



Sen. Jacqueline Y. Collins

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LRB100 19847 MJP 37479 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, 7, and 14 as follows:

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

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

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

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

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 blood lead level in  
9 excess of the ~~those considered within the permissible~~ limits ~~as~~  
10 established under State ~~and federal~~ rules.

11 "Exposed surface" means any interior or exterior surface of  
12 a regulated facility.

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

25 "Lead abatement" means any approved work practices that  
26 will permanently eliminate lead exposure or remove the

1 lead-bearing substances in a regulated facility. The  
2 Department shall establish by rule which work practices are  
3 approved or prohibited for lead abatement.

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

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

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

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

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

1 per square centimeter or any lower standard for lead content in  
2 residential paint as may be established by federal law or rule;  
3 or more than 1 milligram per square centimeter in the dried  
4 film of paint or previously applied substance; or item or dust  
5 on item containing lead in excess of the amount specified in  
6 the rules authorized by this Act or a lower standard for lead  
7 content as may be established by federal law or rule.  
8 "Lead-bearing substance" does not include firearm ammunition  
9 or components as defined by the Firearm Owners Identification  
10 Card Act.

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

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

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

21 "Lead inspector" means an individual who has been trained  
22 by a Department-approved training program and is licensed by  
23 the Department to conduct lead inspections; to sample for the  
24 presence of lead in paint, dust, soil, and water; and to  
25 conduct compliance investigations.

26 "Lead mitigation" means the remediation, in a manner

1 described in Section 9, of a lead hazard so that the  
2 lead-bearing substance does not pose an immediate health hazard  
3 to humans.

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

7 "Lead risk assessment" means an on-site investigation to  
8 determine the existence, nature, severity, and location of lead  
9 hazards. "Lead risk assessment" includes any lead sampling and  
10 visual assessment associated with conducting a lead risk  
11 assessment and lead hazard screen and all lead sampling  
12 associated with compliance investigations.

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

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

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

1 "Owner" means any person, who alone, jointly, or severally  
2 with others:

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

5 (b) Has charge, care, or control of the regulated  
6 facility as owner or agent of the owner, or as executor,  
7 administrator, trustee, or guardian of the estate of the  
8 owner.

9 "Person" means any individual, partnership, firm, company,  
10 limited liability company, corporation, association, joint  
11 stock company, trust, estate, political subdivision, State  
12 agency, or any other legal entity, or their legal  
13 representative, agent, or assign.

14 "Regulated facility" means a residential building or child  
15 care facility.

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

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

21 (410 ILCS 45/7) (from Ch. 111 1/2, par. 1307)

22 Sec. 7. Reports of lead poisoning required; lead  
23 information to remain confidential; disclosure prohibited.  
24 Every physician who diagnoses, or a health care provider,  
25 nurse, hospital administrator, or public health officer who has

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

1 information subject to the provisions of Part 21 of Article  
2 VIII of the Code of Civil Procedure and shall not be disclosed.  
3 This prohibition on disclosure extends to all information and  
4 reports obtained or created by the Department or any of its  
5 delegate agencies concerning any regulated facility that has  
6 been identified as a potential lead hazard or a source of lead  
7 poisoning. This prohibition on disclosure does not prevent the  
8 Department or its delegates from using any information it  
9 obtains civilly, criminally, or administratively to prosecute  
10 any person who violates this Act, nor does it prevent the  
11 Department or its delegates from disclosing any certificate of  
12 compliance, notice, or mitigation order issued pursuant to this  
13 Act. Any physician, nurse, hospital administrator, director of  
14 a clinical laboratory, public health officer, or allied health  
15 professional making a report in good faith shall be immune from  
16 any civil or criminal liability that otherwise might be  
17 incurred from the making of a report.

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

19 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

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

23 No later than 180 days after the effective date of this  
24 amendatory Act of the 100th General Assembly, the Department  
25 shall submit proposed amended rules to the Joint Committee on



1 Administrative Rules to update: the definition of elevated  
2 blood lead level to be in accordance with the most recent  
3 childhood blood lead level reference value from the federal  
4 Centers for Disease Control and Prevention; the current  
5 requirements for the inspection of regulated facilities  
6 occupied by children based on the updated definition of  
7 elevated blood lead level or the history of lead hazards; and  
8 any other existing rules that will assist the Department in its  
9 efforts to prevent, reduce, or mitigate the negative impact of  
10 instances of lead poisoning among children. The changes made to  
11 this Section by this amendatory Act of the 100th General  
12 Assembly do not preclude subsequent rulemaking by the  
13 Department.

14 The Department shall also initiate activities that:

15 (a) Either provide for or support the monitoring and  
16 validation of all medical laboratories and private and  
17 public hospitals that perform lead determination tests on  
18 human blood or other tissues.

19 (b) Subject to Section 7.2 of this Act, provide  
20 laboratory testing of blood specimens for lead content to  
21 any physician, hospital, clinic, free clinic,  
22 municipality, or private organization that cannot secure  
23 or provide the services through other sources. The  
24 Department shall not assume responsibility for blood lead  
25 analysis required in programs currently in operation.

26 (c) Develop or encourage the development of

1 appropriate programs and studies to identify sources of  
2 lead intoxication and assist other entities in the  
3 identification of lead in children's blood and the sources  
4 of that intoxication.

5 (d) Provide technical assistance and consultation to  
6 local, county, or regional governmental or private  
7 agencies for the promotion and development of lead  
8 poisoning prevention programs.

9 (e) Provide recommendations by the Department on the  
10 subject of identification, case management, and treatment  
11 of lead poisoning.

12 (f) Maintain a clearinghouse of information, and will  
13 develop additional educational materials, on (i) lead  
14 hazards to children, (ii) lead poisoning prevention, (iii)  
15 blood lead testing, (iv) lead mitigation, lead abatement,  
16 and disposal, and (v) health hazards during lead abatement.  
17 The Department shall make this information available to the  
18 general public.

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