

## HOUSE BILL No. 2285

By Committee on Health and Human Services

Requested by Representative Oropeza on behalf of Representative Carr

2-5

1 AN ACT concerning public health; relating to residential childhood lead  
2 poisoning prevention; amending the definition of lead-based paint to  
3 include paint that contains lead equal to or in excess of 0.009% by  
4 weight, or in excess of that specified in federal law, whichever is less;  
5 amending K.S.A. 65-1,201 and repealing the existing section.  
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 65-1,201 is hereby amended to read as follows: 65-  
9 1,201. As used in the residential childhood lead poisoning prevention act:

10 (a) "Abatement" means any measure or set of measures designed to  
11 permanently eliminate lead-based paint hazards as defined in the federal  
12 program.

13 (b) "Accredited training program" means a training program that has  
14 been accredited by the federal program or the secretary to present training  
15 courses to individuals engaged in lead-based paint activities.

16 (c) "Business entity" means a company, partnership, corporation, sole  
17 proprietorship, association; or other business concern.

18 (d) "Certificate" means an authorization issued by the secretary  
19 permitting an individual to engage in lead-based paint activities.

20 (e) "Federal program" means subpart L, lead-based paint activities of  
21 40 C.F.R. part 745, ~~as in effect on the effective date of this act.~~

22 (f) "Lead-based paint" means paint or other surface coatings that  
23 contain lead equal to or in excess of ~~one milligram per square centimeter~~  
24 ~~or more than 0.5%~~ 0.009% by weight *or in excess of the amount of lead*  
25 *specified in the definition of "lead-based paint" pursuant to 15 U.S.C. §*  
26 *2681, whichever is less.*

27 (g) "Lead-based paint activities" means the inspection, assessment  
28 and abatement of lead-based paint, including the disposal of waste  
29 generated therefrom.

30 (h) "License" means an authorization issued by the secretary  
31 permitting a business entity to engage in lead-based paint activities.

32 (i) "Public agency" means any state agency or political or taxing  
33 subdivision of the state and those federal departments, agencies or  
34 instrumentalities thereof ~~which~~ *that* are not subject to preemption.

35 (j) "Secretary" means the secretary of health and environment.

1 (k) "Residential dwelling" means a detached single family dwelling  
2 or a single family dwelling unit in a structure that contains more than one  
3 separate residential dwelling unit used as a place of residence for  
4 habitation by an individual or the individual's immediate family, or both.

5 (l) "Habitation" means a place of abode or residence constructed  
6 before 1978 where individuals eat, sleep and reside.

7 (m) "Immediate family" means spouse, parent, stepparent, child,  
8 stepchild or sibling.

9 Sec. 2. K.S.A. 65-1,201 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its  
11 publication in the statute book.