



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4862

Introduced 01/19/06, by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

410 ILCS 45/9.2 new

Amends the Lead Poisoning Prevention Act. Requires the Department of Public Health to assess an annual fee against manufacturers and other persons formerly or presently engaged in the the stream of commerce of lead or products containing lead that have significantly contributed to environmental lead contamination. Provides that the fee will not be assessed against a retailer of lead or products containing lead. Provides that the fee will not be assessed upon a person if the person can demonstrate that he or she did not contribute to environmental lead contamination.

LRB094 17097 LJB 52382 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning health.

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

4 Section 5. The Lead Poisoning Prevention Act is amended by
5 adding Section 9.2 as follows:

6 (410 ILCS 45/9.2 new)

7 Sec. 9.2. Lead and lead products fee.

8 (a) On and after the effective date of this amendatory Act
9 of the 94th General Assembly, the Department shall assess an
10 annual fee in an amount to be determined by rule against
11 manufacturers and other persons formerly or presently engaged
12 in the stream of commerce of lead or products containing lead
13 or who are otherwise responsible for identifiable sources of
14 lead that, as determined by the Department, have significantly
15 contributed historically or currently to environmental lead
16 contamination. To the maximum extent practical, the fee shall
17 be assessed on the basis of the following criteria:

18 (1) a person's past and present responsibility for
19 environmental lead contamination; and

20 (2) a person's market share responsibility for
21 environmental lead contamination.

22 This Section does not apply to, and no fee shall be
23 assessed upon, any retailer of lead or products containing
24 lead.

25 (b) The fee shall be assessed and collected annually by the
26 Department. The annual fee assessed in subsection (a) shall be
27 adjusted by the Department to reflect the following:

28 (1) the increase in the annual average of the Consumer
29 Price Index for the most recent year available; and

30 (2) the increase or decrease in the number of children
31 in Illinois who are receiving services pursuant to this
32 Act.

1 (c) No fee shall be assessed upon a person if that person
2 can demonstrate that his or her industry does not or did not
3 contribute in any manner to environmental lead contamination.

4 No fee shall be assessed upon a person if that person
5 demonstrates that the lead, or the product containing lead,
6 with which the person is associated does not or did not result
7 in quantifiably persistent environmental lead contamination.

8 (d) The fees collected pursuant to this Section shall be
9 deposited into the Lead Poisoning Screening, Prevention, and
10 Abatement Fund.