

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 18** Session of
2015

INTRODUCED BY KITCHEN, COSTA, HAYWOOD, FONTANA, YUDICHAK,
HUGHES, SABATINA, ARGALL, TEPLITZ, WOZNIAK, GREENLEAF,
FARNESE, WILEY, WARD, BLAKE, SCHWANK, BREWSTER AND BROWNE,
JUNE 22, 2016

AS AMENDED ON SECOND CONSIDERATION, JULY 12, 2016

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in departmental powers and
4 duties as to supervision, providing for lead testing; and, in
5 departmental powers and duties as to licensing, providing for
6 lead testing.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
10 as the Human Services Code, is amended by adding sections to
11 read:

12 Section 912. Lead Testing.--(a) A person seeking to
13 operate, or to continue to operate, a children's institution
14 shall submit a lead certification from an individual or
15 laboratory accredited by the Department of Environmental
16 Protection that includes the following:

17 (1) lead levels in water; and

18 (2) for a facility built prior to 1978, lead levels in

19 paint, dust and soil. A facility built prior to 1978 shall not

1 be required to test for lead levels in paint if the facility has
2 completed a full remediation or abatement of all lead paint and
3 has a certification of such from the Department of Environmental
4 Protection or an individual or laboratory accredited by the
5 Department of Environmental Protection.

6 (b) The department shall not permit initial operation of a
7 children's institution if the lead certification required under
8 subsection (a) has either of the following:

9 (1) Lead levels in water that are:

10 (i) in excess of the level set by the Environmental
11 Protection Agency in the national primary drinking water
12 regulations; or

13 (ii) in excess of the lead levels found in the Safe Drinking
14 Water Program under the Department of Environmental Protection.

15 (2) For a facility built prior to 1978, lead levels in
16 paint, dust and soil that are in excess of the level set by the
17 Environmental Protection Agency through its hazard standards for
18 lead in paint, dust and soil.

19 (c) The department shall require corrective action for
20 continued operation of a children's institution if the lead
21 certification required under subsection (a) has either of the
22 levels under subsection (b).

23 (d) This section shall not affect the department's authority
24 to refuse to permit the operation of a children's institution or
25 take any other action under any applicable statute or
26 regulation.

27 (e) The facility shall provide every parent or legal
28 guardian who has a child enrolled in a children's institution
29 notification of the results of the lead certification under this
30 section. In addition, the results of the lead certification

1 shall be posted on the department's publicly accessible Internet
2 website and, if available, the publicly accessible Internet
3 website of the children's institution holding a license from the
4 department.

5 (f) As used in this section, the following words and phrases
6 shall have the meanings given to them in this subsection unless
7 the context clearly indicates otherwise:

8 "Children's institution" means an institution or facility
9 that provides care in lieu of parental care given for part of
10 the twenty-four hour day to children under sixteen years of age,
11 away from their own homes. The term does not include child day
12 care furnished in places of worship during religious services.

13 Section 1004. Lead Testing.--(a) A person desiring to
14 obtain or renew a license for maintaining, operating and
15 conducting a ~~boarding home for children,~~ child day care center <--
16 or family child care home shall submit a lead certification from
17 an individual or laboratory accredited by the Department of
18 Environmental Protection that includes the following:

19 (1) lead levels in water; and
20 (2) for a facility built prior to 1978, lead levels in
21 paint, dust and soil. A facility built prior to 1978 shall not
22 be required to test for lead paint if the facility has completed
23 a full remediation or abatement of all lead paint and has a
24 certification of such from the Department of Environmental
25 Protection or an individual or laboratory accredited by the
26 Department of Environmental Protection.

27 (b) The department shall not issue an initial license for
28 maintaining, operating and conducting a child day care center or
29 family child care home if the lead certification required under
30 subsection (a) has either of the following:

1 (1) Lead levels in drinking water that are:

2 (i) in excess of the level set by the Environmental
3 Protection Agency in the national primary drinking water
4 regulations; and

5 (ii) in excess of the lead levels found by the Safe Drinking
6 Water Program under the Department of Environmental Protection.

7 (2) For a facility built before 1978, lead levels in paint,
8 dust and soil that are in excess of the level set by the
9 Environmental Protection Agency through its hazard standards for
10 lead in paint, dust and soil.

11 (c) The department shall issue a provisional license in
12 accordance with section 1008 to a person desiring to secure an
13 annual renewal of a license for maintaining, operating and
14 conducting a child day care center or family child care home if
15 the lead certification required under subsection (a) has either
16 of the levels under subsection (b).

17 (d) The department shall require corrective action for
18 continued operation of a child day care center or family child
19 care home if the lead certification required under subsection
20 (a) has either of the levels under subsection (b).

21 (e) This section shall not affect the department's authority
22 to refuse to issue or revoke a license in accordance with
23 section 1026 or take any other action under applicable statute
24 or regulation.

25 (f) The facility shall provide every parent or legal
26 guardian who has a child enrolled in a child day care center or
27 family child care home notification of the results of the lead
28 certification under this section. In addition, the results of
29 the lead certification shall be posted on the department's
30 publicly accessible Internet website and, if available, the

1 publicly accessible Internet website of the child day care
2 center or family child care home holding a license from the
3 department.

4 Section 2. Upon enactment by the General Assembly of
5 legislation establishing a Lead Superfund, within 30 days the
6 Department of Environmental Protection shall transmit notice to
7 the Legislative Reference Bureau for publication in the
8 Pennsylvania Bulletin.

9 Section 3. This act shall take effect as follows:

10 (1) The addition of sections 912(b) and (c) and 1004(b)
11 and (c) of the act shall take effect upon publication of the
12 notice provided under section 2 of this act.

13 (2) The remainder of this act shall take effect in 90
14 days.