

House Bill 2715

Sponsored by Representative TOMEI (at the request of Tamara Rubin) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires State Board of Education to adopt rules establishing testing process under which public schools for kindergarten through grade 12 are tested once each calendar year to determine if lead dust from deteriorating paint poses significant health concern.

Requires Child Care Division of Employment Department to adopt rules establishing testing process under which child care facilities and family child care homes are tested once each calendar year to determine if lead dust from deteriorating paint poses significant health concern.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to lead; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The State Board of Education shall adopt rules establishing a testing**
5 **process under which public schools for kindergarten through grade 12 are tested once each**
6 **calendar year to determine if lead dust from deteriorating paint poses a significant health**
7 **concern.**

8 (2) The results of the annual test required by subsection (1) of this section shall be posted
9 on the State Board of Education's website.

10 (3) The State Board of Education shall adopt by rule a procedure under which the parent
11 or guardian of a student who is enrolled in a school in which the test required by subsection
12 (1) of this section indicates that lead dust from deteriorating paint poses a significant health
13 concern may place the student in a school in which the test indicates that lead dust from
14 deteriorating paint does not pose a significant health concern.

15 **SECTION 2. (1) Except as provided in subsection (2) of this section, section 1 of this 2011**
16 **Act becomes operative on January 1, 2012.**

17 (2) The State Board of Education may, before the operative date specified in subsection
18 (1) of this section, adopt rules or take any other action that is necessary to implement, on
19 or after the operative date specified in subsection (1) of this section, section 1 of this 2011
20 Act.

21 **SECTION 3. (1) The Child Care Division of the Employment Department shall adopt rules**
22 **establishing a testing process under which child care facilities certified under ORS 657A.280,**
23 **and family child care homes registered under the provisions of ORS 657A.330, are tested once**
24 **each calendar year to determine if lead dust from deteriorating paint poses a significant**
25 **health concern.**

26 (2)(a) The Child Care Division may not certify a child care facility under the provisions
27 of ORS 657A.280, or renew the certification of a child care facility, if the test required by
28 subsection (1) of this section indicates that lead dust from deteriorating paint poses a sig-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **nificant health concern in the child care facility.**

2 **(b) The Child Care Division may not register a family child care home under the pro-**
3 **visions of ORS 657A.330, or renew the registration of a family child care home, if the test**
4 **required by subsection (1) of this section indicates that lead dust from deteriorating paint**
5 **poses a significant health concern in the family child care home.**

6 **(3) The results of the annual test required by subsection (1) of this section shall be posted**
7 **on the website of the Child Care Division.**

8 **SECTION 4. (1) Except as provided in subsection (2) of this section, section 3 of this 2011**
9 **Act becomes operative on January 1, 2012.**

10 **(2) The Child Care Division of the Employment Department may, before the operative**
11 **date specified in subsection (1) of this section, adopt rules or take any other action that is**
12 **necessary to implement, on or after the operative date specified in subsection (1) of this**
13 **section, section 3 of this 2011 Act.**

14 **SECTION 5. (1) Section 3 (2)(a) of this 2011 Act applies to certifications first given, or**
15 **certifications renewed, by the Child Care Division of the Employment Department on or after**
16 **the operative date specified in section 4 (1) of this 2011 Act.**

17 **(2) Section 3 (2)(b) of this 2011 Act applies to registrations first given, or registrations**
18 **renewed, by the Child Care Division of the Employment Department on or after the operative**
19 **date specified in section 4 (1) of this 2011 Act.**

20 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
22 **on its passage.**

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