



Sen. Jacqueline Y. Collins

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LRB100 19847 MJP 36496 a

1 AMENDMENT TO SENATE BILL 2996

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2996 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Lead Poisoning Prevention Act is amended by  
5 changing Sections 2 and 7 as follows:

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

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

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

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

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

4 "Department" means the Department of Public Health.

5 "Director" means the Director of Public Health.

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

8 "Elevated blood lead level" means a level of lead in the  
9 bloodstream that necessitates the undertaking of responsive  
10 action and equals or exceeds the lower of: (1) 5 micrograms of  
11 lead per deciliter of blood; or (2) an amount identified in the  
12 most recent recommendations from the federal Centers for  
13 Disease Control and Prevention ~~blood lead level in excess of~~  
14 ~~those considered within the permissible limits as established~~  
15 ~~under State and federal rules.~~

16 "Exposed surface" means any interior or exterior surface of  
17 a regulated facility.

18 "High risk area" means an area in the State determined by  
19 the Department to be high risk for lead exposure for children 6  
20 years of age or younger. The Department may consider, but is  
21 not limited to, the following factors to determine a high risk  
22 area: age and condition (using Department of Housing and Urban  
23 Development definitions of "slum" and "blighted") of housing,  
24 proximity to highway traffic or heavy local traffic or both,  
25 percentage of housing determined as rental or vacant, proximity  
26 to industry using lead, established incidence of elevated blood

1 lead levels in children, percentage of population living below  
2 200% of federal poverty guidelines, and number of children  
3 residing in the area who are 6 years of age or younger.

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

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

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

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

19 "Lead activities" means the conduct of any lead services,  
20 including, lead inspection, lead risk assessment, lead  
21 mitigation, or lead abatement work or supervision in a  
22 regulated facility.

23 "Lead-bearing substance" means any item containing or  
24 coated with lead such that the lead content is more than  
25 six-hundredths of one percent (0.06%) lead by total weight; or  
26 any dust on surfaces or in furniture or other nonpermanent

1 elements of the regulated facility; or any paint or other  
2 surface coating material containing more than five-tenths of  
3 one percent (0.5%) lead by total weight (calculated as lead  
4 metal) in the total non-volatile content of liquid paint; or  
5 lead-bearing substances containing greater than one milligram  
6 per square centimeter or any lower standard for lead content in  
7 residential paint as may be established by federal law or rule;  
8 or more than 1 milligram per square centimeter in the dried  
9 film of paint or previously applied substance; or item or dust  
10 on item containing lead in excess of the amount specified in  
11 the rules authorized by this Act or a lower standard for lead  
12 content as may be established by federal law or rule.  
13 "Lead-bearing substance" does not include firearm ammunition  
14 or components as defined by the Firearm Owners Identification  
15 Card Act.

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

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

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

26 "Lead inspector" means an individual who has been trained

1 by a Department-approved training program and is licensed by  
2 the Department to conduct lead inspections; to sample for the  
3 presence of lead in paint, dust, soil, and water; and to  
4 conduct compliance investigations.

5 "Lead mitigation" means the remediation, in a manner  
6 described in Section 9, of a lead hazard so that the  
7 lead-bearing substance does not pose an immediate health hazard  
8 to humans.

9 "Lead poisoning" means the poisoning of the bloodstream  
10 that results from exposure to lead or lead-based substances in  
11 water, paint, building materials, or the environment, and that  
12 causes uncorrectable developmental delay and decreased mental  
13 functioning capacity in children and, in severe cases, can lead  
14 to a child's premature death ~~the condition of having blood lead~~  
15 ~~levels in excess of those considered safe under State and~~  
16 ~~federal rules.~~

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

23 "Lead risk assessor" means an individual who has been  
24 trained by a Department-approved training program and is  
25 licensed by the Department to conduct lead risk assessments,  
26 lead inspections, and lead hazard screens; to sample for the

1 presence of lead in paint, dust, soil, water, and sources for  
2 lead-bearing substances; and to conduct compliance  
3 investigations.

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

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

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

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

15 (b) Has charge, care, or control of the regulated  
16 facility as owner or agent of the owner, or as executor,  
17 administrator, trustee, or guardian of the estate of the  
18 owner.

19 "Person" means any individual, partnership, firm, company,  
20 limited liability company, corporation, association, joint  
21 stock company, trust, estate, political subdivision, State  
22 agency, or any other legal entity, or their legal  
23 representative, agent, or assign.

24 "Regulated facility" means a residential building or child  
25 care facility.

26 "Residential building" means any room, group of rooms, or

1 other interior areas of a structure designed or used for human  
2 habitation; common areas accessible by inhabitants; and the  
3 surrounding property or structures.

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

5 (410 ILCS 45/7) (from Ch. 111 1/2, par. 1307)

6 Sec. 7. Reports of lead poisoning required; lead  
7 information to remain confidential; disclosure prohibited.  
8 Every physician who diagnoses, or a health care provider,  
9 nurse, hospital administrator, or public health officer who has  
10 verified information of the existence of a blood lead test  
11 result for any child or pregnant person shall report the result  
12 to the Department. An elevated blood lead level ~~Results in~~  
13 ~~excess of the permissible limits set forth in rules adopted by~~  
14 ~~the Department~~ shall be reported to the Department within 48  
15 hours of receipt of verification. Reports shall include the  
16 name, address, laboratory results, date of birth, and any other  
17 information about the child or pregnant person deemed essential  
18 by the Department. Directors of clinical laboratories must  
19 report to the Department, within 48 hours of receipt of  
20 verification, all blood lead analyses that show an elevated  
21 blood lead level ~~above permissible limits set forth in rule~~  
22 performed in their facility. The information included in the  
23 clinical laboratories report shall include, but not be limited  
24 to, the child's name, address, date of birth, name of physician  
25 ordering analysis, and specimen type. All blood lead level

1 analyses that do not show an elevated blood lead level ~~levels~~  
2 ~~less than the permissible limits set forth in rule~~ must be  
3 reported to the Department in accordance with rules adopted by  
4 the Department. These rules shall not require reporting in less  
5 than 30 days after the end of the month in which the results  
6 are obtained. All information obtained by the Department from  
7 any source and all information, data, reports, e-mails,  
8 letters, and other documents generated by the Department or any  
9 of its delegate agencies concerning any person subject to this  
10 Act receiving a blood lead test shall be treated in the same  
11 manner as information subject to the provisions of Part 21 of  
12 Article VIII of the Code of Civil Procedure and shall not be  
13 disclosed. This prohibition on disclosure extends to all  
14 information and reports obtained or created by the Department  
15 or any of its delegate agencies concerning any regulated  
16 facility that has been identified as a potential lead hazard or  
17 a source of lead poisoning. This prohibition on disclosure does  
18 not prevent the Department or its delegates from using any  
19 information it obtains civilly, criminally, or  
20 administratively to prosecute any person who violates this Act,  
21 nor does it prevent the Department or its delegates from  
22 disclosing any certificate of compliance, notice, or  
23 mitigation order issued pursuant to this Act. Any physician,  
24 nurse, hospital administrator, director of a clinical  
25 laboratory, public health officer, or allied health  
26 professional making a report in good faith shall be immune from



1 any civil or criminal liability that otherwise might be  
2 incurred from the making of a report.

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

4 Section 99. Effective date. This Act takes effect January  
5 1, 2019.".