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**SUBSTITUTE SENATE BILL 5981**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, Berkey, Roach, Rasmussen, Holmquist, Benton, and Poulsen)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to lead poisoning prevention; adding a new chapter  
2 to Title 70 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds:

5 (1) Nearly three hundred thousand American children may have levels  
6 of lead in their blood in excess of ten micrograms per deciliter.  
7 Unless prevented or treated, elevated blood-lead levels in egregious  
8 cases may result in impairment of the ability to think, concentrate,  
9 and learn.

10 (2) A significant cause of lead poisoning in children is the  
11 ingestion of lead particles from deteriorating lead-based paint in  
12 older, poorly maintained residences.

13 (3) Childhood lead poisoning can be prevented if parents, property  
14 owners, health professionals, and those who work with young children  
15 are informed about the risks of childhood lead poisoning and how to  
16 prevent it.

17 (4) Knowledge of lead-based-paint hazards and their control,  
18 mitigation, abatement, and risk avoidance is not sufficiently  
19 widespread.

1 (5) Most children who live in older homes and who otherwise may be  
2 at risk for childhood lead poisoning are not tested for the presence of  
3 elevated lead levels in their blood.

4 (6) Testing for elevated lead levels in the blood can lead to the  
5 mitigation or prevention of the harmful effects of childhood lead  
6 poisoning and may also prevent similar injuries to other children  
7 living in the same household.

8 NEW SECTION. **Sec. 2.** The definitions in this section apply  
9 throughout this chapter unless the context clearly requires otherwise.

10 (1) "Affected property" means a room or group of rooms within a  
11 property constructed before January 1, 1960, or within a property  
12 constructed between January 1, 1960, and January 1, 1978, where the  
13 owner has actual knowledge of the presence of lead-based paint, that  
14 form a single independent habitable dwelling unit for occupation by one  
15 or more individuals and that have living facilities with permanent  
16 provisions for living, sleeping, eating, cooking, and sanitation.

17 "Affected property" does not include:

18 (a) An area not used for living, sleeping, eating, cooking, or  
19 sanitation, such as an unfinished basement;

20 (b) A unit within a hotel, motel, or similar seasonal or transient  
21 facility, unless such unit is occupied by one or more persons at risk  
22 for a period exceeding thirty days;

23 (c) An area that is secured and inaccessible to occupants; or

24 (d) A unit that is not offered for rent.

25 (2) "Dust-lead hazard" means surface dust in a residential dwelling  
26 or a facility occupied by a person at risk which contains a  
27 mass-per-area concentration of lead equal to or exceeding forty  
28 micrograms per square foot on floors or two hundred fifty micrograms  
29 per square foot on interior windowsills based on wipe samples.

30 (3) "Elevated blood-lead level" means a quantity of lead in whole  
31 venous blood, expressed in micrograms per deciliter, which exceeds ten  
32 micrograms per deciliter or such other level as specifically provided  
33 in this chapter.

34 (4) "Lead-based paint" means paint or other surface coatings that  
35 contain lead equal to or exceeding one milligram per square centimeter,  
36 one-half percent by weight, or six hundred parts per million by weight.

1 (5) "Lead-based paint hazard" means paint-lead hazards and  
2 dust-lead hazards.

3 (6) "Owner" means a person, firm, corporation, nonprofit  
4 organization, partnership, government, guardian, conservator, receiver,  
5 trustee, executor, or other judicial officer, or other entity which,  
6 alone or with others, owns, holds, or controls the freehold or  
7 leasehold title or part of the title to property, with or without  
8 actually possessing it. "Owner" includes a vendee who possesses the  
9 title, but does not include a mortgagee or an owner of a reversionary  
10 interest under a ground rent lease. "Owner" includes any authorized  
11 agent of the owner, including a property manager or leasing agent.

12 (7) "Paint-lead hazard" means any one of the following:

13 (a) Any lead-based paint on a friction surface that is subject to  
14 abrasion and where the dust-lead levels on the nearest horizontal  
15 surface underneath the friction surface, such as the windowsill or  
16 floor, are equal to or greater than the dust-lead hazard levels defined  
17 in this section;

18 (b) Any damaged or otherwise deteriorated lead-based paint on an  
19 impact surface that is caused by impact from a related building  
20 material, such as a door knob that knocks into a wall or a door that  
21 knocks against its door frame;

22 (c) Any chewable lead-based painted surface on which there is  
23 evidence of teeth marks; or

24 (d) Any other deteriorated lead-based paint in or on the exterior  
25 of any residential building or any facility occupied by a person at  
26 risk.

27 (8) "Person at risk" means a child under the age of six years or a  
28 pregnant woman who resides or regularly spends at least twenty-four  
29 hours per week in an affected property.

30 (9) "Secretary" means the secretary of the department of health.

31 (10) "Tenant" means the individual named as the lessee in a lease,  
32 rental agreement, or occupancy agreement for a dwelling unit.

33 NEW SECTION. **Sec. 3.** The secretary shall sponsor a series of  
34 public service announcements on radio, television, the internet, and  
35 print media about the nature of lead-based paint hazards, the  
36 importance of standards for lead poisoning prevention in properties,  
37 the certification and training program administered by the department

1 of community, trade, and economic development under chapter 70.103 RCW,  
2 and the purposes and responsibilities set forth in this chapter. In  
3 developing and coordinating this public information initiative, the  
4 secretary shall seek the participation and involvement of private  
5 industry organizations, including those involved in real estate,  
6 insurance, mortgage banking, and pediatrics.

7 NEW SECTION. **Sec. 4.** By January 1, 2008, the secretary shall  
8 develop culturally and linguistically appropriate information pamphlets  
9 regarding childhood lead poisoning, the importance of testing for  
10 elevated blood-lead levels, prevention of childhood lead poisoning,  
11 treatment of childhood lead poisoning, and, where appropriate, the  
12 requirements of this chapter. These information pamphlets shall be  
13 distributed to parents or other legal guardians of children six years  
14 of age or younger on the following occasions:

15 (1) By a health care provider at the time of a child's birth and at  
16 the time of any childhood immunization or vaccination unless it is  
17 established that such information pamphlet has been provided previously  
18 to the parent or legal guardian by the health care provider within the  
19 prior twelve months; and

20 (2) By the owner or operator of any child care facility or  
21 preschool or kindergarten class on or before October 15th of each  
22 calendar year.

23 NEW SECTION. **Sec. 5.** (1) The secretary shall establish a program  
24 for early identification of persons at risk of having elevated  
25 blood-lead levels. The program shall systematically screen children  
26 under six years of age in the target populations identified in  
27 subsection (2) of this section for the presence of elevated blood-lead  
28 levels. Children within the specified target populations shall be  
29 screened with a blood-lead test at age twelve months and age twenty-  
30 four months, or between the ages of thirty-six months and seventy-two  
31 months if they have not previously been screened. The secretary shall,  
32 after consultation with recognized professional medical groups and such  
33 other sources as the secretary deems appropriate, adopt rules  
34 establishing:

35 (a) The means by which and the intervals at which such children

1 under six years of age shall be screened for lead poisoning and  
2 elevated blood-lead levels; and

3 (b) Guidelines for the medical followup on children found to have  
4 elevated blood-lead levels.

5 (2) In developing screening programs to identify persons at risk  
6 with elevated blood-lead levels, priority shall be given to persons  
7 within the following categories:

8 (a) All children enrolled in the medicaid program at ages twelve  
9 months and twenty-four months, or between the ages of thirty-six months  
10 and seventy-two months if they have not previously been screened;

11 (b) Children under the age of six years exhibiting delayed  
12 cognitive development or other symptoms of childhood lead poisoning;

13 (c) Persons at risk residing in the same household, or recently  
14 residing in the same household, as another person at risk with a  
15 blood-lead level of two micrograms per deciliter or greater;

16 (d) Persons at risk residing, or who have recently resided, in  
17 buildings or geographical areas in which significant numbers of cases  
18 of lead poisoning or elevated blood-lead levels have recently been  
19 reported;

20 (e) Persons at risk residing, or who have recently resided, in an  
21 affected property contained in a building that during the preceding  
22 three years has been subject to enforcement for violations of lead  
23 poisoning prevention statutes, ordinances, rules, or regulations as  
24 specified by the secretary;

25 (f) Persons at risk residing, or who have recently resided, in a  
26 room or group of rooms contained in a building whose owner also owns a  
27 building containing affected properties which during the preceding  
28 three years has been subject to an enforcement action for a violation  
29 of lead poisoning prevention statutes, ordinances, rules, or  
30 regulations; and

31 (g) Persons at risk residing in other buildings or geographical  
32 areas in which the secretary reasonably determines there to be a  
33 significant risk of affected individuals having a blood-lead level of  
34 two micrograms per deciliter or greater.

35 (3) The secretary shall maintain comprehensive records of all  
36 screenings conducted pursuant to this section. Such records shall be  
37 indexed geographically and by owner in order to determine the location

1 of areas of relatively high incidence of lead poisoning and other  
2 elevated blood-lead levels.

3 (4) All cases or probable cases of lead poisoning found in the  
4 course of screenings conducted pursuant to this section shall be  
5 reported to the affected individual, to his or her parent or legal  
6 guardian if he or she is a minor, and to the secretary.

7 NEW SECTION. **Sec. 6.** If any part of this act is found to be in  
8 conflict with federal requirements that are a prescribed condition to  
9 the allocation of federal funds to the state, the conflicting part of  
10 this act is inoperative solely to the extent of the conflict and with  
11 respect to the agencies directly affected, and this finding does not  
12 affect the operation of the remainder of this act in its application to  
13 the agencies concerned. Rules adopted under this act must meet federal  
14 requirements that are a necessary condition to the receipt of federal  
15 funds by the state.

16 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute  
17 a new chapter in Title 70 RCW.

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