

1 AN ACT concerning 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, 7, and 14 as follows:

6 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

8 "Child care facility" means any structure used by a child
9 care provider licensed by the Department of Children and Family
10 Services or public or private school structure frequented by
11 children 6 years of age or younger.

12 "Childhood Lead Risk Questionnaire" means the
13 questionnaire developed by the Department for use by physicians
14 and other health care providers to determine risk factors for
15 children 6 years of age or younger residing in areas designated
16 as low risk for lead exposure.

17 "Delegate agency" means a unit of local government or
18 health department approved by the Department to carry out the
19 provisions of this Act.

20 "Department" means the Department of Public Health.

21 "Director" means the Director of Public Health.

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

1 "Elevated blood lead level" means a blood lead level in
2 excess of the ~~those considered within the permissible~~ limits as
3 established under State ~~and federal~~ rules.

4 "Exposed surface" means any interior or exterior surface of
5 a regulated facility.

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

18 "Lead abatement" means any approved work practices that
19 will permanently eliminate lead exposure or remove the
20 lead-bearing substances in a regulated facility. The
21 Department shall establish by rule which work practices are
22 approved or prohibited for lead abatement.

23 "Lead abatement contractor" means any person or entity
24 licensed by the Department to perform lead abatement and
25 mitigation.

26 "Lead abatement supervisor" means any person employed by a

1 lead abatement contractor and licensed by the Department to
2 perform lead abatement and lead mitigation and to supervise
3 lead workers who perform lead abatement and lead mitigation.

4 "Lead abatement worker" means any person employed by a lead
5 abatement contractor and licensed by the Department to perform
6 lead abatement and mitigation.

7 "Lead activities" means the conduct of any lead services,
8 including, lead inspection, lead risk assessment, lead
9 mitigation, or lead abatement work or supervision in a
10 regulated facility.

11 "Lead-bearing substance" means any item containing or
12 coated with lead such that the lead content is more than
13 six-hundredths of one percent (0.06%) lead by total weight; or
14 any dust on surfaces or in furniture or other nonpermanent
15 elements of the regulated facility; or any paint or other
16 surface coating material containing more than five-tenths of
17 one percent (0.5%) lead by total weight (calculated as lead
18 metal) in the total non-volatile content of liquid paint; or
19 lead-bearing substances containing greater than one milligram
20 per square centimeter or any lower standard for lead content in
21 residential paint as may be established by federal law or rule;
22 or more than 1 milligram per square centimeter in the dried
23 film of paint or previously applied substance; or item or dust
24 on item containing lead in excess of the amount specified in
25 the rules authorized by this Act or a lower standard for lead
26 content as may be established by federal law or rule.

1 "Lead-bearing substance" does not include firearm ammunition
2 or components as defined by the Firearm Owners Identification
3 Card Act.

4 "Lead hazard" means a lead-bearing substance that poses an
5 immediate health hazard to humans.

6 "Lead hazard screen" means a lead risk assessment that
7 involves limited dust and paint sampling for lead-bearing
8 substances and lead hazards. This service is used as a
9 screening tool designed to determine if further lead
10 investigative services are required for the regulated
11 facility.

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

14 "Lead inspector" means an individual who has been trained
15 by a Department-approved training program and is licensed by
16 the Department to conduct lead inspections; to sample for the
17 presence of lead in paint, dust, soil, and water; and to
18 conduct compliance investigations.

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

23 "Lead poisoning" means ~~the condition of having an elevated~~
24 blood lead level. ~~blood lead levels in excess of those~~
25 ~~considered safe under State and federal rules.~~

26 "Lead risk assessment" means an on-site investigation to

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

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

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

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

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

22 (a) Has legal title to any regulated facility, with or
23 without actual possession of the regulated facility, or

24 (b) Has charge, care, or control of the regulated
25 facility as owner or agent of the owner, or as executor,
26 administrator, trustee, or guardian of the estate of the

1 owner.

2 "Person" means any individual, partnership, firm, company,
3 limited liability company, corporation, association, joint
4 stock company, trust, estate, political subdivision, State
5 agency, or any other legal entity, or their legal
6 representative, agent, or assign.

7 "Regulated facility" means a residential building or child
8 care facility.

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

13 (Source: P.A. 98-690, eff. 1-1-15.)

14 (410 ILCS 45/7) (from Ch. 111 1/2, par. 1307)

15 Sec. 7. Reports of lead poisoning required; lead
16 information to remain confidential; disclosure prohibited.
17 Every physician who diagnoses, or a health care provider,
18 nurse, hospital administrator, or public health officer who has
19 verified information of the existence of a blood lead test
20 result for any child or pregnant person shall report the result
21 to the Department. Results identifying an elevated blood lead
22 level ~~in excess of the permissible limits set forth in rules~~
23 ~~adopted by the Department~~ shall be reported to the Department
24 within 48 hours of receipt of verification. Reports shall
25 include the name, address, laboratory results, date of birth,

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

1 Department or its delegates from using any information it
2 obtains civilly, criminally, or administratively to prosecute
3 any person who violates this Act, nor does it prevent the
4 Department or its delegates from disclosing any certificate of
5 compliance, notice, or mitigation order issued pursuant to this
6 Act. Any physician, nurse, hospital administrator, director of
7 a clinical laboratory, public health officer, or allied health
8 professional making a report in good faith shall be immune from
9 any civil or criminal liability that otherwise might be
10 incurred from the making of a report.

11 (Source: P.A. 98-690, eff. 1-1-15.)

12 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

13 Sec. 14. Departmental rules and activities. The Department
14 shall establish and publish rules governing permissible limits
15 of lead in and about regulated facilities.

16 No later than 180 days after the effective date of this
17 amendatory Act of the 100th General Assembly, the Department
18 shall submit proposed amended rules to the Joint Committee on
19 Administrative Rules to update: the definition of elevated
20 blood lead level to be in accordance with the most recent
21 childhood blood lead level reference value from the federal
22 Centers for Disease Control and Prevention; the current
23 requirements for the inspection of regulated facilities
24 occupied by children based on the updated definition of
25 elevated blood lead level or the history of lead hazards; and

1 any other existing rules that will assist the Department in its
2 efforts to prevent, reduce, or mitigate the negative impact of
3 instances of lead poisoning among children. The changes made to
4 this Section by this amendatory Act of the 100th General
5 Assembly do not preclude subsequent rulemaking by the
6 Department.

7 The Department shall also initiate activities that:

8 (a) Either provide for or support the monitoring and
9 validation of all medical laboratories and private and
10 public hospitals that perform lead determination tests on
11 human blood or other tissues.

12 (b) Subject to Section 7.2 of this Act, provide
13 laboratory testing of blood specimens for lead content to
14 any physician, hospital, clinic, free clinic,
15 municipality, or private organization that cannot secure
16 or provide the services through other sources. The
17 Department shall not assume responsibility for blood lead
18 analysis required in programs currently in operation.

19 (c) Develop or encourage the development of
20 appropriate programs and studies to identify sources of
21 lead intoxication and assist other entities in the
22 identification of lead in children's blood and the sources
23 of that intoxication.

24 (d) Provide technical assistance and consultation to
25 local, county, or regional governmental or private
26 agencies for the promotion and development of lead

1 poisoning prevention programs.

2 (e) Provide recommendations by the Department on the
3 subject of identification, case management, and treatment
4 of lead poisoning.

5 (f) Maintain a clearinghouse of information, and will
6 develop additional educational materials, on (i) lead
7 hazards to children, (ii) lead poisoning prevention, (iii)
8 blood lead testing, (iv) lead mitigation, lead abatement,
9 and disposal, and (v) health hazards during lead abatement.
10 The Department shall make this information available to the
11 general public.

12 (Source: P.A. 98-690, eff. 1-1-15.)