

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 358

Introduced by Assembly Member Holden

February 14, 2013

An act to amend Section ~~105280~~ 105253 of the Health and Safety Code, relating to ~~lead poisoning~~ *lead-based paint hazards*.

LEGISLATIVE COUNSEL'S DIGEST

AB 358, as amended, Holden. ~~Childhood Lead Poisoning Prevention Act of 1991.~~ *Lead hazard evaluation.*

Existing law requires the State Department of Public Health to implement and administer a program to meet the requirements of the federal Residential Lead-Based Paint Hazard Reduction Act of 1992. Under existing law, a person who engages in lead hazard evaluations is required to obtain certification from the department and to comply with specified regulations. Violation of those provisions is a misdemeanor.

This bill would require a lead hazard evaluation to be conducted in a manner that provides quantitative or qualitative results, as determined by the department, using tests recognized by the United States Environmental Protection Agency. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Existing law, the Childhood Lead Poisoning Prevention Act of 1991, requires the State Department of Public Health to adopt regulations establishing a standard of care, at least as stringent as the most recent United States Centers for Disease Control and Prevention blood lead level screening guidelines, under which all children are required to be evaluated for risk of lead poisoning by health care providers during each child’s periodic health assessment. These provisions are to be implemented only to the extent there are sufficient fees collected from certain manufacturers and persons who significantly contributed or currently contribute, or both, to environmental lead contamination. The act defines “environmental lead contamination” as the persistent presence of lead in the environment, in quantifiable amounts, that results in ongoing and chronic exposure to children.

This bill would specify that quantifiable amounts of lead are amounts that can be accurately measured by quantitative or qualitative means, as determined by the department.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 105253 of the Health and Safety Code is
- 2 amended to read:
- 3 105253. (a) (1) Any person issued a certificate by the
- 4 department to conduct lead-related construction work, abatement,
- 5 or lead hazard evaluation, shall comply with regulations as
- 6 specified in Chapter 8 (commencing with Section 35001) of
- 7 Division 1 of Title 17 of the California Code of Regulations, as
- 8 adopted pursuant to Sections 105250 and 124160.
- 9 (2) *Lead hazard evaluation for public and residential buildings*
- 10 *shall be conducted in a manner that provides quantitative or*
- 11 *qualitative results, as determined by the department, using tests*
- 12 *recognized by the United States Environmental Protection Agency.*
- 13 (b) It is unlawful for any person to do either of the following:
- 14 (1) Falsely represent himself or herself as possessing a certificate
- 15 issued by the department to conduct lead-related construction work,
- 16 abatement, or lead hazard evaluation.
- 17 (2) Submit false information or documentation to the department
- 18 in order to obtain or renew a certificate to conduct lead-related
- 19 construction work, abatement, or lead hazard evaluation.

1 (c) The department or any local enforcement agency may,
2 consistent with Section 17972, enter, inspect, and photograph any
3 premises or facilities, and inspect and copy any business record,
4 where any person issued a certificate by the department to perform
5 lead-related construction work conducts business to determine
6 whether the person is complying with this section.

7 (d) A violation of this section shall be punishable by
8 imprisonment for not more than six months in the county jail, a
9 fine of not more than one thousand dollars (\$1,000), or by both
10 that imprisonment and fine.

11 *SEC. 2. No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section 17556 of*
17 *the Government Code, or changes the definition of a crime within*
18 *the meaning of Section 6 of Article XIII B of the California*
19 *Constitution.*

20 ~~SECTION 1. Section 105280 of the Health and Safety Code~~
21 ~~is amended to read:~~

22 ~~105280. For purposes of this chapter, the following definitions~~
23 ~~apply:~~

24 ~~(a) "Appropriate case management" means health care referrals,~~
25 ~~environmental assessments, and educational activities, performed~~
26 ~~by the appropriate person, professional, or entity, necessary to~~
27 ~~reduce a child's exposure to lead and the consequences of the~~
28 ~~exposure, as determined by the United States Centers for Disease~~
29 ~~Control and Prevention, or as determined by the department~~
30 ~~pursuant to Section 105300.~~

31 ~~(b) "Lead poisoning" means the disease present when the~~
32 ~~concentration of lead in whole venous blood reaches or exceeds~~
33 ~~levels constituting a health risk, as specified in the most recent~~
34 ~~United States Centers for Disease Control and Prevention~~
35 ~~guidelines for lead poisoning as determined by the department, or~~
36 ~~when the concentration of lead in whole venous blood reaches or~~
37 ~~exceeds levels constituting a health risk as determined by the~~
38 ~~department pursuant to Section 105300.~~

39 ~~(c) "Department" means the State Department of Public Health.~~

- 1 ~~(d) “Health assessment” has the same meaning as prescribed in~~
- 2 ~~Section 6800 of Title 17 of the California Code of Regulations.~~
- 3 ~~(e) “Screen” means the medical procedure by which the~~
- 4 ~~concentration of lead in whole venous blood is measured.~~
- 5 ~~(f) “Health care” means the identification, through evaluation~~
- 6 ~~and screening, if indicated, of lead poisoning, as well as any~~
- 7 ~~followup medical treatment necessary to reduce the elevated blood~~
- 8 ~~lead levels.~~
- 9 ~~(g) “Environmental lead contamination” means the persistent~~
- 10 ~~presence of lead in the environment, in quantifiable amounts that~~
- 11 ~~can be accurately measured by quantitative or qualitative means,~~
- 12 ~~as determined by the department, that results in ongoing and~~
- 13 ~~chronic exposure to children.~~