



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5410

by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Lead Poisoning Prevention Act. Adds to the definitions and makes changes to current definitions. Replaces references of "residential buildings" and "dwelling units" with those of "regulated facilities". Requires certain health care providers to report to the Department of Health when the provider has verified information of the existence of a blood lead test result for any child or pregnant person and prohibits the Department from disclosing information concerning any person with a blood lead level in excess of the permissible limits. Authorizes the Department to issue an order requiring that action be taken as the Department may deem necessary whenever it finds that a situation exists that requires immediate action to protect the public health. Prohibits persons from acting as lead abatement contractors, supervisors, and workers unless licensed accordingly by the Department in accordance with the Act. Sets forth criminal sanctions and civil penalties for violations of the Act. Sets forth provisions concerning hearings. Deletes provisions concerning multiple mitigation notices, financial assistance for mitigation, administrative action, and violations of the Act. Makes other changes.

LRB098 16193 RPM 51251 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning public health.

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

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

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

22 "Child-occupied facility" means a structure or portion of a  
23 structure constructed prior to 1978 and visited regularly by

1 children 6 years of age or younger.

2 "Delegate agency" means a unit of local government or  
3 health department approved by the Department to carry out the  
4 provisions of this Act.

5 "Department" means the Department of Public Health ~~of the~~  
6 ~~State of Illinois.~~

7 "Director" means the Director of Public Health.

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

10 "Elevated blood lead level" means a blood lead level in  
11 excess of those considered safe under State and federal rules.

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

25 "Exposed surface" means any interior or exterior surface of  
26 a regulated facility ~~dwelling or residential building.~~

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

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

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

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

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

20       "Lead bearing substance" means any item containing or  
21 coated with lead such that the lead content is more than  
22 six-hundredths of one percent (0.06%) lead by total weight; or  
23 any dust on surfaces or in furniture or other nonpermanent  
24 elements of the regulated facility ~~dwelling~~; or any paint or  
25 other surface coating material containing more than  
26 five-tenths of one percent (0.5%) lead by total weight

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

14 "Lead hazard" means a lead bearing substance that poses an  
15 immediate health hazard to humans.

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

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

24 "Lead inspector" means an individual who has been trained  
25 by a Department-approved training program and is licensed by  
26 the Department to conduct lead inspections; to sample for the

1 presence of lead in paint, dust, soil, and water; and to  
2 conduct compliance investigations.

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

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

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

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

24 "Lead training program provider" means any person  
25 providing lead training in Illinois to individuals seeking  
26 licensure in accordance with the Act.

1        "Lead mitigation" ~~"Mitigation"~~ means the remediation, in a  
2 manner described in Section 9, of a lead hazard so that the  
3 lead bearing substance does not pose an immediate health hazard  
4 to humans.

5        "Owner" means any person, who alone, jointly, or severally  
6 with others:

7            (a) Has legal title to any regulated facility ~~dwelling~~  
8 ~~or residential building~~, with or without ~~accompanying~~  
9 actual possession of the regulated facility ~~dwelling or~~  
10 ~~residential building~~, or

11            (b) Has charge, care, or control of the regulated  
12 facility ~~dwelling or residential building~~ as owner or agent  
13 of the owner, or as executor, administrator, trustee, or  
14 guardian of the estate of the owner.

15        "Person" means any individual, partnership, firm, company,  
16 limited liability company, corporation, association, joint  
17 stock company, trust, estate, political subdivision, State  
18 agency, or any other legal entity, or their legal  
19 representative, agent, or assign ~~one or more natural persons,~~  
20 ~~legal entities, governmental bodies, or any combination.~~

21        "Regulated facility" means a residential building, child  
22 care facility, or child-occupied facility.

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.

1       ~~"Risk assessment" means a questionnaire to be developed by~~  
2       ~~the Department for use by physicians and other health care~~  
3       ~~providers to determine risk factors for children through 6~~  
4       ~~years of age residing in areas designated as low risk for lead~~  
5       ~~exposure.~~

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

7             (410 ILCS 45/3) (from Ch. 111 1/2, par. 1303)

8             Sec. 3. Lead bearing substance use. No person shall use or  
9       apply lead bearing substances:

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

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

14            (c) In or upon any fixtures or other objects used,  
15       installed, or located in or upon any exposed surface of a  
16       regulated facility ~~dwelling or residential building, or child~~  
17       ~~care facility, or intended to be so used, installed, or located~~  
18       and that, in the ordinary course of use, are accessible to or  
19       chewable by children;

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

24            (e) Within or upon a regulated facility ~~residential~~  
25       ~~building or dwelling, child care facility, school, playground,~~

1 park, or recreational area, or other areas regularly frequented  
2 by children.

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 substance.

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

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

13 (410 ILCS 45/6) (from Ch. 111 1/2, par. 1306)

14 Sec. 6. Warning statement.

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

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

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

24 (1) represented in its packaging, display, or

1 advertising as appropriate for use by children under the  
2 age of 12;

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

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

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

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

1 teething and, because of its proximity to the child, is likely  
2 to be mouthed, chewed, sucked, or licked.

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

5 (A) Ankle bracelet.

6 (B) Arm cuff.

7 (C) Bracelet.

8 (D) Brooch.

9 (E) Chain.

10 (F) Crown.

11 (G) Cuff link.

12 (H) Hair accessory.

13 (I) Earring.

14 (J) Necklace.

15 (K) Decorative pin.

16 (L) Ring.

17 (M) Body piercing jewelry.

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

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

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

26 (Q) A watch in which a timepiece is a component of an

1 item listed in this definition, excluding the timepiece  
2 itself if the timepiece can be removed from the ornament.

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

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

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

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

23 (b) Children's products. Effective January 1, 2010, no  
24 person, firm, or corporation shall sell, have, offer for sale,  
25 or transfer the items listed in this Section that contain a  
26 total lead content in any component part of the item that is

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

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

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

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

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

26 (c) Other lead bearing substance. No person, firm, or

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

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

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

25 (1) the statement shall be located in a prominent place  
26 on the item or package such that consumers are likely to

1 see the statement when it is examined under retail  
2 conditions;

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

5 (3) the statement shall be legible; and

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

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

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

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

1 Section. Coatings and electroplating are sufficient to  
2 constitute a sealed covering for connectors, power cords, USB  
3 cables, or other similar devices or components used in consumer  
4 electronics products.

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

6 (410 ILCS 45/6.01)

7 Sec. 6.01. Warning statement where supplies sold.

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

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

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

18 (3) contact information where consumers can obtain  
19 more information.

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

25 (c) A commercial establishment shall be deemed to be in

1 compliance with this Section if the commercial establishment  
2 displays lead poisoning prevention posters or provides  
3 brochures to its customers that meet the minimum requirements  
4 of this Section but come from a source other than the  
5 Department.

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

7 (410 ILCS 45/6.1) (from Ch. 111 1/2, par. 1306.1)

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

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

16 (410 ILCS 45/6.2) (from Ch. 111 1/2, par. 1306.2)

17 Sec. 6.2. Physicians to screen children.

18 (a) Any ~~Every~~ physician licensed to practice medicine in  
19 all its branches or health care provider who sees or treats ~~or~~  
20 ~~health care provider shall screen~~ children ~~6 months through~~ 6  
21 years of age or younger shall screen those children for lead  
22 poisoning when those children ~~who are determined to~~ reside in  
23 an area defined as high risk by the Department. Children  
24 residing in areas defined as low risk by the Department shall

1 be assessed for risk by the Childhood Lead Risk Questionnaire ~~a~~  
2 ~~risk assessment procedure~~ developed by the Department.  
3 Children shall be screened, in accordance with guidelines and  
4 criteria set forth by the American Academy of Pediatrics, at  
5 the priority intervals and using the methods specified in the  
6 guidelines.

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

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

1 lead poisoning.

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

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

7 (410 ILCS 45/6.3)

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

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

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

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

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

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

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

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

1 Code of Civil Procedure and shall not be disclosed. This  
2 prohibition on disclosure extends to all information and  
3 reports obtained or created by the Department or any of its  
4 delegate agencies concerning any regulated facility that has  
5 been identified as a potential lead hazard or a source of lead  
6 poisoning. Any physician, nurse, hospital administrator,  
7 director of a clinical laboratory, public health officer, or  
8 allied health professional making a report in good faith shall  
9 be immune from any civil or criminal liability that otherwise  
10 might be incurred from the making of a report.

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

12 (410 ILCS 45/7.1) (from Ch. 111 1/2, par. 1307.1)

13 Sec. 7.1. Child care facilities must require ~~lead~~ blood  
14 lead level screening for admission. ~~Each~~ ~~By January 1, 1993,~~  
15 ~~each~~ day care center, day care home, preschool, nursery school,  
16 kindergarten, or other child care facility, licensed or  
17 approved by the State, including such programs operated by a  
18 public school district, shall include a requirement that each  
19 parent or legal guardian of a child ~~between the ages of 6~~  
20 ~~months through~~ 6 years of age or younger provide a statement  
21 from a physician or health care provider that the child has  
22 been screened or ~~risk~~ assessed for lead poisoning, as provided  
23 in Section 6.2, ~~if the child resides in an area defined as low~~  
24 ~~risk by the Department, or screened for lead poisoning as~~  
25 ~~provided for in Section 6.2, if the child resides in an area~~

1 ~~defined as high risk.~~ This statement shall be provided prior to  
2 admission and subsequently in conjunction with required  
3 physical examinations.

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

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

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

18 (410 ILCS 45/7.2) (from Ch. 111 1/2, par. 1307.2)

19 Sec. 7.2. Laboratory fees for blood lead screening; Lead  
20 Poisoning Fund.

21 (a) The Department may establish fees according to a  
22 reasonable fee structure to cover the cost of providing a  
23 testing service for laboratory analysis of blood lead tests and  
24 any necessary follow-up. Fees collected from the Department's  
25 testing service shall be placed in a special fund in the State

1 treasury known as the Lead Poisoning Screening, Prevention, and  
2 Abatement Fund. Other State and federal funds for expenses  
3 related to lead poisoning screening, follow-up, treatment, and  
4 abatement programs may also be placed in the Fund. Moneys shall  
5 be appropriated from the Fund to the Department of Public  
6 Health ~~solely~~ for the implementation and enforcement of this  
7 Act the purposes of providing lead screening, follow up, and  
8 treatment programs.

9 (b) The Department shall apply to the Department of  
10 Healthcare and Family Services for all approved lead screening  
11 and assessment activities for Medicaid-eligible children.  
12 Established Current Procedural Terminology (CPT) Codes shall  
13 be used to determine billable lead poisoning prevention  
14 services. Funds shall be placed in the Lead Poisoning  
15 Screening, Prevention, and Abatement Fund.

16 (c) Any delegate agency may establish fees, according to a  
17 reasonable fee structure, to cover the costs of drawing blood  
18 for blood lead screening and any necessary follow-up.

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

20 (410 ILCS 45/8) (from Ch. 111 1/2, par. 1308)

21 Sec. 8. Inspection of buildings occupied by a person with  
22 an elevated blood lead level ~~screening positive~~. A  
23 representative of the Department, or delegate agency, may,  
24 after notification that an occupant of a regulated facility ~~the~~  
25 ~~dwelling unit in question~~ is found to have a blood lead value

1 ~~as of the value~~ set forth in Section 7, upon presentation of  
2 the appropriate credentials to the owner, occupant, or his  
3 representative, inspect regulated facilities ~~dwelling or~~  
4 ~~dwelling units~~, at reasonable times, for the purposes of  
5 ascertaining that all surfaces accessible to children are  
6 intact and in good repair, and for purposes of ascertaining the  
7 existence of lead bearing substances. Such representative of  
8 the Department, or delegate agency, may remove samples or  
9 objects necessary for laboratory analysis, in the  
10 determination of the presence of lead-bearing substances in the  
11 regulated facilities ~~designated dwelling or dwelling unit~~.

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

18 Following the inspection, the Department or its delegate  
19 agency shall:

20 (1) Prepare an inspection report which shall:

21 (A) State the address of the regulated facility  
22 ~~dwelling unit~~.

23 (B) Describe the scope of the inspection, the  
24 inspection procedures used, and the method of  
25 ascertaining the existence of a lead bearing substance  
26 in the regulated facility ~~dwelling unit~~.

1 (C) State whether any lead bearing substances were  
2 found in the regulated facility ~~dwelling unit~~.

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

5 (E) State either that a lead hazard does exist or  
6 that a lead hazard does not exist. If a lead hazard  
7 does exist, the report shall describe the source,  
8 nature and location of the lead hazard. The existence  
9 of intact lead paint does not alone constitute a lead  
10 hazard for the purposes of this Section.

11 (F) Give the name of the person who conducted the  
12 inspection and the person to contact for further  
13 information regarding the inspection and the  
14 requirements of this Act.

15 (2) Mail or otherwise provide a copy of the inspection  
16 report to the property owner and to the occupants of the  
17 regulated facility ~~dwelling unit~~. If a lead bearing  
18 substance is found, at the time of providing a copy of the  
19 inspection report, the Department or its delegate agency  
20 shall attach an informational brochure.

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

22 (410 ILCS 45/8.1) (from Ch. 111 1/2, par. 1308.1)

23 Sec. 8.1. Licensing of lead inspectors and lead risk  
24 assessors.

25 (a) The ~~By January 1, 1994, the~~ Department shall establish

1 standards and licensing procedures for lead inspectors and lead  
2 risk assessors. An integral element of these procedures shall  
3 be an education and training program prescribed by the  
4 Department which shall include but not be limited to scientific  
5 sampling, chemistry, and construction techniques. No person  
6 shall make inspections or risk assessments without first being  
7 licensed by the Department. The penalty for inspection or risk  
8 assessment without a license shall be a Class A misdemeanor and  
9 an administrative fine.

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

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

19 (410 ILCS 45/8.3 new)

20 Sec. 8.3. Stop work orders. Whenever the Department finds  
21 that a situation exists that requires immediate action to  
22 protect the public health, it may, without notice or hearing,  
23 issue an order requiring that such action be taken as it may  
24 deem necessary to protect the public health, including, but not  
25 limited to, the issuance of a stop work order, ordering the

1 immediate suspension of any improper lead activities or  
2 renovation, and requiring that any person found to be  
3 improperly conducting lead activities immediately cease such  
4 activities. Notwithstanding any other provision in this Act,  
5 such order shall be effective immediately. The Attorney  
6 General, State's Attorney, or Sheriff of the county in which  
7 the property is located has authority to enforce the order  
8 after receiving notice thereof. Any person subject to such an  
9 order is entitled, upon written request to the Department, to a  
10 hearing to determine the continued validity of the order.

11 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

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

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

20 (2) If the inspection report identifies a lead hazard, the  
21 owner shall mitigate the lead hazard in a manner prescribed by  
22 the Department and within the time limit prescribed by this  
23 Section. The Department shall adopt rules regarding acceptable  
24 methods of mitigating a lead hazard. If the source of the lead  
25 hazard identified in the inspection report is lead paint or any

1 other leaded surface coating, the lead hazard shall be deemed  
2 to have been mitigated if:

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

7 (B) If the surface identified as the source of the  
8 hazard is accessible to children and could reasonably be  
9 chewed on by children, the surface coating is either  
10 removed or covered, the surface is removed, or the access  
11 to the leaded surface by children is otherwise prevented as  
12 prescribed by the Department.

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

24 (4) The Department shall establish procedures whereby an  
25 owner, after receiving a mitigation notice under this Section,  
26 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 regulated  
3 facility ~~dwelling unit~~ inspected as a result of an elevated  
4 blood lead level in a pregnant person ~~woman~~ or a child, or if  
5 the regulated facility ~~dwelling unit~~ is occupied by a child  
6 ~~under~~ 6 years of age or younger or a pregnant person ~~woman~~, the  
7 owner shall mitigate the hazard within 30 days of receiving the  
8 notice; otherwise, the owner shall complete the mitigation  
9 within 90 days.

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

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

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

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

19 (410 ILCS 45/9.1) (from Ch. 111 1/2, par. 1309.1)

20 Sec. 9.1. Owner's obligation to give notice. An owner of a  
21 regulated facility ~~dwelling unit or residential building~~ who  
22 has received a mitigation notice under Section 9 of this Act  
23 shall, before entering into a lease agreement for the regulated  
24 facility ~~dwelling unit~~ for which the mitigation notice was  
25 issued, provide prospective lessees of that unit with written

1 notice that a lead hazard has previously been identified in the  
2 regulated facility ~~dwelling unit~~, unless the owner has obtained  
3 a certificate of compliance for the unit under Section 9. An  
4 owner may satisfy this notice requirement by providing the  
5 prospective lessee with a copy of the inspection report  
6 prepared pursuant to Section 9.

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

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

18 (410 ILCS 45/9.4)

19 Sec. 9.4. Owner's obligation to post notice. The owner of a  
20 regulated facility ~~dwelling unit or residential building~~ who  
21 has received a mitigation notice under Section 9 of this Act  
22 shall post notices at all entrances to ~~in common areas of the~~  
23 regulated facility ~~building~~ specifying the identified lead  
24 hazards. The posted notices, drafted by the Department and sent  
25 to the property owner with the notification of lead hazards,

1 shall indicate the following:

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

4 (2) that other units in the building may have lead  
5 hazards;

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

8 (4) where to seek further information; and

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

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

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

16 (410 ILCS 45/10) (from Ch. 111 1/2, par. 1310)

17 Sec. 10. The Department, or representative of a unit of  
18 local government or health department approved by the  
19 Department for this purpose, shall report any violation of this  
20 Act to the State's Attorney of the county in which the  
21 regulated facility ~~dwelling~~ is located, who ~~has~~ then shall ~~the~~  
22 ~~authority to~~ charge the owner with a Class A misdemeanor, and  
23 who shall take additional measures to ensure ~~insure~~ that rent  
24 is withheld from the owner by the occupants of the regulated  
25 facility ~~dwelling or dwelling units~~ affected, until the

1 mitigation requirements under Section 9 of this Act are  
2 complied with.

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

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

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

17 (410 ILCS 45/11) (from Ch. 111 1/2, par. 1311)

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

1 by rule, work practice requirements for lead abatement and lead  
2 mitigation.

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

4 (410 ILCS 45/11.05)

5 Sec. 11.05. Advisory Council.

6 (a) The General Assembly finds the following:

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

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

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

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

25 (5) Illinois ranks 10th out of the 50 states in the age

1 of its housing stock. More than 50% of the housing units in  
2 Chicago and in Rock Island, Peoria, Macon, Madison, and  
3 Kankakee counties were built before 1960 and more than 43%  
4 of the housing units in St. Clair, Winnebago, Sangamon,  
5 Kane, and Cook counties were built before 1950.

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

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

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

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

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

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

26 (12) Through grants from the United States Department

1 of Housing and Urban Development, some communities in  
2 Illinois have begun to reduce lead poisoning of children.  
3 While this is an ongoing effort, it addresses only a small  
4 number of the low-income children statewide in communities  
5 with high levels of lead paint in the housing stock.

6 (b) For purposes of this Section:

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

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

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

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

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

1 and (ii) the directors, or their designees, of public health  
2 departments of counties identified by the Department that  
3 contain communities with a concentration of high-risk,  
4 lead-contaminated properties.

5 The Advisory Council shall also include the following  
6 members appointed by the Governor:

7 (1) One representative from the Illinois Association  
8 of Realtors.

9 (2) One representative from the insurance industry.

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

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

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

22 (6) At least 3 lead-safe housing advocates, including  
23 (i) the parent of a lead-poisoned child, (ii) a  
24 representative from a child advocacy organization, and  
25 (iii) a representative from a tenant housing organization.

26 (7) One representative from the Illinois paint and

1 coatings industry.

2 Within 9 months after its formation, the Advisory Council  
3 shall submit a written report to the Governor and the General  
4 Assembly on:

5 (1) developing a primary prevention program for  
6 addressing lead poisoning;

7 (2) developing a sufficient pool of lead abatement  
8 workers and contractors;

9 (3) targeting blood lead screening to children  
10 residing in high-risk buildings and neighborhoods;

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

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

15 (6) providing insurance subsidies to licensed lead  
16 abatement contractors who target their work to high-risk  
17 communities; and

18 (7) developing any necessary legislation or rulemaking  
19 to improve the effectiveness of State and local programs in  
20 lead abatement and other prevention and control  
21 activities.

22 The Advisory Council shall develop handbooks and training  
23 for property owners and tenants explaining the Standards and  
24 State and federal requirements for lead-safe housing.

25 The Advisory Council shall meet at least quarterly. Its  
26 members shall receive no compensation for their services, but

1 their reasonable travel expenses actually incurred shall be  
2 reimbursed by the Department.

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

4 (410 ILCS 45/11.1) (from Ch. 111 1/2, par. 1311.1)

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

19 The Department shall promote and encourage minorities and  
20 females and minority and female owned entities to apply for  
21 licensure under this Act ~~as either licensed lead abatement~~  
22 ~~workers or licensed lead abatement contractors~~.

23 The Department may adopt any rules necessary to ensure  
24 proper implementation and administration of this Act and of the  
25 federal Toxic Substances Control Act, 15 USC 2682 and 2684, and

1 the rules adopted ~~regulations promulgated~~ thereunder: Lead;  
2 Requirements for Lead-Based Paint Activities (40 CFR 745). The  
3 application of this Section shall not be limited to the  
4 activities taken in regard to lead poisoned children and shall  
5 include all activities related to lead abatement, mitigation  
6 and training.

7 No person may act as a lead abatement contractor unless the  
8 person is licensed as a lead abatement contractor by the  
9 Department in accordance with this Act and the rules adopted  
10 under it.

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

18 Except as otherwise provided by Department rule, on and  
19 after the effective date of this amendatory Act of the 98th  
20 General Assembly, any licensing requirement adopted pursuant  
21 to this Section that may be satisfied by an industrial  
22 hygienist licensed pursuant to the Industrial Hygienists  
23 Licensure Act repealed in this amendatory Act may be satisfied  
24 by a Certified Industrial Hygienist certified by the American  
25 Board of Industrial Hygiene.

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

1 (410 ILCS 45/12.2 new)

2 Sec. 12.2. Violations and enforcement.

3 (a) The following provisions shall apply concerning  
4 criminal sanctions:

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

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

19 (3) Any person who knowingly makes a false statement,  
20 orally or in writing, to the Department related to or  
21 required by this Act, a rule adopted under this Act, any  
22 federal law or rule for which the Department has  
23 responsibility, or any determination or order of the  
24 Department under this Act, or any permit, term, or  
25 condition thereof, commits a Class 4 felony, and each such

1 statement or writing shall be considered a separate Class 4  
2 felony. A person who, after being convicted under this  
3 paragraph, violates this paragraph a second or subsequent  
4 time commits a Class 3 felony.

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

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

16 (6) In addition to any other penalty provided under  
17 this Act, the court in a criminal action brought under this  
18 subsection (a) may impose upon any person who violates this  
19 Act or the rules adopted under this Act or who does not  
20 comply with a notice of deficiency and a mitigation order  
21 issued under subsection (7) of Section 9 of this Act or who  
22 fails to comply with subsection (3) or subsection (5) of  
23 Section 9 of this Act a penalty not to exceed \$5,000 for  
24 each violation. Each day a violation exists constitutes a  
25 separate violation. Any penalties collected in a court  
26 proceeding shall be deposited into a delegated county lead

1       poisoning screening, prevention, and abatement fund or, if  
2       no delegated county or lead poisoning screening,  
3       prevention, and abatement fund exists, into the Lead  
4       Poisoning Screening, Prevention, and Abatement Fund  
5       established under Section 7.2 of this Act.

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

19       (c) The Director, after notice and opportunity for hearing,  
20       may deny, suspend, or revoke a license of a licensee or fine a  
21       licensee or any other person who has violated this Act or the  
22       rules adopted under this Act. Notice shall be provided by  
23       certified mail, return receipt requested, or by personal  
24       service, fixing a date, not less than 15 days from the date of  
25       such mailing or service, at which time the person shall be  
26       given an opportunity to request a hearing. Failure to request a

1 hearing within that time period constitutes a waiver of the  
2 right to a hearing. The hearing shall be conducted by the  
3 Director or by an individual designated in writing by the  
4 Director as a hearing officer to conduct the hearing. On the  
5 basis of any such hearing or upon default of the respondent,  
6 the Director shall make a determination specifying his or her  
7 findings and conclusions. A copy of the determination shall be  
8 sent by certified mail, return receipt requested, or served  
9 personally upon the respondent.

10 (d) The procedure governing hearings authorized by this  
11 Section shall be in accordance with rules adopted by the  
12 Department. A full and complete record shall be kept of all  
13 proceedings, including the notice of hearing, complaint, and  
14 all other documents in the nature of pleadings, written motions  
15 filed in the proceedings, and the report and orders of the  
16 Director and hearing officer. All testimony shall be reported,  
17 but need not be transcribed unless the decision is sought to be  
18 reviewed under the Administrative Review Law. A copy or copies  
19 of the transcript may be obtained by any interested party on  
20 payment of the cost of preparing the copy or copies. The  
21 Director or hearing officer shall, upon his or her own motion  
22 or on the written request of any party to the proceeding, issue  
23 subpoenas requiring the attendance and the giving of testimony  
24 by witnesses and subpoenas duces tecum requiring the production  
25 of books, papers, records, or memoranda. All subpoenas and  
26 subpoenas duces tecum issued under this Act may be served by

1 any person of legal age. The fees of witnesses for attendance  
2 and travel shall be the same as the fees of witnesses before  
3 the courts of this State, such fees to be paid when the witness  
4 is excused from further attendance. When the witness is  
5 subpoenaed at the instance of the Director or hearing officer,  
6 the fees shall be paid in the same manner as other expenses of  
7 the Department, and when the witness is subpoenaed at the  
8 instance of any other party to any such proceeding the  
9 Department may require that the cost of service of the subpoena  
10 or subpoena duces tecum and the fee of the witness be borne by  
11 the party at whose instance the witness is summoned. In such  
12 case, the Department in its discretion may require a deposit to  
13 cover the cost of such service and witness fees. A subpoena or  
14 subpoena duces tecum so issued pursuant to this subsection (d)  
15 shall be served in the same manner as a subpoena issued by a  
16 circuit court.

17 (e) Any circuit court of this State, upon the application  
18 of the Director or upon the application of any other party to  
19 the proceeding, may, in its discretion, compel the attendance  
20 of witnesses, the production of books, papers, records, or  
21 memoranda, and the giving of testimony before the Director or  
22 hearing officer conducting an investigation or holding a  
23 hearing authorized by this Act, by an attachment for contempt  
24 or otherwise, in the same manner as production of evidence may  
25 be compelled before the court.

26 (f) All final administrative decisions of the Department

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

12 (g) The State's Attorney of the county in which the  
13 violation occurred or the Attorney General shall bring such  
14 actions in the name of the people of the State of Illinois and  
15 may, in addition to other remedies provided in this Act, bring  
16 action for an injunction to restrain such violation, impose  
17 civil penalties, and enjoin the operation of any such person or  
18 establishment.

19 (410 ILCS 45/13) (from Ch. 111 1/2, par. 1313)

20 Sec. 13. The Department is authorized to adopt ~~promulgate~~  
21 reasonable rules ~~and regulations~~ for carrying out the  
22 provisions of this Act.

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

24 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

1           Sec. 14. Departmental rules ~~regulations~~ and activities.  
2           The Department shall establish and publish rules ~~regulations~~  
3           ~~and guidelines~~ governing permissible limits of lead in and  
4           about regulated facilities ~~residential buildings~~ and  
5           ~~dwellings~~.

6           The Department shall also initiate activities that:

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

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

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

23          (d) May provide technical assistance and consultation  
24          to local, county, or regional governmental or private  
25          agencies for the promotion and development of lead  
26          poisoning prevention programs.

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

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

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

12 (410 ILCS 45/9.2 rep.)

13 (410 ILCS 45/9.3 rep.)

14 (410 ILCS 45/11.2 rep.)

15 (410 ILCS 45/12 rep.)

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

1

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## Statutes amended in order of appearance

3	410 ILCS 45/2	from Ch. 111 1/2, par. 1302
4	410 ILCS 45/3	from Ch. 111 1/2, par. 1303
5	410 ILCS 45/5	from Ch. 111 1/2, par. 1305
6	410 ILCS 45/6	from Ch. 111 1/2, par. 1306
7	410 ILCS 45/6.01	
8	410 ILCS 45/6.1	from Ch. 111 1/2, par. 1306.1
9	410 ILCS 45/6.2	from Ch. 111 1/2, par. 1306.2
10	410 ILCS 45/6.3	
11	410 ILCS 45/7	from Ch. 111 1/2, par. 1307
12	410 ILCS 45/7.1	from Ch. 111 1/2, par. 1307.1
13	410 ILCS 45/7.2	from Ch. 111 1/2, par. 1307.2
14	410 ILCS 45/8	from Ch. 111 1/2, par. 1308
15	410 ILCS 45/8.1	from Ch. 111 1/2, par. 1308.1
16	410 ILCS 45/8.3 new	
17	410 ILCS 45/9	from Ch. 111 1/2, par. 1309
18	410 ILCS 45/9.1	from Ch. 111 1/2, par. 1309.1
19	410 ILCS 45/9.4	
20	410 ILCS 45/10	from Ch. 111 1/2, par. 1310
21	410 ILCS 45/11	from Ch. 111 1/2, par. 1311
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23	410 ILCS 45/11.1	from Ch. 111 1/2, par. 1311.1
24	410 ILCS 45/12.2 new	
25	410 ILCS 45/13	from Ch. 111 1/2, par. 1313

- 1 410 ILCS 45/14 from Ch. 111 1/2, par. 1314
- 2 410 ILCS 45/9.2 rep.
- 3 410 ILCS 45/9.3 rep.
- 4 410 ILCS 45/11.2 rep.
- 5 410 ILCS 45/12 rep.