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State Lead Statutes

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This document abstracts state statutes governing lead hazard reduction, lead abatement, lead disposal, or lead poisoning. This report is the property of The National Conference of State Legislatures (NCSL) and is intended as a reference for state legislators and their states. NCSL makes no warranty, expressed or implied, or assumes any legal liability or responsibility for third parties' use of this information, or represents that its use by such third party would not infringe on privately owned rights.

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* Enforcement provisions are noted in **bold type**.

PROPERTY MAINTENANCE STANDARDS

Code of Alabama §22-37-3 (Alabama Lead Ban Act): restricts the import, distribution, and sale of plumbing appurtenances and materials which are not lead free; prohibits use of any lead pipe, solder or flux in installation or repair of any plumbing providing water for human consumption which is part of, connected to, or supplied by a public water system.

§22-37-6 makes it unlawful for any person to sell or use lead pipe, solder or flux in installation, construction or repair of a drinking water system or plumbing that provides drinking water.

Alaska Statutes §18-60-705 prohibits use of lead pipe, solder or flux in installation or repair of any plumbing of a residential or nonresidential facility that provides water for human consumption, or a public water system.

Arizona Revised Statutes §36-1674(a)(1) makes it unlawful for any person to apply lead-based paint to any interior or exterior surface of residential housing or public building which is accessible to children under 7 years old; (2) to apply lead-based paint to any toy, furniture, or kitchen utensil; (3) to sell or distribute any toy, furniture, or kitchen utensil containing lead-based paint.

§36-1674(d): makes violations of this section a class 1 misdemeanor.

California Education Code §32244 (Lead Safe Schools Protection Act): prohibits use of any potential sources of lead contamination (lead-based paint, lead plumbing or solders, etc.): in construction of any new school or renovation of any existing school facility.

California Health & Safety Code §17920.10(a): **makes it a violation** for any building or portion thereof including dwelling unit, guestroom or suite of rooms, or premises on which it is located to contain lead hazards. Defines “lead hazard.”

§108555(a): prohibits sale or exchange of toys contaminated with lead.

§108860 prohibits sale or exchange of tableware contaminated with lead.

Connecticut General Statutes §21a-82(a): requires paint in compliance with federal Lead-based Paint Poisoning Prevention Act on any interior or exterior surface of any tenements or municipally-owned buildings. (b): prohibits any municipality, housing development corporation, redevelopment agency, or other public authority to use paint on the interior of any of its projects serving as living quarters unless paint conforms with standards of American National Standards Institute.

§21a-83 prohibits sale or distribution of paint which does not conform with standards of Lead-based Poisoning Prevention Act unless labeled with

warning statement.

District of Columbia Code §8-115.03 prohibits any individual from applying lead-based paint to the interior or exterior surface of any residential, public, or commercial building, does not apply to individuals who perform lead-based paint activities at private owned residences where no child under age of 8 resides or regularly visits (§8-115.04(1)).

Illinois Compiled Statutes Annotated 410, 45/3 (Lead Poisoning Prevention Act): prohibits application of lead bearing substances on any exposed surface of a dwelling or dwelling unit, child care facility or other structure frequented by children, on any toy, furniture or other article used by children, or, within or upon a residential building or dwelling, child care facility, school, playground, park, recreational area, or other area frequented by children.

Kentucky Revised Statutes Annotated §217.801(1): prohibits sale or use of lead-based paint on toys, furniture, or interior surface of dwellings or other surfaces accessible to children under age of 7.

Louisiana Revised Statutes §1299.26 prohibits sale or use of lead-based paint on toys, furniture, utensils, interior surface of any dwelling, fixture, or exterior surface of any dwelling easily accessible to children under 6 years old; **(e) civil penalty for violations, imprisonment for willful violations; (f) state health officer authorized to embargo any personal property in violation of this section.**

§1299.28 liability of owner of residential property for all damages caused by failure to perform duties required of him pursuant to 1299.26 and 1299.27.

Maine Revised Statutes §1316 prohibits sale or use of lead-based paint on toys, furniture, interior surface or fixture within a dwelling, residential child care facility, preschool facility.

Maryland Environment Code Annotated §6-301 prohibits use of lead-based paint on any interior surface, exterior surface to which children may be exposed, or any article intended for household use, applies to multifamily rental dwelling or property constructed before 1950 with at least one rental dwelling (§6-801(b): defining “affected property”).

Annotated Laws of Massachusetts §196 prohibits the sale, distribution and use of lead-based paint or substance on toys, furniture, utensils, interior or exterior surface or fixture of any dwelling; **civil fine for violations of this section, imprisonment for willful violations of this section.**

New Hampshire Revised Statutes Annotated §130-A4 prohibits the use of any lead-based paint in any child care facility, dwelling, or dwelling unit.

New Jersey Annotated Statutes §24:14A-1 prohibits use of lead-based paint on toys, furniture,

any dwelling's interior surfaces or any exterior surface that is easily accessible to children.

New York Consolidated Law Service Public Health §1372 prohibits use of lead-based paint on any interior surface, window sill, window frame or porch of a dwelling.

Ohio Revised Code Annotated §3742.02(a)(2): prohibits use of lead-based paint on or inside any residential unit, child day care facility, or school.

Pennsylvania Statutes 35 §723.4 prohibits sale or exchange of any pipe, solder or flux that is not lead free.

§723.5 prohibits use of any pipe, solder, or flux that is not lead free in the construction, modification or repair of a plumbing system.

General Laws of Rhode Island §37-2-75 prohibits use of lead-based paint by all governmental bodies and public agencies.

§42-11-14 prohibits use of lead-based paint when painting of public buildings or public construction.

§45-55-16 prohibits use of lead-based paint by all municipalities.

South Carolina Code Annotated §44-53-1330 prohibits use of lead-based paint on interior or exterior surface, or fixture of any dwelling or child care facility.

§44-53-1340 prohibits sale of lead-based paint or any substance for use on any exposed surface of any dwelling or child care facility.

Wisconsin Statutes §254.12 prohibits sale or use of lead-based paints on any interior surface of a dwelling, exposed surface of a structure used for the care of children, or on any exposed fixture in a dwelling accessible to children.

SAFETY STANDARDS

Code of Alabama §22-37-4 requires the compliance of all present and future plumbing codes with lead prohibitions.

§22-37A-2(7): public buildings, excluding facilities not open to public, private clubs and residences, and commercial buildings, require all lead-based paint activities be performed by an accredited individual.

California Health & Safety Code §17920.10(a): **makes it a violation** for any building or portion thereof including dwelling unit, guestroom or suite of rooms, or premises on which it is located to contain lead hazards. Defines “lead hazard.”

§105185(a): establishes occupational lead poisoning program to (4) train employers, employees, and health professionals regarding prevention of occupational lead poisoning.

§105195(a) industries to which this section shall apply.

§105197/§ 105250(a) program to comply with federal Residential Lead-Based Paint Hazard Reduction Act and Housing and Community Development Act.

§105255(a): no person shall perform lead-related construction work on any residential or public building in a manner that creates a lead hazard.

Connecticut General Statutes §19a-80(a); §19a-87b(a): requires all child care centers, group day care homes, and family day care homes to be inspected for lead hazards and licensed by department. Requires compliance with all local codes and ordinances applicable to single and multifamily dwellings.

District of Columbia Code §8-115.02 establishment of a program, based on federal standards, to include development of standards and procedures for conducting lead-based paint activities.

§8-115.04 chapter does not apply to (1): individuals performing lead-based paint activities within their private residences, and where residence not occupied by person other than immediate family or child under age of 8; (2): housing for elderly or disabled, and where child under age of 8 does not live or visits; or (3): housing built after 1978.

Official Code of Georgia Annotated §31-41-15 liability protection for any owner of residential housing built prior to 1978 who complies with certain maintenance standards and has a obtained an annual certificate of compliance, or is able to show no lead hazards existed during period when injuries were sustained.

Illinois Compiled Statutes Annotated 410, 45/11.05(d)(4) establishes an advisory council to ensure lead-safe work practices in all remodeling, rehabilitation, and weatherization work.

45/14 requires department to establish regulations and guidelines governing permissible limits of lead in and about residential buildings and dwellings.

Iowa Code §135.105C(1) requires persons providing renovation, remodeling, or repainting services of “target housing” for compensation to provide lead info. pamphlet to owner and occupant of house before starting.

Kentucky Revised Statutes Annotated §211.9075: requires department to establish administrative regulations regarding standards for performing lead-based activity in “target housing” and “child-occ. fac.”

Louisiana Revised Statutes §302351.22 state and municipal building codes to govern design for all modifications to facilities or structures that occur in conjunction with lead-abatement activity.

Maine Revised Statutes §1292(3) requires notification to commissioner before starting any residential lead-based activity that has potential to create lead dust; (4) all residential, public building, commercial and “superstructure” lead-based activity must be in accordance with work practice standards adopted by department pursuant to §1295.

§1295 requires department to establish standards, satisfying min. standards of federal law (including OSHA), addressing standards of acceptable work practices.

§1296 persons not required to get cert. or lic. must still ensure that any renovation, remodeling, maintenance or repair project involving lead-based paint does not release lead to the environment. Lists activities that may release lead to the environment. **If commissioner finds that a violation of this section endangers public health or safety, he/she may order persons responsible to cease and desist, and to take any action necessary to stop or mitigate the danger. Right to appeal to board by hearing within 5 days of receipt of order. Board decisions may be appealed to Superior court. In addition to fines and penalties, Att. General may commence civil action to recover punitive damages for failure to undertake abatement or remedial action.**

§1327 an owner of a building constructed prior to 1978 that is rented for residential purposes or used as a preschool facility MAY perform essential maintenance practices as defined under rules of the Department of Env. Protection’s “Lead Management Regulations.”

Maryland Environment Code Annotated §6-815(a) requires owner of affected property (defined

in 6-801) to satisfy risk reduction standard on first change in occupancy and (b) on each change in occupancy thereafter, (c) affected property to be inspected at each change in occupancy

§6-819 Modified risk reduction treatment (procedures enumerated in (a)(1)) for “affected property”; (c): must be satisfied after notice that (i) an occupant has an elevated blood lead level, or (ii) of a defect and the existence of a person at risk within the property; (e): 100% compliance by 2006; (f): verification of work performed; (g): lead-contaminated dust test as alternative to the modified risk reduction treatment.

§6-817(a) no liability protection for those who fail to ensure that at least 50% of owner’s affected properties have satisfied risk reduction standards set out in §6-815 by 2001. (b) no liability protection for those who fail to ensure that 100% of owner’s affected properties have satisfied risk reduction standards set out in §6-815 by 2006.

§6-819(k) verified statement or inspector’s final reports as rebuttable presumption that owner in compliance with modified risk reduction standard.

§6-822(a): no effect on authority of state or local agencies to enforce housing and livability codes or to order lead abatements; (b) a local jurisdiction authorized to order a lead abatement in any residential property following an environmental investigation.

Maryland Annotated Code Art. 83B, §2-301(7): (Maryland Housing Rehabilitation Program): declaration as a proper public purpose the prevention of lead poisoning by modifying older housing and expending public money for such purpose.

Annotated Laws of Massachusetts §197 proper procedures for removal or containment of lead-based paint hazards to be applied in residential premises (§199B larger than 250 sq.ft.) found to have dangerous lead levels and occupied by a child under 6 years old; (c) **if tenant or inspector believes that premises fail to meet standards of letter of compliance, they shall notify the owner and director, local code enforcement agency or board of health (the “state”). The state or a court may then order full compliance.**

Michigan Compiled Laws Service §333.5473a(2-3) requires department to establish and conduct educational programs to educate homeowners and remodelers of lead-safe practices and methods of lead-hazard reduction activities; (4) requires department to recommend appropriate maintenance practices for owners of residential property and day care facilities designed to prevent lead poisoning in children 6 years or younger and pregnant women.

Minnesota Statutes §116.875 Subdiv. 2-3: responsibility of persons generating lead-paint waste for the proper management and disposal of it.

§116.89 authorizes agency to adopt rules to enforce the proper disposal and management of waste, and commissioner to revoke license of an abatement contractor that violates these provisions.

§144.9508 Subdiv. 2a authorizes commissioner to establish lead standards for exterior surfaces, concrete, and street dust on residential property.

New Jersey Annotated Statutes §24:14A-5 declares presence of lead paint upon interior of a dwelling or exterior surfaces easily accessible to children to be a public nuisance.

§52:27D-437.2(e): develops a comprehensive program to establish methods to safeguard children residing in rental housing and track its progress.

§55:13A-7 requires commissioner to issue regulations necessary to assure public health and safety in any hotel or multiple dwelling, including maintenance standards, methods and techniques.

North Carolina General Statutes §130A-131.7(9): defines and lists appropriate “maintenance standards” to be used in lead abatement and remediation.

§130A-131.9C(g): list of prohibited methods of remediation of lead-based paint hazards. (h): requires all lead-paint removal efforts to comply with applicable federal, state, and local laws. (i): all remediation plans required to reduce lead hazards to maximum levels, based on the surface or item being tested. (j1): compliance with “maintenance standards” satisfies remediation requirements. (k): removal of children from the lead hazard is not a valid remediation as long as property continues to be used as residential housing or a child-occupied facility.

§130A-131.9D liability protection for owners of a residential housing unit in compliance with the maintenance standards defined in 131.7(9).

Ohio Revised Code Annotated §3742.41 liability protection for property built before 1950, being used as a residential unit, child day-care facility, or school, when satisfied maintenance practice standards/preventive treatment specified in §3742.42 and pass a clearance examination.

§3742.42 essential maintenance practices defined.

§3742.43 implementation of essential maintenance practices, safeguards for workers and occupants.

§3742.44(a) activities prohibited when implementing the essential maintenance practices. (b) activities not prohibited.

§3742.45 specialized cleaning methods used when implementing essential maintenance

practices.

§3742.50(a)(6) requires public health council to establish standards and procedures to be followed when implementing preventative treatments for the control of lead hazards. (7) standards that must be met to pass a clearance examination.

Oklahoma Statutes 27A, §2-12-402 requires Env. Qual. Board to establish guidelines for the conduct of such renovation, demolition and remodeling activities which may release lead into env.

General Laws of Rhode Island §23-24.6-5 requires department to establish acceptable lead levels in dwellings where a child under 6 years of age with high blood lead level resides, and in buildings or properties frequently used by children under 6 years of age, including standards for lead on painted surfaces, household dusts, and soil.

§23-24.6-18 nothing in this chapter affects the Housing Maintenance and Occupancy Code, §45-24.3.

§23-24.6-19 requires department to revise air pollution control regulations, which shall apply to all sandblasting and powered sanding of exterior surfaces with lead-based paint.

§42-55-27(c): creates a lead paint removal fund for the purpose of reducing lead hazards in housing units and to fund improvements to residential property.

§42-128-8 requires commission to prepare and adopt the state's plans for housing, to conduct research and make reports regarding housing issues, to administer programs pertaining to lead abatement and remediation.

Texas Occupations Code §1955.051(a) requires dept. to establish rules, based on Fed. law, for certification of persons performing lead-based paint activity in target housing or child-occupied facility.

Vermont Statutes Annotated 18, §1759 essential maintenance practices (methods of removal and protective materials): (a) required by all owners of rental target housing and child care facilities, (9) persons performing these practices required to complete training program or be supervised by someone who has.

§1761 owners of target housing and child care facilities owe duty of reasonable care to prevent exposure to, and the creation of, lead-based paint hazards.

Virginia Code Annotated §8.01-226.7 liability protection for an owner of a residential dwelling when complies with federal and state laws and regulations, including Uniform Statewide Building Code.

Wisconsin Statutes §254.179 requires department to establish standards for a premises or

dwelling that must be met for issuance of a lead-safe certificate.

§254.173(2) immunity from civil and criminal liability from persons who develop lead poisoning or lead exposure on property with certificate of lead-free or lead-safe status for applicable period, (3)(a) immunity from civil and criminal liability for first 60 days after owner acquires the dwelling or unit, unless (a) lead hazard created by owner or agent, or (c) fails to comply with an order.

ABATEMENT

Code of Alabama §22-37A-7(a) requires persons engaged in lead hazard reduction activities to be certified and observe proper removal procedures and precautions. **(b) violations of subsection (a) and rules adopted thereunder class C misdemeanor.**

California Education Code §32242(g) requires dept of health services to work with dept of education to develop voluntary guidelines for school repair and maintenance, and abatement procedures to minimize lead hazards.

Colorado Revised Statutes §25-7-1103(1): implementation by commission of federal Residential Lead-based Paint Hazard Reduction Act, by establishing **(b) performance standards and practices for lead abatement.**

§25-7-1104: duties of division to implement, oversee, **and enforce** rules established by commission.

§25-7-1107: title applies only to child-occupied facilities and target housing.

Delaware Code Annotated 16 §122(3)(t) authorizes department to establish standards for regulation of lead-based paint hazard control activities, including work standards.

District of Columbia Code §8-115.02 establishment of a program, based on federal standards, to include development of standards and procedures for conducting lead-based paint activities.

§8-115.04 chapter does not apply to (1): individuals performing lead-based paint activities within their private residences, and where residence not occupied by person other than immediate family or child under age of 8; (2): housing for elderly or disabled, and where child under age of 8 does not live or visits; or (3): housing built after 1978.

Official Code of Georgia §31-41-17 advice regarding cleaning activities in homes occupied by children less than 6 years old and with elevated blood lead levels.

§31-41-18 this article does not apply to owners of single-family dwellings or multifamily residences or buildings which do not contain more than 12 single-family dwelling or residential housing units.

Hawaii Revised Statutes §342P-41(3): authorizes director to establish work practice standards for lead-based abatement activities in dwellings and child-occupied facilities.

Illinois Compiled Statutes Annotated 410, 45/11 requires all mitigation of lead hazards to be accomplished in manner which will not endanger health of residential or dwelling unit occupants, and safely remove harmful materials.

Burns Indiana Code Annotated §13-17-14-12(e),(f),(g): regulations regarding methods for removal of lead-based paint at target housing and child occupied facilities built before 1960. (b): Does not apply to individuals performing such activities within his/her private owned dwelling not containing a child under 7 years old with an elevated blood lead level.

Iowa Code §135.105C(1): requires persons providing renovation, remodeling, or repainting services of “target housing” for compensation to provide lead info. pamphlet to owner and occupant of house before starting.

Kentucky Revised Statutes Annotated §211.905(3): requires the removal of lead-based substances from dwellings of occupants with elevated lead blood level to be accomplished in a manner which will not endanger health or well-being of its occupants.

§211.9075: requires department to establish administrative regulations regarding standards for performing lead-based activity in “target housing” and “child-occ. fac.”

Louisiana Revised Statutes §1299.27(b): proper work procedures for removal and repainting of residential premises deemed unsafe by the state health officer.

§1299.28 liability of owner of residential property for all damages caused by failure to perform duties required of him pursuant to 1299.26 and 1299.27.

Maine Revised Statutes §1296 persons not required to get cert. or lic. must still ensure that any renovation, remodeling, maintenance or repair project involving lead-based paint does not release lead to the environment. Lists activities that may release lead to the environment. **If commissioner finds that a violation of this section endangers public health or safety, he/she may order persons responsible to cease and desist, and to take any action necessary to stop or mitigate the danger. Right to appeal to board by hearing within 5 days of receipt of order. Board decisions may be appealed to Superior court. In addition to fines and penalties, Att. General may commence civil action to recover punitive damages for failure to undertake abatement or remedial action.**

Maryland Environment Code Annotated §6-815(a) requires owner of affected property (defined in 6-801) to satisfy risk reduction standard on first change in occupancy and (b) on each change in occupancy thereafter, (c) affected property to be inspected at each change in occupancy

§6-819 Modified risk reduction treatment (procedures enumerated in (a)(1)) for “affected property”; (c): must be satisfied after notice that (i) an occupant has an elevated blood lead level, or (ii) of a defect and the existence of a person at risk within the property; (e): 100% compliance by 2006; (f): verification of work

performed; (g): lead-contaminated dust test as alternative to the modified risk reduction treatment.

§6-817(a) no liability protection for those who fail to ensure that at least 50% of owner's affected properties have satisfied risk reduction standards set out in §6-815 by 2001. (b) no liability protection for those who fail to ensure that 100% of owner's affected properties have satisfied risk reduction standards set out in §6-815 by 2006.

§6-819(k) verified statement or inspector's final reports as rebuttable presumption that owner in compliance with modified risk reduction standard.

§6-822(a): no effect on authority of state or local agencies to enforce housing and livability codes or to order lead abatements; (b) a local jurisdiction authorized to order a lead abatement in any residential property following an environmental investigation.

Annotated Laws of Massachusetts §197 proper procedures for removal or containment of lead-based paint hazards to be applied in residential premises (§199B larger than 250 sq.ft.) found to have dangerous lead levels and occupied by a child under 6 years old; (d): certification required for lead containment or abatement activities, except owners performing these practices on their own premises, but must be trained; **(c) if tenant or inspector believes that premises fail to meet standards of letter of compliance, they shall notify the owner and director, local code enforcement agency or board of health (the "state"). The state or a court may then order full compliance.**

Minnesota Statutes §116.875 Subdiv. 2-3: responsibility of persons generating lead-paint waste for the proper management and disposal of it.

§116.89 authorizes agency to adopt rules to enforce the proper disposal and management of waste, and commissioner to revoke license of an abatement contractor that violates these provisions.

§144.9508 Subdiv. 2 requires commissioner to adopt procedures and methods for the safe reduction of lead hazards, including lead removal, disposal, cleanup, and repainting, for all residences, child care facilities, playgrounds, and schools.

Mississippi Code Annotated §49-17-507(d): requires commissioner to develop and monitor the use of work practice standards for lead-based paint activities; **(e) to enforce and assess penalties for violations, and to (b-c) revoke, suspend or deny certification or accreditation.**

Revised Statutes Missouri §701.312 requires director of department to establish a program to establish work practice standards.

§701.310(1) any abatement of lead hazard from dwelling or child-occupied facility to be

performed so as not to endanger health.

New Hampshire Revised Statutes Annotated §130-A:9 requires all lead-based paint activity in any dwelling or child care facility to comply with standards set out in §130-A:10.

§130-A:10 requires commissioner to adopt rules regarding: VIII procedures and methods for lead reduction, abatement, management and controls for interior and exterior surfaces, which will protect health and safety of lead workers and control the release of lead-based substances to the environment.

New Jersey Annotated Statutes §24:14A-11 authorizes commissioner of the department to prescribe standards for the repair of premises containing lead-based paint.

New York Consolidated Law Service Public Health §1373(2): commissioner authorized to prescribe method of lead paint removal, refinishing, or covering, from such surfaces, soil or pipes contaminated with lead.

North Carolina General Statutes §130A-131.7(9): defines and lists appropriate “maintenance standards” to be used in lead abatement and remediation.

§130A-131.9C(g) list of prohibited methods of remediation of lead-based paint hazards. (h) requires all lead-paint removal efforts to comply with applicable federal, state, and local laws. (i) all remediation plans required to reduce lead hazards to maximum levels, based on the surface or item being tested. (j1) compliance with “maintenance standards” satisfies remediation requirements. (k) removal of children from the lead hazard is not a valid remediation as long as property continues to be used as residential housing or a child-occupied facility.

§130A-131.9D liability protection for owners of a residential housing unit in compliance with the maintenance standards defined in 131.7(9).

North Dakota Century Code §23-25-03.1(3): requires department to establish performance standards for lead-based paint abatement, in accordance with CFR title 40, part 745, sections 220-233.

Oklahoma Statutes 27A, §2-12-201(b)(1) requires Env. Quality Board to establish rules containing work standards for performing lead-based paint activities.

Ohio Revised Code Annotated §3742.38 the owner or manager of a residential unit, child day care facility, or school subject to a **lead hazard control order** shall choose a method of lead control that enables it to pass a clearance examination, based on personal preference or recommendations by the board or director.

Pennsylvania Statutes 35, §§5904(b)(6), 5913 requires department to establish standards for performing lead-based activities that are no more stringent than Fed. requirements.

General Laws of Rhode Island §23-24.6-17 requires department to (2) establish acceptable treatment methods for lead hazard reduction, (4) specify containment and clean up measures for lead hazard reduction activities, (5) measures to protect health and safety of lead workers, contractors, inspectors, and others.

Utah Code Annotated §19-2-104 authorizes board to establish requirements for (1)(i) training, certification, and performance of lead-based paint activities, and (3)(r)(iv) work practice standards and certification requirements for lead-based paint inspectors.

Virginia Code Annotated §54.1-501 requires board to establish (6)(iii) work standards for performing lead-based paint activities consistent with Residential Lead-based Paint Hazard Reduction Act and the United States EPA regulations.

Revised Code of Washington §70.103.030(2); §70.103.050(9) requires department to establish work practice standards for performing lead-based paint activities consistent with federal requirements.

WORK PRACTICE STANDARDS

Code of Alabama §22-37A-7(a): requires persons engaged in lead hazard reduction activities to be certified and observe proper removal procedures and precautions. **(b) violations of subsection (a) and rules adopted thereunder class C misdemeanor.**

California Health & Safety Code §§105197, 105250 (c) regulations regarding accreditation/certification of providers of health and safety training to employees engaged in lead-related construction work (as defined in Labor Code); (d) these regulations to be adopted after consultation with Division of Occup. Safety and Health.

California Labor Code §6716 defines lead-related construction work.

§6717 standards protecting health and safety of employees who engage in lead-related construction work to comply with federal OSHA, list of construction activities to be regulated by protective measures.

Hawaii Revised Statutes §342P-41(3): authorizes director to establish work practice standards for lead-based abatement activities in dwellings and child-occupied facilities.

Illinois Compiled Statutes 410, 45/11.05(d)(4) establishes an advisory council to ensure lead-safe work practices in all remodeling, rehabilitation, and weatherization work.

Burns Indiana Code Annotated §13-17-14-5 requires board to establish work practice standards.

Kentucky Revised Statutes Annotated §211.9071: requires compliance with federal rules and regulations, including those of OSHA.

§211.9075: requires department to establish administrative regulations regarding standards for performing lead-based activity in “target housing” and “child-occ. fac.”

Louisiana Revised Statutes §2351.4 standards for licensure to be established by dept. and board, includes compliance with OSHA.

§1299.27(b): proper work procedures for removal and repainting of residential premises deemed unsafe by the state health officer.

Maine Revised Statutes §1292(3) requires notification to commissioner before starting any residential lead-based activity that has potential to create lead dust; (4) all residential, public building, commercial and “superstructure” lead-based activity must be in accordance with work practice standards adopted by department pursuant to §1295.

§1295 requires department to establish standards, satisfying min. standards of federal law (including OSHA), addressing standards of acceptable work practices.

Minnesota Statutes §144.9508 Subdiv. 2 requires commissioner to adopt procedures and methods for the safe reduction of lead hazards, including lead removal, disposal, cleanup, and repainting, for all residences, child care facilities, playgrounds, and schools.

Mississippi Code Annotated §49-17-507(d): requires commissioner to develop and monitor the use of work practice standards for lead-based paint activities; **(e) to enforce and assess penalties for violations, and to (b-c) revoke, suspend or deny certification or accreditation.**

Revised Statutes Missouri §701.312 requires director of department to establish a program to establish work practice standards.

New Hampshire Revised Statutes Annotated §130-A:9 requires all lead-based paint activity in any dwelling or child care facility to comply with standards set out in §130-A:10.

§130-A:10 requires commissioner to adopt rules regarding: VIII procedures and methods for lead reduction, abatement, management and controls for interior and exterior surfaces, which will protect health and safety of lead workers and control the release of lead-based substances to the environment.

New Mexico Statutes Annotated §69-7-6 declares lead poisoning as a compensable occupational disease when arising out of course of employment in any smelting works or mill.

Nevada Revised Statutes §617.450 declares lead poisoning as a compensable occupational disease when arising out of course of employment.

Ohio Revised Code Annotated §3742.43 implementation of essential maintenance practices, safeguards for workers and occupants.

§3742.44(a): activities prohibited when implementing the essential maintenance practices. (b): activities not prohibited.

§3742.45 specialized cleaning methods used when implementing essential maintenance practices.

§3742.071 authorizes director of health to issue cease work order when health or well-being of an occupant of a residential unit, child day care facility, school, or licensed worker is endangered or impaired.

§4123.68 declares lead poisoning as a compensable occupational disease when arising out of the course of employment.

General Laws of Rhode Island §23-24.6-17 requires department to (2) establish acceptable

treatment methods for lead hazard reduction, (4) specify containment and clean up measures for lead hazard reduction activities, (5) measures to protect health and safety of lead workers, contractors, inspectors, and others.

Oklahoma Statutes 27A, §2-12-201(b)(1) requires Env. Quality Board to establish rules containing work standards for performing lead-based paint activities.

Pennsylvania Statutes 35, §§5904(b)(6), 5913 requires department to establish standards for performing lead-based activities that are no more stringent than Fed. requirements.

43, §477 requires employer to have every employee, who while engaged in work is exposed to lead dust, fumes or solutions, examined at least once a month by a licensed physician.

General Laws of Rhode Island §23-24.6-17 requires department to (2) establish acceptable treatment methods for lead hazard reduction, (4) specify containment and clean up measures for lead hazard reduction activities, (5) contain measures to protect the occupational health and safety of persons performing lead hazard reduction.

§23-24.6-20(e)(4) dept authorized to issue a cease work order for violations which will endanger or impair health/well-being of occupant or any lead worker.

Texas Occupations Code §1955.104 dept authorized to apply to court for injunctive relief, where violations will cause health of occupant or lead worker to be endangered or impaired, and civil penalties.

Utah Code Annotated §19-2-104 authorizes board to establish requirements for (1)(i) performance of lead-based paint activities, and (3)(r)(iv) work practice standards for lead-based paint inspectors.

Vermont Statutes Annotated §1760 requires sec. to establish methods and practices to be used by licensed lead inspectors.

Virginia Code Annotated §54.1-501 requires board to establish (6)(iii) work standards for performing lead-based paint activities consistent with Residential Lead-based Paint Hazard Reduction Act and the United States EPA regulations.

Revised Code of Washington §70.103.030(2); §70.103.050(9) requires department to establish work practice standards for performing lead-based paint activities consistent with federal requirements.

LICENSING AND CERTIFICATION REQUIREMENTS

Code of Alabama §22-37A-5(a) requires certification of any person, firm or corp. before engaging in lead hazard reduction activities, except for persons performing lead abatement within his/her private residence; (b)-(d) board shall develop and publish certification and re-certification procedures and fees.

§22-37A-6(a) establishes Safe State, a state accreditation agency for lead hazard training; (d) requires registration and certification by Safe State prior to engaging in lead hazard reduction activities; (e)-(f) Safe State shall develop and publish registration/certification procedures and fees.

§22-37A-7(a) requires persons engaged in lead hazard reduction activities to be certified and observe proper removal procedures and precautions. **(b) violations of subsection (a) and rules adopted thereunder class C misdemeanor.**

Arkansas Code Annotated §8-4-406 department shall (1) require training and examinations for individuals engaged in lead-based paint activities; (2) establish and enforce procedures for licensing and certification of persons engaged in such activities; (3) to enforce these provisions by legal action if necessary; **(4) to suspend or revoke license/certification for after opportunity for hearing;** (5): to establish fees.

Arizona Revised Statutes §8-4-407 license required for consultants, contractors, or training providers engaged in lead-based paint activities.

§8-4-408 license and/or certification required for any person conducting lead-based paint activities.

California Education Code §32243(b) only trained and certified persons to be used by schools undertaking lead abatement projects.

California Health & Safety Code §105185(a) establishes occupational lead poisoning program to (4) train employers, employees, and health professionals regarding prevention of occupational lead poisoning.

§105195(a) industries to which this section shall apply.

§§105197, 105250 (c) regulations regarding accreditation/certification of providers of health and safety training to employees engaged in lead-related construction work (as defined in Labor Code); (d) these regulations to be adopted after consultation with Division of Occup. Safety and Health.

§105253 persons certified to conduct lead-related services governed by regulations in California Code of Regulations.

§105254 types of lead construction work requiring certification.

Colorado Revised Statutes §25-7-1103(1) implementation by commission of federal Residential Lead-based Paint Hazard Reduction Act, by establishing (a) procedures for a training/certification program for persons involved in lead related activities; (b) performance standards and practices for lead abatement.

§25-7-1104: duties of division to implement, oversee, and enforce rules established by commission.

§25-7-1107: title applies only to child-occupied facilities and target housing.

Connecticut General Statutes §19a-80(a); §19a-87b(a): requires all child care centers, group day care homes, and family day care homes to be licensed by department.

§19a-111d requires commissioner to adopt procedure and standards for certification of lead-based service workers.

§20-475 requires certification of all lead abatement contractors or lead consultant contractors.

§20-476 requires certification of all lead consultants, lead abatement supervisors or lead abatement workers.

§20-481 disciplinary action for violations concerning licensing, including negligent, incompetent or wrongful conduct in professional activities.

§20-482 civil penalty for knowing violations of these provisions.

Delaware Code Annotated 16 §122(3)(t) authorizes department to establish standards for regulation of lead-based paint hazard control activities, including training and certification of persons who perform lead-based activities, work standards, and accreditation of training programs.

District of Columbia Code §8-115.02 establishment of a program, based on federal standards, to include development of standards and procedures for conducting lead-based paint activities.

§8-115.04 chapter does not apply to (1): individuals performing lead-based paint activities within their private residences, and where residence not occupied by person other than immediate family or child under age of 8; (2): housing for elderly or disabled, and where child under age of 8 does not live or visits; or (3): housing built after 1978.

§8-115.07 requires business entities and individuals, except governmental agencies, to obtain permit for lead-based paint abatement activities.

§8-115.08 requires individuals and business entities to keep record of all lead-based paint activities performed and make available, upon request, to the Mayor.

§8-115.10 authorizes Mayor to suspend, revoke, or refuse to reissue a license or certificate under this section.

§8-115.12(a) violation of rule 8-115.07 subject to fine or imprisonment, or both, prosecutions to be initiated by the Corporation Counsel.

Official Code of Georgia Annotated §31-41-4 establishment of program, based upon federal EPA regulations regarding lead paint abatement certification programs, to (b) issue regulations requiring development and approval of training programs for certification/licensing of persons performing lead-based paint activities; (c)(1) issue training and licensure requirements for persons performing lead-based paint activities, (2) no person shall perform these activities without appropriate license/certification, except for persons performing abatement upon private residence where no person other than immediate family lives or a child with a known elevated blood lead level.

§31-41-5 civil penalty in addition to revocation or suspension of license for violations.

§31-41-6(c) dept authorized to issue corrective orders and (d) authorized to revoke or suspend any license, certification or accreditation.

Hawaii Revised Statutes §321-13(b) certificate of registration or permit required to engage in occupations or practices referred to in this section.

Illinois Compiled Statutes 410, §45/8.1 license required for lead inspectors

45/11.1 license required for lead abatement contractors and worker, **violations a Class A misdemeanor.**

45/11.2 authorizes dept to assess civil penalties against licensed person for violations.

Burns Indiana Code Annotated §13-17-14-3 license required for persons performing lead-based paint activities.

Iowa Code §135.105A requires dept. to (1) establish a program for the training and certification of lead inspectors and lead abaters; (2) establish a voluntary program for the training of painting, demolition, and remodeling contractors/those who provide mitigation control services (not directly related to lead); (3) no certification requirement for persons performing lead services on private property not occupied by persons other than immediate family; (4) certification and completion of training program required for persons performing lead abatement or lead inspection, **violations subject to civil penalty not to exceed \$5,000 dollars for each offense.**

Kansas Statutes Annotated §65-1, 203(a): requires licensure from secretary for business entities performing lead-based paint services; (b) requires certification from secretary for individuals performing lead-based paint services, except for individuals performing these services in their own private residence, but must perform them in accordance with state and fed. guidelines or statutes; (c) business entities performing these services in nonresidential dwellings exempt from requirements of this section, but must perform them in accordance with state and fed. guidelines or statutes.

§65-1, 207: denial, suspension or revocation of license or certificate; (e)(1) when public health and safety endangered, sec. may, in accordance with emergency adjudication procedures of the administrative procedure act, temporarily suspend a license or certificate without notice or hearing; (2) susp. not to last more than 90 days without a notice and hearing.

§65-1, 208: when an authorized agency of the sec. finds any person or business entity in noncompliance, agent must notify them in writing with steps necessary to achieve compliance. The person or entity must then comply within 5 days of receipt of notice.

§65-1, 209: Knowing violations Class C misdemeanor for first offense and B for second.

§65-1, 210 sec authorized to impose (a, b) Civil penalties, (c) order to take corrective action, (e) with rt of appeal to district court.

§65-1, 211 sec authorized to maintain action, in name of people of state, for injunctive or relief to restrain or prevent violation.

Kentucky Revised Statutes Annotated §211.9063(1) requires certification for all persons performing lead-based paint activity in “target housing” or “child-occupied facilities”; (2) requires department to create and administer certification program; (3) requires department to establish administrative regulations regarding training and testing requirements for certification; **(4) requires dept. to establish administrative regulations regarding enforcement of certification program;** (5) requires permit to perform lead-based services in “target housing” or “child-occupied facilities.”

Louisiana Revised Statutes §2351.2 requires licensure or certification for any lead-based paint activity.

§2351.4 standards for licensure to be established by dept. and board, includes compliance with OSHA.

§2351.6 standards for certification enumerated

§2351.23(a) requires permit from sec. for lead contractors performing abatement activities; (c) sec. to establish requirements for permit.

§2351.25(d) authorizes sec. to suspend and/or revoke permits or licenses, impose civil administration penalties or imprisonment for up to ninety days.

Maine Revised Statutes §1292(1) requires certification or license for residential lead-based paint activities, (5) except for persons performing lead activities within own private dwelling with no child occupant with elevated blood lead level; (2) requires certification or license for lead-based paint activities in public buildings, commercial buildings and “superstructures.”

§1293 requires board to establish rules governing licensing of business or public entities and certification of individuals.

§1295 requires department to establish standards, satisfying min. standards of federal law (including OSHA), that address certification and licensing and standards of acceptable work practices.

§1296 persons not required to get cert. or lic. must still ensure that any renovation, remodeling, maintenance or repair project involving lead-based paint does not release lead to the environment. Lists activities that may release lead to the environment. **If commissioner finds that a violation of this section endangers public health or safety, he/she may order persons responsible to cease and desist, and to take any action necessary to stop or mitigate the danger. Right to appeal to board by hearing within 5 days of receipt of order. Board decisions may be appealed to Superior court. In addition to fines and penalties, Att. General may commence civil action to recover punitive damages for failure to undertake abatement or remedial action.**

Maryland Environment Code Annotated §6-818 requires accreditation for any person performing lead testing/inspection.

§6-1002 accreditation requirement for contractors and supervisors performing lead abatement/lead inspection/lead training; (c) workers need not be accredited, but must be trained.

Annotated Laws of Massachusetts §197(d) certification required for lead containment or abatement activities, except owners performing these practices on their own premises, but must be trained

§197B(a) requires license for persons performing lead paint inspections, director to establish these regulations for licensing of lead paint, **(f) director to enforce these regulations, which may include revoking, suspending, canceling, or denying certification or license, or issue cease-work order.**

Michigan Compiled Laws Service §333.5460a requires certification for all persons

performing lead-based paint activities, except persons performing these activities within private dwellings and where no child with elevated blood lead level resides.

§§333.5461, 333.5469, 333.5470 (same as above)

Minnesota Statutes §144.9505 requires certification or license from commissioner for all lead related activity.

§144.9508 Subdiv. 3 requires commissioner to establish rules to license individuals and certify firms.

Mississippi Code Annotated §§49-17-511 to 521 requires certification of any person performing lead-based paint activities.

§49-17-509(7): no certificate required for persons performing lead services in privately owned dwelling, where no one besides immediate family and no child with elevated blood lead level reside.

Revised Statutes Missouri §701.310(2) no license required for persons performing lead abatement within privately owned dwelling, where no one besides immediate family and no child with elevated blood lead level reside. However, owner must consult with department regarding proper methods and procedures prior to performance.

§701.312 requires director of department to establish a program to train and license persons performing lead related services.

§701.316 requires license by department and completion of U.S. EPA training program for all persons performing lead related services.

§701.316(3) dept may revoke, suspend or deny any license if terms or conditions violated.

Revised Statutes of Nebraska §71-6318.01(1) requires certification for all indiv. and firms performing lead-based paint activities, except that (2) no certification required for persons performing lead activities within privately owned residence where no one besides immediate family and no child with elevated blood lead levels reside.

New Hampshire Revised Statutes Annotated §130-A:2 commissioner authorized to deny or revoke licensure.

§130-A:10 requires commissioner to adopt rules regarding: I-II standards and procedures for licensing and certification; III the conduct of inspections.

New Jersey Annotated Statutes §26:2Q-3 certification required for performance of lead related work.

§26:2Q-5 authorizes dept to deny, suspend, revoke or refuse to renew any certification for good cause.

§26:2Q-6 authorizes dept to bring civil action for injunctive relief if believes a non-certified person engaging in lead-related work for compensation.

§26:2Q-10 certification not required for persons performing lead work in privately owned dwelling unit.

North Carolina General Statutes §130A-453.03(a) requires certification for individuals performing lead-based activity in target housing or child-occupied facility, except for (b) persons performing lead-based activity within their privately owned residence where no person besides immediate family or child with high blood lead level resides.

§130A-453.04 requires certification for firms performing lead-based activity in target housing or child-occupied facility.

§130A-453.05 qualifications for certification of individuals and firms, including education, training, experience, clearance exam, and fees to be set by commission.

§130A-453.09 requires permit for persons performing lead abatement in target housing or child-occupied facility, except for (c) persons performing lead-based activity within their privately owned residence where no person besides immediate family or child with high blood lead level resides.

North Dakota Century Code §23-25-03.1(3) requires department to establish standards and procedures for licensing of contractors and certification of lead-based paint workers and to establish performance standards for lead-based paint abatement, in accordance with CFR title 40, part 745, sections 220-233. **dept charged with enforcement authority of licensing program.**

Ohio Revised Code Annotated §3742.02(c) requires license for persons performing any lead-related services in a residential unit, child day-care facility, or school.

§3742.46 license not required for persons performing essential maintenance practices, but completion of training program required.

§3742.16 authorizes director of health to refuse, suspend or revoke any license for good cause.

Oklahoma Statutes 27A, §2-12-201(a)(2) requires certification for persons performing lead-based paint activities in target housing or child-occupied facilities.

§2-12-202(b)(1) authorizes dept to suspend, revoke, or refuse to issue or renew a certification for good cause, (5) dept charged with enforcement of the Act.

§2-12-302 requires certification for contractors performing lead-based paint activities in target housing or child-occupied facilities.

Oregon Revised Statutes §701.510 requires license for persons performing lead-based paint activity.

Pennsylvania Statutes 35, §5904(b) requires dept. to establish requirements, no more stringent than Fed. requirements, for the certification and training of persons/contractors performing lead-based paint activities.

§5906(a) requires certification of persons and business entities to engage in lead-based paint activities.

General Laws of Rhode Island §23-24.6-20(b) requires department to establish regulations requiring certification or licensing of persons performing lead-related services.

§23-24.6-20(b)(1) dept authorized to revoke or suspend a license or certification for good cause, (e)(1) dept charged with enforcement duties of this section, (3) includes authority to file complaint with district court, (4) or a cease work order for violations which will endanger or impair health/well-being of occupant or any lead worker.

Tennessee Code Annotated §68-131-404 requires certification for persons performing lead-based paint activities.

§68-131-405(b) authorizes commissioner to suspend or revoke a certification for violations.

Texas Occupations Code §1955.051(a) requires dept. to establish rules, based on Fed. law, for certification of persons performing lead-based paint activity in target housing or child-occupied facility.

§1955.052 authorizes board to require certification of persons performing lead-based paint activities in target housing or other public area.

§1955.101 disciplinary action by dept for violations of licensing/certification requirements, authorized to revoke, suspend or deny.

§1955.102 probationary actions

§1955.103 administrative penalties

§1955.104 dept authorized to apply to court for injunctive relief and civil penalties.

§1955.105 dept authorized to apply to court for criminal penalties.

Utah Code Annotated §19-2-104 authorizes board to establish requirements for (1)(i) training, and certification for lead-based paint activities, and (3)(r)(iv) certification requirements for lead-based paint inspectors.

Vermont Statutes Annotated §1752 requires department to adopt **and enforce** rules, in accordance with Fed. TSCA and EPA, for training and certification of persons performing lead-based paint activities.

Virginia Code Annotated §54.1-501 requires board to establish (6)(ii) procedures and requirements for licensing individuals and firms performing lead-based paint activities.

§54.1-503(c) license required to engage in lead-based paint activities.

§54.1-512(e) license not required for persons performing lead-based paint activities within residences which they own, where no person other than immediate family resides, or any child with high blood lead level resides.

§54.1-516 authorizes board to revoke, suspend or fine for violations of licensing regulations.

§54.1-517 criminal and civil penalties for willful violations

Revised Code of Washington §§70.103.030(2); 70.103.050(3),(4): requires dept. to establish, consistent with federal requirements, certification requirements for individuals and firms engaged in lead-based paint activities.

§70.103.080(2) certification required for indiv. or firms performing (or offering to perform) lead-based paint activities.

§70.103.080(3) authorizes dept to revoke, suspend or deny certification for noncompliance, (4) criminal penalties for violations.

West Virginia Code §16-35-5(a) license required for any individual performing lead-based paint activity.

§16-35-7(a) license not required for homeowners performing lead abatement on their single unit residence.

§16-35-4(2) authorizes director to suspend or revoke licenses for noncompliance, as well as assess fees and civil penalties pursuant to rules of this article.

Wisconsin Statutes §254.176(1) authorizes dept. to establish certification requirements for persons engaging in lead-based paint activities, except (2)(c) certification not required for a homeowner performing lead hazard reduction in his/her own non-rental dwelling.

INSPECTION AND INVESTIGATION

Code of Alabama §22-37A-3(b) authorizes board to conduct & supervise programs and studies to determine source, effect, and hazards of lead, conduct research, and assist persons in evaluating and removing existing or potential lead hazards.

§22-37A-4 authorizes state health officer to conduct investigations of lead contamination in public buildings, and upon request of building owner (or occupant for res. building) of commercial or residential buildings.

Arkansas Code Annotated §20-27-605(c) authorizes dept of health to investigate lead in places of residency and frequent occupancy by children with high blood lead levels, and to notify owners and occupants of discovered lead hazards, and **(5) order remediation of the lead hazard within thirty days after hearing pursuant to Admin. Proc. Act., and (6) prescribe the method of remediation.**

§20-27-606(a) **search warrant** required for inspection of dwelling or other private or public property, but (b) **no search warrant** required if agent of dept. reasonably believes emergency situation exists.

§20-27-607(a) notification of owner and tenant of all lead inspection results, and **(b) if lead hazard exists, order of abatement requiring compliance within 30 days.**

California Health & Safety Code §105185 system for monitoring lab reports of adult lead toxicity cases, to create an occupational lead poisoning registry, and to ascertain the source of the lead exposure.

§105185(a): establishes occupational lead poisoning program to (1) monitor and create an occupational lead poisoning registry; (2) ascertain the sources of lead poisoning; (3) conduct investigations.

§105195(a) industries to which this section shall apply.

Connecticut General Statutes §19a-111b(3) requires commissioner of public health to establish procedures for detection of sources of lead poisoning by identification and inspection of dwellings and surrounding areas, and notification of results to owners, occupants and enforcement officials.

§19a-111c requires owners in dwellings containing lead hazards and children under six (6) to abate or manage the hazard.

§19a-80(a); §19a-87b(a): requires all child care centers, group day care homes, and family day care homes to be inspected for lead hazards and licensed by department. Requires compliance with all local codes and ordinances applicable to single and multifamily dwellings.

District of Columbia Code §8-115.08 requires individuals and business entities to keep record of all lead-based paint activities performed and make available, upon request, to the Mayor.

§10-702(a) requires Mayor to inspect all public buildings and publicly-operated residences frequented by children under six (6). **Mayor shall cause any lead hazards to be repaired.**

Official Code of Georgia Annotated §31-41-13 written notice of any lead poisoning hazard to owner or managing agent of the dwelling, school or day-care facility and all regular occupants, along with suggested methods of abatement.

Official Code of Georgia Annotated §31-41-14 abatement of lead poisoning hazards required in dwelling, school, day care facility and all supplemental addresses where a child less than six (6) with confirmed lead poisoning resides or regularly occupies.

Hawaii Revised Statutes §342P-6 emergency powers when lead hazard requires immediate action, immediate cease and desist order without hearing.

Illinois Compiled Statutes 410, §45/8 authorizes dept to inspect residential building or dwelling unit occupied by a person screening positive for lead poisoning and send report of results to owner and occupants of dwelling unit.

§45/8.2 authorizes dept to apply for warrant if occupant refuses to allow inspection under section 45/8.

§45/9(1) if inspection report identifies a lead hazard, notice and required mitigation (5) within 30 days if child occupant, or 90 days otherwise, (7) follow-up inspection authorized for purpose of ensuring compliance.

§45/10 report of violations of this Act to state attorney, who has authority to charge with Class A misdemeanor, or withhold rent from owner until compliance with mitigation requirements completed.

§45/12(a) violations are Class A misdemeanor, (d) emergency powers to obtain restraining order or injunction, without a hearing or notice, by Att. Gen. or other state attorney, (e) authorizes state attorney or AG, in name of people of state, to bring actions for orders or injunctions, or to impose a civil penalty.

Burns Indiana Code Annotated §13-17-14-10(a) power of commissioner to enjoin lead-based paint activity for violations until violations are corrected, (d) with a right of appeal.

Iowa Code §135.104 childhood lead poisoning prevention program to assess suspect dwelling units and **surveillance to ensure correction of an identified hazard.**

Kansas Statutes Annotated §65-1, 204(d): allows rep. of sec. to enter and inspect any property, with consent of owner or under search warrant, for purpose of inspecting lead activities as required to implement this Act.

§65-1, 210 sec authorized to (c) order to take corrective action, (e) with rt of appeal to district court.

§65-1, 211 sec authorized to maintain action, in name of people of state, for injunctive or relief to restrain or prevent violation.

Kentucky Revised Statutes §211.901(1) requires sec to develop statewide program for screening and treatment of lead poisoning, including identification of sources of lead poisoning.

§211.905(1) authorizes repress. of cabinet to inspect dwelling unit when notified that an occupant has elevated blood lead level, for purpose of ascertaining existence of lead hazard, (2) upon finding a lead hazard, cabinet shall (a) notify owner and occupant of premises occupied by small children, (b) inform local health officers, (c) notify owner of dwelling units with lead substances accessible to children under age of six (6) to remove or permanently cover lead substances within 30 days. (4) if not abated, notice posted upon outside of dwelling until abated. (5) release from rental agreement if child under six (6) in immediate danger.

Louisiana Revised Statutes §2351.54 requires sec to investigate reports of hazardous conditions relating to lead.

§2351.25(b) authorizes sec. to issue compliance orders when lead hazard reduction activities performed in violation with regulations, and (c) cease abatement activities, remove workers until condition corrected, evacuate, contract for its clean-up and charge person responsible, apply to court for injunction or restraining order.

§1299.24(a) requires health officer to establish program for detection of sources of lead poisoning in dwellings, giving priority to dwellings in areas of high risk or with children under six (6) or other persons deemed high risk.

§1299.24(b) authorizes health officer to inspect dwellings in which persons with lead poisoning reside, with consent of occupants, and report findings to health officer. (c) if lead hazard found, report to the owner and tenants and post notice at entrance to dwelling of lead hazard and for children under six (6) to keep out. Removal of notice before premises have been brought into full compliance subject to fine of \$500.

§1299.27(a) owner of residential property required, after notice by health officer, to remove or cover lead hazards so as to make inaccessible to children under six (6) or mentally retarded persons residing within premises, (c) this provision

to be strictly construed and enforced, (d) must correct condition within thirty days of notice.

Maine Revised Statutes 22, §1296 authorizes commissioner to order abatement, cease and desist order, or any other necessary action, where lead-contaminated waste, dust or chips at ANY location poses a danger to public health. Right to appeal to board by hearing within 5 days of receipt of order. Board decisions may be appealed to Superior court. In addition to fines and penalties, Att. General may commence civil action to recover punitive damages for failure to undertake prescribed abatement or remedial action.

§1319-C annual screening for potential lead hazards required for potential lead hazards in child care facility, premises of a home day care provider, and nursery school, a facility found to have lead hazards required to abate or remediate the hazards unless facility does not serve children under six (6), license, certification, and all funding to day care center or nursery school dependant on compliance with this section.

§1320 authorizes dept to inspect any dwelling unit or child-occupied facility for purpose of ascertaining presence of lead, when reasonable grounds to suspect lead based substances, or upon request of owner or occupant, or when case of lead poisoning has been reported.

§1320-A requires dept to inspect all dwelling units within 30 days when lead poisoning case or lead based substances found in the dwelling. Does not apply to owner-occupied, single-family residence unless occupied by an identified lead-poisoned child whereby inspection at dept's discretion.

§1321 Notice posted in or upon dwelling, residential child-occupied facility, child care facility, home day care provider or nursery school found to contain a lead hazard, with order for removal of hazard within 30 days.

§1326 if not removed after 30 days, state may seek an injunction ordering removal by 3rd party at expense of owner.

Maryland Environment Code Annotated §6-811(a) requires owner of affected property (defined in 6-801) to register property with dept.

§6-815(a) requires owner of affected property to satisfy risk reduction standard on first change in occupancy and (b) on each change in occupancy thereafter.

§§6-815(c), 6-817(c) affected property to be inspected at each change in occupancy or at each risk reduction treatment.

§6-845(a) requires dept to establish and maintain statewide data base which tracks the statues of affected property, (b) dept may require owners of affected property to

provide necessary info on annual basis.

Annotated Laws of Massachusetts 111, §194 requires director to establish program to detect sources of lead poisoning by locating premises with lead hazards, with priority to areas where high number of lead poisoning cases and in which children under six (6) reside. May also inspect upon request of occupant, or in areas where lead poisoning.

§194 when lead poisoning case reported, director shall inspect victim's residence with consent of occupants, or with warrant in case consent is denied.

§194 notice of lead hazard reported to owner, lienholders, director, and affected tenants.

§194 authorizes director, local board of health, or any code enforcement agency to give corrective order of abatement or containment to owner of premises with lead hazard. Abatement or containment not required unless premises occupied by poisoned child within past twelve (12) months or occupied by any child under six (6).

§197(a) duty of owner of any premises to abate lead hazards when child under six (6) is an occupant, duty of tenant or inspector to notify owner if believe/find that premises fail to meet standards.

§197A notification of lead hazards to prospective purchasers and lessors of premises

Minnesota Statutes §144.9504 Subdiv. 5(a) requires an assessing agency, after conducting lead risk assessment, to order property owner to perform lead hazard reduction on all lead sources exceeding certain dept standards, (e) the assessing agency shall enforce these orders by clearance inspection pursuant to Subdiv. 6. Subdiv. 7 residents shall not remain in rooms and dwellings where lead hazard reduction process is occurring.

Revised Statutes Missouri §701.304 authorizes dept or local govt to conduct inspection or risk assessment at a dwelling or child-occupied facility where occupant or child under six (6) who regularly visits child-occupied facility identified with high blood lead level, with consent of owner or occupant or **valid search warrant.**

§701.308(1) upon written notice of the presence of a lead hazard in a dwelling or child-occupied facility, owner shall comply with all orders and recommendations for abatement and reduction in the notice, (4) noncompliance is a violation but does not create cause of action, further written notice of continuing violation, (5) if noncompliance with second notice, local health and building officials may relocate individuals until compliance achieved, or, report to the county prosecutor, who shall seek injunctive relief.

§701.311(1) compliance inspections of public or private

property, with (2) warrant if necessary, (3) if violation found, director shall give notice to owner of violation with required corrective action, (4) procedures for appeal, (5) temporary restraining order and injunction for emergencies requiring immediate action to protect public health and welfare, at request of director by local prosecutor or attorney general.

§701.306 if lead hazard found in dwelling or child-occupied facility, notification of risk to health of children provided to owner and occupant, including **recommendations** for reduction and abatement of lead hazards.

New Hampshire Revised Statutes Annotated §§130-A:5(I-II), 130-A:6(I-II) authorizes commissioner to investigate cases of lead poisoning in children and believed sources of lead poisoning, including dwellings or any child care facility in which child resides or spends time in, or A:6(IV) within other structures used by child.

§§130-A:5(I)(c) and (II)(a), 130-A:6(I-II) may issue orders requiring lead hazard reduction in dwellings and child care facilities with lead poisoned children or in which they spend an amount of time, A:6 (III-IV) for dwellings owned by parent/guardian of poisoned child or structures other than dwellings and child care facilities, may provide procedures (instead of “orders”) for lead hazard reduction.

§130-A:6-a Unlawful to evict tenant upon notice of lead poisoning unless tenant refuses to permit owner access to dwelling unit in order to inspect for lead hazards, owner may relocate if lead hazard found.

§130-A:7(I) authorization of commissioner to issue notice of violation or impose administrative fines, (III) or request injunctive relief if order not followed.

New Jersey Statutes §24:14A-11 authorizes commissioner to establish criteria for identification of areas and conditions involving high risk of lead poisoning, and methods of detection of lead in dwellings.

§24:14A-6 gives board in the area of jurisdiction primary responsibility for investigation of violations and enforcement of Act.

§§24:14A-7, 8 authorizes board to order remediation and appropriate disposition of lead hazards that are accessible to children.

§24:14A-9 if owner noncompliance with a board ordered remediation, board shall remove and repair the hazard and recover costs from owner, in a civil action if necessary.

§24:14A-10 authorizes dept to bring action against board if board not enforcing the Act, or bring complaint against violators directly.

§26:2Q-6 authorizes dept to bring civil action for injunctive relief if believes a person is causing an imminent threat to public health and safety.

§26:2Q-11 authorizes commissioner or representative to enter and inspect all premises with lead abatement or evaluation activities, and right to review any records for purpose of inspection or investigation.

§52:27D-437.2(e) declares legislative intent to establish program to identify lead hazards in residential housing.

New York Consolidated Law Service Public Health §206 authorizes commissioner of dept to establish criteria for identification of areas and conditions of high risk, methods of detection of lead in dwellings, and reporting requirements.

§1373(1) authorizes commissioner to give notice and demand for discontinuance of a paint condition in any dwelling in a designated area of high risk, (3) failure to comply subject to hearing and administrative penalty.

§1374 further failure to comply subject to relinquishment of rents to court appointed officer.

North Carolina General Statutes §130A-131.9A(a-a1) when dept learns of confirmed lead poisoning or elevated blood lead level, dept required to investigate (with consent) lead hazards to children in residential unit where child resides, and supplemental addresses, (b) also required to investigate residence or child-occupied facility when reasonably suspect lead hazard to exist.

§130A-131B notification of lead hazards to owner or managing agent of residential housing or child-occupied facility and all persons residing or regularly visiting, including list of possible methods of remediation.

§130A-131.9C(a) requires dept to order remediation of found lead hazards in a residential housing unit, when occupied by a child with lead poisoning, (b) approval of remediation plan before commencement, (f) remediation plan to be completed within 60 days of approval of plan, or dept may issue another order, (j) compliance inspection required, (j1) continuing compliance inspections required.

North Dakota Century Code §23-25-05 authorizes dept or representative to enter and inspect any premises at which an air contaminant source is located or being constructed for purpose of ascertaining compliance with rules and regulations.

Ohio Revised Code Annotated §3742.35 investigation to determine source of lead poisoning required upon confirmation of lead poisoning in a child under six (6), with either owner/occupant consent or **search warrant**.

§3742.36 risk assessment of residential unit, day-care facility or school that is possible source of the child's lead poisoning.

§3742.37 if results of risk assessment indicate property is contributing to a child's lead poisoning, director shall issue lead hazard control order.

§3742.39 clearance examination for compliance with lead hazard control order issued under section 3742.37.

§3742.40 requires director or board to issue order prohibiting use of property as a residential unit, child day-care facility, or school if owner/manager fails or refuses to comply with lead hazard control order, in effect until pass a clearance examination.

§3742.071 authorizes director of health to issue cease work order when health or well-being of an occupant of a residential unit, child day care facility, school, or licensed worker is endangered or impaired.

Oklahoma Statutes 63, §1-114.1(B)(9) requires board to establish rules for risk assessments and lead hazard control as part of treatment and follow-up for a child with lead poisoning.

Oregon Revised Statutes §431.920(4) requires dept to establish program for identification of lead hazards.

Pennsylvania Statutes 35, §5914(a) authorizes dept to establish program for collection and analysis of data on lead-based paint detection and reduction activities.

§723.8 authorizes dept to issue orders as may be necessary for enforcement of this Act.

Rhode Island General Laws §23-1-5.1 authorizes director to test, upon request and for a fee, lead in paint and soil.

§23-24.6-5 requires dept to establish program for lead hazard detection in properties.

§23-24.6-5 authorizes dept to enforce lead screening and detection regulations.

§23-24.6-12 requires dept to establish procedures for conducting comprehensive lead inspections and testing of household lead dust, painted surfaces, and other household fixtures that may contain lead, and for the notification of owners, occupants and lienholders and/or the **posting of warnings upon the property when unacceptable levels of lead found.**

§23-24.6-13(a) authorizes director or state inspector to inspect any dwelling or premises for purposes of (1) treatment and follow-up for a child identified with lead poisoning, (2) a comprehensive lead inspection in any preschool, day care facility,

nursery school, public or private elementary school, public playground, or foster home/shelter serving children under six (6), (3) in response to a complaint that a lead exposure hazard exists where a child under six (6) resides, or (4) **to ensure compliance in any dwelling or premises undergoing lead hazard reduction or renovation.**

§23-24.6-13(b) if owner, occupant, or other person refuses access and entry to the structure for inspection, state inspector may obtain a court order.

§23-24.6-14(a) requires director to establish regulations and procedures requiring comprehensive lead inspections as a condition of licensure for any preschool, day care facility, nursery school, public and private elementary school, public playground, and shelter/foster home serving children under six (6).

§23-24.6-15(a) inspections of rental property in response to an occupant complaint, (b) notification of results to occupants and, if significant lead hazard exists, to prospective occupants until lead hazard reduced.

§23-24.6-15(c) civil penalty for failure to provide inspection results of the rental property to its occupants or prospective occupants where necessary.

§23-24.6-16(a) notice of lead exposure hazards prior to real property transfers.

§23-24.6-17(c) authorizes dept to issue an initial notice of violation to persons failing to abide by lead reduction regulations, and issue second notice of violation for continued violations.

§23-24.6-23(e)(2) a property owner who receives notice from dept that premises are high risk (defined in (e)(1)), must prove compliance within 30 days, (3) or property declared unsafe for habitation by children under six and (4) notice of such declaration posted at primary entrance, and (5) owner guilty of felony if subsequent instance of lead poisoning attributable in whole or in part to conditions on premises, (f) does not affect common law or other statutory remedies.

South Carolina Code Annotated §44-53-1390 when dept learns of a case of lead poisoning, or upon request by any occupant, dept authorized to enter and inspect a private dwelling or child care facility for purpose of ascertaining presence of lead, with consent of householder or search warrant.

§44-53-1400 warrant may be issued by any local magistrate.

§44-53-1430(a) notice of the existence of lead hazards to be placed outside of dwellings or child care facilities with dangerous levels of lead where a child under six (6) resides, until lead hazard reduced to acceptable levels, (b) notice to all persons occupying dwelling or child care facility, (c) notice to owner or manager

§44-53-1430(c) order to owner or manager of a dwelling or child care facility to remove, replace, or secure and cover any lead-based substances on exposed surfaces within thirty days, right to appeal within thirty days to court of jurisdiction, court shall affirm, modify or revoke dept decision within thirty days.

§44-53-1440 rental of dwelling which has been posted and ordered to be cleared of lead hazards prohibited if to be occupied by children under six (6).

§44-53-1470 authorizes director or rep., in case owner fails to correct or remove a dangerous lead condition within specified time, to (1) enter and remove the lead hazard at cost of owner, or state shall acquire lien on property, and/or (2) with consent of owner, request court to declare property unfit for human habitation and prohibit the lease, renting or occupying as a residence or child care facility until lead hazard abated.

Vermont Statutes Annotated 18, §1757(b) requires commissioner to provide for inspection of dwelling or child care center where child under six (6) with severe lead poisoning resides or attends, and authorized to inspect other property child resides or regularly frequents.

§1757(c) commissioner shall work with parents, owner, physician and others to develop lead reduction plan.

§1757(d) in case of target housing rented or leased before 1994, sec to adopt rules to secure voluntary compliance OR to take necessary enforcement action, which may include providing educational materials on lead prevention and/or requiring owner to control or abate lead-based hazards.

§1760 requires sec. to establish methods and practices to be used by licensed lead inspectors.

Revised Code of Washington §70.103.070(2) authorizes director to inspect, with consent of owner, premises or facilities where violations may be occurring in conjunction with lead-based paint activities.

West Virginia Code §16-35-11(b) authorizes director to investigate all suspected violations or any rule. Upon finding of violation in connection with a lead abatement project, director shall issue cease and desist order, or notice of violation directing compliance. May be posted on project site or delivered by certified mail. (c) hearings to be in accordance with division's rules of procedure and admin procedures act.

§16-35-4(5) authorizes director to order reduction or abatement of identified lead hazards when pose danger to a child.

Wisconsin Statutes §254.15(1) requires dept to develop and implement a statewide lead poisoning prevention and treatment program, including any lead investigation and inspection requirements, **and any lead hazard reduction requirements.**

§254.164 authorizes dept to establish standards for the care coordination and follow-up of children under six (6) with lead poisoning, which may include a lead inspection of child's dwelling or other premises that may have contributed to lead poisoning, **and assistance in developing a plan for lead hazard reduction.**

§254.166(1) *authorizes* dept to inspect dwelling or premises occupied by child under six (6) with blood lead poisoning, *requires* dept to inspect dwelling or premises occupied by child under six (6) with elevated blood lead level, with consent of owner or occupant or with **search warrant.**

§254.166(2) if lead hazard found, dept authorized to (a) post a notice of presence of a lead hazard on premises, (b) inform local health officer and provide recommendations for abatement, (c) notify occupants of lead hazard, (d) notify the owner and **issue order of lead hazard reduction or elimination within 30 days, or if imminent hazard exists, within 5 days, and (e) require a lead inspection to ensure compliance with order.**

§254.166(2)(d) failure to comply with order is prima facie evidence of negligence, and compliance with order creates rebuttable presumption of reasonable care.

§254.167 authorizes dept. to establish procedures for conducting lead investigations of dwelling and premises.

§254.168 authorizes dept to require following facilities to have periodic lead inspections at intervals determined by dept: (1) foster homes, (2) group homes, (3) shelter care, (4) day care provider, (5) day care center, (6) private or public nursery school or kindergarten, (7) any other facility serving children under six (6) years old.

§254.171 requires an owner of a dwelling who receives notice from dept or local health dept that a child under six (6) who resides within has an elevated blood lead level, to obtain a certificate of lead-free status or lead-safe status in a timely manner.

§254.173(2) immunity from civil and criminal liability from persons who develop lead poisoning or lead exposure on property with certificate of lead-free or lead-safe status for applicable period, (3)(a) immunity from civil and criminal liability for first 60 days after owner acquires the dwelling or unit, unless (a) lead hazard created by owner or agent, or (c) fails to comply with an order.

SCREENING PROGRAMS

Arizona Revised Statutes §36-1672(2) authorizes dept. to develop and carry out community testing programs of community residents and to insure prompt medical treatment of afflicted individuals.

§36-1673 requires all physicians to report to dept. all analyses of blood samples indicating high levels of lead.

Arkansas Code Annotated §20-27-605(c) authorizes dept. of health to develop screening program to identify children under six (6) with actual or potential lead poisoning and report cases of lead poisoning to parent or legal guardian.

California Education Code §32241 requires dept. of health services to conduct a sample survey of all public schools and day care facilities for purpose of developing risk factors to predict lead contamination in public schools.

§32243 notification of schools having significant risk factors for lead, who then must notify parents.

California Health & Safety Code §105185(a) establishes occupational lead poisoning program to (1) monitor and create an occupational lead poisoning registry; (2) ascertain the sources of lead poisoning; (3) conduct investigations.

§105195(a) industries to which this section shall apply.

§105256(a) authorizes dept or local enforcement agency to issue order to abate lead hazard or cease and desist activity creating lead hazard, (c) violations subject to fine.

§105285(a) requires dept to adopt regulations whereby all children shall be screened for lead poisoning by health care providers during each child's periodic health assessment,

§124135 requires dept to identify target areas in which to conduct a childhood lead screening program by 1987.

§124140 requires completion of screening program in target areas by 1988.

§124145 requires report of results to be sent to relevant committees by 1989.

§124155 requires dept to design and implement child lead screening in migrant labor camps where lead-based paint has been identified.

§124160 requires dept to implement a program to identify high risk children. The

program should (a) implement a screening project targeting children at high risk, children of workers exposed to lead in their occupations, and should consider the option and feasibility of implementing a mandatory statewide childhood testing program.

Colorado Revised Statutes §25-5-1104(1)(a) requires department to develop standards concerning method and frequency of screening of young children for elevated blood lead levels.

Connecticut General Statutes §10-206(a) requires local or regional board of ed. to require each student enrolled in public schools to have health assessment with consent of parent or guardian, and **may be denied continued attendance if student fails to obtain health assessment**, (b) health assessment required prior to public school enrollment, (c) health assessment required in either grade 6-7 and in grade 10-11 in public schools.

§19a-110(a) licensed laboratories to report results of high blood lead level to dept of public health.

§19a-111 upon receipt of a confirmed high blood lead level report, authorizes local director of health to order action to be taken by those responsible to prevent further exposure and effect relocation if necessary until hazard can be removed, does not prohibit local building official to order abatement.

§19a-111a requires commissioner of public health to establish program to provide screening, diagnosis, research, inspection, and treatment services for lead poisoning.

§19a-111b(2) requires commissioner of public health to establish early diagnosis procedures to detect cases of lead poisoning by routine examination of children under six (6) in accordance with standards of Nat. Center for Disease Control.

Delaware Code 16, §2602(a) physicians and health care facilities to screen children at or around 12 months of age for lead poisoning, and (b) any child deemed by health care provider to be at high risk for lead poisoning, unless (e) parent or guardian objects, and (c) screening not required for children over 12 months old in March 1, 1995, and not deemed to be at high risk.

§2603 for children born on or after March 1, 1995, screening for lead poisoning is **required for admission or continued enrollment** in any child care facility, public or private nursery schools, preschools and kindergartens.

§122 gives dept supreme authority in matters of quarantine for the health and safety of the people of the state.

District of Columbia Code §7-1033(b) requires blood testing for lead poisoning, with parental

consent, by health care provider or facility, for every child between 6-9 months old, again between 22-26 months old, or if older than 26 months then twice prior to age of six (6); (c) all test results to be sent to Mayor; (d) all elevated blood lead level test results to be sent to child's parent or guardian.

Illinois Compiled Statutes 410, §45/6.2(a) requires every physician or health care provider to screen children 6 months-6 years old who live in high risk areas for lead poisoning. Children living in low risk areas to be screened by a risk assessment procedure. (c) Also child who is potentially at high risk in the judgment of physician or assistant may be screened in conjunction with required school health examination under School Code. (d) parent or guardian consent necessary for screening.

§45/7 reports of lead poisoning to dept required

§45/7.1 requires lead blood level screening for admission in any day care center, day care home, preschool, nursery school, kindergarten or other child care facility, unless parent or guardian objects.

Burns Indiana Code §16-41-39.4-2 authorizes dept to conduct or assist lab sites in conducting blood tests, develop and maintain a database, coordinate lead screening with local health departments, notify physicians and pediatricians of lead hazards, provide consumer alerts.

§16-41-39.4-3 results of all blood lead level tests to be reported to dept

§20-8.1-7-15 a public school body may require its pupils to be tested for lead poisoning, with free testing available to the indigent.

Iowa Code §135.104 childhood lead poisoning prevention program to screen children, especially those under six (6).

Kentucky Revised Statutes §211.901(1) requires sec to develop statewide program for screening and treatment of lead poisoning, including identification of sources of lead poisoning.

§211.902(1) reports of persons with excess level of lead in blood

§211.903(1) testing for lead poisoning to be provided without charge by cabinet and local health depts, (2) requires sec to establish program for voluntary screening of at risk persons, especially at risk persons under six (6) years old, with priority for at risk persons between one (1) and three (3) years old, (3) sec to provide follow-up screening and diagnosis programs for those with elevated blood lead levels.

Louisiana Revised Statutes 30, §2351.28 authorizes sec. to establish program for collection and analysis of lead detection data.

§2351.52(a) reporting of lead exposure to health officer.

§1299.21 requires dept of health and hospitals to establish program for prevention, screening, diagnosis, and treatment of lead poisoning, except for persons objecting to treatment/examination.

§1299.23 mandatory reporting of lead poisoning cases to health officer. Health officer shall strongly encourage examination of all children under age of six (6) and other at risk persons residing or recently residing in household of person with lead poisoning.

§1299.24(d) mandatory examination for children under six (6) and others residing or having recently resided in dwelling where a person with confirmed case of lead poisoning resides.

Maine Revised Statutes 22, §1317-C establishes a health care program for screening of children for lead poisoning, collection of lead-screening data from health care providers, facilities and programs.

§1317-D establishes a lead poisoning risk assessment and blood lead level testing program which will (3) require testing of blood lead levels of all children covered by the MaineCare program at one and two years of age, and (4) require testing of children not covered by MaineCare program at one and two years of age unless primary health care provider determines child is not at risk, (7) unless parent or guardian objects to testing.

Maryland Environment Code Annotated §6-303(c) requires dept to report results of blood tests for lead poisoning to local health dept and dept of Health and Mental Hygiene.

§6-846 notification of high blood lead level to person at risk, parent and owner of affected property.

Maryland Health General Code Annotated §18-106 establishes Lead Poisoning Screening Program which shall promote timely screening of children at risk of lead poisoning, require child care providers to conduct screening for children in high risk areas, and work with medical assistance programs to cover costs of screening.

Maryland Family Law Code Annotated §5-556.1 evidence of screening for lead poisoning to be provided to a family day care home within 30 days of a child under six (6) entering home.

§5-580.2 evidence of screening for lead poisoning to be provided to a child care center within 30 days of a child under six (6) entering home.

§5-589.1 evidence of screening for lead poisoning to be provided to a child care center in a State-occupied building home within 30 days of a child under six (6) entering home.

Annotated Laws of Massachusetts 111, §191 any cases of lead poisoning to be reported to

director, director to inform local health agencies, records to be geographically indexed to determine high risk areas.

§193 requires director to establish program to screen all children under six (6) (or others at high risk) for lead poisoning, including guidelines for medical follow-up. Reporting requirements.

Minnesota Statutes §119A.46 Subdiv. 8(c) requires commissioner of health to establish program to collect data in order to evaluate inspection services for lead poisoning prevention.

§144.9502 requires commissioner of health to establish statewide lead surveillance system to collect and monitor blood levels in children and adults, provide screening services to at risk persons, and ensure medical follow-up services for children.

Revised Statutes Missouri §701.326 requires dept to establish and maintain lead poisoning information reporting system, including regulations specifying level of lead poisoning which shall be reported.

§701.340(1) requires dept to establish childhood lead testing program requiring every child less than six (6) to be tested for lead poisoning and every licensed health care facility to ensure the testing is received, unless (3) parent or guardian does not consent.

§701.342(1) annual lead testing required for all children under six (6) who reside or spend time in high risk areas, (2) any other child under six (6) to be assessed annually to determine risk, (4) testing every 6 months for high risk children residing in housing undergoing renovations, (6) testing of other children residing with a lead poisoned child.

§701.344(1) every child care facility in high risk area shall require proof of lead poisoning testing (or reasons for parental/guardian non-consent to testing) within 30 days of enrollment, and at beginning of each year of enrollment, **(2) testing not required for enrollment.**

New Hampshire Revised Statutes Annotated §§130-A:5(I-II), 130-A:6(I-II) authorizes commissioner to investigate cases of lead poisoning in children and believed sources of lead poisoning, including dwellings or any child care facility in which child resides or spends time in, or A:6(IV) within other structures used by child.

§130-A:6-a Property owner notification of lead poisoned child residing within.

New Jersey Statutes §26:2-137.1 requires dept to establish lead screening regulations, including ages of children, intervals between screening, when follow-up testing required, and methods to conduct lead screening.

§26:2-137.4(a) requires physician to screen each of his/her patients under six (6) or refer to someone who can, (b) same for health care facilities, (c) reporting requirements, (d) consent of parent or guardian required, (e) dept to specify lead screening requirements.

§26:2-137.5(b) reporting requirements for laboratories testing blood lead levels.

New York Consolidated Law Service Public Health §1370-a(2) requires dept to promulgate and **enforce** regulations for screening children and pregnant women for lead poisoning, and for follow-up treatment for those with positive results.

§1370-c authorizes dept to establish screening intervals and methods, which shall be followed by every physician or other provider of medical care to children or pregnant women.

§1370-d every child care provider, public and private nursery school, and pre-school certified by state shall require proof of lead poisoning testing within 3 months of enrollment.

§1370-e reporting requirements for elevated blood lead levels.

North Carolina General Statutes §130A-131.8 reporting requirements for laboratories testing children less than six (6) for lead poisoning.

§130A-131.9 authorizes dept to require testing when reasonably suspect that a child less than six (6) has elevated blood lead level.

Ohio Revised Code Annotated §3742.30 blood lead screening tests required for at-risk children at times determined by public health council, with parental or guardian consent.

§3742.31 requires director of health to establish child lead poisoning prevention program to provide screening, diagnosis, and treatment services for children under six (6).

Oklahoma Statutes 63, §1-114.1(B) requires board to establish rules for screening, diagnosis, treatment and follow-up services for children 6-72 months old.

Oregon Revised Statutes §431.920(4) requires dept to establish program for lead screening.

Pennsylvania Statutes 11, §875-305(a) requires dept to develop a statewide system for at-risk child identification, assessment and tracking.

Rhode Island General Laws §23-24.6-5 requires dept to establish program for lead screening among children.

§23-24.6-5 authorizes dept to enforce lead screening and detection regulations.

§23-24.6-7(a) requires dept to establish means and intervals by which children under six (6) shall be screened for lead poisoning, and require screening for groups it deems to be at high risk, (b) requires compliance by each licensed physician and health care facility in state, (c) also applies to any health care program funded in whole or part by state, (d) does not apply to parents who object to screening.

§23-24.6-8(a) requires every child care provider licensed by state to obtain evidence of lead screening for children under six (6), unless parent has objected to screening, (b) requires every public or private nursery school and kindergarten to obtain evidence of lead screening prior to enrollment, unless parent has objected to screening.

§23-24.6-11 mandatory reporting of cases of lead poisoning to director.

South Carolina Code Annotated §44-53-1360 requires dept to establish means and intervals for examination for lead poisoning of all at-risk children under six (6), and the examination of children under six (6) residing or recently residing in household of a lead poisoned child, with consent of parent or guardian, notice of lead poisoning to affected person, parent/guardian if a minor, and director.

Vermont Statutes Annotated 18, §1755(a) requires commissioner to establish methods and intervals that children under six (6) are *recommended* to be screened and tested for lead poisoning, or screening for other groups it deems to be high risk, (c) compliance by all health care providers, (d) reporting requirements, (e) if after two years, less than 75 percent of children under six (6) are receiving screening in accordance to commissioner's guidelines, secretary shall *require* all health care providers to ensure that their patients under six (6) are screened and tested according to commissioner's guidelines, unless parent or guardian objects.

§1757(a) requires commissioner to promptly confirm all reported cases of lead poisoning in children under six (6).

West Virginia Code §16-35-4a(a) requires director to establish a program for the systematic screening of all children under six (6) for presence of lead poisoning, including the means and intervals of screening, and the screening of all children under six (6) residing or recently residing in a household with someone confirmed as having lead poisoning, unless parent or guardian objects.

§16-35-8 authorizes director to establish requirements for laboratories and lead abatement contractors for mandatory reporting of any persons with medically confirmed lead poisoning.

Wisconsin Statutes §254.13 requires (1) any physician, nurse, hospital administrator, director of laboratory, or local health officer with information of the existence of any person found or suspected to have lead poisoning, to report to dept or local health officer within 48

hours after verification, and (2) any person who screens a child under six (6) for lead poisoning to report results to dept.

§254.15(1) requires dept to develop and implement a statewide lead poisoning prevention and treatment program, including any childhood lead poisoning screening and dept reporting requirements.

§254.15(1) requires dept to develop and implement a statewide lead poisoning prevention and treatment program, including any lead investigation and inspection requirements, **and any lead hazard reduction requirements.**

§254.158 authorizes dept to establish methods and intervals for lead screening of children under six (6), as long as federal requirements satisfied and not required for those parents or guardians who object.

§254.162(1) authorizes dept to establish rules requiring evidence of lead screening (or reasons for exemption) for children under six (6) by the following institutions and programs: (c) day care providers and centers, (d) school-based programs serving children under six (6), (e) state funded health care programs serving children under six (6), (f) any other institution or program serving children under six (6).

REAL ESTATE DISCLOSURES

California Civil Code §1102.6 real estate transfer disclosure requirement

Maine Revised Statutes 22, §173 real estate sale disclosure requirement

Annotated Laws of Massachusetts 111, §197A notification of lead hazards to prospective purchasers and lessors of premises

New Hampshire Revised Statutes Annotated §477:4-a Real Estate sale disclosure requirement.

Ohio Revised Code Annotated §5302.30 Real estate transfer disclosure requirement, **(4) right to rescind without incurring liability if property disclosure not received.**

Rhode Island General Laws §23-24.6-16(a) notice of lead exposure hazards prior to real property transfers.

South Carolina Code Annotated §27-50-40 real estate sale disclosure requirement

Tennessee Code Annotated §66-5-210 real estate transfer disclosure requirement

Virginia Code Annotated §8.01-226.7(B) residential property sale or lease disclosure requirement, applies to agents of seller or lessor, (C) same for owners (seller/lessor) or agents responsible for maintenance.

§8.01-226.7(B-C) protection from civil liability for persons complying with residential property sale or lease disclosure requirements and all state building codes and federal regulations.

§36-107.1 when notified by state of lead hazards in residential premises, owner of residential premises to notify prospective purchasers in writing prior to transfer of property, **liable for damages and a civil penalty for non-compliance.**

MEDICAL CASE MANAGEMENT

Arizona Revised Statutes §36-1672(2) authorizes dept. to develop and carry out community testing programs of community residents and to insure prompt medical treatment of afflicted individuals.

Arkansas Code Annotated §20-27-605(c) authorizes dept. of health to identify children under six (6) with actual or potential lead poisoning, and refer children with high blood lead levels for clinical evaluations or treatment and retesting.

California Health & Safety Code §105290 requires dept to ensure proper case management in instances where a child is identified with lead poisoning. Dept may contract with a public or private entity, including local agencies.

§105295 monitoring of case management and reports describing effectiveness

§124160 requires dept to implement a program to identify and conduct medical follow-up of high risk children. The program should assist local health departments in identifying and following-up cases of high blood lead levels.

Colorado Revised Statutes §25-5-1104(1)(c) requires dept to develop case management and environmental follow-up services by state or local health agencies that are appropriate for the severity of the lead exposure.

Connecticut General Statutes §19a-111a requires commissioner of public health to establish program to provide screening, diagnosis, research, inspection, and treatment services for lead poisoning.

District of Columbia Code §7-1033(f) agreements or contracts entered into by Medical Assistance Administration for medical case management and other follow-up treatment of a Medicaid-enrolled, lead exposed child, and reimbursement for those services, including investigation and cleanup costs.

Burns Indiana Code Annotated §16-41-39.4-2(5) authorizes department to provide consultation to local health depts regarding case follow-up and environmental inspections.

Iowa Code §135.105B authorizes dept to develop voluntary guidelines for developing local programs, that may be based on existing local ordinances addressing medical case management of children's health needs and mitigation of environmental lead hazards.

Maryland Environment Code Annotated §6-304 authorizes sec to assist local govts to provide case management of children with lead poisoning.

§6-848 requires dept to assist local govts to provide case management services to persons at risk with elevated blood lead level.

Annotated Laws of Massachusetts 111, §193 requires director to establish program to screen all children under six (6) (or others at high risk) for lead poisoning, including guidelines for medical follow-up.

Minnesota Statutes §144.9502 requires commissioner of health to establish statewide lead surveillance system to collect and monitor blood levels in children and adults, provide screening services to at risk persons, and ensure medical follow-up services for children.

Revised Statutes of Missouri §701.342(5) any child who tests positive for lead poisoning shall receive follow-up testing and treatment in accordance with dept rules.

New Hampshire Revised Statutes Annotated §130-A:2(I)(f) requires commissioner to implement case management for cases of high lead poisoning, including coordination of medical services.

New York Consolidated Law Service Public Health §1370-a(2) requires dept to promulgate and **enforce** regulations for screening children and pregnant women for lead poisoning, and for follow-up treatment for those with positive results.

Ohio Revised Code Annotated §3742.31 requires director of health to establish child lead poisoning prevention program to provide screening, diagnosis, and treatment services for children under six (6).

Oklahoma Statutes 63, §1-114.1(B) requires board to establish rules for screening, diagnosis, treatment and follow-up services for children 6-72 months old.

Rhode Island General Laws §23-24.6-7(f) requires dept to analyze and summarize all lead screening info provided by labs, physicians, and health care facilities and report it to all local and state agencies involved with case management and lead hazard reduction.

Vermont Statutes Annotated 18, §1756 requires commissioner to analyze and summarize lead screening and testing info and annually report this info to other local and state agencies involved with case management and lead hazard reduction.

§1757(a) requires commissioner to promptly confirm all reported cases of lead poisoning in children under six (6).

West Virginia Code §16-35-4a(a) requires director to establish a program for the systematic

screening of all children under six (6) for presence of lead poisoning, including guidelines for the medical follow-up of children found with lead poisoning.

Wisconsin Statutes §254.15(1) requires dept to develop and implement a statewide lead poisoning prevention and treatment program, including any requirements regarding care coordination and follow-up for children with lead poisoning or lead exposure.

§254.164 authorizes dept to establish standards for the care coordination and follow-up of children under six (6) with lead poisoning, which may include physical, developmental and nutritional assessment, parent education, medical evaluation, nutritional supplements and monitoring.

ENFORCEMENT

California Health & Safety Code §§105253(c), 105254(d), 105255(b) authorizes dept or local enforcement agency to enter and inspect any premises and any business records, where a person licensed to perform lead related work conducts business to determine compliance with this section.

California Health & Safety Code §§105253(d), 105254(e), 105255(e) violations subject to imprisonment and fines.

District of Columbia Code §8-115.09(a) authorizes Mayor to inspect any and all lead-based paint activities and all pertinent records or documents for purpose of ensuring compliance, (b) and issue any necessary cease and desist order, or civil or criminal fines and penalties, or commence civil action to secure injunction or restraining order.

Hawaii Revised Statutes §342P-4 authorizes director to enter and inspect any building or place for source, use or presence of lead to ascertain compliance with any regulation, but in case of a single family residence, a warrant or owner/occupant consent is necessary.

Illinois Compiled Statutes 410, §45/9(1) if inspection report identifies a lead hazard, notice and required mitigation (5) within 30 days if child occupant, or 90 days otherwise, (7) follow-up inspection authorized for purpose of ensuring compliance.

Burns Indiana Code Annotated §13-17-14-9 authorizes commissioner to inspect and investigate site of a lead-based paint activities project to ensure compliance.

Iowa Code §135.104 childhood lead poisoning prevention program to assess suspect dwelling units and surveillance to ensure correction of an identified hazard.

Kansas Statutes Annotated 65, §1.204 authorizes representative of sec to enter and inspect any habitation with consent of owner or search warrant, for purpose of inspecting lead-based paint activities and ensuring compliance.

Maryland Environment Code Annotated §6-852(a) authorizes dept to spot check affected properties reported as satisfying risk reduction standard, (b-c) dept may order satisfaction of risk reduction standard where spot checks reveals failure to satisfy standard.

Michigan Compiled Laws Service §333.5475 authorizes dept to receive written complaints of an aggrieved party and investigate the allegedly wrongful acts.

Revised Statutes Missouri §701.311(1) compliance inspections of public or private

property, with (2) warrant if necessary, (3) if violation found, director shall give notice to owner of violation with required corrective action, (4) procedures for appeal, (5) temporary restraining order and injunction for emergencies requiring immediate action to protect public health and welfare, at request of director by local prosecutor or attorney general.

Ohio Revised Code Annotated §3742.04 requires director of health to establish program to monitor and inspect property undergoing lead related work treatment, for purpose of ensuring compliance.

Rhode Island General Laws §23-24.6-13(a) authorizes director or state inspector to inspect any dwelling or premises for purposes of (1) treatment and follow-up for a child identified with lead poisoning, (2) a comprehensive lead inspection in any preschool, day care facility, nursery school, public or private elementary school, public playground, or foster home/shelter serving children under six (6), (3) in response to a complaint that a lead exposure hazard exists where a child under six (6) resides, or (4) **to ensure compliance in any dwelling or premises undergoing lead hazard reduction or renovation.**

§23-24.6-13(b) if owner, occupant, or other person refuses access and entry to the structure for inspection, state inspector may obtain a court order.

Tennessee Code Annotated §68-131-403(b) authorizes commissioner to enter and inspect any structure, including residences, where lead activities have or are occurring, for purpose of ensuring compliance with lead abatement requirements, with either (1) consent of owner or (2) search warrant.

Revised Code of Washington §70.103.070(1)(a) director authorized to inspect all premises or facilities where those engaged in training for lead-based paint activities conduct business, and business records of businesses certified to conduct lead-based paint training or activities, (b) those refusing access to dept subject to deaccreditation or decertification.

§70.103.070(2) authorizes director to inspect, *with consent of owner*, premises or facilities where violations may be occurring in conjunction with lead-based paint activities.

West Virginia Code §16-35-11(b) authorizes director to investigate all suspected violations or any rule. Upon finding of violation in connection with a lead abatement project, director shall issue cease and desist order, or notice of violation directing compliance. May be posted on project site or delivered by certified mail. (c) hearings to be in accordance with division's rules of procedure and administrative procedures act.

Wisconsin Statutes §254.30(1)(a) authorizes dept to enter and inspect a dwelling or premises undergoing any lead hazard reduction to ensure that all persons involved are certified, (b) any violation may be reported to county DA, who shall enforce

them. Circuit court may order occupants of a rented or leased dwelling to withhold rent if owner has failed to comply with order of abatement/elimination.

§254.166(2) if lead hazard found, dept authorized to (a) post a notice of presence of a lead hazard on premises, (b) inform local health officer and provide recommendations for abatement, (c) notify occupants of lead hazard, (d) notify the owner and **issue order of lead hazard reduction or elimination within 30 days, or if imminent hazard exists, within 5 days, and (e) require a lead inspection to ensure compliance with order.**

GENERAL CIVIL PENALTIES AND FINES

Code of Alabama §22-37-6 authorizes department to issue order assessing civil penalty to any person in violation of chapter AND take other action prescribed in §22-22A-5.

§22-37A-8 authorizes state or county health officer to institute civil suit in circuit court to obtain injunctive relief to stop a violation or threat of violation.

Arizona Revised Statutes §36-1676 authorizes director, with assistance of att. gen., to apply for injunctive relief.

Arkansas Code Annotated §8-4-404 violations subject to penalty provisions in §8-4-101 et seq.

§8-4-406(3) authorizes dept to take legal action in any court of competent jurisdiction.

§20-27-604 authorizes dept, with assistance of att. gen., to ask for injunctive relief or an order directing compliance upon a showing that a person is or is about to engage in acts which constitute or will constitute a violation.

District of Columbia Code §8-115.13 violations of rules of this subchapter subject to civil penalty.

Official Code of Georgia §31-41-19 authorizes division to promulgate all nec. regulations for the implementation and enforcement of this article.

Hawaii Revised Statutes §342P-5 requires director to give notice to violator with any corrective actions, any penalties, an any order to appear before director at a hearing.

§342P-6 emergency powers when lead hazard requires immediate action, immediate cease and desist order without hearing.

Illinois Compiled Statutes 410, §45/9(1) if inspection report identifies a lead hazard, notice and required mitigation (5) within 30 days if child occupant, or 90 days otherwise, (7) follow-up inspection authorized for purpose of ensuring compliance.

§45/10 report of violations of this Act to state attorney, who has authority to charge with Class A misdemeanor, or withhold rent from owner until compliance with mitigation requirements completed.

§45/12(a) violations are Class A misdemeanor, (d) emergency powers to obtain

restraining order or injunction, without a hearing or notice, by Att. Gen. or other state attorney, (e) authorizes state attorney or AG, in name of people of state, to bring actions for orders or injunctions, or to impose a civil penalty.

§45/15 nothing to effect rights of any person or entity to maintain an action for damages or for equitable relief, or for violation of an ordinance in connection with a violation of this Act.

Kansas Statutes Annotated §65-1, 209(a): first offense for knowing violation is class C misdemeanor; (b) second offense is class B misdemeanor.

§65-1, 210(a): amount of civil penalty, in addition to any other penalty or litigation provided by law; (b): authority of sec. to impose civil penalty; (c): authority of sec. to issue an order of correction; (d): sec. must act in accordance with administrative procedure act; (e): ind. or entity may appeal an order to district court in accordance with admin. proc. act.

§65-1, 211: authority of sec. to maintain an action, in accordance with admin. proc. act, for injunction or other process to prevent continuing violations.

Kentucky Revised Statutes §211.990 Penalties

Louisiana Revised Statutes §1299.28 Violations and Enforcement

Maine Revised Statutes 22, §1324 no effect on rights of person or entity to maintain action for damages or equitable relief, or for violation of an ordinance in connection with violation of this chapter.

§1325 civil penalty and/or imprisonment for violations in addition to other remedies.

Maryland Environment Code Annotated §6-302 Penalties-fine and/or imprisonment

Annotated Laws of Massachusetts §196 civil fine for violations of this section, imprisonment for willful violations of this section.

§198 Violations, district, housing and superior courts with jurisdiction.

§199(a) Civil liability for all damages to child under six (6) caused by failure to comply with these provisions, (b) including punitive damages.

Michigan Compiled Laws Service §333.5473a authorizes dept to administer and enforce regulations.

§333.5475 authorizes dept to receive written complaints of an aggrieved party and investigate the allegedly wrongful acts.

§333.5476-77 Civil penalties

Revised Statues Missouri §701.316(3) dept may revoke, suspend or deny any license if terms or conditions violated.

§701.320 Penalties

§701.324 right to maintain suit not affected.

Mississippi Code Annotated §49-17-529 authorizes commission to issue civil penalties, suspension or revocation of certification, maintain an action in name of state for injunctive relief or for violations which are a misdemeanor.

Revised Statutes Missouri §701.320 violations are Class A misdemeanor.

§701.324 right of any person or entity to maintain suit not affected.

Revised Statutes of Nebraska §71-6318.01 nothing in act requires an owner or occupant to undertake any lead-based paint activities.

§71-6329 to 6331 Violations and civil penalties

New Hampshire Revised Statutes Annotated §130-A:16 violations are a misdemeanor

§130-A:17 commissioner may request AG to bring civil action for injunctive relief.

§130-A:18 reasonable care standard for civil suits

New Jersey Statutes §26:2Q-7 knowing violations subject to disorderly person offense.

§26:2Q-8 in addition to any other penalty, commissioner may, subject to notice and hearing, impose administrative civil penalty, which may be recovered by civil action.

§26:2Q-11 duty of commissioner or representative to enforce Act.

New York Consolidated Law Service Public Health §1375 commissioner or representative, county and city commissioners of health, and local housing code enforcement agencies all have same authority to enforce.

Ohio Revised Code Annotated §3742.04(a) director of health charged with enforcement duties, (6) required to establish a program for the monitoring and auditing of lead work and authorized to report improper work to AG for appropriate action.

§3742.15 any person may file complaint with director of health, director may investigate and take action if appropriate.

§3742.18 authorizes director of health to petition AG to commence civil action for civil penalties and injunctive relief and other equitable relief for violations of this act.

§3742.34 director may delegate enforcement authority to a board of health.

§3742.99 authorizes director of health to petition a prosecuting attorney to commence criminal action against violator.

Pennsylvania Statutes 35, §723.8 dept charged with enforcement duties, including initiation of criminal prosecutions and issuance of citations.

§723.13(a) authorizes dept to apply to court for contempt action if person fails to comply with dept issued order, and apply for (b) equitable relief, (c, f) civil fines and penalties, (d, e) criminal convictions, (g) civil action to compel compliance, and (h) additional remedies.

Rhode Island General Laws §23-24.6-23(b) dept charged with establishing an enforcement programs, (c) AG authorized to investigate alleged violations in lead hazard reduction, to initiate civil and criminal actions, to issue injunctive relief, to impose penalties and fines, (d) to request court to appoint a receiver for property not meeting standards who will ensure that lead hazard is corrected.

§23-24.6-27 Administrative fines

South Carolina Code Annotated §44-53-1480 criminal penalties for violations

Tennessee Code Annotated §68-131-405(a) civil penalties for violations, (c) criminal penalties

Vermont Statutes Annotated 18, §1761(a) owners of target housing and child care facilities have duty of reasonable care to prevent exposure to and creation of lead hazards, (b) any person who suffers injury as a result of a breach of this duty has a cause of action for equitable relief, (c) any person severely lead poisoned as a result of breach of this duty before age of six (6) has cause of action for damages and other appropriate relief, (f) with some exceptions, remedies provided under this section are exclusive remedies against owners arising out of lead-based paint hazards.

Virginia Code Annotated §8.01-226.7 protection from civil liability for personal injury or wrongful death for lead poisoning arising out of condition of a residential dwelling, provided full compliance with U.S. Res. Lead-Based Paint Hazard Reduction Act and lead disclosure and information pamphlet given to purchaser or tenant before purchase or lease.

West Virginia Code §16-35-11(b) authorizes director to investigate all suspected violations

or any rule.

§16-35-13(a) civil penalties and fines, (b) criminal penalty for violations of article

Wisconsin Statutes §254.152 authorizes the delegation of administration and enforcement to local health depts.

§254.154 right of local political subdivisions to enact and enforce a system of lead poisoning/exposure control that is more strict than those set forth here. No effect on any person or entity's right to sue for damages or equitable relief.

§254.30(1)(b) dept may report any violation of this act or rules promulgated under it may be to county DA, who shall enforce them.

§254.30(2) civil and criminal penalties