

West's Louisiana Statutes Annotated Currentness

Louisiana Revised Statutes

Title 40. Public Health and Safety

▢ Chapter 5. Miscellaneous Health Provisions (Refs & Annos)

→ Part XVII. Lead Poisoning Prevention and Control (Refs & Annos)

§ 1299.20. Repealed by Acts 1989, No. 662, § 8, eff. July 7, 1989

§ 1299.21. Establishment of lead poisoning prevention program

The Department of Health and Hospitals shall establish a program for the prevention, screening, diagnosis, and treatment of lead poisoning in its office of public health. This program shall, to the extent permitted by appropriations, provide for the prevention of lead poisoning through public and professional education; shall ensure the availability of screening, diagnosis, and treatment relative to lead poisoning of children under the age of six years and persons deemed at risk by the state health officer; and shall advocate for the abatement of sources of lead when appropriate. The program shall not apply to those persons having religious objections to the examination. The office of public health shall promulgate rules and regulations to implement this program.

§ 1299.22. Collaboration with other organizations

The state health officer or his designee may contract with a public agency or a university or collaborate with any agencies, individuals, or groups for the provision of necessary services, the development of educational programs, scientific research, and detection and abatement of sources of lead poisoning, subject to appropriations, and shall promulgate and from time to time amend such rules and regulations as may be necessary.

§ 1299.23. Mandatory reporting of lead poisoning cases required; comprehensive records

A. Any local health officer, health unit supervisor, examining physician, hospital, public health nurse, or reporting person shall report to the state health officer or his designee the existence and circumstances of each case of lead poisoning known to them and not previously reported. Such reports shall be made on forms prescribed by the state health officer or his designee. The state health officer shall by regulation, and in accordance with Centers for Disease Control, United States Environmental Protection Agency, and United States Department of Housing and Development guidelines and current technical knowledge, define the terms "lead poisoning" and "previously reported" and what constitutes hazardous lead conditions in the environment.

B. When the state health officer or his designee is informed of a case of lead poisoning pursuant to Subsection A of this Section or otherwise, he shall strongly encourage the examination of all other children under the age of six years and all other persons deemed at risk by the state health officer or his designee residing or recently residing in the household of the person with lead poisoning. The results of such examinations shall be reported to the persons or agency reporting the original case pursuant to Subsection A of this Section, and to such other persons or agencies as the state health officer or his designee deems advisable.

§ 1299.24. Program for detection of lead poisoning sources; voluntary and compulsory inspections; post-

ing dangerous areas; mandatory physical examinations

A. (1) The state health officer or his designee shall establish a comprehensive program for detection of sources of lead poisoning. Such program shall attempt, to the extent permitted by appropriations, to locate all dwellings in which the paint, plaster, or other accessible substance contains dangerous amounts of lead. The means of detection and the amount of lead that produces the danger of lead poisoning shall be determined by regulation by the state health officer in accordance with Centers for Disease Control, United States Environmental Protection Agency, and United States Department of Housing and Urban Development guidelines and current technical knowledge.

(2) Such programs of detection shall, to the extent that all appropriate dwellings are not inspected, give priority in inspections to those dwellings located in areas where significant numbers of lead poisoning cases have recently been reported, and in which children under the age of six years or other persons deemed at risk by the state health officer or his designee reside.

B. When the state health officer or his designee is informed of a case of lead poisoning pursuant to this Part, or otherwise, he shall cause to have inspected the dwelling in which the person with lead poisoning resides, or has recently resided, if the occupants of said dwelling consent, after reasonable notice, to such inspection. The findings of such inspection shall be reported to the state health officer or his designee and to the appropriate enforcement authorities provided in [R.S. 40:1299.28](#).

C. A dangerous level of lead found in a dwelling inspected pursuant to this Section, or otherwise, shall be reported immediately to the owner of the building or to his duly appointed representative, all affected tenants, the appropriate enforcement authorities set out in [R.S. 40:1299.28](#), and the state health officer or his designee. The state health officer or his designee shall inform such other persons or agencies as he deems advisable, and shall cause to have prominently posted on the main entrance to said dwelling a notice that the dwelling contains dangerous amounts of lead paint or other lead materials and that children under the age of six years and persons deemed at risk should not be allowed to reside in said dwelling. Such notice may not be removed until all premises have been found to comply with [R.S. 40:1299.27](#). Unauthorized intentional removal of the notice shall subject the offender to a fine of five hundred dollars.

D. When a dangerous level of lead is found in a dwelling inspected pursuant to this Part, or otherwise, the state health officer or his designee shall cause to have examined all children under the age of six years and other persons as he may find advisable to examine, residing or who have recently resided in said dwelling. The results of such examinations shall be reported to the state health officer or his designee, the affected individual, and his parent or legal guardian. The state health officer or his designee shall inform such other persons or agencies as he deems advisable.

§ 1299.25. Designation of high-risk areas

The Department of Health and Hospitals, after consultation with representatives from the state's medical schools and analysis of childhood blood lead surveillance, housing, and Medicaid data, shall identify geographic areas in the state and establish those areas as high-risk for lead poisoning. Based upon the Department of Health and Hospital's analysis of data, blood lead screening of children of certain ages residing in these identified areas shall be mandated by rules adopted in accordance with the Administrative Procedure Act. The office of public

health shall promulgate rules and regulations to implement the specific policies and procedures for mandated childhood blood lead screening.

§ 1299.26. Sale and use of lead-based paint and other similar lead-based surface coating material restricted; penalties

A. No person shall knowingly sell, offer for sale, apply or cause to be applied lead-based paint or similar surface coating material, manufactured after the effective date of this Section, intended for use of the following surfaces or articles:

- (1) Interior surfaces of any dwelling,
- (2) Exterior surfaces of any dwelling such as window sills, porches, stairs or railings, to which children under six years of age may be commonly exposed,
- (3) Toys or other articles intended for use by children,
- (4) Residential furniture and fixtures that can be readily chewed by children, and
- (5) Cooking, eating and drinking utensils.

B. (1) No person shall knowingly sell or offer for sale any other lead-based paint or similar surface coating material that may be purchased by the general public unless the container is clearly labeled as to its intended use and bears on the principal display panel the word "WARNING" and the following statement: "Contains lead. Dried film of this paint may be harmful if eaten or chewed."

(2) The following cautionary statement, or its practical equivalent, shall be placed on the label but need not be part of the warning statement on the principal display panel:

"Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling. Do not apply on those exterior surfaces of any dwelling, such as window sills, porches, stairs, or railings, to which children may be commonly exposed. Keep Out Of The Reach of Children."

(3) The type size of this labeling shall be in accordance with the requirements for precautionary labeling under the Federal Hazardous Substances Act, 15 U.S.C. § 1260 (1970).

C. No person shall knowingly sell, expose for sale, deliver, give away or possess with intent to sell, deliver or give away, any toy or other article intended for use by children, residential furniture, cooking, drinking or eating utensil manufactured after January 1, 1973 to which any lead-based paint or similar surface coating material has been applied.

D. Any paint or other similar surface coating material shall be deemed to be lead-based when it contains lead compounds in excess of the Federal standard for lead content in residential paints established under Federal laws and regulations.

E. Any person who violates the provisions of this Section shall be punished by a fine of not less than one hun-

dred dollars nor more than five hundred dollars for each violation. Any person who willfully violates the provisions of this Section shall be punished by imprisonment for not more than three months for each violation.

F. Any article of personal property in violation of this Section may be embargoed by the state health officer.

G. This Section shall become effective on January 1, 1973.

§ 1299.26(a). [Blank]

§ 1299.27. Safety precautions; procedures for removal and repainting

A. Whenever a child or children under six years of age or mentally retarded person resides in any residential premises in which any paint, plaster or other accessible materials contain dangerous levels of lead as defined pursuant to [R.S. 40:1299.24](#), [FN1] after notification by the state health officer or his representative, the owner shall remove or cover said paint, plaster or other material so as to make it inaccessible to children under six years of age or mentally retarded persons. Whenever any such residential premises containing said dangerous levels of lead undergoes a change of ownership and as a result thereof, a child or children under six years of age or mentally retarded persons will become a resident therein, the new owner shall remove or cover said paint, plaster, or other material so as to make it inaccessible to such children or mentally retarded persons.

B. Repainting with nonlead based paint, without removal of the offending paint, plaster or other material shall not constitute compliance with this section. Such removal or covering shall be performed as follows:

(1) All peeling paint, plaster or other material, on both interior and exterior surfaces and fixtures, shall be removed or adequately covered.

(2) Paint, plaster or other material that is not peeling shall be removed or covered on window sills; door frames; windows, including mullions; stair rail spindles; stair treads; doors; stair rails; porch railings, and all other exterior and interior surfaces or fixtures that may be readily chewed by children or mentally retarded persons.

C. This duty shall apply to every owner of residential premises whenever a child or children under six years of age or mentally retarded persons reside therein or whenever such premises undergoes a change of ownership and as a result thereof a child or children under six years of age or mentally retarded persons shall reside therein, whether or not his premises have been inspected pursuant to [R.S. 40:1299.24](#) or otherwise. This section shall be strictly construed and enforced so as to best protect the safety of residents of such dwellings.

D. Every owner of residential premises who violates the provisions of this section shall commence correction of the condition constituting the violation within fifteen days after notification of the violation, which project shall be completed within thirty days.

[FN1] Prior [R.S. 40:1299.24](#) was repealed by [Acts 1989, No. 662, § 8, eff. July 7, 1989](#).

§ 1299.28. Violations; enforcement

A. Any violation of [R.S. 40:1299.26](#) and [R.S. 40:1299.27](#) may be treated by any party as a violation of the state, municipal or parochial health codes and all procedures and remedies applicable to such violations of said codes

shall be available to correct, deter or punish violations of said provisions. The district and appellate courts shall have jurisdiction to enforce the said provisions to the same extent that said courts have jurisdiction to enforce said codes.

B. All local health officers, health unit supervisors, or other code enforcement agencies shall enforce [R.S. 40:1299.26](#) and [R.S. 40:1299.27](#) in the same manner and with the same authority as they may enforce the health code.

C. The state health officer shall have concurrent responsibility and authority to enforce [R.S. 40:1299.26](#) and [R.S. 40:1299.27](#) and in so doing shall have available to him all powers and authority which shall be available to local health officers and health unit supervisors.

D. Violations of [R.S. 40:1299.26](#) and [R.S. 40:1299.27](#) shall be treated as emergency matters, and shall be given preference by enforcing agencies and speedy hearings by district and appellate courts.

§ 1299.29. Liability of owners of residential property; damages

The owner of any residential property shall be liable for all damages caused by his failure to perform the duties required of him pursuant to [R.S. 40:1299.26](#) or [R.S. 40:1299.27](#).

Current through the 2008 Regular Session

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