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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 475      Session of  
2005

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INTRODUCED BY C. WILLIAMS, STOUT, MUSTO, KITCHEN, O'PAKE, LOGAN,  
COSTA, STACK AND BOSCOLA, MARCH 28, 2005

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REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 28, 2005

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AN ACT

1 Providing for lead-level testing of child day-care and preschool  
2 facilities; establishing a grant program; and making an  
3 appropriation.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Hazardous  
8 Lead-Level Testing Act.

9 Section 2. Definitions.

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

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

14 "Risk area." Any of the following:

15 (1) A child day-care center or facility supervised or  
16 licensed by the Department of Public Welfare.

17 (2) A licensed nursery school.

18 (3) A private academic school which provides preschool

1 education.

2 (4) A preschool accredited by the National Association  
3 for the Education of Young Children (NAEYC).

4 Section 3. Testing and reporting.

5 (a) Testing.--The department shall conduct testing to  
6 determine the presence and levels of hazardous lead in risk  
7 areas. The department shall schedule testing so that all risk  
8 areas in this Commonwealth are tested within five years of the  
9 effective date of this act.

10 (b) Abatement resources.--The department shall provide  
11 resource and referral information relating to lead abatement,  
12 including available Federal and State government programs, to  
13 each entity which has control over any risk area that is found  
14 to contain hazardous lead.

15 (c) Report.--The department shall publish in the  
16 Pennsylvania Bulletin an annual report of the testing under  
17 subsection (a).

18 Section 4. Grant program.

19 (a) Grants.--The department shall establish a grant program  
20 to provide for testing for the presence and levels of hazardous  
21 lead in structures in which child-care services are provided and  
22 for the abatement of such lead for:

23 (1) Operators of family day-care homes registered under  
24 the act of June 13, 1967 (P.L.31, No.21), known as the Public  
25 Welfare Code.

26 (2) Individuals who directly provide child-care services  
27 which are subsidized by Federal or Commonwealth funds, but  
28 who are not otherwise subject to approval, supervision or  
29 licensure under Article IX or X of the Public Welfare Code.

30 (b) Notification.--The parents or guardians of the children

1 receiving child day-care services in the structures tested for  
2 lead as outlined in subsection (a) shall receive notification of  
3 the test results.

4 (c) Regulations.--The department shall promulgate rules and  
5 regulations for the grant program and test level notification  
6 procedures.

7 Section 5. Nonapplicability.

8 (a) General rule.--Except as provided in subsection (b),  
9 this act shall not apply to child day-care centers and  
10 preschools owned or operated by or under the authority of a bona  
11 fide religious institution.

12 (b) Exception.--A child day-care center or preschool owned  
13 or operated by or under the authority of a bona fide religious  
14 institution is eligible for testing in accordance with section 3  
15 (relating to testing and reporting) upon the center or preschool  
16 providing written notification to the department.

17 Section 6. Appropriation.

18 The sum of \$5,000,000 is hereby appropriated to the  
19 Department of Health for the fiscal year July 1, 2005, to June  
20 30, 2006, to carry out the provisions of this act. This  
21 appropriation shall be a continuing appropriation and shall  
22 lapse on June 30, 2009.

23 Section 7. Effective date.

24 This act shall take effect in 60 days.