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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 18 Session of  
2015

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

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REFERRED TO PUBLIC HEALTH AND WELFARE, JUNE 22, 2016

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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 where care is provided to children in a setting other than a  
15 private residence shall submit a lead certification from an  
16 individual or laboratory accredited by the Department of  
17 Environmental Protection that includes the following:

18 (1) lead levels in water; and

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

1 paint, dust and soil. A facility built prior to 1978 shall not  
2 be required to test for lead levels in paint if the facility has  
3 completed a full remediation or abatement of all lead paint and  
4 has a certification of such from the Department of Environmental  
5 Protection or an individual or laboratory accredited by the  
6 Department of Environmental Protection.

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

10 (1) Lead levels in water that are:

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

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

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

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

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

28 Section 1004. Lead Testing.--(a) A person desiring to  
29 obtain or renew a license for maintaining, operating and  
30 conducting a boarding home for children, child day care, child

1 day care center or family child care home shall submit a lead  
2 certification from an individual or laboratory accredited by the  
3 Department of Environmental Protection that includes the  
4 following:

5 (1) lead levels in water; and

6 (2) for a facility built prior to 1978, lead levels in  
7 paint, dust and soil. A facility built prior to 1978 shall not  
8 be required to test for lead paint if the facility has completed  
9 a full remediation or abatement of all lead paint and has a  
10 certification of such from the Department of Environmental  
11 Protection or an individual or laboratory accredited by the  
12 Department of Environmental Protection.

13 (b) The department shall not issue an initial license for  
14 maintaining, operating and conducting a boarding home for  
15 children, child day care, child day care center or family child  
16 care home if the lead certification required under subsection  
17 (a) has either of the following:

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

19 (i) in excess of the level set by the Environmental  
20 Protection Agency in the national primary drinking water  
21 regulations; and

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

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

28 (c) The department shall issue a provisional license in  
29 accordance with section 1008 to a person desiring to secure an  
30 annual renewal of a license for maintaining, operating and

1 conducting a boarding home for children, child day care, child  
2 day care center or family child care home if the lead  
3 certification required under subsection (a) has either of the  
4 levels under subsection (b).

5 (d) This section shall not affect the department's authority  
6 to refuse to issue or revoke a license in accordance with  
7 section 1026 or take any other action under applicable statute  
8 or regulation.

9 (e) The department shall provide every parent or legal  
10 guardian who has a child enrolled in a boarding home for  
11 children, child day care, child day care center or family child  
12 care home notification of the results of the lead certification  
13 under this section. In addition, the results of the lead  
14 certification shall be posted on the department's publicly  
15 accessible Internet website and, if available, the publicly  
16 accessible Internet website of the boarding home for children,  
17 child day care, child day care center or family child care home  
18 holding a license from the department.

19 Section 2. Upon enactment by the General Assembly of  
20 legislation establishing a Lead Superfund, within 30 days the  
21 Department of Environmental Protection shall transmit notice to  
22 the Legislative Reference Bureau for publication in the  
23 Pennsylvania Bulletin.

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

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

28 (2) The remainder of this act shall take effect in 90  
29 days.