

HOUSE No. 2257

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to lead poisoning regulations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>

HOUSE No. 2257

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 2257) of Alice Hanlon Peisch and others relative to criminal complaints for failure to comply with certain lead poisoning regulations. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1654 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relating to lead poisoning regulations.

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. Section 198 of chapter 111 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended to add the following sentence:-

3 No application for a criminal complaint for failure to comply with section 194 and 197
4 may be made unless there is reasonable cause to believe that the lead present in the premises
5 which is the subject of the order to abate or contain are the proximate cause of elevated levels of
6 lead in the blood of a child age six years or younger.

7 SECTION 2. Section 197 of said chapter 111 is hereby amended to add to subsection (e)
8 the following sentence:-

9 The director shall waive the requirements of this section if the remediation to contain or
10 abate the lead presents a danger of lead poisoning to the children residing in the premises after
11 remediation is complete.

12 SECTION 3. Section 192 of said chapter 111 is hereby amended to add the following:-

13 Included in such program shall be information regarding the potential for lead to be
14 present in toys, jewelry, pottery and other objects to which children are regularly exposed.

15 SECTION 4. Section 194 of said chapter 111 is hereby amended to insert after second
16 sentence:-

17 Additionally, said program shall attempt to identify all objects likely to come into contact
18 with children under the age of six that contain dangerous levels of lead.

19 And to amend the third sentence of said section by striking the word “or” after the word
20 “plaster” and insert the words:- “, or other object” after the word “material”.

21 And to amend the second paragraph of said section by inserting after the word “reside”
22 the words:- “, or spends three or more hours per day, such as a nursery or day care facility”.

23 And to amend the first sentence of the fourth paragraph of said section by inserting after
24 the word “months” the words:- “and/ or attended school or day care,”

25 And to amend the third sentence of the fifth paragraph of said section by inserting after
26 the word “age” the words:- “and there is reasonable cause to believe that the poisoning was
27 caused by the lead in the premises.”

28 SECTION 5. Section 192B of said chapter 111 is hereby amended to insert after the first
29 sentence the sentence:-

30 Included in such program shall be information on sources of lead to which children
31 under the age of six may be exposed, including but not limited to paint in homes, and/or on the
32 surface of jewelry, pottery, and toys, and other objects to which under the age of six are routinely
33 exposed.