HOUSE DOCKET, NO. 2188 FILED ON: 1/17/2013

HOUSE . . . . . No. 1555

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 to reduce lead poisoning in children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice Hanlon Peisch	*14th Norfolk*
Danielle W. Gregoire	*4th Middlesex*
Paul R. Heroux	*2nd Bristol*
John P. Fresolo	*16th Worcester*
Martin J. Walsh	*13th Suffolk*
Cory Atkins	*14th Middlesex*

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By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 1555) 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. *2257* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to reduce lead poisoning in children.

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

SECTION 1. Section 198 of chapter 111 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:-

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

SECTION 2. Subsection (e) of section 197 of said chapter 111 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:-

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

SECTION 3. Section 192 of said chapter 111 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:-

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

16 SECTION 4. Section 194 of said chapter 111 of the General Laws, as appearing in the
17 2010 Official Edition, is hereby amended by inserting after the second sentence the following
18 sentence:-

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

21 And by amending the third sentence of said section by striking the word "or" after the
22 word "plaster" and inserting the words:- ", or other object" after the word "material".

23 And by amending the second paragraph of said section by inserting after the word
24 "reside" the words:- ", or spends three or more hours per day, such as a nursery or day care
25 facility".

26 And by amending the first sentence of the fourth paragraph of said section by inserting
27 after the word "months" the words:- "and/ or attended school or day care,"

28 And by amending the third sentence of the fifth paragraph of said section by inserting
29 after the word "age" the words:- "and there is reasonable cause to believe that the poisoning was
30 caused by the lead in the premises."

31 SECTION 5. Section 192B of said chapter 111 of the General Laws, as appearing in the
32 2010 Official Edition, is hereby amended by inserting after the first sentence the following
33 sentence:-

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