

HOUSE No. 1272

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act directing the attorney general and department of public health to investigate the extent of liability and determine possible legal actions to remediate the negative effects caused by the manufacture and sale of lead based paint products..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting after section 195 the following new section:—

3 SECTION 195A. The attorney general for the commonwealth and the director of the
4 state department of public health shall enter into an interagency agreement to investigate the
5 extent of contamination and poisoning caused by the manufacture, sale and use of lead based
6 paint products. Such investigation shall detail the extent of this product use in the commonwealth
7 and the number and severity of lead poisoning cases reported since this product was banned in
8 1978. A determination shall also be concluded that estimates the type of remediation and
9 estimated cost for such work that would need to be conducted at all public and private buildings
10 to eliminate this hazard and protect against future poisoning cases and instances of lead paint
11 contamination.

12 At the conclusion of the report prepared in accordance with the guidelines enumerated
13 above, the attorney general shall investigate the likelihood of success in a lawsuit to reimburse
14 the cost for such remediation recommended in the report and any other damages for which the
15 state and its population may be entitled. The attorney general shall also examine the possibility
16 of entering into a multi-state compact with respect to advancing any lawsuit that may be filed to
17 recover settlements from parties liable for damages caused by the manufacture, sale and use of
18 lead based paint products.

19 Said report and the recommendations of the state attorney general shall be concluded
20 within ninety days following the enactment of this legislation and shall be filed with the House
21 and Senate committees on ways and means and the joint committee on health care.