



Adopted in House Comm. on Feb 08, 2006

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LRB094 17686 LJB 55489 a

1 AMENDMENT TO HOUSE BILL 4853

2 AMENDMENT NO. _____. Amend House Bill 4853 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 adding Section 50-14.5 as follows:

6 (30 ILCS 500/50-14.5 new)

7 Sec. 50-14.5. Lead Poisoning Prevention Act violations.
8 Owners of residential buildings who have committed a willful or
9 knowing violation of the Lead Poisoning Prevention Act are
10 prohibited from doing business with the State of Illinois or
11 any State agency.

12 Section 10. The Illinois Income Tax Act is amended by
13 adding Section 507MM and by changing Sections 509 and 510 as
14 follows:

15 (35 ILCS 5/507MM new)

16 Sec. 507MM. Lead Poisoning Screening, Prevention, and
17 Abatement Fund checkoff. Beginning with taxable years ending on
18 December 31, 2006, the Department shall print on its standard
19 individual income tax form a provision indicating that if the
20 taxpayer wishes to contribute to the Lead Poisoning Screening,
21 Prevention, and Abatement Fund, as authorized by this
22 amendatory Act of the 94th General Assembly, he or she may do

1 so by stating the amount of the contribution (not less than \$1)
2 on the return and that the contribution will reduce the
3 taxpayer's refund or increase the amount of the payment to
4 accompany the return. Failure to remit any amount of increased
5 payment shall reduce the contribution accordingly. This
6 Section shall not apply to an amended return.

7 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

8 Sec. 509. Tax checkoff explanations. All individual income
9 tax return forms shall contain appropriate explanations and
10 spaces to enable the taxpayers to designate contributions to
11 the following funds: the Child Abuse Prevention Fund, the
12 Illinois Wildlife Preservation Fund (as required by the
13 Illinois Non-Game Wildlife Protection Act), the Alzheimer's
14 Disease Research Fund (as required by the Alzheimer's Disease
15 Research Act), the Assistance to the Homeless Fund (as required
16 by this Act), the Penny Severns Breast and Cervical Cancer
17 Research Fund, the National World War II Memorial Fund, the
18 Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS)
19 Research Fund, the Multiple Sclerosis Assistance Fund, the
20 Sarcoidosis Research Fund, the Leukemia Treatment and
21 Education Fund, the World War II Illinois Veterans Memorial
22 Fund, the Korean War Veterans National Museum and Library Fund,
23 the Illinois Military Family Relief Fund, the Blindness
24 Prevention Fund, the Illinois Veterans' Homes Fund, the
25 Epilepsy Treatment and Education Grants-in-Aid Fund, the
26 Diabetes Research Checkoff Fund, the Vince Demuzio Memorial
27 Colon Cancer Fund, the Autism Research Fund, the Asthma and
28 Lung Research Fund, ~~and~~ the Illinois Brain Tumor Research Fund,
29 and the Lead Poisoning Screening, Prevention, and Abatement
30 Fund.

31 Each form shall contain a statement that the contributions
32 will reduce the taxpayer's refund or increase the amount of
33 payment to accompany the return. Failure to remit any amount of

1 increased payment shall reduce the contribution accordingly.

2 If, on October 1 of any year, the total contributions to
3 any one of the funds made under this Section do not equal
4 \$100,000 or more, the explanations and spaces for designating
5 contributions to the fund shall be removed from the individual
6 income tax return forms for the following and all subsequent
7 years and all subsequent contributions to the fund shall be
8 refunded to the taxpayer.

9 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
10 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
11 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
12 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.
13 8-16-05; 94-649, eff. 8-22-05; revised 8-29-05.)

14 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

15 Sec. 510. Determination of amounts contributed. The
16 Department shall determine the total amount contributed to each
17 of the following: the Child Abuse Prevention Fund, the Illinois
18 Wildlife Preservation Fund, the Assistance to the Homeless
19 Fund, the Alzheimer's Disease Research Fund, the Penny Severns
20 Breast and Cervical Cancer Research Fund, the National World
21 War II Memorial Fund, the Prostate Cancer Research Fund, the
22 Illinois Military Family Relief Fund, the Lou Gehrig's Disease
23 (ALS) Research Fund, the Multiple Sclerosis Assistance Fund,
24 the Sarcoidosis Research Fund, the Leukemia Treatment and
25 Education Fund, the World War II Illinois Veterans Memorial
26 Fund, the Korean War Veterans National Museum and Library Fund,
27 the Illinois Veterans' Homes Fund, the Epilepsy Treatment and
28 Education Grants-in-Aid Fund, the Diabetes Research Checkoff
29 Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism
30 Research Fund, the Blindness Prevention Fund, the Asthma and
31 Lung Research Fund, ~~and~~ the Illinois Brain Tumor Research Fund,
32 and the Lead Poisoning Screening, Prevention, and Abatement
33 Fund; and shall notify the State Comptroller and the State

1 Treasurer of the amounts to be transferred from the General
2 Revenue Fund to each fund, and upon receipt of such
3 notification the State Treasurer and Comptroller shall
4 transfer the amounts.

5 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
6 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
7 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
8 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.
9 8-16-05; 94-649, eff. 8-22-05; revised 8-29-05.)

10 Section 15. The Lead Poisoning Prevention Act is amended by
11 changing Sections 2, 3, 4, 5, 6, 7.1, 8, 9, and 12 and by adding
12 Sections 6.01, 6.3, 9.2, 10.1, and 12.1 as follows:

13 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

15 "Abatement" means the removal or encapsulation of all
16 leadbearing substances in a residential building or dwelling
17 unit.

18 "Child care facility" means any structure used by a child
19 care provider licensed by the Department of Children and Family
20 Services or public school structure frequented by children
21 through 6 years of age.

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

25 "Department" means the Department of Public Health of the
26 State of Illinois.

27 "Dwelling" means any structure all or part of which is
28 designed or used for human habitation.

29 "High risk area" means an area in the State determined by
30 the Department to be high risk for lead exposure for children
31 through 6 years of age. The Department shall consider, but not
32 be limited to, the following factors to determine a high risk

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

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

11 "Lead abatement contractor" means any person or entity
12 licensed by the Department to perform lead abatement and
13 mitigation.

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

17 "Lead bearing substance" means any item containing or
18 coated with lead such that the lead content is more than
19 six-hundredths of one percent (0.06%) lead by weight; or any
20 dust on surfaces or in furniture or other nonpermanent elements
21 of the dwelling; or ~~and~~ any paint or other surface coating
22 material containing more than five-tenths of one percent (0.5%)
23 lead by weight (calculated as lead metal) in the total
24 non-volatile content of liquid paint; ~~or~~ or lead bearing
25 substances containing greater than one milligram per square
26 centimeter or any lower standard for lead content in
27 residential paint as may be established by federal law or
28 regulation; or more than 1 milligram per square centimeter in
29 the dried film of paint or previously applied substance; or
30 item or dust on item ~~object~~ containing lead in excess of the
31 amount specified in the rules and regulations authorized by
32 this Act or a lower standard for lead content as may be
33 established by federal law, ~~or~~ regulation, or guidance.

34 "Lead hazard" means a lead bearing substance that poses an

1 immediate health hazard to humans.

2 "Lead poisoning" means the condition of having blood lead
3 levels in excess of those considered safe under State and
4 federal rules and regulations.

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

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

12 "Owner" means any person, who alone, jointly, or severally
13 with others:

14 (a) Has legal title to any dwelling or residential
15 building, with or without accompanying actual possession
16 of the dwelling or residential building, or

17 (b) Has charge, care or control of the dwelling or
18 residential building as owner or agent of the owner, or as
19 executor, administrator, trustee, or guardian of the
20 estate of the owner.

21 "Person" means any one or more natural persons, legal
22 entities, governmental bodies, or any combination.

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

27 "Risk assessment" means a questionnaire to be developed by
28 the Department for use by physicians and other health care
29 providers to determine risk factors for children through 6
30 years of age residing in areas designated as low risk for lead
31 exposure.

32 (Source: P.A. 89-381, eff. 8-18-95.)

33 (410 ILCS 45/3) (from Ch. 111 1/2, par. 1303)

1 Sec. 3. Lead bearing substance use. No person shall use or
2 apply lead bearing substances:

3 (a) In or upon any exposed surface of a dwelling or
4 dwelling unit;

5 (b) In or around the exposed surfaces of a child care
6 facility or other structure frequented by children;

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

13 (d) In or upon any items, including, but not limited to,
14 clothing, accessories, jewelry, decorative objects, edible or
15 chewable items, candy, food, dietary supplements, toys,
16 furniture, or other articles used by or ~~and~~ chewable by
17 children;

18 (e) Within or upon a residential building or dwelling,
19 child care facility, school, playground, park, or recreational
20 area, or other areas regularly frequented by children.

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

22 (410 ILCS 45/4) (from Ch. 111 1/2, par. 1304)

23 Sec. 4. Sale of items ~~toys or furniture~~ containing lead
24 bearing substance. No person shall sell, have, offer for sale,
25 or transfer toys, ~~or~~ furniture, clothing, accessories,
26 jewelry, decorative objects, edible or chewable items, candy,
27 food, dietary supplements, or other articles used by or
28 chewable by children that contains a lead bearing substance.

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

30 (410 ILCS 45/5) (from Ch. 111 1/2, par. 1305)

31 Sec. 5. Sale of objects containing lead bearing substance.
32 No person shall sell or transfer or offer for sale or transfer

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

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

7 (410 ILCS 45/6) (from Ch. 111 1/2, par. 1306)

8 Sec. 6. Warning statement. No person, firm, or corporation
9 shall have, offer for sale, sell, or give away any lead bearing
10 substance that may be used by the general public unless it
11 bears the warning statement as prescribed by federal
12 regulation. If no regulation is prescribed the warning
13 statement shall be as follows when the lead bearing substance
14 is a lead-based paint or surface coating: "WARNING--CONTAINS
15 LEAD. DRIED FILM OF THIS SUBSTANCE MAY BE HARMFUL IF EATEN OR
16 CHEWED. See Other Cautions on (Side or Back) Panel. Do not
17 apply on toys, or other children's articles, furniture, or
18 interior, or exterior exposed surfaces of any residential
19 building or facility that may be occupied or used by children.
20 KEEP OUT OF THE REACH OF CHILDREN.". If no regulation is
21 prescribed the warning statement shall be as follows when the
22 lead bearing substance contains lead-based paint or a form of
23 lead other than lead-based paint: "WARNING CONTAINS LEAD. MAY
24 BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING
25 LEAD. KEEP OUT OF THE REACH OF CHILDREN.".

26 (a) The generic term of a product, such as "paint" may be
27 substituted for the word "substance" in the above labeling.

28 (b) The placement, conspicuousness, and contrast of the
29 above labeling shall be in accordance with Section 191.101 of
30 the regulations promulgated under the provisions of the Federal
31 Hazardous Substances Act.

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

1 (410 ILCS 45/6.01 new)

2 Sec. 6.01. Warning statement where supplies sold. Any
3 retailer, store, or commercial establishment that offers
4 paint, sandpaper, or other supplies intended for the removal of
5 paint or other surface coatings for sale or for rent to the
6 public shall display, in a prominent and easily visible
7 location, a poster provided by or approved by the Department
8 containing, at a minimum, the following:

9 (1) a statement that dry sanding and dry scraping of
10 paint in dwellings built before 1978 is prohibited;

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

14 (3) the phone number of the Department or delegate
15 agency where customers can obtain additional information.

16 (410 ILCS 45/6.3 new)

17 Sec. 6.3. Information provided by the Department of
18 Healthcare and Family Services.

19 (a) The Director of Healthcare and Family Services shall
20 provide, upon request of the Director of Public Health, an
21 electronic record of all children less than 7 years of age who
22 receive Medicaid, Kidcare, or other health care benefits from
23 the Department of Healthcare and Family Services. The records
24 shall include a history of claims filed for each child and the
25 health care provider who rendered the services. On at least an
26 annual basis, the Director of Public Health shall match the
27 records provided by the Department of Healthcare and Family
28 Services with the records of children receiving lead tests, as
29 reported to the Department under Section 7 of this Act.

30 (b) The Director shall prepare a report documenting the
31 frequency of lead testing and elevated blood and lead levels
32 among children receiving benefits from the Department of
33 Healthcare and Family Services. On at least an annual basis,

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

16 (410 ILCS 45/7.1) (from Ch. 111 1/2, par. 1307.1)

17 Sec. 7.1. Child care facilities must require lead blood
18 level screening for admission. By January 1, 1993, each day
19 care center, day care home, preschool, nursery school,
20 kindergarten, or other child care facility, licensed or
21 approved by the State, including such programs operated by a
22 public school district, shall include a requirement that each
23 parent or legal guardian of a child between the ages of 6
24 months through 6 years provide a statement from a physician or
25 health care provider that the child has been risk assessed, as
26 provided in Section 6.2, if the child resides in an area
27 defined as low risk by the Department, or screened for lead
28 poisoning as provided for in Section 6.2, if the child resides
29 in an area defined as high risk. This statement shall be
30 provided prior to admission and subsequently in conjunction
31 with required physical examinations.

32 Nothing in this Section shall be construed to require any
33 child to undergo a lead blood level screening or test whose

1 parent or guardian objects on the grounds that the screening or
2 test conflicts with his or her religious beliefs.

3 Child care facilities that participate in the Illinois
4 Child Care Assistance Program (CCAP) shall annually send or
5 deliver to the parents or guardians of children enrolled in the
6 facility's care an informational pamphlet regarding awareness
7 of lead paint poisoning. Pamphlets shall be produced and made
8 available by the Department and shall be downloadable from the
9 Department's Internet website. The Department of Human
10 Services and the Department of Public Health shall assist in
11 the distribution of the pamphlet.

12 (Source: P.A. 89-381, eff. 8-18-95.)

13 (410 ILCS 45/8) (from Ch. 111 1/2, par. 1308)

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

28 If a building is occupied by a child of less than 3 years
29 of age screening positive the Department, in addition to all
30 other requirements of this Section, must inspect the dwelling
31 unit and common place area of the child screening positive. The
32 Department may inspect more units as it deems necessary.

33 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 ascertaining
6 the existence of a lead bearing substance in the dwelling
7 unit.

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

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

12 (E) State either that a lead hazard does exist or that
13 a lead hazard does not exist. If a lead hazard does exist,
14 the report shall describe the source, nature and location
15 of the lead hazard. The existence of intact lead paint does
16 not alone constitute a lead hazard for the purposes of this
17 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 requirements
21 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 substance is found, at the
25 time of providing a copy of the inspection report, the
26 Department or its delegate agency shall attach an informational
27 brochure.

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

29 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

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

31 (1) If the inspection report identifies a lead hazard, the
32 Department or delegate agency shall serve a mitigation notice
33 on the property owner that the owner is required to mitigate

1 the lead hazard, and shall indicate the time period specified
2 in this Section in which the owner must complete the
3 mitigation. The notice shall include information describing
4 mitigation activities which meet the requirements of this Act.

5 (2) If the inspection report identifies a lead hazard, the
6 owner shall mitigate the lead hazard in a manner prescribed by
7 the Department and within the time limit prescribed by this
8 Section. The Department shall adopt rules regarding acceptable
9 methods of mitigating a lead hazard. If the source of the lead
10 hazard identified in the inspection report is lead paint or any
11 other leaded surface coating, the lead hazard shall be deemed
12 to have been mitigated if:

13 (A) The surface identified as the source of the hazard
14 is no longer in a condition that produces a hazardous level
15 of leaded chips, flakes, dust or any other form of leaded
16 substance, that can be ingested or inhaled by humans, or;

17 (B) If the surface identified as the source of the
18 hazard is accessible to children and could reasonably be
19 chewed on by children, the surface coating is either
20 removed or covered, the surface is removed, or the access
21 to the leaded surface by children is otherwise prevented as
22 prescribed by the Department.

23 (3) Mitigation activities which involve the destruction or
24 disturbance of any leaded surface shall be conducted by a
25 licensed lead abatement contractor using licensed lead
26 abatement workers. The Department may prescribe by rule
27 mitigation activities that may be performed without a licensed
28 contractor or worker. The Department may, on a case by case
29 basis, grant a waiver of the requirement to use licensed lead
30 abatement contractors and workers, provided the waiver does not
31 endanger the health or safety of humans.

32 (4) The Department shall establish procedures whereby an
33 owner, after receiving a mitigation notice under this Section,
34 may submit a mitigation plan to the Department or delegate

1 agency for review and approval.

2 (5) When a mitigation notice is issued for a dwelling unit
3 inspected as a result of an elevated blood lead level in a
4 pregnant woman or a child, or if the dwelling unit is occupied
5 by a child under 6 years of age or a pregnant woman, the owner
6 shall mitigate the hazard within 30 days of receiving the
7 notice; otherwise, the owner shall complete the mitigation
8 within 90 days.

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

18 (7) The Department or its delegate agency may, after the
19 deadline set for completion of mitigation, conduct a follow-up
20 inspection of any dwelling for which a mitigation notice was
21 issued for the purpose of determining whether the mitigation
22 actions required have been completed and whether the activities
23 have sufficiently mitigated the lead hazard as provided under
24 this Section. The Department or its delegate agency may conduct
25 a follow-up inspection upon the request of an owner or
26 resident. If, upon completing the follow-up inspection, the
27 Department or its delegate agency finds that the lead hazard
28 for which the mitigation notice was issued is not mitigated,
29 the Department or its delegate agency shall serve the owner
30 with notice of the deficiency and a mitigation order. The order
31 shall indicate the specific actions the owner must take to
32 comply with the mitigation requirements of this Act, which may
33 include abatement if abatement is the sole means by which the
34 lead hazard can be mitigated. The order shall also include the

1 date by which the mitigation shall be completed. If, upon
2 completing the follow-up inspection, the Department or
3 delegate agency finds that the mitigation requirements of this
4 Act have been satisfied, the Department or delegate agency
5 shall provide the owner with a certificate of compliance
6 stating that the required mitigation has been accomplished.

7 (8) When mitigation notices are issued for 2 or more
8 dwelling units in a building within a 5-year time period, the
9 Department may inspect all units and common areas in the
10 building or require the building owner to hire a private
11 inspector to perform the inspection. All lead hazards must be
12 mitigated in a reasonable time frame, as determined by rules
13 adopted by the Department by December 31, 2006.

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

15 (410 ILCS 45/9.2 new)

16 Sec. 9.2. Owner's obligation to post notice. The owner of a
17 dwelling unit or residential building who has received a
18 mitigation notice under Section 9 of this Act shall post
19 notices in common areas of the building specifying the
20 identified lead hazards. The posted notices, drafted by the
21 Department and sent to the property owner with the notification
22 of lead hazards, shall indicate the following:

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

25 (2) that other units in the building may have lead
26 hazards;

27 (3) that the Department recommends that children 6
28 years of age or younger receive a blood lead screening; and

29 (4) where to seek further information.

30 (410 ILCS 45/10.1 new)

31 Sec. 10.1. Notice of violations recorded with deeds. If the
32 owner of a property has failed to complete mitigation

1 activities required by the Department or delegate agency within
2 90 days after the issuance of a mitigation notice, the
3 Department or delegate agency shall cause a Notice of Discovery
4 of Lead Hazards to be recorded at the office of the Recorder of
5 Deeds in the county in which the property is located. The
6 Notice shall, at a minimum, consist of the information required
7 by the Recorder of Deeds to record the Notice, the location of
8 the dwelling unit where the hazard is located, and a statement
9 that the Department or delegate agency identified lead hazards
10 in violation of this Act. Upon the issuance of a certificate of
11 compliance, the Department or delegate agency shall provide the
12 property owner with a Release of Notice of Discovery of Lead
13 Hazards that, at a minimum, shall consist of the information
14 required by the Recorder of Deeds to record the Release and a
15 statement that the previously identified lead hazards have been
16 mitigated to the satisfaction of the Department or delegate
17 agency. The owner may cause this Release to be recorded at the
18 office of the Recorder of Deeds in the county in which the
19 property is located. The Release shall release only the Notice
20 of Discovery of Lead Hazards and not any other liens or claims
21 separately recorded by the Department or delegate agency.

22 (410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

23 Sec. 12. Violations of Act.

24 (a) Violation of any Section of this Act other than Section
25 7 shall be punishable as a Class A misdemeanor.

26 (b) In cases where a person is found to have mislabeled,
27 possessed, offered for sale or transfer, sold or transferred,
28 or given away lead-bearing substances, a representative of the
29 Department shall confiscate the lead-bearing substances and
30 retain the substances until they are shown to be in compliance
31 with this Act.

32 (c) In addition to any other penalty provided under this
33 Act, the court in an action brought under subsection (e) may

1 impose upon any person who violates or does not comply with a
2 notice of deficiency and a mitigation order issued under
3 subsection (7) of Section 9 of this Act or who fails to comply
4 with subsection (3) or subsection (5) of Section 9 of this Act
5 a civil penalty not exceeding \$2,500 for each violation, plus
6 \$250 for each day that the violation continues.

7 Any civil penalties collected in a court proceeding shall
8 be deposited into a delegated county lead poisoning screening,
9 prevention, and abatement fund or, if no delegated county or
10 lead poisoning screening, prevention, and abatement fund
11 exists, into the Lead Poisoning Screening, Prevention, and
12 Abatement Fund established under Section 7.2.

13 (d) Whenever the Department finds that an emergency exists
14 that requires immediate action to protect the health of
15 children under this Act, it may, without administrative
16 procedure or notice, cause an action to be brought by the
17 Attorney General or the State's Attorney of the county in which
18 a violation has occurred for a temporary restraining order or a
19 preliminary injunction to require such action as is required to
20 meet the emergency and protect the health of children.

21 (e) The State's Attorney of the county in which a violation
22 occurs or the Attorney General may bring an action for the
23 enforcement of this Act and the rules adopted and orders issued
24 under this Act, in the name of the People of the State of
25 Illinois, and may, in addition to other remedies provided in
26 this Act, bring an action for a temporary restraining order or
27 preliminary injunction as described in subsection (d) or an
28 injunction to restrain any actual or threatened violation or to
29 impose or collect a civil penalty for any violation.

30 (Source: P.A. 92-447, eff. 8-21-01.)

31 (410 ILCS 45/12.1 new)

32 Sec. 12.1. Attorney General and State's Attorney
33 publishing of violators; continuing legal education; report to

1 General Assembly.

2 (a) The Attorney General and State's Attorney offices shall
3 publish a publicly available list of property owners who have
4 repeatedly violated this Act. The Department shall provide the
5 Attorney General and State's Attorney offices with the list on
6 a quarterly basis.

7 (b) The Attorney General and State's Attorney offices shall
8 establish a continuing legal education program for attorneys
9 and judges concerning enforcement of this Act and related laws.

10 (c) The Attorney General and State's Attorney offices shall
11 report to the General Assembly annually the number of lead
12 poisoning cases that have been referred for enforcement and the
13 disposition of those cases.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.".