

M.G.L.A. 111 § 196

## C

Effective: [See Text Amendments]

Massachusetts General Laws Annotated [Currentness](#)

Part I. Administration of the Government (Ch. 1-182)

[Title XVI](#). Public Health (Ch. 111-114)[Chapter 111](#). Public Health ([Refs & Annos](#))

## → § 196. Prohibited acts; punishment; embargo of personal property

(a) No person shall apply or cause to be applied any **lead-based paint**, glaze or other substance to any toy, furniture, cooking, drinking, or eating utensil, or interior or exterior surface or fixture of any dwelling; and no person shall sell, expose for sale, deliver, give away or possess with intent to sell, deliver or give away any toy, furniture, cooking, drinking or eating utensil to which any **lead-based paint**, glaze or other substance has been applied.

Any paint, glaze or other substance shall be deemed to be lead-based when it contains more than six one-hundredths of one per centum lead by weight, and for such substances manufactured prior to June twenty-third, nineteen hundred and seventy-seven one-half of one per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint or glaze already applied, or when it contains a substantially equivalent amount of lead measured by such alternative reliable method of measurement as the director shall by regulation establish.

Any person who violates the provision of this subsection shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each violation. Each article, surface or fixture to which a lead-based substance is applied shall constitute a separate violation. Any person who willfully violates the provisions of this subsection shall be punished by imprisonment for not more than three months for each violation.

Any article of personal property in violation of this subsection may be embargoed by the director in the manner provided in [section one hundred eighty-nine A](#) of chapter ninety-four.

(b) No person shall sell, expose for sale, deliver, give away or possess with intent to sell, deliver or give away any **lead-based paint**, glaze or other surface covering including raw lead or the raw lead compounds utilized in the home manufacturing of glazes, as defined in subsection (a); provided, however, that the director may by regulation with the concurrence of a majority of the advisory committee exempt from the provisions of this subsection certain **lead-based paints** that are not intended or suitable for use on or within residential premises, and are not advertised or labeled as intended or suitable for such uses, and are not sold to the general public on a retail basis, when he finds with substantial certainty that the sale or use of said paints will not result in the exposure of children younger than six years of age to said paints and will not result in an additional danger to life or health for such children or for the general public. The director may by regulation with the concurrence of a majority of the advisory committee exempt from the provisions of this subsection certain lead-based ceramic glazes or the raw lead and raw lead compounds utilized in the home manufacturing of glazes on such terms as he finds will not result in an additional danger to life or health.

Whoever violates the provisions of this subsection shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars for each violation. Each can, bottle or other container of any prohibited substance shall constitute a separate violation. Whoever willfully violates the provisions of this subsection shall be punished by imprisonment for not more than six months for each violation. Any article or substance in violation of this subsection may be embargoed by the director in the manner provided in [section one hundred eighty-nine A](#) of chapter ninety-four.

#### CREDIT(S)

Added by St.1971, c. 1081, § 1. Amended by St.1971, c. 1081, § 2; St.1975, c. 410; St.1979, c. 589.

#### HISTORICAL AND STATUTORY NOTES

##### 2003 Main Volume

St.1971, c. 1081, § 1, an emergency act, was approved Nov. 15, 1971, and by § 3 made effective Jan. 1, 1973.

Section 2 of St.1971, c. 1081, added subsec. (b).

St.1975, c. 410, an emergency act, approved July 7, 1975, in subsec. (b), in the first paragraph, in the first sentence, inserted "including raw lead or the raw lead compounds utilized in the home manufacturing of glazes", and inserted the second sentence.

St.1979, c. 589, approved Oct. 2, 1979, in subsec. (a), in the second paragraph, substituted "six one-hundredths of one per centum lead by weight, and for such substances manufactured prior to June twenty-third, nineteen hundred and seventy-seven one-half of one per centum lead by weight" for "one-half of one per centum lead by weight".

M.G.L.A. 111 § 196, MA ST 111 § 196

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