures or other objects intended to
8 be used, installed, or located in or upon any surface of a
9 regulated facility ~~dwelling or residential building, or child~~
10 ~~care facility~~, that contains a lead-bearing ~~lead-bearing~~
11 substance and that, in the ordinary course of use, are
12 accessible to or chewable by children.

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

14 (410 ILCS 45/6) (from Ch. 111 1/2, par. 1306)

15 Sec. 6. Warning statement.

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

17 "Body piercing jewelry" means any part of jewelry that is
18 manufactured or sold for placement in a new piercing or a
19 mucous membrane, but does not include any part of that jewelry
20 that is not placed within a new piercing or a mucous membrane.

21 "Children's jewelry" means jewelry that is made for,
22 marketed for use by, or marketed to children under the age of
23 12 and includes jewelry that meets any of the following
24 conditions:

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

4 (2) sold in conjunction with, attached to, or packaged
5 together with other products that are packaged, displayed,
6 or advertised as appropriate for use by children under the
7 age of 12;

8 (3) sized for children and not intended for use by
9 adults; or

10 (4) sold in any of the following places: a vending
11 machine; a retail store, catalogue, or online Web site in
12 which a person exclusively offers for sale products that
13 are packaged, displayed, or advertised as appropriate for
14 use by children; or a discrete portion of a retail store,
15 catalogue, or online Web site in which a person offers for
16 sale products that are packaged, displayed or advertised as
17 appropriate for use by children.

18 "Child care article" means an item that is designed or
19 intended by the manufacturer to facilitate the sleep,
20 relaxation, or feeding of children ~~under the age of 6~~ years of
21 age or younger or to help with children ~~under the age of 6~~
22 years of age or younger who are sucking or teething. An item
23 meets this definition if it is (i) designed or intended to be
24 used directly in the mouth by the child or (ii) is used to
25 facilitate sleep, relaxation, or feeding of children ~~under the~~
26 ~~age of 6~~ years of age or younger or help with children ~~under~~

1 ~~the age of~~ 6 years of age or younger who are sucking or
2 teething and, because of its proximity to the child, is likely
3 to be mouthed, chewed, sucked, or licked.

4 "Jewelry" means any of the following ornaments worn by a
5 person:

6 (A) Ankle bracelet.

7 (B) Arm cuff.

8 (C) Bracelet.

9 (D) Brooch.

10 (E) Chain.

11 (F) Crown.

12 (G) Cuff link.

13 (H) Hair accessory.

14 (I) Earring.

15 (J) Necklace.

16 (K) Decorative pin.

17 (L) Ring.

18 (M) Body piercing jewelry.

19 (N) Jewelry placed in the mouth for display or
20 ornament.

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

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

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

4 "Toy containing paint" means a toy with an accessible
5 component containing any external coating, including, but not
6 limited to, paint, ink, lacquer, or screen printing, designed
7 for or intended for use by children under the age of 12 at
8 play. For the purposes of this Section, "toy" is any object
9 designed, manufactured, or marketed as a plaything for children
10 under the age of 12 and is excluded from the definitions of
11 "child care article" and "jewelry". In determining whether a
12 toy containing paint is designed for or intended for use by
13 children under the age of 12, the following factors shall be
14 considered:

15 (i) a statement by a manufacturer about the intended
16 use of the product, including a label on the product, if
17 such statement is reasonable;

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

21 (iii) whether the product is commonly recognized by
22 consumers as being intended for use by a child under the
23 age of 12.

24 (b) Children's products. Effective January 1, 2010, no
25 person, firm, or corporation shall sell, have, offer for sale,
26 or transfer the items listed in this Section that contain a

1 total lead content in any component part of the item that is
2 more than 0.004% (40 parts per million) but less than 0.06%
3 (600 parts per million) by total weight or a lower standard for
4 lead content as may be established by federal or State law or
5 rule ~~regulation~~ unless that item bears a warning statement that
6 indicates that at least one component part of the item contains
7 lead.

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

12 An entity is in compliance with this subsection (b) if the
13 warning statement is provided on the children's product or on
14 the label on the immediate container of the children's product.
15 This subsection (b) does not apply to any product for which
16 federal law governs warning in a manner that preempts State
17 authority.

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

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

1 (c) Other lead-bearing ~~lead-bearing~~ substance. No person,
2 firm, or corporation shall have, offer for sale, sell, or give
3 away any lead-bearing ~~lead-bearing~~ substance that may be used
4 by the general public, except as otherwise provided in
5 subsection (b) of this Section, unless it bears the warning
6 statement as prescribed by federal rule ~~regulation~~. (i) If no
7 rule ~~regulation~~ is prescribed, the warning statement shall be
8 as follows when the lead-bearing ~~lead-bearing~~ substance is a
9 lead-based paint or surface coating: "WARNING--CONTAINS LEAD.
10 MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side
11 or Back) Panel. Do not apply on toys, or other children's
12 articles, furniture, or interior, or exterior exposed surfaces
13 of any residential building or facility that may be occupied or
14 used by children. KEEP OUT OF THE REACH OF CHILDREN.". (ii) If
15 no rule ~~regulation~~ is prescribed, the warning statement shall
16 be as follows when the lead-bearing ~~lead-bearing~~ substance
17 contains lead-based paint or a form of lead other than
18 lead-based paint: "WARNING CONTAINS LEAD. MAY BE HARMFUL IF
19 EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF
20 THE REACH OF CHILDREN.".

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

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

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

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

7 (3) the statement shall be legible; and

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

10 Compliance with 16 C.F.R. 1500.121 adopted under the
11 Federal Hazardous Substances Act constitutes compliance with
12 this subsection (d).

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

15 (f) Subsection (c) of this Section does not apply to any
16 component part of a consumer electronic product, including, but
17 not limited to, personal computers, audio and video equipment,
18 calculators, wireless phones, game consoles, and handheld
19 devices incorporating a video screen used to access interactive
20 software and their associated peripherals, that is not
21 accessible to a child through normal and reasonably foreseeable
22 use of the product. A component part is not accessible under
23 this subsection (f) if the component part is not physically
24 exposed by reason of a sealed covering or casing and does not
25 become physically exposed through reasonably foreseeable use
26 and abuse of the product. Paint, coatings, and electroplating,

1 singularly or in any combination, are not sufficient to
2 constitute a sealed covering or casing for purposes of this
3 Section. Coatings and electroplating are sufficient to
4 constitute a sealed covering for connectors, power cords, USB
5 cables, or other similar devices or components used in consumer
6 electronics products.

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

8 (410 ILCS 45/6.01)

9 Sec. 6.01. Warning statement where supplies sold.

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

14 (1) a statement that dry sanding and dry scraping of
15 paint in regulated facilities ~~dwellings~~ built before 1978
16 is dangerous;

17 (2) a statement that the improper removal of old paint
18 is a significant source of lead dust and the primary cause
19 of lead poisoning; and

20 (3) contact information where consumers can obtain
21 more information.

22 (b) The Department shall provide sample posters and
23 brochures that commercial establishments may use. The
24 Department shall make these posters and brochures available in
25 hard copy and via download from the Department's Internet

1 website.

2 (c) A commercial establishment shall be deemed to be in
3 compliance with this Section if the commercial establishment
4 displays lead poisoning prevention posters or provides
5 brochures to its customers that meet the minimum requirements
6 of this Section but come from a source other than the
7 Department.

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

9 (410 ILCS 45/6.1) (from Ch. 111 1/2, par. 1306.1)

10 Sec. 6.1. Removal of leaded soil. The Department shall, in
11 consultation with the Illinois Environmental Protection Agency
12 ~~EPA~~, specify safety guidelines for workers undertaking
13 removal or covering of leaded soil. Soil inspection
14 requirements shall apply to inspection of regulated
15 ~~residential buildings or child care~~ facilities subject to the
16 requirements of this Section.

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

18 (410 ILCS 45/6.2) (from Ch. 111 1/2, par. 1306.2)

19 Sec. 6.2. Testing ~~Physicians to screen~~ children and
20 pregnant persons.

21 (a) Any ~~Every~~ physician licensed to practice medicine in
22 all its branches or health care provider who sees or treats ~~or~~
23 ~~health care provider shall screen~~ children ~~6 months through~~ 6
24 years of age or younger shall test those children for lead

1 poisoning when those children ~~who are determined to~~ reside in
2 an area defined as high risk by the Department. Children
3 residing in areas defined as low risk by the Department shall
4 be evaluated ~~assessed~~ for risk by the Childhood Lead Risk
5 Questionnaire ~~a risk assessment procedure~~ developed by the
6 Department and tested if indicated. Children shall be evaluated
7 ~~screened~~, in accordance with rules adopted by the Department
8 ~~guidelines and criteria set forth by the American Academy of~~
9 ~~Pediatrics, at the priority intervals and using the methods~~
10 ~~specified in the guidelines.~~

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

20 (c) Children 7 ~~6~~ years and older and pregnant persons may
21 also be tested ~~screened~~ by physicians or health care providers,
22 in accordance with rules adopted by the Department ~~guidelines~~
23 ~~and criteria set forth by the American Academy of Pediatrics,~~
24 ~~according to the priority intervals specified in the~~
25 ~~guidelines.~~ Physicians and health care providers shall also
26 evaluate ~~screen~~ children for lead poisoning in conjunction with

1 the school health examination, as required under the School
2 Code, when, in the medical judgement of the physician, advanced
3 practice nurse who has a written collaborative agreement with a
4 collaborating physician that authorizes the advance practice
5 nurse to perform health examinations, or physician assistant
6 who has been delegated to perform health examinations by the
7 supervising physician, the child is potentially at high risk of
8 lead poisoning.

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

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

14 (410 ILCS 45/6.3)

15 Sec. 6.3. Information provided by the Department of
16 Healthcare and Family Services.

17 (a) The Director of Healthcare and Family Services shall
18 provide, upon request of the Director of Public Health, an
19 electronic record of all children 6 ~~less than 7~~ years of age or
20 younger who receive Medicaid, Kidcare, or other health care
21 benefits from the Department of Healthcare and Family Services.
22 The records shall include a history of claims filed for each
23 child and the health care provider who rendered the services.
24 On at least an annual basis, the Director of Public Health
25 shall match the records provided by the Department of

1 Healthcare and Family Services with the records of children
2 receiving lead tests, as reported to the Department under
3 Section 7 of this Act.

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

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

1 Sec. 7. Reports of lead poisoning required; lead
2 information to remain confidential; disclosure prohibited.
3 Every physician who diagnoses, or a health care provider,
4 nurse, hospital administrator, or public health officer who has
5 verified information of the existence of a blood lead test
6 result for any child or pregnant person shall report the result
7 to the Department. Results ~~person found or suspected to have a~~
8 ~~level of lead in the blood~~ in excess of the permissible limits
9 set forth in ~~rules~~ ~~regulations~~ adopted by the Department shall
10 be reported to the Department, within 48 hours of receipt of
11 verification. Reports, shall include ~~report to the Department~~
12 the name, address, laboratory results, date of birth, and any
13 other information about the child or pregnant person deemed
14 essential by the Department. Directors of clinical
15 laboratories must report to the Department, within 48 hours of
16 receipt of verification, ~~positive results of~~ all blood lead
17 analyses above permissible limits set forth in rule performed
18 in their facility. The information included in the clinical
19 laboratories report shall include, but not be limited to, the
20 child's name, address, date of birth, name of physician
21 ordering analysis, and specimen type. All blood lead levels
22 less than the permissible limits set forth in rule ~~negative~~
23 ~~results~~ must be reported to the Department in accordance with
24 rules adopted by the Department. These rules shall not require
25 reporting in less than 30 days after the end of the month in
26 which the ~~negative~~ results are obtained. All information

1 obtained by the Department from any source and all information,
2 data, reports, e-mails, letters, and other documents generated
3 by the Department or any of its delegate agencies concerning
4 any person subject to this Act receiving a blood lead test
5 ~~reports~~ shall be treated in the same manner as information
6 subject to the provisions of Part 21 of Article VIII of the
7 Code of Civil Procedure and shall not be disclosed. This
8 prohibition on disclosure extends to all information and
9 reports obtained or created by the Department or any of its
10 delegate agencies concerning any regulated facility that has
11 been identified as a potential lead hazard or a source of lead
12 poisoning. Any physician, nurse, hospital administrator,
13 director of a clinical laboratory, public health officer, or
14 allied health professional making a report in good faith shall
15 be immune from any civil or criminal liability that otherwise
16 might be incurred from the making of a report.

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

18 (410 ILCS 45/7.1) (from Ch. 111 1/2, par. 1307.1)

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

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

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

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

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

24 (410 ILCS 45/7.2) (from Ch. 111 1/2, par. 1307.2)

25 Sec. 7.2. Laboratory fees for blood lead testing ~~screening~~;

1 Lead Poisoning Fund.

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

15 (b) The Department shall apply to the Department of
16 Healthcare and Family Services for all approved lead testing
17 and evaluation activities for Medicaid-eligible children.
18 Established Current Procedural Terminology (CPT) Codes shall
19 be used to determine billable lead poisoning prevention
20 services. Funds shall be placed in the Lead Poisoning
21 Screening, Prevention, and Abatement Fund.

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

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

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

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

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

25 Following the inspection, the Department or its delegate

1 agency shall:

2 (1) Prepare an inspection report which shall:

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

4 (B) Describe the scope of the inspection, the
5 inspection procedures used, and the method of
6 ascertaining the existence of a lead-bearing ~~lead~~
7 ~~bearing~~ substance in the dwelling unit.

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

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

12 (E) State either that a lead hazard does exist or
13 that a lead hazard does not exist. If a lead hazard
14 does exist, the report shall describe the source,
15 nature and location of the lead hazard. The existence
16 of intact lead paint does not alone constitute a lead
17 hazard for the purposes of this Section.

18 (F) Give the name of the person who conducted the
19 inspection and the person to contact for further
20 information regarding the inspection and the
21 requirements of this Act.

22 (2) Mail or otherwise provide a copy of the inspection
23 report to the property owner and to the occupants of the
24 dwelling unit. If a lead-bearing ~~lead-bearing~~ substance is
25 found, at the time of providing a copy of the inspection
26 report, the Department or its delegate agency shall attach

1 an informational brochure.

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

3 (410 ILCS 45/8.1) (from Ch. 111 1/2, par. 1308.1)

4 Sec. 8.1. Licensing of lead inspectors and lead risk
5 assessors.

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

16 (b) The Department shall charge licensed lead inspectors
17 and lead risk assessors reasonable license fees and the fees
18 shall be placed in the Lead Poisoning Screening, Prevention,
19 and Abatement Fund and used to fund the Department's licensing
20 of lead inspectors and lead risk assessors and any other
21 activities prescribed by this Act. A licensed lead ~~An~~ inspector
22 or lead risk assessor employed by the Department or its
23 delegate agency shall not be charged a license fee.

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

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

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

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

14 (410 ILCS 45/8.3 new)

15 Sec. 8.3. Stop work orders. Whenever the Department or its
16 delegate agency finds that a situation exists that requires
17 immediate action to protect the public health, it may, without
18 notice or hearing, issue an order requiring that such action be
19 taken as it may deem necessary to protect the public health,
20 including, but not limited to, the issuance of a stop work
21 order, ordering the immediate suspension of any improper
22 activities that may disturb a lead-bearing surface, and
23 requiring that any person found to be improperly conducting
24 such activities immediately cease work. Notwithstanding any
25 other provision in this Act, such order shall be effective

1 immediately. The Attorney General, State's Attorney, or
2 Sheriff of the county in which the property is located has
3 authority to enforce the order after receiving notice thereof.
4 Any person subject to such an order is entitled, upon written
5 request to the Department, to a hearing to determine the
6 continued validity of the order.

7 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

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

9 (1) If the inspection report identifies a lead hazard, the
10 Department or delegate agency shall serve a mitigation notice
11 on the property owner that the owner is required to mitigate
12 the lead hazard, and shall indicate the time period specified
13 in this Section in which the owner must complete the
14 mitigation. The notice shall include information describing
15 mitigation activities which meet the requirements of this Act.

16 (2) If the inspection report identifies a lead hazard, the
17 owner shall mitigate the lead hazard in a manner prescribed by
18 the Department and within the time limit prescribed by this
19 Section. The Department shall adopt rules regarding acceptable
20 methods of mitigating a lead hazard. If the source of the lead
21 hazard identified in the inspection report is lead paint or any
22 other lead-bearing ~~leaded~~ surface coating, the lead hazard
23 shall be deemed to have been mitigated if:

24 (A) the ~~The~~ surface identified as the source of the
25 lead hazard is no longer in a condition that produces a

1 hazardous level of lead ~~leaded~~ chips, flakes, dust or any
2 other form of lead-bearing ~~leaded~~ substance, that can be
3 ingested or inhaled by humans, ~~or;~~

4 (B) ~~If~~ the surface identified as the source of the lead
5 hazard is no longer accessible to children and could not
6 reasonably be chewed on by children; ~~or, the surface~~
7 ~~coating is either removed or covered, the surface is~~
8 ~~removed, or the access to the leaded surface by children is~~
9 ~~otherwise prevented as prescribed by the Department.~~

10 (C) the surface coating identified as the source of the
11 lead hazard is either removed or covered, or child access
12 to the lead-bearing surface is otherwise prevented as
13 prescribed by the Department.

14 (3) Mitigation activities which involve the destruction or
15 disturbance of any lead-bearing ~~leaded~~ surface shall be
16 conducted by a licensed lead abatement contractor using
17 licensed lead abatement supervisors or lead abatement workers.
18 The Department may prescribe by rule mitigation activities that
19 may be performed without a licensed lead abatement contractor,
20 lead abatement supervisor, or lead abatement worker. The
21 Department may, on a case by case basis, grant a waiver of the
22 requirement to use licensed lead abatement contractors, lead
23 abatement supervisors, and lead abatement workers, provided
24 the waiver does not endanger the health or safety of humans.

25 (4) The Department shall establish procedures whereby an
26 owner, after receiving a mitigation notice under this Section,

1 may submit a mitigation plan to the Department or delegate
2 agency for review and approval.

3 (5) When a mitigation notice is issued for a dwelling unit
4 inspected as a result of an elevated blood lead level in a
5 pregnant person ~~woman~~ or a child, or if the dwelling unit is
6 occupied by a child ~~under~~ 6 years of age or younger or a
7 pregnant person ~~woman~~, the owner shall mitigate the hazard
8 within 30 days of receiving the notice; when no such child or
9 pregnant person occupies the dwelling unit otherwise, the owner
10 shall complete the mitigation within 90 days.

11 (6) An owner may apply to the Department or its delegate
12 agency for an extension of the deadline for mitigation. If the
13 Department or its delegate agency determines that the owner is
14 making substantial progress toward mitigation, or that the
15 failure to meet the deadline is the result of a shortage of
16 licensed lead abatement contractors, lead abatement
17 supervisors, or lead abatement workers, or that the failure to
18 meet the deadline is because the owner is awaiting the review
19 and approval of a mitigation plan, the Department or delegate
20 agency may grant an extension of the deadline.

21 (7) The Department or its delegate agency may, after the
22 deadline set for completion of mitigation, conduct a follow-up
23 inspection of any dwelling unit for which a mitigation notice
24 was issued for the purpose of determining whether the
25 mitigation actions required have been completed and whether the
26 activities have sufficiently mitigated the lead hazard as

1 provided under this Section. The Department or its delegate
2 agency may conduct a follow-up inspection upon the request of
3 an owner or resident. If, upon completing the follow-up
4 inspection, the Department or its delegate agency finds that
5 the lead hazard for which the mitigation notice was issued is
6 not mitigated, the Department or its delegate agency shall
7 serve the owner with notice of the deficiency and a mitigation
8 order. The order shall indicate the specific actions the owner
9 must take to comply with the mitigation requirements of this
10 Act, which may include lead abatement if lead abatement is the
11 sole means by which the lead hazard can be mitigated. The order
12 shall also include the date by which the mitigation shall be
13 completed. If, upon completing the follow-up inspection, the
14 Department or delegate agency finds that the mitigation
15 requirements of this Act have been satisfied, the Department or
16 delegate agency shall provide the owner with a certificate of
17 compliance stating that the required mitigation has been
18 accomplished.

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

20 (410 ILCS 45/9.1) (from Ch. 111 1/2, par. 1309.1)

21 Sec. 9.1. Owner's obligation to give notice. An owner of a
22 regulated facility ~~dwelling unit or residential building~~ who
23 has received a mitigation notice under Section 9 of this Act
24 shall, before entering into a new lease agreement or sales
25 contract for the dwelling unit for which the mitigation notice

1 was issued, provide prospective lessees or purchasers of that
2 unit with written notice that a lead hazard has previously been
3 identified in the dwelling unit, unless the owner has obtained
4 a certificate of compliance for the unit under Section 9. An
5 owner may satisfy this notice requirement by providing the
6 prospective lessee or purchaser with a copy of the inspection
7 report prepared pursuant to Section 9.

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

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

20 (410 ILCS 45/9.4)

21 Sec. 9.4. Owner's obligation to post notice. The owner of a
22 regulated facility ~~dwelling unit or residential building~~ who
23 has received a mitigation notice under Section 9 of this Act
24 shall post notices at all entrances to ~~in common areas of~~ the
25 regulated facility ~~building~~ specifying the identified lead

1 hazards. The posted notices, drafted by the Department and sent
2 to the property owner with the notification of lead hazards,
3 shall indicate the following:

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

6 (2) that other units in the building may have lead
7 hazards;

8 (3) that the Department recommends that children 6
9 years of age or younger receive a blood lead testing
10 ~~screening~~;

11 (4) where to seek further information; and

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

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

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

19 (410 ILCS 45/10) (from Ch. 111 1/2, par. 1310)

20 Sec. 10. The Department, or representative of a unit of
21 local government or health department approved by the
22 Department for this purpose, shall report any violation of this
23 Act to the State's Attorney of the county in which the
24 regulated facility ~~dwelling~~ is located, who ~~has~~ then shall ~~the~~
25 ~~authority to~~ charge the owner with a Class A misdemeanor, and

1 who shall take additional measures to ensure ~~insure~~ that rent
2 is withheld from the owner by the occupants of the ~~dwelling or~~
3 dwelling units affected, until the mitigation requirements
4 under Section 9 of this Act are complied with.

5 No tenant shall be evicted ~~because an individual with an~~
6 ~~elevated blood lead level or with suspected lead poisoning~~
7 ~~resides in the dwelling unit, or~~ because rent is withheld under
8 the provisions of this Act, or because of any action required
9 of the ~~dwelling~~ owner of the regulated facility as a result of
10 enforcement of this Act.

11 ~~In cases where no action is taken which will result in the~~
12 ~~remedy of the hazard created by the lead-bearing substances~~
13 ~~within the stated time period, the local health officer and the~~
14 ~~local building officials may as practical utilize such~~
15 ~~community resources as are available to effect the relocation~~
16 ~~of the individuals who occupied the dwelling or dwelling unit~~
17 ~~affected until the remedy is made by the owner.~~

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

19 (410 ILCS 45/11) (from Ch. 111 1/2, par. 1311)

20 Sec. 11. Lead abatement; Manner ~~of~~ mitigation of lead
21 hazards. All lead abatement and lead mitigation shall be
22 accomplished in a manner prescribed by the Department, which
23 will not endanger the health or well-being of ~~residential~~
24 ~~building or dwelling unit~~ occupants of regulated facilities,
25 and will result in the safe removal from the premises, and the

1 safe disposition, of flakes, chips, debris, dust, and other
2 potentially harmful materials. The Department shall establish,
3 by rule, work practice requirements for lead abatement and lead
4 mitigation.

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

6 (410 ILCS 45/11.05)

7 Sec. 11.05. Advisory Council.

8 (a) The General Assembly finds the following:

9 (1) Lead-based paint poisoning is a potentially
10 devastating but preventable disease and is the number one
11 environmental threat to children's health in the United
12 States.

13 (2) The number of lead-poisoned children in Illinois is
14 among the highest in the nation, especially in older,
15 affordable properties.

16 (3) Lead poisoning causes irreversible damage to the
17 development of a child's nervous system. Even at low and
18 moderate levels, lead poisoning causes learning
19 disabilities, speech problems, shortened attention span,
20 hyperactivity, and behavioral problems. Recent research
21 links high levels of lead exposure to lower IQ scores and
22 to juvenile delinquency.

23 (4) Older housing is the number one risk factor for
24 childhood lead poisoning. Properties built before 1950 are
25 statistically much more likely to contain lead-based paint

1 hazards than buildings constructed more recently.

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

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

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

14 (8) The control of lead hazards significantly reduces
15 lead poisoning rates. Other communities, including New
16 York City and Milwaukee, have successfully reduced lead
17 poisoning rates by removing lead-based paint hazards on
18 windows.

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

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

26 (11) Training, insurance, and licensing costs for lead

1 removal workers are prohibitively high.

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

8 (b) For purposes of this Section:

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

11 "Lead-Safe Housing Maintenance Standards" or "Standards"
12 means standards developed by the Advisory Council pursuant to
13 this Section.

14 "Low-income" means a household at or below 80% of the
15 median income level for a given county as determined annually
16 by the United States Department of Housing and Urban
17 Development.

18 "Primary prevention" means removing lead hazards before a
19 child is poisoned rather than relying on identification of a
20 lead poisoned child as the triggering event.

21 (c) The Lead-Safe Housing Advisory Council is created to
22 advise the Department on lead poisoning prevention activities.
23 The Advisory Council shall be chaired by the Director or his or
24 her designee and the chair of the Illinois Lead Safe Housing
25 Task Force and provided with administrative support by the
26 Department. The Advisory Council shall be comprised of (i) the

1 directors, or their designees, of the Illinois Housing
2 Development Authority and the Environmental Protection Agency;
3 and (ii) the directors, or their designees, of public health
4 departments of counties identified by the Department that
5 contain communities with a concentration of high-risk,
6 lead-contaminated properties.

7 The Advisory Council shall also include the following
8 members appointed by the Governor:

9 (1) One representative from the Illinois Association
10 of Realtors.

11 (2) One representative from the insurance industry.

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

14 (4) Two representatives from the private-sector, lead
15 abatement ~~lead based paint abatement~~ industry who are
16 licensed in Illinois as a lead ~~an~~ abatement contractor,
17 lead abatement supervisor, lead abatement worker, lead
18 inspector, or lead risk assessor.

19 (5) Two representatives from community based
20 organizations in communities with a concentration of high
21 risk lead contaminated properties. High-risk communities
22 shall be identified based upon the prevalence of low-income
23 families whose children are lead poisoned and the age of
24 the housing stock.

25 (6) At least 3 lead-safe housing advocates, including
26 (i) the parent of a lead-poisoned child, (ii) a

1 representative from a child advocacy organization, and
2 (iii) a representative from a tenant housing organization.

3 (7) One representative from the Illinois paint and
4 coatings industry.

5 Within 9 months after its formation, the Advisory Council
6 shall submit a written report to the Governor and the General
7 Assembly on:

8 (1) developing a primary prevention program for
9 addressing lead poisoning;

10 (2) developing a sufficient pool of lead abatement
11 workers and contractors;

12 (3) targeting blood lead testing for ~~screening to~~
13 children residing in high-risk buildings and
14 neighborhoods;

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

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

19 (6) providing insurance subsidies to licensed lead
20 abatement contractors who target their work to high-risk
21 communities; and

22 (7) developing any necessary legislation or rulemaking
23 to improve the effectiveness of State and local programs in
24 lead abatement and other prevention and control
25 activities.

26 The Advisory Council shall develop handbooks and training

1 for property owners and tenants explaining the Standards and
2 State and federal requirements for lead-safe housing.

3 The Advisory Council shall meet at least quarterly. Its
4 members shall receive no compensation for their services, but
5 their reasonable travel expenses actually incurred shall be
6 reimbursed by the Department.

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

8 (410 ILCS 45/11.1) (from Ch. 111 1/2, par. 1311.1)

9 Sec. 11.1. Licensing of lead abatement contractors, lead
10 abatement supervisors, and lead abatement workers. Except as
11 otherwise provided in this Act, performing lead abatement or
12 mitigation without a license is a Class A misdemeanor and is
13 also subject to civil and administrative penalties. The
14 Department shall provide by rule for the licensing of lead
15 abatement contractors, lead abatement supervisors, and lead
16 abatement workers and shall establish rules ~~standards and~~
17 ~~procedures~~ for the licensure. The Department may collect a
18 reasonable fee for the licenses. The fees shall be deposited
19 into the Lead Poisoning Screening, Prevention, and Abatement
20 Fund and used by the Department for the ~~costs of licensing lead~~
21 ~~abatement contractors and workers and other~~ activities
22 prescribed by this Act.

23 The Department shall promote and encourage minorities and
24 females and minority and female owned entities to apply for
25 licensure under this Act ~~as either licensed lead abatement~~

1 ~~workers or licensed lead abatement contractors.~~

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

11 No person may act as a lead abatement contractor unless the
12 person is licensed as a lead abatement contractor by the
13 Department in accordance with this Act and the rules adopted
14 under it.

15 No person may act as a lead abatement supervisor unless the
16 person is licensed as a lead abatement supervisor by the
17 Department in accordance with this Act and the rules adopted
18 under it.

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

22 Except as otherwise provided by Department rule, on and
23 after the effective date of this amendatory Act of the 98th
24 General Assembly, any licensing requirement adopted pursuant
25 to this Section that may be satisfied by an industrial
26 hygienist licensed pursuant to the Industrial Hygienists

1 Licensure Act repealed in this amendatory Act may be satisfied
2 by a Certified Industrial Hygienist certified by the American
3 Board of Industrial Hygiene.

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

5 (410 ILCS 45/12.2 new)

6 Sec. 12.2. Violations and enforcement.

7 (a) The following provisions shall apply concerning
8 criminal sanctions:

9 (1) Violation of any Section of this Act other than
10 Section 6.01 or Section 7 shall be punishable as a Class A
11 misdemeanor. A violation of Section 6.01 shall cause the
12 Department to issue a written warning for a first offense
13 and shall be a petty offense for a second or subsequent
14 offense if the violation occurs at the same location within
15 12 months after the first offense.

16 (2) Any person who knowingly violates this Act or the
17 rules adopted by the Department or who knowingly violates
18 any determination or order of the Department under this Act
19 shall be guilty of a Class 4 felony. A person who, after
20 being convicted under this paragraph, knowingly violates
21 this paragraph a second or subsequent time commits a Class
22 3 felony.

23 (3) Any person who knowingly makes a false statement,
24 orally or in writing, to the Department related to or
25 required by this Act, a rule adopted under this Act, any

1 federal law or rule for which the Department has
2 responsibility, or any determination or order of the
3 Department under this Act, or any permit, term, or
4 condition thereof, commits a Class 4 felony, and each such
5 statement or writing shall be considered a separate Class 4
6 felony. A person who, after being convicted under this
7 paragraph, knowingly violates this paragraph a second or
8 subsequent time commits a Class 3 felony.

9 (4) Any criminal action brought under this Section
10 shall be brought by the State's Attorney of the county in
11 which the violation occurred or by the Attorney General and
12 shall be conducted in accordance with the applicable
13 provisions of the Code of Criminal Procedure of 1963.

14 (5) For an offense described in this subsection (a),
15 the period for commencing prosecution prescribed by the
16 statute of limitations shall not begin to run until the
17 offense is discovered by or reported to a State or local
18 agency having the authority to investigate violations of
19 this Act.

20 (6) In addition to any other penalty provided under
21 this Act, the court in a criminal action brought under this
22 subsection (a) may impose upon any person who violates this
23 Act or the rules adopted under this Act or who does not
24 comply with a notice of deficiency and a mitigation order
25 issued under subsection (7) of Section 9 of this Act or who
26 fails to comply with subsection (3) or subsection (5) of

1 Section 9 of this Act a penalty not to exceed \$5,000 for
2 each violation. Each day a violation exists constitutes a
3 separate violation. In assessing a criminal penalty under
4 this Section, the court shall consider any civil fines the
5 person has paid which were imposed pursuant to subsection
6 (b) of this Section. Any penalties collected in a court
7 proceeding shall be deposited into a delegated county lead
8 poisoning screening, prevention, and abatement fund or, if
9 no delegated county or lead poisoning screening,
10 prevention, and abatement fund exists, into the Lead
11 Poisoning Screening, Prevention, and Abatement Fund
12 established under Section 7.2 of this Act.

13 (b) The Department is authorized to assess administrative
14 civil fines against any licensee or any other person who
15 violates this Act or the rules adopted under this Act. These
16 fines may be assessed in addition to or in lieu of license
17 suspensions or revocations and in addition to or in lieu of
18 criminal sanctions. The amount of the administrative civil fine
19 shall be determined by rules adopted by the Department. Each
20 day a violation exists shall constitute a separate violation.
21 The minimum civil fine shall be \$50 per violation per day and
22 the maximum civil fine shall be \$5,000 per violation per day.
23 Any civil fines so collected shall be deposited into the Lead
24 Poisoning Screening, Prevention, and Abatement Fund
25 established under Section 7.2 of this Act.

26 (c) The Director, after notice and opportunity for hearing,

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

17 (d) The procedure governing hearings authorized by this
18 Section shall be in accordance with rules adopted by the
19 Department. A full and complete record shall be kept of all
20 proceedings, including the notice of hearing, complaint, and
21 all other documents in the nature of pleadings, written motions
22 filed in the proceedings, and the report and orders of the
23 Director and hearing officer. All testimony shall be reported,
24 but need not be transcribed unless the decision is sought to be
25 reviewed under the Administrative Review Law. A copy or copies
26 of the transcript may be obtained by any interested party on

1 payment of the cost of preparing the copy or copies. The
2 Director or hearing officer shall, upon his or her own motion
3 or on the written request of any party to the proceeding, issue
4 subpoenas requiring the attendance and the giving of testimony
5 by witnesses and subpoenas duces tecum requiring the production
6 of books, papers, records, or memoranda. All subpoenas and
7 subpoenas duces tecum issued under this Act may be served by
8 any person of legal age. The fees of witnesses for attendance
9 and travel shall be the same as the fees of witnesses before
10 the courts of this State, such fees to be paid when the witness
11 is excused from further attendance. When the witness is
12 subpoenaed at the instance of the Director or hearing officer,
13 the fees shall be paid in the same manner as other expenses of
14 the Department, and when the witness is subpoenaed at the
15 instance of any other party to any such proceeding the
16 Department may require that the cost of service of the subpoena
17 or subpoena duces tecum and the fee of the witness be borne by
18 the party at whose instance the witness is summoned. In such
19 case, the Department in its discretion may require a deposit to
20 cover the cost of such service and witness fees. A subpoena or
21 subpoena duces tecum so issued pursuant to this subsection (d)
22 shall be served in the same manner as a subpoena issued by a
23 circuit court.

24 (e) Any circuit court of this State, upon the application
25 of the Director or upon the application of any other party to
26 the proceeding, may, in its discretion, compel the attendance

1 of witnesses, the production of books, papers, records, or
2 memoranda, and the giving of testimony before the Director or
3 hearing officer conducting an investigation or holding a
4 hearing authorized by this Act, by an attachment for contempt
5 or otherwise, in the same manner as production of evidence may
6 be compelled before the court.

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

19 (g) The State's Attorney of the county in which the
20 violation occurred or the Attorney General shall bring such
21 actions in the name of the people of the State of Illinois and
22 may, in addition to other remedies provided in this Act, bring
23 action for an injunction to restrain such violation, impose
24 civil penalties, and enjoin the operation of any such person or
25 establishment.

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

2 Sec. 13. The Department is authorized to adopt ~~promulgate~~
3 reasonable rules ~~and regulations~~ for carrying out the
4 provisions of this Act.

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

6 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

7 Sec. 14. Departmental rules ~~regulations~~ and activities.
8 The Department shall establish and publish rules ~~regulations~~
9 ~~and guidelines~~ governing permissible limits of lead in and
10 about regulated facilities ~~residential buildings~~ and
11 ~~dwellings~~.

12 The Department shall also initiate activities that:

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

17 (b) Subject ~~Will, subject~~ to Section 7.2 of this Act,
18 provide laboratory testing of blood specimens for lead
19 content to any physician, hospital, clinic, free clinic,
20 municipality, or private organization that cannot secure
21 or provide the services through other sources. The
22 Department shall not assume responsibility for blood lead
23 analysis required in programs currently in operation.

24 (c) Develop ~~Will develop~~ or encourage the development
25 of appropriate programs and studies to identify sources of

1 lead intoxication and assist other entities in the
2 identification of lead in children's blood and the sources
3 of that intoxication.

4 (d) Provide ~~May provide~~ technical assistance and
5 consultation to local, county, or regional governmental or
6 private agencies for the promotion and development of lead
7 poisoning prevention programs.

8 (e) Provide ~~Will provide~~ recommendations by the
9 Department on the subject of identification, case
10 management, and treatment of lead poisoning.

11 (f) Maintain ~~Will maintain~~ a clearinghouse of
12 information, and will develop additional educational
13 materials, on (i) lead hazards to children, (ii) lead
14 poisoning prevention, (iii) blood lead testing ~~poisoning~~
15 ~~screening~~, (iv) lead mitigation, lead abatement, and
16 disposal, and (v) health hazards during lead abatement. The
17 Department shall make this information available to the
18 general public.

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

20 (410 ILCS 45/9.2 rep.)

21 (410 ILCS 45/9.3 rep.)

22 (410 ILCS 45/11.2 rep.)

23 (410 ILCS 45/12 rep.)

24 Section 10. The Lead Poisoning Prevention Act is amended by
25 repealing Sections 9.2, 9.3, 11.2, and 12."