

AN ACT concerning public health.

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

Section 5. The Lead Poisoning Prevention Act is amended by changing Sections 2, 3, 4, 5, 6, 6.01, 6.1, 6.2, 6.3, 7, 7.1, 7.2, 8, 8.1, 8.2, 9, 9.1, 9.4, 10, 11, 11.05, 11.1, 13, and 14 and by adding Sections 8.3 and 12.2 as follows:

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

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

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

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

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

"Delegate agency" means a unit of local government or health department approved by the Department to carry out the

provisions of this Act.

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

"Director" means the Director of Public Health.

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

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

"Elevated blood lead level" means a blood lead level in excess of those considered within the permissible limits as established under State and federal rules.

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

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

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

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

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

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

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

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

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

~~dwelling~~; or any paint or other surface coating material containing more than five-tenths of one percent (0.5%) lead by total weight (calculated as lead metal) in the total non-volatile content of liquid paint; or lead-bearing ~~lead bearing~~ substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or rule ~~regulation~~; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or item or dust on item containing lead in excess of the amount specified in the rules ~~and regulations~~ authorized by this Act or a lower standard for lead content as may be established by federal law or rule ~~regulation~~. "Lead-bearing substance" "~~Lead bearing substance~~" does not include firearm ammunition or components as defined by the Firearm Owners Identification Card Act.

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

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

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

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

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

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

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

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

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

"Lead risk assessor" means an individual who has been

trained by a Department-approved training program and is licensed by the Department to conduct lead risk assessments, lead inspections, and lead hazard screens; to sample for the presence of lead in paint, dust, soil, water, and sources for lead-bearing substances; and to conduct compliance investigations.

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

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

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

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

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

"Person" means any individual, partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State

agency, or any other legal entity, or their legal representative, agent, or assign ~~one or more natural persons, legal entities, governmental bodies, or any combination.~~

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

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

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

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

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

Sec. 3. Lead-bearing ~~Lead bearing~~ substance use. No person shall use or apply lead-bearing ~~lead bearing~~ substances:

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

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

(c) In or upon any fixtures or other objects used, installed, or located in or upon any exposed surface of a regulated facility ~~dwelling or residential building, or child~~

~~care facility~~, or intended to be so used, installed, or located and that, in the ordinary course of use, are accessible to or chewable by children;

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

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

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

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

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

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

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

Sec. 5. Sale of objects containing lead-bearing ~~lead-bearing~~ substance. No person shall sell or transfer or offer

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

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

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

Sec. 6. Warning statement.

(a) Definitions. As used in this Section:

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

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

(1) represented in its packaging, display, or advertising as appropriate for use by children under the age of 12;

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

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

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

"Child care article" means an item that is designed or intended by the manufacturer to facilitate the sleep, relaxation, or feeding of children ~~under the age of 6~~ years of age or younger or to help with children ~~under the age of 6~~ years of age or younger who are sucking or teething. An item meets this definition if it is (i) designed or intended to be used directly in the mouth by the child or (ii) is used to facilitate sleep, relaxation, or feeding of children ~~under the age of 6~~ years of age or younger or help with children ~~under the age of 6~~ years of age or younger who are sucking or teething and, because of its proximity to the child, is likely to be mouthed, chewed, sucked, or licked.

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

(A) Ankle bracelet.

(B) Arm cuff.

(C) Bracelet.

(D) Brooch.

(E) Chain.

(F) Crown.

(G) Cuff link.

(H) Hair accessory.

(I) Earring.

(J) Necklace.

(K) Decorative pin.

(L) Ring.

(M) Body piercing jewelry.

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

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

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

(Q) A watch in which a timepiece is a component of an item listed in this definition, excluding the timepiece itself if the timepiece can be removed from the ornament.

"Toy containing paint" means a toy with an accessible component containing any external coating, including, but not limited to, paint, ink, lacquer, or screen printing, designed for or intended for use by children under the age of 12 at

play. For the purposes of this Section, "toy" is any object designed, manufactured, or marketed as a plaything for children under the age of 12 and is excluded from the definitions of "child care article" and "jewelry". In determining whether a toy containing paint is designed for or intended for use by children under the age of 12, the following factors shall be considered:

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

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

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

(b) Children's products. Effective January 1, 2010, no person, firm, or corporation shall sell, have, offer for sale, or transfer the items listed in this Section that contain a total lead content in any component part of the item that is more than 0.004% (40 parts per million) but less than 0.06% (600 parts per million) by total weight or a lower standard for lead content as may be established by federal or State law or rule ~~regulation~~ unless that item bears a warning statement that indicates that at least one component part of the item contains lead.

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

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

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

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

(c) Other lead-bearing ~~lead-bearing~~ substance. No person, firm, or corporation shall have, offer for sale, sell, or give away any lead-bearing ~~lead-bearing~~ substance that may be used by the general public, except as otherwise provided in subsection (b) of this Section, unless it bears the warning statement as prescribed by federal rule ~~regulation~~. (i) If no rule ~~regulation~~ is prescribed, the warning statement shall be

as follows when the lead-bearing ~~lead-bearing~~ substance is a lead-based paint or surface coating: "WARNING--CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side or Back) Panel. Do not apply on toys, or other children's articles, furniture, or interior, or exterior exposed surfaces of any residential building or facility that may be occupied or used by children. KEEP OUT OF THE REACH OF CHILDREN.". (ii) If no rule ~~regulation~~ is prescribed, the warning statement shall be as follows when the lead-bearing ~~lead-bearing~~ substance contains lead-based paint or a form of lead other than lead-based paint: "WARNING CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF THE REACH OF CHILDREN.".

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

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

(1) the statement shall be located in a prominent place on the item or package such that consumers are likely to see the statement when it is examined under retail conditions;

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

(3) the statement shall be legible; and

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

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

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

(f) Subsection (c) of this Section does not apply to any component part of a consumer electronic product, including, but not limited to, personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen used to access interactive software and their associated peripherals, that is not accessible to a child through normal and reasonably foreseeable use of the product. A component part is not accessible under this subsection (f) if the component part is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product. Paint, coatings, and electroplating, singularly or in any combination, are not sufficient to constitute a sealed covering or casing for purposes of this Section. Coatings and electroplating are sufficient to constitute a sealed covering for connectors, power cords, USB cables, or other similar devices or components used in consumer electronics products.

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

(410 ILCS 45/6.01)

Sec. 6.01. Warning statement where supplies sold.

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

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

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

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

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

(c) A commercial establishment shall be deemed to be in compliance with this Section if the commercial establishment displays lead poisoning prevention posters or provides brochures to its customers that meet the minimum requirements of this Section but come from a source other than the Department.

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

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

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

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

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

Sec. 6.2. Testing ~~Physicians to screen~~ children and pregnant persons.

(a) Any ~~Every~~ physician licensed to practice medicine in all its branches or health care provider who sees or treats ~~or health care provider shall screen~~ children 6 months through 6 years of age or younger shall test those children for lead poisoning when those children ~~who are determined to~~ reside in an area defined as high risk by the Department. Children residing in areas defined as low risk by the Department shall be evaluated ~~assessed~~ for risk by the Childhood Lead Risk Questionnaire ~~a risk assessment procedure~~ developed by the Department and tested if indicated. Children shall be evaluated ~~screened~~, in accordance with rules adopted by the Department

~~guidelines and criteria set forth by the American Academy of Pediatrics, at the priority intervals and using the methods specified in the guidelines.~~

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

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

lead poisoning.

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

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

(410 ILCS 45/6.3)

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

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

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

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

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

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

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

~~level of lead in the blood~~ in excess of the permissible limits set forth in rules ~~regulations~~ adopted by the Department shall be reported to the Department, within 48 hours of receipt of verification. Reports, shall include ~~report to the Department~~ the name, address, laboratory results, date of birth, and any other information about the child or pregnant person deemed essential by the Department. Directors of clinical laboratories must report to the Department, within 48 hours of receipt of verification, ~~positive results of~~ all blood lead analyses above permissible limits set forth in rule performed in their facility. The information included in the clinical laboratories report shall include, but not be limited to, the child's name, address, date of birth, name of physician ordering analysis, and specimen type. All blood lead levels less than the permissible limits set forth in rule ~~negative results~~ must be reported to the Department in accordance with rules adopted by the Department. These rules shall not require reporting in less than 30 days after the end of the month in which the ~~negative~~ results are obtained. All information obtained by the Department from any source and all information, data, reports, e-mails, letters, and other documents generated by the Department or any of its delegate agencies concerning any person subject to this Act receiving a blood lead test reports shall be treated in the same manner as information subject to the provisions of Part 21 of Article VIII of the Code of Civil Procedure and shall not be disclosed. This

prohibition on disclosure extends to all information and reports obtained or created by the Department or any of its delegate agencies concerning any regulated facility that has been identified as a potential lead hazard or a source of lead poisoning. This prohibition on disclosure does not prevent the Department or its delegates from using any information it obtains civilly, criminally, or administratively to prosecute any person who violates this Act, nor does it prevent the Department or its delegates from disclosing any certificate of compliance, notice, or mitigation order issued pursuant to this Act. Any physician, nurse, hospital administrator, director of a clinical laboratory, public health officer, or allied health professional making a report in good faith shall be immune from any civil or criminal liability that otherwise might be incurred from the making of a report.

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

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

Sec. 7.1. Requirements for child ~~Child~~ care facilities ~~must require lead blood level screening for admission.~~ Each ~~By~~ ~~January 1, 1993,~~ each day care center, day care home, preschool, nursery school, kindergarten, or other child care facility, licensed or approved by the State, including such programs operated by a public school district, shall include a requirement that each parent or legal guardian of a child between one and 7 ~~between the ages of 6 months through 6~~ years

of age provide a statement from a physician or health care provider that the child has been ~~risk~~ assessed for risk of lead poisoning or tested or both, as provided in Section 6.2, ~~if the child resides in an area defined as low risk by the Department, or screened for lead poisoning as provided for in Section 6.2, if the child resides in an area defined as high risk.~~ This statement shall be provided prior to admission and subsequently in conjunction with required physical examinations.

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

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

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

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

Sec. 7.2. Fees; reimbursement ~~Laboratory fees for blood lead screening;~~ Lead Poisoning Fund.

(a) The Department may establish fees according to a reasonable fee structure to cover the cost of providing a testing service for laboratory analysis of blood lead tests and any necessary follow-up. Fees collected from the Department's testing service shall be placed in a special fund in the State treasury known as the Lead Poisoning Screening, Prevention, and Abatement Fund. Other State and federal funds for expenses related to lead poisoning screening, follow-up, treatment, and abatement programs may also be placed in the Fund. Moneys shall be appropriated from the Fund to the Department ~~of Public Health solely for the implementation and enforcement of this Act the purposes of providing lead screening, follow-up, and treatment programs.~~

(b) The Department shall certify, as required by the Department of Healthcare and Family Services, any non-reimbursed public expenditures for all approved lead testing and evaluation activities for Medicaid-eligible children expended by the Department from the non-federal portion of funds, including, but not limited to, assessment of home, physical, and family environments; comprehensive environmental lead investigation; and laboratory services for Medicaid-eligible children. The Department of Healthcare and Family Services shall provide appropriate Current Procedural Terminology (CPT) Codes for all billable services and claim federal financial participation for the properly certified public expenditures submitted to it by the Department. Any

federal financial participation revenue received pursuant to this Act shall be deposited in the Lead Poisoning Screening, Prevention, and Abatement Fund.

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

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

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

Sec. 8. Inspection of dwelling units ~~buildings~~ occupied or previously occupied by a person with an elevated blood lead level ~~screening positive~~. A representative of the Department, or delegate agency, shall ~~may~~, after notification that an occupant of a regulated facility ~~the dwelling unit in question~~ is found to have an elevated ~~a~~ blood lead level as ~~value of the~~ ~~value~~ set forth in Section 7, upon presentation of the appropriate credentials to the owner, occupant, or his representative, inspect the affected dwelling units ~~dwelling or dwelling units~~, at reasonable times, for the purposes of ascertaining that all surfaces accessible to children are intact and in good repair, and for purposes of ascertaining the existence of lead-bearing ~~lead-bearing~~ substances. Such representative of the Department, or delegate agency, may remove samples or objects necessary for laboratory analysis, in the determination of the presence of lead-bearing substances in

the regulated facilities ~~designated dwelling or dwelling unit~~.

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

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

- (1) Prepare an inspection report which shall:
 - (A) State the address of the dwelling unit.
 - (B) Describe the scope of the inspection, the inspection procedures used, and the method of ascertaining the existence of a lead-bearing ~~lead bearing~~ substance in the dwelling unit.
 - (C) State whether any lead-bearing ~~lead-bearing~~ substances were found in the dwelling unit.
 - (D) Describe the nature, extent, and location of any lead-bearing ~~lead-bearing~~ substance that is found.
 - (E) State either that a lead hazard does exist or that a lead hazard does not exist. If a lead hazard does exist, the report shall describe the source, nature and location of the lead hazard. The existence of intact lead paint does not alone constitute a lead hazard for the purposes of this Section.
 - (F) Give the name of the person who conducted the

inspection and the person to contact for further information regarding the inspection and the requirements of this Act.

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

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

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

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

(a) ~~The By January 1, 1994, the~~ Department shall establish standards and licensing procedures for lead inspectors and lead risk assessors. An integral element of these procedures shall be an education and training program prescribed by the Department which shall include but not be limited to scientific sampling, chemistry, and construction techniques. No person shall make inspections or risk assessments without first being licensed by the Department. The penalty for inspection or risk assessment without a license shall be a Class A misdemeanor and an administrative fine.

(b) The Department shall charge licensed lead inspectors and lead risk assessors reasonable license fees and the fees

shall be placed in the Lead Poisoning Screening, Prevention, and Abatement Fund and used to fund the Department's licensing of lead inspectors and lead risk assessors and any other activities prescribed by this Act. A licensed lead ~~An~~ inspector or lead risk assessor employed by the Department or its delegate agency shall not be charged a license fee.

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

(410 ILCS 45/8.2) (from Ch. 111 1/2, par. 1308.2)

Sec. 8.2. Warrant procedures. If the occupant of a regulated facility ~~residential building or dwelling~~ designated for inspection under Section 8 refuses to allow inspection, an agent of the Department or of the Department's delegate agency may apply for a search warrant to permit entry. A court may issue a warrant upon receiving verification ~~a showing~~ that a victim of lead poisoning resides or has recently resided in the regulated facility during the previous 6 months ~~residential building~~. The findings of the inspection shall be reported to the Department and to the appropriate enforcement authorities established in this Act.

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

(410 ILCS 45/8.3 new)

Sec. 8.3. Stop work orders. Whenever the Department or its delegate agency finds that a situation exists that requires immediate action to protect the public health, it may, without

notice or hearing, issue an order requiring that such action be taken as it may deem necessary to protect the public health, including, but not limited to, the issuance of a stop work order, ordering the immediate suspension of any improper activities that may disturb a lead-bearing surface, and requiring that any person found to be improperly conducting such activities immediately cease work. Notwithstanding any other provision in this Act, such order shall be effective immediately. The Attorney General, State's Attorney, or Sheriff of the county in which the property is located has authority to enforce the order after receiving notice thereof. Any person subject to such an order is entitled, upon written request to the Department, to a hearing to determine the continued validity of the order.

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

Sec. 9. Procedures upon determination of lead hazard.

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

(2) If the inspection report identifies a lead hazard, the owner shall mitigate the lead hazard in a manner prescribed by

the Department and within the time limit prescribed by this Section. The Department shall adopt rules regarding acceptable methods of mitigating a lead hazard. If the source of the lead hazard identified in the inspection report is lead paint or any other lead-bearing ~~leaded~~ surface coating, the lead hazard shall be deemed to have been mitigated if:

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

(B) ~~If~~ the surface identified as the source of the lead hazard is no longer accessible to children and could not reasonably be chewed on by children; ~~or, the surface coating is either removed or covered, the surface is removed, or the access to the leaded surface by children is otherwise prevented as prescribed by the Department.~~

(C) the surface coating identified as the source of the lead hazard is either removed or covered, or child access to the lead-bearing surface is otherwise prevented as prescribed by the Department.

(3) Mitigation activities which involve the destruction or disturbance of any lead-bearing ~~leaded~~ surface shall be conducted by a licensed lead abatement contractor using licensed lead abatement supervisors or lead abatement workers. The Department may prescribe by rule mitigation activities that

may be performed without a licensed lead abatement contractor, lead abatement supervisor, or lead abatement worker. The Department may, on a case by case basis, grant a waiver of the requirement to use licensed lead abatement contractors, lead abatement supervisors, and lead abatement workers, provided the waiver does not endanger the health or safety of humans.

(4) The Department shall establish procedures whereby an owner, after receiving a mitigation notice under this Section, may submit a mitigation plan to the Department or delegate agency for review and approval.

(5) When a mitigation notice is issued for a dwelling unit inspected as a result of an elevated blood lead level in a pregnant person ~~woman~~ or a child, or if the dwelling unit is occupied by a child ~~under~~ 6 years of age or younger or a pregnant person ~~woman~~, the owner shall mitigate the hazard within 30 days of receiving the notice; when no such child or pregnant person occupies the dwelling unit otherwise, the owner shall complete the mitigation within 90 days.

(6) An owner may apply to the Department or its delegate agency for an extension of the deadline for mitigation. If the Department or its delegate agency determines that the owner is making substantial progress toward mitigation, or that the failure to meet the deadline is the result of a shortage of licensed lead abatement contractors, lead abatement supervisors, or lead abatement workers, or that the failure to meet the deadline is because the owner is awaiting the review

and approval of a mitigation plan, the Department or delegate agency may grant an extension of the deadline.

(7) The Department or its delegate agency may, after the deadline set for completion of mitigation, conduct a follow-up inspection of any dwelling unit for which a mitigation notice was issued for the purpose of determining whether the mitigation actions required have been completed and whether the activities have sufficiently mitigated the lead hazard as provided under this Section. The Department or its delegate agency may conduct a follow-up inspection upon the request of an owner or resident. If, upon completing the follow-up inspection, the Department or its delegate agency finds that the lead hazard for which the mitigation notice was issued is not mitigated, the Department or its delegate agency shall serve the owner with notice of the deficiency and a mitigation order. The order shall indicate the specific actions the owner must take to comply with the mitigation requirements of this Act, which may include lead abatement if lead abatement is the sole means by which the lead hazard can be mitigated. The order shall also include the date by which the mitigation shall be completed. If, upon completing the follow-up inspection, the Department or delegate agency finds that the mitigation requirements of this Act have been satisfied, the Department or delegate agency shall provide the owner with a certificate of compliance stating that the required mitigation has been accomplished.

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

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

Sec. 9.1. Owner's obligation to give notice. An owner of a regulated facility ~~dwelling unit or residential building~~ who has received a mitigation notice under Section 9 of this Act shall, before entering into a new lease agreement or sales contract for the dwelling unit for which the mitigation notice was issued, provide prospective lessees or purchasers of that unit with written notice that a lead hazard has previously been identified in the dwelling unit, unless the owner has obtained a certificate of compliance for the unit under Section 9. An owner may satisfy this notice requirement by providing the prospective lessee or purchaser with a copy of the inspection report prepared pursuant to Section 9.

Before entering into a residential lease agreement or sales contract, all owners of regulated facilities containing dwelling units ~~residential buildings or dwelling units~~ built before 1978 shall give prospective lessees or purchasers information on the potential health hazards posed by lead in regulated facilities ~~residential dwellings~~ by providing ~~the~~ prospective lessees or purchasers ~~lessee~~ with a copy of an informational brochure prepared by the Department. ~~Within one year of the effective date of this amendatory Act of 1992, owners of residential buildings or dwelling units built before 1978 shall provide current lessees with such brochure.~~

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

(410 ILCS 45/9.4)

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

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

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

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

(4) where to seek further information; and

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

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

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

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

Sec. 10. The Department, or representative of a unit of local government or health department approved by the Department for this purpose, shall report any violation of this Act to the State's Attorney of the county in which the regulated facility ~~dwelling~~ is located. The State's Attorney, ~~who~~ has ~~then~~ the authority to charge the owner with a Class A misdemeanor, and who shall take additional measures to ensure ~~insure~~ that rent is withheld from the owner by the occupants of the ~~dwelling or~~ dwelling units affected, until the mitigation requirements under Section 9 of this Act are complied with.

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

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

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

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

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

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

(410 ILCS 45/11.05)

Sec. 11.05. Advisory Council.

(a) The General Assembly finds the following:

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

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

(3) Lead poisoning causes irreversible damage to the development of a child's nervous system. Even at low and

moderate levels, lead poisoning causes learning disabilities, speech problems, shortened attention span, hyperactivity, and behavioral problems. Recent research links high levels of lead exposure to lower IQ scores and to juvenile delinquency.

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

(5) Illinois ranks 10th out of the 50 states in the age of its housing stock. More than 50% of the housing units in Chicago and in Rock Island, Peoria, Macon, Madison, and Kankakee counties were built before 1960 and more than 43% of the housing units in St. Clair, Winnebago, Sangamon, Kane, and Cook counties were built before 1950.

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

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

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

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

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

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

(12) Through grants from the United States Department of Housing and Urban Development, some communities in Illinois have begun to reduce lead poisoning of children. While this is an ongoing effort, it addresses only a small number of the low-income children statewide in communities with high levels of lead paint in the housing stock.

(b) For purposes of this Section:

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

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

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

"Primary prevention" means removing lead hazards before a

child is poisoned rather than relying on identification of a lead poisoned child as the triggering event.

(c) The Lead-Safe Housing Advisory Council is created to advise the Department on lead poisoning prevention activities. The Advisory Council shall be chaired by the Director or his or her designee and the chair of the Illinois Lead Safe Housing Task Force and provided with administrative support by the Department. The Advisory Council shall be comprised of (i) the directors, or their designees, of the Illinois Housing Development Authority and the Environmental Protection Agency; and (ii) the directors, or their designees, of public health departments of counties identified by the Department that contain communities with a concentration of high-risk, lead-contaminated properties.

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

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

(2) One representative from the insurance industry.

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

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

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

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

(7) One representative from the Illinois paint and coatings industry.

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

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

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

(3) targeting blood lead testing for ~~screening to~~ children residing in high-risk buildings and neighborhoods;

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

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

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

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

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

The Advisory Council shall meet at least quarterly. Its members shall receive no compensation for their services, but their reasonable travel expenses actually incurred shall be reimbursed by the Department.

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

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

Sec. 11.1. Licensing of lead abatement contractors, lead abatement supervisors, and lead abatement workers. Except as otherwise provided in this Act, performing lead abatement or mitigation without a license is a Class A misdemeanor and is also subject to civil and administrative penalties. The Department shall provide by rule for the licensing of lead abatement contractors, lead abatement supervisors, and lead abatement workers and shall establish rules ~~standards and procedures~~ for the licensure. The Department may collect a

reasonable fee for the licenses. The fees shall be deposited into the Lead Poisoning Screening, Prevention, and Abatement Fund and used by the Department for the ~~costs of licensing lead abatement contractors and workers and other~~ activities prescribed by this Act.

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

The Department may adopt any rules necessary to ensure proper implementation and administration of this Act and of the federal Toxic Substances Control Act, 15 USC 2682 and 2684, and the rules adopted ~~regulations promulgated~~ thereunder: Lead; Requirements for Lead-Based Paint Activities (40 CFR 745). The application of this Section shall not be limited to the activities taken in regard to lead poisoned children and shall include all activities related to lead abatement, mitigation and training.

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

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

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

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

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

(410 ILCS 45/12.2 new)

Sec. 12.2. Violations and enforcement.

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

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

(2) Any person who knowingly violates this Act or the rules adopted by the Department or who knowingly violates

any determination or order of the Department under this Act shall be guilty of a Class 4 felony. A person who, after being convicted under this paragraph, knowingly violates this paragraph a second or subsequent time commits a Class 3 felony.

(3) Any person who knowingly makes a false statement, orally or in writing, to the Department related to or required by this Act, a rule adopted under this Act, any federal law or rule for which the Department has responsibility, or any determination or order of the Department under this Act, or any permit, term, or condition thereof, commits a Class 4 felony, and each such statement or writing shall be considered a separate Class 4 felony. A person who, after being convicted under this paragraph, knowingly violates this paragraph a second or subsequent time commits a Class 3 felony.

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

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

this Act.

(6) In addition to any other penalty provided under this Act, the court in a criminal action brought under this subsection (a) may impose upon any person who violates this Act or the rules adopted under this Act or who does not comply with a notice of deficiency and a mitigation order issued under subsection (7) of Section 9 of this Act or who fails to comply with subsection (3) or subsection (5) of Section 9 of this Act a penalty not to exceed \$5,000 for each violation. Each day a violation exists constitutes a separate violation. In assessing a criminal penalty under this Section, the court shall consider any civil fines the person has paid which were imposed pursuant to subsection (b) of this Section. Any penalties collected in a court proceeding shall be deposited into a delegated county lead poisoning screening, prevention, and abatement fund or, if no delegated county or lead poisoning screening, prevention, and abatement fund exists, into the Lead Poisoning Screening, Prevention, and Abatement Fund established under Section 7.2 of this Act.

(b) The Department is authorized to assess administrative civil fines against any licensee or any other person who violates this Act or the rules adopted under this Act. These fines may be assessed in addition to or in lieu of license suspensions or revocations and in addition to or in lieu of criminal sanctions. The amount of the administrative civil fine

shall be determined by rules adopted by the Department. Each day a violation exists shall constitute a separate violation. The minimum civil fine shall be \$50 per violation per day and the maximum civil fine shall be \$5,000 per violation per day. Any civil fines so collected shall be deposited into the Lead Poisoning Screening, Prevention, and Abatement Fund established under Section 7.2 of this Act.

(c) The Director, after notice and opportunity for hearing, may deny, suspend, or revoke a license of a licensee or fine a licensee or any other person who has violated this Act or the rules adopted under this Act. Notice shall be provided by certified mail, return receipt requested, or by personal service, fixing a date, not less than 15 days from the date of such mailing or service, at which time the person shall be given an opportunity to request a hearing. Failure to request a hearing within that time period constitutes a waiver of the right to a hearing. The hearing shall be conducted by the Director or by an individual designated in writing by the Director as a hearing officer to conduct the hearing. On the basis of any such hearing or upon default of the respondent, the Director shall make a determination specifying his or her findings and conclusions. A copy of the determination shall be sent by certified mail, return receipt requested, or served personally upon the respondent.

(d) The procedure governing hearings authorized by this Section shall be in accordance with rules adopted by the

Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and hearing officer. All testimony shall be reported, but need not be transcribed unless the decision is sought to be reviewed under the Administrative Review Law. A copy or copies of the transcript may be obtained by any interested party on payment of the cost of preparing the copy or copies. The Director or hearing officer shall, upon his or her own motion or on the written request of any party to the proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses and subpoenas duces tecum requiring the production of books, papers, records, or memoranda. All subpoenas and subpoenas duces tecum issued under this Act may be served by any person of legal age. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the courts of this State, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Director or hearing officer, the fees shall be paid in the same manner as other expenses of the Department, and when the witness is subpoenaed at the instance of any other party to any such proceeding the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such

case, the Department in its discretion may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum so issued pursuant to this subsection (d) shall be served in the same manner as a subpoena issued by a circuit court.

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

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

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

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

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

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

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

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

The Department shall also initiate activities that:

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

(b) Subject ~~Will, subject~~ to Section 7.2 of this Act,

provide laboratory testing of blood specimens for lead content to any physician, hospital, clinic, free clinic, municipality, or private organization that cannot secure or provide the services through other sources. The Department shall not assume responsibility for blood lead analysis required in programs currently in operation.

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

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

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

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

Public Act 098-0690

HB5410 Enrolled

LRB098 16193 RPM 51251 b

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

(410 ILCS 45/9.2 rep.)

(410 ILCS 45/9.3 rep.)

(410 ILCS 45/11.2 rep.)

(410 ILCS 45/12 rep.)

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