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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 81

Session of  
1991

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INTRODUCED BY LAUGHLIN, JOHNSON, COLAIZZO, JOSEPHS, STISH,  
PESCI, TIGUE, MELIO, TRELLO, ROBINSON, KUKOVICH, DALEY,  
HARPER, STEIGHNER, PRESTON, SAURMAN, LESCOVITZ, TELEK,  
ARGALL, CIVERA, GIGLIOTTI, PISTELLA, KAISER, FOX, HERMAN,  
TANGRETTI, LaGROTTA, E. Z. TAYLOR, RICHARDSON, JAMES,  
STEELMAN AND VEON, JANUARY 29, 1991

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JANUARY 29, 1991

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AN ACT

1 Providing for the establishment of a Lead Poisoning Program in  
2 the Department of Health; imposing a tax on the sale or use  
3 of paint; establishing the Lead Poisoning Program Account;  
4 and making an appropriation.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Legislative intent.

8 The presence of lead in the environment in many areas of this  
9 Commonwealth poses a substantial health threat to the citizens  
10 of Pennsylvania. The absorption or ingestion of lead into the  
11 body is a well-documented medical hazard, particularly among  
12 young children. It is the intention of this legislation to  
13 expand and supplement the current projects and programs  
14 concerning lead poisoning which are being conducted by the  
15 Department of Health and various political subdivisions of the  
16 Commonwealth, and to provide additional funding for these  
17 programs.

1 Section 2. Definitions.

2 The following words and phrases when used in this act shall  
3 have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Department." The Department of Health of the Commonwealth.

6 "Lead poisoning." The presence in the bloodstream of levels  
7 of lead in excess of those levels determined to be safe or  
8 acceptable by the Center for Disease Control.

9 "Paint." A mixture of a pigment in a liquid, used as a  
10 decorative or protective coating.

11 "Program." The Lead Poisoning Program established by section  
12 3.

13 "Purchase price." The purchase price, as defined in section  
14 201 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
15 Reform Code of 1971, of paint.

16 "Sale at retail." The sale at retail, as defined in section  
17 201 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
18 Reform Code of 1971, of paint.

19 "Use." The use, as defined in section 201 of the act of  
20 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of  
21 1971, of paint.

22 Section 3. Establishment of program.

23 (a) Elements of program.--The department shall establish a  
24 Statewide Lead Poisoning Program, which shall include, but not  
25 be limited to, the following elements:

26 (1) The identification of geographic areas in this  
27 Commonwealth in which the residents are at a substantial risk  
28 of lead poisoning.

29 (2) The periodic screening for lead poisoning of  
30 children five years of age or younger who reside in those

1 areas identified pursuant to paragraph (1).

2 (3) The medical examination and diagnosis of individuals  
3 subject to a substantial risk of lead poisoning.

4 (4) The medical treatment of individuals with lead  
5 poisoning.

6 (5) The emergency abatement of residential environmental  
7 conditions which have caused lead poisoning in children,  
8 including removal or covering of paint, plaster, soil or  
9 other materials which contain dangerous levels of lead.

10 (6) Public education and awareness programs concerning  
11 lead poisoning.

12 (b) Eligibility for program.--The department may establish  
13 financial eligibility criteria for those individuals receiving  
14 services pursuant to subsection (a)(3), (4) and (5).

15 Section 4. Staffing and contracts.

16 The department may hire persons or enter into contracts or  
17 agreements with political subdivisions of the Commonwealth,  
18 other departments or agencies of the Federal or State  
19 government, private agencies, or other persons as are necessary  
20 for carrying out the purposes of this act.

21 Section 5. Displacement of funds.

22 Funds provided by this act may not be used to replace Federal  
23 or local funding provided for the same purposes as funds  
24 provided under this act for programs in existence on the  
25 effective date of this act.

26 Section 6. Funding.

27 (a) Imposition of tax on paint.--There is hereby imposed  
28 upon each separate sale at retail or use of paint within this  
29 Commonwealth a tax of 0.5% of the purchase price of the paint.  
30 The tax shall be collected and paid to the Department of Revenue

1 in the same manner and at the same times as the tax imposed by  
2 Article II of the act of March 4, 1971 (P.L.6, No.2), known as  
3 the Tax Reform Code of 1971. Those persons required to collect  
4 or pay the tax imposed by Article II of the Tax Reform Code of  
5 1971 shall be likewise required to collect or pay the tax  
6 imposed by this act and shall be subject to the same penalties  
7 for noncompliance. The Department of Revenue shall promulgate  
8 regulations to implement the provisions of this section.

9 (b) Creation of account.--There is hereby created within the  
10 State Treasury a special restricted receipts account to be known  
11 as the Lead Poisoning Program Account. All moneys collected  
12 pursuant to subsection (a) shall be deposited by the Department  
13 of Revenue and the State Treasurer into this account and shall  
14 be used solely for the purpose of funding the Lead Poisoning  
15 Program. The General Assembly shall annually appropriate funds  
16 from the account for the purposes provided for in this act. The  
17 funds so appropriated shall not lapse, but shall be returned to  
18 the account if not spent.

19 Section 7. Appropriation.

20 The sum of \$2,500,000 is hereby appropriated from the Lead  
21 Poisoning Program Account to the Department of Health for the  
22 fiscal year July 1, 1991, to June 30, 1992, for the initiation  
23 of the Lead Poisoning Program.

24 Section 8. Expiration.

25 The provisions of this act shall expire five years from the  
26 effective date of this act.

27 Section 9. Effective date.

28 This act shall take effect in 60 days.