

## As Passed by the House

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Sub. H. B. No. 248

REPRESENTATIVES Williams, Schaffer, Kearns, Barrett, Otterman, R. Miller, Lendrum, Rhine, G. Smith, Jones, D. Miller, Allen, Hollister, Ford, Roman, Jolivette, Seitz, Gilb, Kilbane, Patton, McGregor, Aslanides, Schneider, S. Smith, Cirelli, Schmidt, Cates, Redfern, Niehaus, Coates, Latell, Sulzer, Ogg, Distel, Britton, Young, Brinkman, Flowers, Flannery, Beatty, Fedor, Driehaus, Clancy, Setzer, Perry, Reidelbach, Buehrer, Widowfield, Woodard

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### A B I L L

To amend sections 3314.03, 3318.031, 3742.01 to 1  
3742.08, 3742.10 to 3742.19, and 3742.99; to amend, 2  
for the purpose of adopting new section numbers as 3  
indicated in parentheses, sections 3742.11 4  
(3742.31), 3742.12 (3742.35), and 3742.13 5  
(3742.34); and to enact sections 3701.61, 3742.051, 6  
3742.071, 3742.161, 3742.32, and 3742.36 to 3742.51 7  
of the Revised Code with respect to the prevention 8  
of child lead poisoning. 9

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 3314.03, 3318.031, 3742.01, 3742.02, 10  
3742.03, 3742.04, 3742.05, 3742.06, 3742.07, 3742.08, 3742.10, 11  
3742.11, 3742.12, 3742.13, 3742.14, 3742.15, 3742.16, 3742.17, 12  
3742.18, 3742.19, and 3742.99 be amended; sections 3742.11 13  
(3742.31), 3742.12 (3742.35), and 3742.13 (3742.34) be amended for 14  
the purpose of adopting new section numbers as indicated in 15  
parentheses; and sections 3701.61, 3742.051, 3742.071, 3742.161, 16

3742.32, 3742.36, 3742.37, 3742.38, 3742.39, 3742.40, 3742.41, 17  
3742.42, 3742.43, 3742.44, 3742.45, 3742.46, 3742.47, 3742.48, 18  
3742.49, 3742.50, and 3742.51 of the Revised Code be enacted to 19  
read as follows: 20

**Sec. 3314.03.** (A) Each contract entered into under section 21  
3314.02 of the Revised Code between a sponsor and the governing 22  
authority of a community school shall specify the following: 23

(1) That the school shall be established as a nonprofit 24  
corporation established under Chapter 1702. of the Revised Code; 25

(2) The education program of the school, including the 26  
school's mission, the characteristics of the students the school 27  
is expected to attract, the ages and grades of students, and the 28  
focus of the curriculum; 29

(3) The academic goals to be achieved and the method of 30  
measurement that will be used to determine progress toward those 31  
goals, which shall include the statewide achievement tests; 32

(4) Performance standards by which the success of the school 33  
will be evaluated by the sponsor; 34

(5) The admission standards of section 3314.06 of the Revised 35  
Code; 36

(6) Dismissal procedures; 37

(7) The ways by which the school will achieve racial and 38  
ethnic balance reflective of the community it serves; 39

(8) Requirements and procedures for financial audits by the 40  
auditor of state. The contract shall require financial records of 41  
the school to be maintained in the same manner as are financial 42  
records of school districts, pursuant to rules of the auditor of 43  
state, and the audits shall be conducted in accordance with 44  
section 117.10 of the Revised Code. 45

- (9) The facilities to be used and their locations; 46
- (10) Qualifications of teachers, including a requirement that 47  
the school's classroom teachers be licensed in accordance with 48  
sections 3319.22 to 3319.31 of the Revised Code, except that a 49  
community school may engage noncertificated persons to teach up to 50  
twelve hours per week pursuant to section 3319.301 of the Revised 51  
Code; 52
- (11) That the school will comply with the following 53  
requirements: 54
- (a) The school will provide learning opportunities to a 55  
minimum of twenty-five students for a minimum of nine hundred 56  
twenty hours per school year; 57
- (b) The governing authority will purchase liability 58  
insurance, or otherwise provide for the potential liability of the 59  
school; 60
- (c) The school will be nonsectarian in its programs, 61  
admission policies, employment practices, and all other 62  
operations, and will not be operated by a sectarian school or 63  
religious institution; 64
- (d) The school will comply with divisions (A), (B), and (C) 65  
of section 3301.0715 and sections 9.90, 9.91, 109.65, 121.22, 66  
149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 67  
3301.0712, 3301.0714, 3313.50, 3313.643, 3313.66, 3313.661, 68  
3313.662, 3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 69  
3313.80, 3313.96, 3319.321, 3319.39, 3321.01, 3327.10, 4111.17, 70  
and 4113.52 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 71  
4123., 4141., and 4167. of the Revised Code as if it were a school 72  
district; 73
- (e) The school shall comply with Chapter 102. of the Revised 74  
Code except that nothing in that chapter shall prohibit a member 75  
of the school's governing board from also being an employee of the 76

school and nothing in that chapter or section 2921.42 of the Revised Code shall prohibit a member of the school's governing board from having an interest in a contract into which the governing board enters;

(f) The school will comply with sections 3313.61 , 3313.611, and 3313.614 of the Revised Code, except that the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII of the Revised Code or any rules of the state board of education;

(g) The school governing authority will submit an annual report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor, the parents of all students enrolled in the school, and the legislative office of education oversight. The school will collect and provide any data that the legislative office of education oversight requests in furtherance of any study or research that the general assembly requires the office to conduct, including the studies required under Section 50.39 of Am. Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general assembly, as amended.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year and shall not exceed five years;

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget

for each year of the period of the contract and specifying the 108  
total estimated per pupil expenditure amount for each such year. 109  
The plan shall specify for each year the base formula amount that 110  
will be used for purposes of funding calculations under section 111  
3314.08 of the Revised Code. This base formula amount for any year 112  
shall not exceed the formula amount defined under section 3317.02 113  
of the Revised Code. The plan may also specify for any year a 114  
percentage figure to be used for reducing the per pupil amount of 115  
disadvantaged pupil impact aid calculated pursuant to section 116  
3317.029 of the Revised Code the school is to receive that year 117  
under section 3314.08 of the Revised Code. 118

(16) Requirements and procedures regarding the disposition of 119  
employees of the school in the event the contract is terminated or 120  
not renewed pursuant to section 3314.07 of the Revised Code; 121

(17) Whether the school is to be created by converting all or 122  
part of an existing public school or is to be a new start-up 123  
school, and if it is a converted public school, specification of 124  
any duties or responsibilities of an employer that the board of 125  
education that operated the school before conversion is delegating 126  
to the governing board of the community school with respect to all 127  
or any specified group of employees provided the delegation is not 128  
prohibited by a collective bargaining agreement applicable to such 129  
employees; 130

(18) Provisions establishing procedures for resolving 131  
disputes or differences of opinion between the sponsor and the 132  
governing authority of the community school; 133

(19) A provision requiring the governing authority to adopt a 134  
policy regarding the admission of students who reside outside the 135  
district in which the school is located. That policy shall comply 136  
with the admissions procedures specified in section 3314.06 of the 137  
Revised Code and, at the sole discretion of the authority, shall 138  
do one of the following: 139

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	140 141
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	142 143
(c) Permit the enrollment of students who reside in any other district in the state.	144 145
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	146 147 148
(1) The process by which the governing authority of the school will be selected in the future;	149 150
(2) The management and administration of the school;	151
(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;	152 153 154 155
(4) The instructional program and educational philosophy of the school;	156 157
(5) Internal financial controls.	158
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor.	159 160 161 162 163 164
<b>Sec. 3318.031.</b> The Ohio school facilities commission shall consider student and staff safety <u>and health</u> when reviewing design plans for classroom facility construction projects proposed under this chapter. After consulting with appropriate education, <u>health,</u>	165 166 167 168

and law enforcement personnel, the commission may require as a 169  
condition of project approval under section 3318.03 of the Revised 170  
Code such changes in the design plans as the commission believes 171  
will advance or improve student and staff safety and health in the 172  
proposed classroom facility. 173

To carry out its duties under this section, the commission 174  
shall review and, if necessary, amend any construction and design 175  
standards used in its project approval process, including 176  
standards for location and number of exits, standards for lead 177  
safety in classroom facilities constructed before 1978 in which 178  
services are provided to children under six years of age, and 179  
location of restrooms, with a focus on advancing student and staff 180  
safety and health. 181

Sec. 3701.61. As used in this section, "lead poisoning" has 182  
the same meaning as in section 3742.01 of the Revised Code. 183

Each child at risk of lead poisoning shall undergo a blood 184  
lead screening test to determine whether the child has lead 185  
poisoning. The at-risk children shall undergo the test at times 186  
determined by rules the public health council shall adopt in 187  
accordance with Chapter 119. of the Revised Code that are 188  
consistent with the guidelines established by the centers for 189  
disease control and prevention in the public health service of the 190  
United States department of health and human services. The rules 191  
shall specify which children are at risk of lead poisoning. 192

Neither this section nor the rules adopted under it affect 193  
the coverage of blood lead screening tests by any publicly funded 194  
health program, including the medicaid program established by 195  
Chapter 5111. of the Revised Code. Neither this section nor the 196  
rules adopted under it apply to a child if a parent of the child 197  
objects to the test on the grounds that the test conflicts with 198  
the parent's religious tenets and practices. 199

Sec. 3742.01. As used in this chapter: 200

(A) "Board of health" means the board of health of a city or 201  
general health district or the authority having the duties of a 202  
board of health in a city as authorized by section 3709.05 of the 203  
Revised Code. 204

(B) "Child day-care facility" means each area of any of the 205  
following in which child day-care, as defined in section 5104.01 206  
of the Revised Code, is provided to children less than six years 207  
of age: 208

(1) A child day-care center, type A family day-care home, or 209  
type B family day-care home as defined in section 5104.01 of the 210  
Revised Code; 211

(2) A type C family day-care home authorized to provide child 212  
day-care by Sub. H.B. 62 of the 121st general assembly, as amended 213  
by Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 214  
407 of the 123rd general assembly; 215

(3) A preschool program or school child program as defined in 216  
section 3301.52 of the Revised Code. 217

(C) "Clearance examination" means an examination conducted 218  
following a lead abatement or lead-safe renovation to determine 219  
whether the lead hazards in a residential unit, child day-care 220  
facility, or school have been sufficiently controlled according to 221  
standards established in rules adopted under section 3742.49 of 222  
the Revised Code. A clearance examination includes a visual 223  
assessment, collection, and analysis of environmental samples. 224

(D) "Clearance technician" means a person, other than a 225  
licensed lead inspector or licensed lead risk assessor, who 226  
performs a clearance examination. 227

(E) "Clinical laboratory" means a facility for the 228  
biological, microbiological, ~~seriological~~ serological, chemical, 229



~~immunoheathological~~ immunoheathological, hematological, 230  
biophysical, cytological, pathological, or other examination of 231  
substances derived from the human body for the purpose of 232  
providing information for the diagnosis, prevention, or treatment 233  
of any disease, or in the assessment or impairment of the health 234  
of human beings. "Clinical laboratory" does not include a facility 235  
that only collects or prepares specimens, or serves as a mailing 236  
service, and does not perform testing. 237

~~(B)~~(F) "Encapsulation" means a method of lead abatement or 238  
lead-safe renovation that involves the coating and sealing of 239  
surfaces with durable surface coating specifically formulated to 240  
be elastic, able to withstand sharp and blunt impacts, 241  
long-lasting, and resilient, while also resistant to cracking, 242  
peeling, algae, fungus, and ultraviolet light, so as to prevent 243  
any part of lead-containing paint from becoming part of house dust 244  
or otherwise accessible to children. 245

~~(C)~~(G) "Enclosure" means the resurfacing or covering of 246  
surfaces with durable materials such as wallboard or paneling, and 247  
the sealing or caulking of edges and joints so as to prevent or 248  
control chalking, flaking, peeling, scaling, or loose 249  
lead-containing substances from becoming part of house dust or 250  
accessible to children. 251

~~(D)~~(H) "Environmental lead analytical laboratory" means a 252  
facility that analyzes air, dust, soil, water, paint, film, or 253  
other substances, other than substances derived from the human 254  
body, for the presence and concentration of lead. 255

~~(E)~~(I) "HEPA" means the designation given to a product, 256  
device, or system that has been equipped with a high-efficiency 257  
particulate air filter, which is a filter capable of removing 258  
particles of 0.3 microns or larger from air at 99.97 per cent or 259  
greater efficiency. 260

(J) "Interim controls" means a set of measures designed to 261

reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

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(K)(1) "Lead abatement" means a measure or set of measures, including the following, designed and intended to eliminate for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

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(1)(a) Removal, encapsulation, or enclosure of lead hazards lead-based paint and lead-contaminated dust;

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(2)(b) Permanent enclosure or encapsulation of lead-based paint;

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(c) Replacement of lead-contaminated surfaces or fixtures painted with lead-based paint;

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(3)(d) Removal or permanent covering of lead-contaminated soil;

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(4)(e) Preparation, cleanup, and disposal, and postabatement activities associated with the lead abatement.

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(2) "Lead abatement" does not include any of the following:

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(a) Essential maintenance practices and preventive treatments performed pursuant to section 3742.46 of the Revised Code;

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(b) Activities performed by a property owner on a residential unit to which both of the following apply:

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(i) It is a freestanding single-family home used as the property owner's private residence.

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(ii) No child under six years of age who has lead poisoning resides in the unit.

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<u>(c) Lead-safe renovations performed and supervised by a lead-safe renovator;</u>	291 292
<u>(d) Implementation of interim controls.</u>	293
<del>(F)</del> <u>(L)</u> "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.	294 295 296 297 298
<del>(G)</del> <u>(M)</u> "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.	299 300 301
<del>(H)</del> <u>(N)</u> "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.	302 303 304
<del>(I)</del> <u>(O)</u> "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.	305 306 307
<del>(J)</del> <u>(P)</u> "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as established by rule of the public health council in accordance with section <del>3742.03</del> <u>3742.49</u> of the Revised Code.	308 309 310 311 312
<del>(K)</del> <u>(Q)</u> "Lead-contaminated dust" means dust <del>in or on structures that contain</del> <u>contains</u> an area or mass concentration of lead at or in excess of the level that is hazardous to human health as established by rule of the public health council under section <del>3742.03</del> <u>3742.49</u> of the Revised Code.	313 314 315 316 317
<del>(L)</del> <u>(R)</u> "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health as established by rule of the public health council under section	318 319 320

~~3742.03~~ 3742.49 of the Revised Code. 321

~~(M)~~(S) "Lead hazard" means material that ~~may~~ is likely to 322  
cause lead exposure and ~~may~~ endanger an individual's health as 323  
determined by the public health council in rules adopted under 324  
section ~~3742.03~~ 3742.49 of the Revised Code. "Lead hazard" 325  
includes lead-based paint, lead-contaminated dust, 326  
lead-contaminated soil, and lead-contaminated water pipes. 327

~~(N)~~(T) "Lead inspection" means a surface-by-surface 328  
investigation to determine the presence of lead-based paint ~~and~~ 329  
~~the provision of a report explaining the results.~~ The inspection 330  
shall use a sampling or testing technique approved by the public 331  
health council in rules adopted by the council under section 332  
3742.03 of the Revised Code. A licensed lead inspector or 333  
laboratory approved under section 3742.09 of the Revised Code 334  
shall certify in writing the precise results of the inspection. 335

~~(O)~~(U) "Lead inspector" means any individual who conducts a 336  
lead inspection, provides professional advice regarding a lead 337  
inspection, or prepares a report explaining the results of a lead 338  
inspection. 339

~~(P)~~(V) "Lead poisoning" means the level of lead in human 340  
blood that is hazardous to human health, as specified in rules 341  
adopted under section ~~3742.03~~ 3742.49 of the Revised Code. 342

~~(Q)~~(W) "Lead risk assessment" means an on-site investigation 343  
to determine and report the existence, nature, severity, and 344  
location of ~~lead-based paint~~ lead hazards in ~~structures a~~ 345  
residential unit, child day-care facility, or school, including 346  
information gathering from the unit, facility, or school's current 347  
owner's knowledge regarding the age and painting history of the 348  
structure unit, facility, or school and occupancy by children 349  
under age six years of age, visual inspection, limited wipe 350  
sampling or other environmental sampling techniques, and other 351  
activity as may be appropriate, ~~and provision of a report~~ 352

~~explaining the results of the investigation.~~ 353

~~(R)(X) "Lead risk assessor" means a person who is responsible~~ 354  
~~for developing a written inspection, risk assessment, and analysis~~ 355  
~~plan; conducting inspections for lead-based paint lead hazards in~~ 356  
~~a structure residential unit, child day-care facility, or school;~~ 357  
~~taking post-abatement soil and dust clearance samples and~~ 358  
~~evaluating the results;~~ interpreting results of inspections and 359  
risk assessments; identifying hazard control strategies to reduce 360  
or eliminate lead exposures; and completing a risk assessment 361  
report. 362

~~(S)(Y) "Lead-safe renovation" means a general improvement of~~ 363  
~~all or part of an existing residential unit, child day-care~~ 364  
~~facility, or school in which the permanent elimination of a lead~~ 365  
~~hazard is incidental rather than the single purpose of the~~ 366  
~~improvement. "Lead-safe renovation" includes the removal or~~ 367  
~~modification of surfaces or components painted with lead-based~~ 368  
~~paint, the removal of large structures, and window replacement.~~ 369  
~~"Lead-safe renovation" does not include a privately funded general~~ 370  
~~improvement of all or part of an existing residential unit that is~~ 371  
~~privately owned and in which no child under six years of age who~~ 372  
~~has lead poisoning resides.~~ 373

~~(Z) "Lead-safe renovator" means a person who performs or~~ 374  
~~supervises a lead-safe renovation in a residential unit, child~~ 375  
~~day-care facility, or school after successfully completing a~~ 376  
~~training program approved under section 3742.47 of the Revised~~ 377  
~~Code.~~ 378

~~(AA) "Manager" means a person, who may be the same person as~~ 379  
~~the owner, responsible for the daily operation of a structure~~ 380  
~~residential unit, child day-care facility, or school.~~ 381

~~(T)(BB) "Permanent" means an expected design life of at least~~ 382  
~~twenty years.~~ 383

(CC) "Replacement" means a lead abatement activity that 384  
entails removing components such as windows, doors, and trim that 385  
have ~~lead-based paint~~ lead hazards on their surfaces and 386  
installing ~~new or de-leaded~~ components free of ~~lead-based paint~~ 387  
lead hazards. 388

~~(U) "Structure" means any house, apartment, or building, used 389  
as an individual's private residence or commonly used as a place 390  
of education or child day-care center for children under six years 391  
of age, including all of the following: 392~~

~~(1) The interior and exterior surfaces and all common areas 393  
of the structure; 394~~

~~(2) Every attached or unattached structure located within the 395  
same lot line, including garages, play equipment, and fences; 396~~

~~(3) The lot or land occupied by the structure (DD) 397  
"Residential unit" means a dwelling or any part of a building 398  
being used as an individual's private residence. 399~~

~~(EE) "School" means a public or non-public school in which 400  
children less than six years of age receive education. 401~~

**Sec. 3742.02.** (A) No person shall do any of the following: 402

(1) Violate any provision of this chapter or the rules 403  
adopted pursuant to it; 404

(2) Apply or cause to be applied any lead-based paint on or 405  
inside ~~any structure~~ a residential unit, child day-care facility, 406  
or school, unless the public health council has determined by rule 407  
under section ~~3742.03~~ 3742.49 of the Revised Code that no suitable 408  
substitute exists; 409

(3) Interfere with an inspection investigation conducted by 410  
the director of health or a board of health in accordance with 411  
section ~~3742.11 or 3742.12~~ 3742.35 of the Revised Code. 412

(B) No person shall knowingly authorize or employ ~~any an~~ 413  
individual to perform lead abatement on a ~~structure residential~~ 414  
~~unit, child day-care facility, or school~~ unless ~~that the~~ 415  
individual who will perform the lead abatement holds a valid 416  
license issued under section 3742.05 of the Revised Code. 417

(C) ~~Without an appropriate valid license issued under section~~ 418  
~~3742.05 of the Revised Code, no~~ No person shall do any of the 419  
following when a residential unit, child day-care facility, or 420  
school is involved: 421

(1) Perform a lead inspection ~~or hold himself out as a lead~~ 422  
~~inspector~~ without a valid lead inspector license issued under 423  
section 3742.05 Of the Revised Code; 424

(2) Perform a lead risk assessment, or provide professional 425  
advice regarding lead abatement, ~~or hold himself out as a lead~~ 426  
~~risk assessor~~ without a valid lead risk assessor license issued 427  
under section 3742.05 Of the Revised Code; 428

(3) Act as a lead abatement contractor ~~or hold himself out as~~ 429  
~~a lead abatement contractor~~ without a valid lead abatement 430  
contractor's license issued under section 3742.05 of the Revised 431  
Code; 432

(4) Act as a lead abatement project designer ~~or hold himself~~ 433  
~~out as a lead abatement project designer~~ without a valid lead 434  
abatement project designer license issued under section 3742.05 of 435  
the Revised Code; 436

(5) Perform ~~or hold himself out as providing~~ lead abatement 437  
without a valid lead abatement worker license issued under section 438  
3742.05 of the Revised Code; 439

(6) Effective one year after the effective date of this 440  
amendment, perform a clearance examination without a valid 441  
clearance technician license issued under section 3742.05 of the 442  
Revised Code, unless the person holds a valid lead inspector 443

license or valid lead risk assessor license issued under that 444  
section; 445

(7) Effective one year after the effective date of this 446  
amendment, perform or supervise a lead-safe renovation without 447  
having successfully completed a training program approved under 448  
section 3742.47 of the Revised Code or without complying with 24 449  
Code of Federal Regulations Part 35; 450

(8) Perform lead training for the purposes of this chapter 451  
without a valid approval from the director of health under section 452  
3742.08 of the Revised Code; 453

(9) Perform interim controls without complying with 24 Code 454  
of Federal Regulations Part 35. 455

~~(D) This section does not apply to any individual performing~~ 456  
~~lead abatement on a structure, or on the portion of the structure,~~ 457  
~~that is used as his private residence.~~ 458

**Sec. 3742.03.** The public health council shall adopt rules in 459  
accordance with Chapter 119. of the Revised Code for the 460  
administration and enforcement of ~~this chapter~~ sections 3742.01 to 461  
3742.19 and 3742.99 of the Revised Code. The rules shall specify 462  
all of the following: 463

(A) Procedures to be followed by ~~any individual~~ a lead 464  
abatement contractor, lead abatement project designer, lead 465  
abatement worker, lead inspector, or lead risk assessor licensed 466  
under section 3742.05 of the Revised Code for undertaking lead 467  
abatement activities; or clearance technician, lead inspector, or 468  
lead risk assessor in performing a clearance examination; 469

(B)(1) Requirements for training and licensure, in addition 470  
to those established under section 3742.08 of the Revised Code, to 471  
include levels of training and periodic refresher training for 472  
each class of worker, and to be used for licensure under section 473



3742.05 of the Revised Code. These requirements shall include at least twenty-four classroom hours of training based on the Occupational Safety and Health Act training program for lead set forth in 29 C.F.R. 1926.62. In establishing the training and licensure requirements, the public health council shall consider the core of information that is needed by all licensed persons, and establish the training requirements so that persons who would seek licenses in more than one area would not have to take duplicative course work. The training requirements for clearance technicians and lead-safe renovators, including continuing training, shall not exceed one day.

(2) Persons certified by the American board of industrial hygiene as a certified industrial hygienist or as an industrial hygienist-in-training, and persons registered as a sanitarian or sanitarian-in-training under Chapter 4736. of the Revised Code, shall be exempt from any training requirements for initial licensure established under this chapter, but shall be required to take any examinations for licensure required under section 3742.05 of the Revised Code.

(C) Fees for licenses issued under section 3742.05 of the Revised Code and for their renewal;

(D) Procedures to be followed by lead inspectors, lead abatement contractors, environmental lead analytical laboratories, lead risk assessors, lead abatement project designers, ~~and~~ lead abatement workers, and clearance technicians to prevent public exposure to lead hazards and ensure worker protection during lead abatement projects;

(E)(1) Record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, ~~and~~ lead abatement workers, and clearance technicians for lead abatement projects or clearance

examinations; 506

(2) Record-keeping and reporting requirements regarding lead poisoning for physicians, in addition to the requirements of section 3701.25 of the Revised Code; 507  
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(3) Information that is required to be reported under rules based on divisions (E)(1) and (2) of this section and that is a medical record is not a public record under section 149.43 of the Revised Code and shall not be released, except in aggregate statistical form. 510  
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~~(F) Procedures for inspections conducted by the director of health or a board of health under section 3742.12 or 3742.13 of the Revised Code;~~ 515  
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~~(G) The level of lead in lead-based paint, lead-contaminated dust, and lead-contaminated soil that is hazardous to human health;~~ 518  
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~~(H) The level of lead in human blood that is hazardous to human health according to information obtained from the centers for disease control and prevention in the public health service of the United States department of health and human services;~~ 521  
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~~(I) Environmental sampling techniques for use in collecting samples of air, water, dust, paint, and other materials;~~ 525  
526

~~(J)~~(G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code; 527  
528

~~(K)~~(H) Requirements under which a manufacturer of a ~~lead abatement system or product~~ encapsulants must demonstrate evidence of the safety and durability of its ~~system or product~~ encapsulants by providing results of testing from an independent laboratory indicating that the ~~system or product meets~~ encapsulants meet the standards developed ~~for the particular system or product~~ by the E06.23 subcommittee "E06.23.30 task group on encapsulants," which is the ~~lead-paint abatement~~ task group of the lead hazards 529  
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associated with buildings subcommittee of the performance of 537  
buildings committee of the American society for testing and 538  
materials; 539

~~(L) Procedures to be followed by the public health council in 540  
revising its rules to ensure that lead-hazard activities meeting 541  
the provisions of this chapter continue to be eligible for federal 542  
funding and meet the requirements promulgated by regulation by the 543  
United States environmental protection agency, the United States 544  
department of housing and urban development, and other federal 545  
agencies that may have jurisdiction over lead hazards;~~ 546

~~(M)(I) Any other requirements the council considers 548  
appropriate for the administration or enforcement of this chapter 549  
sections 3742.01 to 3742.19 and 3742.99 of the Revised Code. 550~~

**Sec. 3742.04.** (A) The director of health shall do all of the 551  
following: 552

(1) Administer and enforce the requirements of ~~this chapter~~ 553  
sections 3742.01 to 3742.19 and 3742.99 of the Revised Code and 554  
the rules adopted pursuant to ~~it~~ those sections; 555

~~(2)(a) Conduct research and disseminate information on the 556  
number, extent, and general geographic location of 557  
lead-contaminated structures, which may include a statewide survey 558  
and may include the establishment of a unit for the collection and 559  
analysis of data on lead-hazard detection and lead-hazard 560  
reduction activities, including the licensing, certification, 561  
accreditation, approval, and enforcement activities under this 562  
chapter;~~ 563

~~(b) Update information and data collected or disseminated 564  
under division (A)(2)(a) of this section to include the results of 565  
an inspection or assessment conducted pursuant to section 3742.14 566  
of the Revised Code, when a report based on that inspection is 567~~

~~provided to the director pursuant to rules adopted by the public health council under section 3742.03 of the Revised Code.~~ 568  
569

~~(3)~~ Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, ~~and~~ lead abatement workers, lead-safe renovators, and clearance technicians in accordance with section 3742.05 of the Revised Code to determine whether the requirements of this chapter are being met; 570  
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~~(4)~~(3) Examine records and reports submitted by physicians, clinical laboratories, and environmental lead analytical laboratories under section 3701.25 or 3742.09 of the Revised Code; 576  
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~~(5)~~(4) Issue approval to manufacturers of ~~lead abatement systems or products~~ encapsulants that have done all of the following: 579  
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(a) Submitted an application for approval to the director on a form prescribed by the director; 582  
583

(b) Paid the application fee established by the director; 584

(c) Submitted results from an independent laboratory indicating that the manufacturer's ~~system or product satisfies~~ encapsulants satisfy the requirements established in rules adopted under division ~~(K)~~(H) of section 3742.03 of the Revised Code; 585  
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(d) Complied with rules adopted by the public health council regarding durability and safety to workers and residents. 589  
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~~(6)~~(5) Establish liaisons and cooperate with the directors or agencies in states having lead abatement, licensing, accreditation, certification, and approval programs to promote consistency between the requirements of this chapter and those of other states in order to facilitate reciprocity of the programs among states; 591  
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(6) Establish a program to monitor and audit the quality of 597

work of lead inspectors, lead risk assessors, lead abatement project designers, lead abatement contractors, lead abatement workers, and clearance technicians. The director may refer improper work discovered through the program to the attorney general for appropriate action. 598  
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(B) In addition to any other authority granted by this chapter, the director of health may do any of the following: 603  
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(1) Employ persons who have received training from a program the director has determined provides the necessary background. The appropriate training may be obtained in a state that has an ongoing lead abatement program under which it conducts educational programs. 605  
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~~(2) Conduct or cooperate with other state agencies to conduct programs of public education on the nature and consequences of lead hazards and on the need for lead-hazard reduction activities to be conducted under careful supervision by licensed and accredited personnel;~~ 610  
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~~(3) Cooperate with the United States environmental protection agency in any joint oversight procedures the agency may propose for laboratories that offer lead analysis services and are accredited under the agency's laboratory accreditation program;~~ 615  
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~~(4)~~(3) Advise, consult, cooperate with, or enter into contracts or cooperative agreements with any person, government entity, interstate agency, or the federal government as the director considers necessary to fulfill the requirements of this chapter and the rules adopted under it. 619  
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**Sec. 3742.05.** (A)(1) The director of health shall issue lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, ~~and~~ lead abatement worker, and clearance technician licenses. The director shall issue a license 624  
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to an applicant who meets all of the following requirements: 628

(a) Submits an application to the director on a form 629  
prescribed by the director; 630

(b) Meets the licensing and training requirements established 631  
by the public health council under section 3742.03 of the Revised 632  
Code; 633

(c) Successfully completes the licensing examination for the 634  
applicant's area of expertise administered under section 3742.08 635  
of the Revised Code and any training required by the director 636  
under that section; 637

(d) Pays the license fee established by the public health 638  
council under section 3742.03 of the Revised Code; 639

(e) Provides the applicant's social security number and any 640  
information the director may require to demonstrate the 641  
applicant's compliance with this chapter and the rules adopted 642  
under it. 643

(2) An individual may hold more than one license issued under 644  
this division, but a separate application is required for each 645  
license. 646

(B) A license issued under this section expires two years 647  
after the date of issuance. The director shall renew a license in 648  
accordance with the standard renewal procedure set forth in 649  
Chapter 4745. of the Revised Code, if the licensee does all of the 650  
following: 651

(1) Continues to meet the requirements of division (A) of 652  
this section; 653

(2) Demonstrates compliance with procedures to prevent public 654  
exposure to lead hazards and for worker protection during lead 655  
abatement projects or clearance examinations established by rule 656  
adopted by the public health council under section 3742.03 of the 657

Revised Code; 658

(3) Meets the record-keeping and reporting requirements for 659  
lead abatement projects or clearance examinations established by 660  
rule adopted by the public health council under section 3742.03 of 661  
the Revised Code; 662

(4) Pays the license renewal fee established by rule adopted 663  
by the public health council under section 3742.03 of the Revised 664  
Code. 665

(C) An individual licensed, certified, or otherwise approved 666  
under the law of another state to perform functions substantially 667  
similar to those of a lead inspector, lead abatement contractor, 668  
lead risk assessor, lead abatement project designer, ~~or~~ lead 669  
abatement worker, or clearance technician may apply to the 670  
director of health for licensure in accordance with the procedures 671  
set forth in division (A) of this section. The director shall 672  
license an individual under this division on a determination that 673  
the standards for licensure, certification, or approval in that 674  
state are at least substantially equivalent to those established 675  
by this chapter and the rules adopted under it. The director may 676  
require an examination for licensure under this division. 677

Sec. 3742.051. Lead-safe renovators shall not be subject to 678  
licensure or certification. 679

Sec. 3742.06. ~~(A)~~ All of the following apply to a residential 680  
unit, child day-care facility, or school: 681

(A) No lead abatement contractor shall provide lead testing 682  
services or professional advice regarding lead abatement unless 683  
that service or advice is provided by a lead inspector or lead 684  
risk assessor who is licensed under section 3742.05 of the Revised 685  
Code and is employed by the lead abatement contractor. 686

(B) No person shall provide advice on the need for lead 687

abatement ~~in a structure~~ and then participate in ~~the~~ a lead 688  
abatement project ~~on that structure~~ resulting from that advice 689  
unless either of the following applies: 690

(1) The person is employed as a member of the staff of the 691  
owner or manager of the ~~structure~~ property on which the lead 692  
abatement is to be performed; 693

(2) A written contract for lead abatement is entered into 694  
that states both of the following: 695

(a) The person was involved in the lead testing ~~of the~~ 696  
~~structure~~, or in the provision of professional advice, that led to 697  
the lead abatement contract; 698

(b) The party contracting for lead abatement services should 699  
obtain a second opinion to verify any lead test results and assure 700  
that the proposed lead abatement or project design is appropriate. 701

(C) No lead inspector, lead abatement contractor, lead risk 702  
assessor, ~~or~~ lead abatement project designer, lead-safe renovator, 703  
or clearance technician shall use the services of an environmental 704  
lead analytical laboratory that has not been approved by the 705  
director of health under section 3742.09 of the Revised Code. 706

(D) No lead abatement worker shall perform lead abatement 707  
without the on-site supervision of a licensed lead abatement 708  
contractor. 709

(E) No person shall perform or supervise a lead-safe 710  
renovation in lieu of a lead abatement on a property at which a 711  
lead-poisoned child under six years of age has been identified. 712

**Sec. 3742.07.** (A) Prior to engaging in any lead abatement 713  
project on a residential unit, child day-care facility, or school, 714  
the lead abatement contractor primarily responsible for the 715  
project shall do all of the following: 716



~~(A)~~(1) Prepare a written respiratory protection plan that 717  
meets requirements established by rule adopted under section 718  
3742.03 of the Revised Code and make the plan available to the 719  
department of health and all lead abatement workers at the project 720  
site; 721

~~(B)~~(2) Ensure that each lead abatement worker who is or will 722  
be involved in a lead abatement project has been examined by a 723  
licensed physician within the preceding calendar year and has been 724  
declared by ~~him~~ the physician to be physically capable of working 725  
while wearing a respirator; 726

~~(C)~~(3) Ensure that each employee or agent who will come in 727  
contact with lead hazards or will be responsible for a lead 728  
abatement project receives a license and appropriate training as 729  
required by this chapter before engaging in a lead abatement 730  
project; 731

~~(D)~~(4) At least ten days prior to the commencement of a 732  
project, notify the department of health, on a form prescribed by 733  
the director of health, of the date a lead abatement project will 734  
commence. 735

(B) During each lead abatement project or lead-safe 736  
renovation, the lead abatement contractor or lead-safe renovator 737  
primarily responsible for the project or renovation shall ensure 738  
that all persons involved in the project or renovation follow the 739  
worker protection standards established under 29 C.F.R. 1926.62 by 740  
the United States occupational safety and health administration. 741

Sec. 3742.071. A lead risk assessor licensed under section 742  
3742.05 of the Revised Code shall certify in writing the precise 743  
results of a lead risk assessment and options for reducing 744  
identified lead hazards. 745

**Sec. 3742.08.** (A)(1) The director of health shall conduct, 746

specify requirements by rule, or approve training programs for 747  
licensure of lead inspectors, lead abatement contractors, lead 748  
risk assessors, lead abatement project designers, ~~and~~ lead 749  
abatement workers, and clearance technicians. In accordance with 750  
Chapter 119. of the Revised Code, the director shall adopt rules 751  
establishing all of the following: 752

(a) A system for accreditation of training programs and the 753  
requirements for accreditation, including curriculum requirements, 754  
hour requirements, hands-on training requirements, trainee 755  
competency and proficiency requirements, and requirements for 756  
quality control; 757

(b) Fees for application for approval of a training program 758  
and for participating in any program conducted by the director; 759

(c) Any other requirements pertinent to the operation of a 760  
training program. 761

(2) Each applicant for approval of a training program shall 762  
submit a completed application to the director on a form the 763  
director shall prescribe and provide. The director shall issue 764  
evidence of approval to each applicant who meets the requirements 765  
of division (A)(1) of this section and the criteria for approval 766  
established by rule adopted under this section and pays the fee. 767

(B) The director shall administer examinations for licensure 768  
under this chapter by conducting examinations, contracting 769  
pursuant to section 3701.044 of the Revised Code for another 770  
entity to conduct the examinations, or approving examinations. In 771  
accordance with Chapter 119. of the Revised Code, the director 772  
shall adopt rules specifying requirements for the administration 773  
of licensing examinations. The rules shall include requirements 774  
regarding the qualifications of examination administrators, fees 775  
to cover the cost of conducting the examinations, and any other 776  
requirements pertinent to the examinations. 777

If the director implements a system of approving 778  
examinations, the rules shall include procedures and criteria for 779  
approval and fees for the approval. Each applicant for approval 780  
shall submit a completed application to the director on a form the 781  
director shall prescribe and provide. The director shall issue 782  
evidence of approval to each applicant who meets the criteria for 783  
approval established in rules adopted under this division. 784

**Sec. 3742.10.** (A) The director of health shall maintain a 785  
list of both of the following: 786

(1) Lead inspectors, lead abatement contractors, lead risk 787  
assessors, lead abatement project designers, ~~and~~ lead abatement 788  
workers, and clearance technicians licensed under this chapter; 789

(2) Training programs approved under section 3742.08 of the 790  
Revised Code. 791

(B) Information contained in any list maintained under this 792  
section is a public record for the purposes of section 149.43 of 793  
the Revised Code and is subject to inspection and copying under 794  
section 1347.08 of the Revised Code. 795

**Sec. 3742.14.** Any property owner or manager ~~may~~, at any time, 796  
~~may~~ employ a lead inspector ~~or lead risk assessor~~ to conduct ~~an a~~ 797  
lead inspection or an; a lead risk assessor to conduct a lead risk 798  
assessment; or a clearance technician, lead inspector, or lead 799  
risk assessor to conduct a clearance examination of a structure 800  
the property, and may provide a copy of the report based on that 801  
inspection ~~or~~, assessment, or examination to the director of 802  
health ~~pursuant to rules adopted by the public health council~~ 803  
~~under section 3742.03 of the Revised Code.~~ The director shall 804  
include the information in the record of the property ~~pursuant to~~ 805  
~~division (A)(2)(b) of section 3742.04 of the Revised Code.~~ 806

**Sec. 3742.15.** Any person may file a complaint with the 807  
director of health concerning a lead inspector, a lead abatement 808  
contractor, a lead risk assessor, a lead abatement project 809  
designer, a lead abatement worker, a clearance technician, a 810  
clinical laboratory, an environmental lead analytical laboratory, 811  
or a training course. The complainant's name shall be confidential 812  
and shall not be released without ~~his~~ the complainant's written 813  
consent. The director may investigate the complaint and take 814  
action under this chapter as ~~he~~ the director considers 815  
appropriate. 816

**Sec. 3742.16.** In accordance with Chapter 119. of the Revised 817  
Code, the director of health may refuse to issue or renew, or may 818  
suspend or revoke, a license, an accreditation or certification, 819  
or an approval of any person, program, or laboratory for one or 820  
more of the following reasons: 821

(A) Violation of any provision of this chapter or the rules 822  
adopted under it; 823

(B) Failure to pay the fee for the issuance or renewal of a 824  
license, an accreditation or certification, or an approval; 825

(C) Any material misrepresentation in an application for a 826  
license, an accreditation or certification, or an approval; 827

(D) Interference with an ~~inspection~~ investigation made 828  
pursuant to section ~~3742.12 or 3742.13~~ 3742.35 of the Revised 829  
Code; 830

(E) Failure to meet the licensing requirements established by 831  
rule adopted under section 3742.03 of the Revised Code; 832

(F) Employment or use of lead abatement personnel that are 833  
not licensed under this chapter. 834

Sec. 3742.161. The director of health may issue an immediate 835  
cease work order to a person holding a license issued under 836  
section 3742.05 of the Revised Code if the director determines 837  
that the license holder is violating the terms or conditions of 838  
the license in a manner that endangers or materially impairs the 839  
health or well-being of an occupant of a residential unit, child 840  
day-care facility, or school or a person employed to perform a 841  
lead abatement. 842

Sec. 3742.17. (A) Where any person is licensed by the 843  
department of health to engage in lead abatement, lead inspection, 844  
lead risk assessment, clearance examination, or any other activity 845  
under this chapter, the liability of that person, when performing 846  
the activity in accordance with procedures established pursuant to 847  
state or federal law, for an injury to any individual or property 848  
caused or related to the activity shall be limited to acts or 849  
omissions of the person during the course of performing the 850  
activity that can be shown, based on a preponderance of the 851  
evidence, to have been negligent. For the purposes of this 852  
section, the demonstration that acts or omissions of a person 853  
performing lead abatement, lead inspection, lead risk assessment, 854  
clearance examination, or other activities under this chapter were 855  
in accordance with generally accepted practice and with procedures 856  
established by state or federal law at the time the abatement, 857  
inspection, assessment, examination, or other activity was 858  
performed creates a rebuttable presumption that the acts or 859  
omissions were not negligent. 860

(B) Where any person contracts with a person licensed as a 861  
lead inspector, lead abatement contractor, lead risk assessor, 862  
lead abatement project designer, ~~or~~ lead abatement worker, or 863  
clearance technician the liability of that person for lead-related 864  
injuries caused by ~~his~~ the person's contractee in the performance 865

of lead abatement, lead inspection, lead risk assessment, 866  
clearance examination, or other activities under this chapter 867  
shall be limited to those lead-related injuries arising from acts 868  
or omissions that the person knew, or could reasonably have been 869  
expected to know, were not in accordance with generally accepted 870  
practices or with procedures established by state or federal law 871  
at the time the activity took place. 872

(C) Notwithstanding any other provisions of the Revised Code 873  
or rules of a court to the contrary, this section governs all 874  
claims for lead-related injuries to individuals or property 875  
arising from lead abatement, lead inspection, lead risk 876  
assessment, lead-safe renovation, clearance examination, or other 877  
activities under this chapter. 878

**Sec. 3742.18.** ~~(A)~~ At the request of the director of health, 879  
the attorney general may commence a civil action for civil 880  
penalties and injunctive and other equitable relief against any 881  
person who violates ~~this chapter~~ section 3742.02, 3742.06, or 882  
3742.07 of the Revised Code. The action shall be commenced in the 883  
court of common pleas of the county in which the violation 884  
occurred or is about to occur. 885

~~(B)~~ The court shall grant injunctive and other equitable 886  
relief on a showing that ~~a~~ the person has violated or is about to 887  
violate ~~this chapter~~ section 3742.02, 3742.06, or 3742.07 of the 888  
Revised Code. On 889

~~(C)~~ ~~On~~ a finding of a violation, the court shall assess a 890  
civil penalty of not more than one thousand dollars. Each day a 891  
violation continues is a separate violation. All civil penalties 892  
collected by the court under this section shall be deposited into 893  
the state treasury to the credit of the lead abatement personnel 894  
licensing fund created under section 3742.19 of the Revised Code. 895

**Sec. 3742.19.** Except for any licensing examination fee 896  
collected and retained by an entity under contract pursuant to 897  
division (B) of section 3742.08 of the Revised Code, all fees 898  
collected under ~~this chapter~~ and sections 3742.01 to 3742.18 of 899  
the Revised Code; any grant, contribution, or other moneys 900  
received for the purposes of ~~this chapter~~ those sections; and 901  
finer collected under section 3742.99 of the Revised Code shall be 902  
deposited into the state treasury to the credit of the lead 903  
~~program~~ abatement personnel licensing fund, which is hereby 904  
created. The moneys in the fund shall be used solely for the 905  
administration and enforcement of ~~this chapter~~ sections 3742.01 to 906  
3742.18 of the Revised Code and the rules adopted under ~~it~~ those 907  
sections. 908

**Sec. ~~3742.11~~ 3742.31.** (A) The director of health shall 909  
establish, promote, and maintain a child lead poisoning prevention 910  
program. ~~In accordance with rules adopted by the public health~~ 911  
~~council under section 3742.03 of the Revised Code, the~~ The program 912  
shall provide statewide coordination of screening, diagnosis, and 913  
treatment services for children under age six, including both of 914  
the following: 915

(1) Collecting the social security numbers of all children 916  
screened, diagnosed, or treated as part of the program's case 917  
management system; 918

(2) Disclosing to the office of Ohio health plans in the 919  
department of job and family services on at least an annual basis 920  
the identity and lead screening test results of each child 921  
screened pursuant to section 3701.61 of the Revised Code. The 922  
director shall collect and disseminate information relating to 923  
child lead poisoning and controlling lead ~~abatement~~ hazards. 924

(B) ~~On or before the first day of March of each year, the~~ 925  
~~director of health shall submit a report of the activities of the~~ 926

~~child lead poisoning prevention program to the governor and to the~~ 927  
~~members of the general assembly~~ The director of health shall 928  
operate the child lead poisoning prevention program in accordance 929  
with rules adopted under section 3742.49 of the Revised Code. The 930  
director may enter into an interagency agreement with one or more 931  
other state agencies to perform one or more of the program's 932  
duties. The director shall supervise and direct an agency's 933  
performance of such a duty. 934

**Sec. 3742.32.** (A) The director of health shall appoint an 935  
advisory council to assist in the ongoing development and 936  
implementation of the child lead poisoning prevention program 937  
created under section 3742.31 of the Revised Code. The advisory 938  
council shall consist of the following members: 939

(1) A representative of the office of Ohio health plans in 940  
the department of job and family services; 941

(2) A representative of the bureau of child care in the 942  
department of job and family services; 943

(3) A representative of the department of environmental 944  
protection; 945

(4) A representative of the department of education; 946

(5) A representative of the department of development; 947

(6) A representative of the Ohio apartment owner's 948  
association; 949

(7) A representative of the Ohio help end lead poisoning 950  
coalition; 951

(8) A representative of the Ohio environmental health 952  
association. 953

(B) The advisory council shall do both of the following: 954

(1) Provide the director with advice regarding the policies 955



the child lead poisoning prevention program should emphasize, 956  
preferred methods of financing the program, and any other matter 957  
relevant to the program's operation; 958

(2) Submit a report of the state's activities to the 959  
governor, president of the senate, and speaker of the house of 960  
representatives on or before the first day of each March. 961

(C) The advisory council is not subject to sections 101.82 to 962  
101.87 of the Revised Code. 963

**Sec. ~~3742.13~~ 3742.34.** ~~(A) As used in this section, "board of~~ 964  
~~health" means the board of health of a city or general health~~ 965  
~~district, or the authority having the duties of a board of health~~ 966  
~~in any city as authorized by section 3709.05 of the Revised Code.~~ 967

~~(B) If the director of health determines that a board of~~ 968  
~~health can satisfactorily enforce ~~section 3742.12~~ sections 3742.35~~ 969  
~~to 3742.40 of the Revised Code, he the director may delegate his~~ 970  
~~the authority to enforce ~~that section~~ those sections to the board.~~ 971  
The director may revoke his the delegation of authority at any 972  
time by written notice delivered to the board of health by 973  
certified mail. 974

**Sec. ~~3742.12~~ 3742.35.** ~~(A) The When the director of health or~~ 975  
~~his authorized representative may at any reasonable time request~~ 976  
~~that an occupant, or, if the structure is not occupied, the owner~~ 977  
~~or manager, permit him to enter a structure where the director~~ 978  
~~suspects lead poisoning has occurred due to the report of an~~ 979  
~~elevated blood lead level of a child, and perform a lead~~ 980  
~~inspection in accordance with procedures established by rule~~ 981  
~~adopted under section 3742.03 of the Revised Code.~~ 982

~~(B) If any a board of health authorized to enforce sections~~ 983  
~~3742.35 to 3742.40 of the Revised Code becomes aware that an~~ 984  
~~individual under six years of age has lead poisoning, the director~~ 985

or board shall conduct an investigation to determine the source of 986  
the lead poisoning. The director or board may conduct such an 987  
investigation when the director or board becomes aware that an 988  
individual six years of age or older has lead poisoning. The 989  
director or board shall conduct the investigation in accordance 990  
with rules adopted under section 3742.49 of the Revised Code. 991

In conducting the investigation, the director or board may 992  
request permission to enter the residential unit, child day-care 993  
facility, or school that the director or board reasonably suspects 994  
to be the source of the lead poisoning. If the property is 995  
occupied, the director or board shall ask the occupant for 996  
permission. If the property is not occupied, the director or board 997  
shall ask the property owner or manager for permission. If the 998  
occupant, owner, or manager of a structure fails or refuses to 999  
permit entry to the structure, the director or his authorized 1000  
representative board may petition and obtain an order to inspect 1001  
the structure property from the common pleas a court of competent 1002  
jurisdiction in the county in which the structure property is 1003  
located. 1004

(C) As part of an inspection under this section the 1005  
investigation, the director or his authorized representative board 1006  
may review the records and reports, if any, maintained under 1007  
section 3742.03 of the Revised Code by a lead inspector, lead 1008  
abatement contractor, lead risk assessor, lead abatement project 1009  
designer, or lead abatement worker, lead-safe renovator, or 1010  
clearance technician. 1011

**Sec. 3742.36.** When the director of health or an authorized 1012  
board of health determines pursuant to an investigation conducted 1013  
under section 3742.35 of the Revised Code that a residential unit, 1014  
child day-care facility, or school is a possible source of a 1015  
child's lead poisoning, the director or board shall conduct a risk 1016  
assessment of that property in accordance with rules adopted under 1017

section 3742.49 of the Revised Code. 1018

Sec. 3742.37. (A) If the results of a risk assessment 1019  
conducted under section 3742.36 of the Revised Code indicate that 1020  
one or more lead hazards identified in a residential unit, child 1021  
day-care facility, or school are contributing to a child's lead 1022  
poisoning, the director of health or authorized board of health 1023  
immediately shall issue an order to have each lead hazard in the 1024  
property controlled. The areas of the unit, facility, or school 1025  
that may be subject to the lead hazard control order include the 1026  
following: 1027

(1) The interior and exterior surfaces and all common areas 1028  
of the unit, facility, or school; 1029

(2) Every attached or unattached structure located within the 1030  
same lot line as the unit, facility, or school, including garages, 1031  
play equipment, and fences; 1032

(3) The lot or land that the unit, facility, or school 1033  
occupies. 1034

(B) A lead hazard control order issued under this section 1035  
shall be in writing and in the form the director shall prescribe. 1036  
The director or board shall specify in the order each lead hazard 1037  
to be controlled and the date by which the unit, facility, or 1038  
school must pass a clearance examination demonstrating that each 1039  
lead hazard has been sufficiently controlled. The director or 1040  
board may include in the order a requirement that occupants of the 1041  
unit, facility, or school whose health may be threatened vacate 1042  
the unit, facility, or school until the unit, facility, or school 1043  
passes the clearance examination. 1044

The director or board shall have the order delivered to the 1045  
owner and manager of the unit, facility, or school. If the order 1046  
applies to a residence, the director or board shall have a copy of 1047

the order delivered to the occupants of each unit or require that  
the owner or manager of the building deliver a copy of the order  
to the occupants of each unit. If the order applies to a child  
day-care facility or school, the director or board shall have a  
copy of the order delivered to the parent, guardian, or custodian  
of each child under six years of age who receives child day-care  
or education at the facility or school or require the owner or  
manager of the facility or school to have a copy of the order so  
delivered.

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**Sec. 3742.38.** The owner and manager of a residential unit,  
child day-care facility, or school that is subject to a lead  
hazard control order issued under section 3742.37 of the Revised  
Code shall cooperate with the director of health or board of  
health that issued the order in controlling each lead hazard  
specified in the order. The owner or manager shall choose a method  
of controlling each lead hazard that enables the residential unit,  
child day-care facility, or school to pass a clearance  
examination. The method chosen may be the owner or manager's  
personal preference, a proposal made by a person under contract  
with the owner or manager, or a recommendation that the director  
or board may provide. The owner or manager shall inform the  
director or board of the method that the owner or manager chooses  
to control each lead hazard.

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**Sec. 3742.39.** A residential unit, child day-care facility, or  
school remains subject to a lead hazard control order issued under  
section 3742.37 of the Revised Code until the unit, facility, or  
school passes a clearance examination. After the unit, facility,  
or school passes the clearance examination, the director of health  
or board of health that issued the order shall provide the owner  
and manager of the unit, facility, or school with information on  
methods of maintaining control of each lead hazard specified in

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the order. In the case of a residential unit in which an 1079  
individual who is not the owner or manager resides, the director 1080  
or board also shall provide the information to the individual 1081  
residing in the unit. 1082

Sec. 3742.40. If the owner and manager of a residential unit, 1083  
child day-care facility, or school fails or refuses for any reason 1084  
to comply with a lead hazard control order issued under section 1085  
3742.37 of the Revised Code, the director of health or board of 1086  
health that issued the order shall issue an order prohibiting the 1087  
owner and manager from permitting the unit, facility, or school to 1088  
be used as a residential unit, child day-care facility, or school 1089  
until the unit, facility, or school passes a clearance 1090  
examination. On receipt of the order, the owner or manager shall 1091  
take appropriate measures to notify each occupant, in the case of 1092  
a residential unit, and the parent, guardian, or custodian of each 1093  
child attending the facility or school, in the case of a child 1094  
day-care facility or school, to vacate the unit, facility, or 1095  
school until the unit, facility, or school passes a clearance 1096  
examination. The director or board shall post a sign at the unit, 1097  
facility, or school that warns the public that the unit, facility, 1098  
or school has a lead hazard. The sign shall include a declaration 1099  
that the unit, facility, or school is unsafe for human occupation, 1100  
especially for children under six years of age and pregnant women. 1101  
The director or board shall ensure that the sign remains posted at 1102  
the unit, facility, or school and that the unit, facility, or 1103  
school is not used as a residential unit, child day-care facility, 1104  
or school until the unit, facility, or school passes a clearance 1105  
examination. 1106

Sec. 3742.41. (A) Except as provided in division (B) of this 1107  
section, effective two years after the effective date of this 1108

section, no owner of a property constructed before January 1, 1109  
1950, that is used as a residential unit, child day-care facility, 1110  
or school shall fail to do, or have the manager of the unit, 1111  
facility, or school do, all of the following essential maintenance 1112  
practices for the control of lead hazards: 1113

(1) Use only safe work practices, which includes compliance 1114  
with section 3742.44 of the Revised Code, to prevent the spread of 1115  
lead-contaminated dust; 1116

(2) Perform visual examinations for deteriorated paint, 1117  
underlying damage, and other conditions that may cause exposure to 1118  
lead; 1119

(3) Promptly and safely repair deteriorated paint or other 1120  
building components that may cause exposure to lead and eliminate 1121  
the cause of the deterioration; 1122

(4) Ask tenants in a residential unit, and parents, 1123  
guardians, and custodians of children in a child day-care facility 1124  
or school, to report concerns about potential lead hazards by 1125  
posting notices in conspicuous locations; 1126

(5) Perform specialized cleaning in accordance with section 1127  
3742.45 of the Revised Code to control lead-contaminated dust; 1128

(6) Cover any bare soil on the property, except soil proven 1129  
not to be lead-contaminated; 1130

(7) Maintain an affidavit of essential maintenance practices 1131  
for at least three years that document all essential maintenance 1132  
practices; 1133

(8) Successfully complete a training program approved under 1134  
section 3742.47 of the Revised Code. 1135

(B) Division (A) of this section does not apply to any of the 1136  
following: 1137

(1) The owner of a freestanding single-family home occupied 1138  
by the owner; 1139

(2) The owner or manager of a residential unit designated for 1140  
and used exclusively by senior citizens or disabled adults and 1141  
only as a residence; 1142

(3) The owner or manager of a one-room residential unit 1143  
designed for single-occupancy and used exclusively by an adult and 1144  
only as a residence. 1145

(C) The areas of a residential unit, child day-care facility, 1146  
or school that are subject to division (A) of this section include 1147  
all of the following: 1148

(1) The interior and exterior surfaces and all common areas 1149  
of the unit, facility, or school; 1150

(2) Every attached or unattached structure located within the 1151  
same lot line as the unit, facility, or school that the owner or 1152  
manager considers to be associated with the operation of the unit, 1153  
facility, or school, including garages, play equipment, and 1154  
fences; 1155

(3) The lot or land that the unit, facility, or school 1156  
occupies. 1157

(D) The essential maintenance practices required by division 1158  
(A) of this section shall not include a requirement for dust 1159  
clearance testing. 1160

(E) A person who violates division (A) of this section is 1161  
subject to section 3742.50 of the Revised Code. 1162

**Sec. 3742.42.** (A) A property constructed before January 1, 1163  
1950, that is used as a residential unit, child day-care facility, 1164  
or school shall be legally presumed not to contain a lead hazard 1165  
and not be the source of the lead poisoning of an individual who 1166

resides in the unit or receives child day-care or education at the 1167  
facility or school if the owner or manager of the unit, facility, 1168  
or school successfully completes both of the following preventive 1169  
treatments: 1170

(1) Follows the essential maintenance practices specified in 1171  
division (A) of section 3742.41 of the Revised Code; 1172

(2) Covers all horizontal surfaces within the unit, facility, 1173  
or school that are rough, pitted, or porous with a smooth, 1174  
cleanable covering or coating, such as metal coil stock, plastic, 1175  
polyurethane, carpet, or linoleum. 1176

(B) The owner or manager of a residential unit, child 1177  
day-care facility, or school has successfully completed the 1178  
preventive treatments specified in division (A) of this section if 1179  
the unit, facility, or school passes a clearance examination in 1180  
accordance with standards for passage established by rules adopted 1181  
under section 3742.49 of the Revised Code. 1182

(C) The legal presumption established under this section is 1183  
rebuttable in a court of law only on a showing of clear and 1184  
convincing evidence to the contrary. 1185

**Sec. 3742.43.** A person who implements essential maintenance 1186  
practices shall do all of the following in the area of the 1187  
residential unit, child day-care facility, or school in which the 1188  
essential maintenance practices are being performed: 1189

(A) Allow only persons performing the essential maintenance 1190  
practices access to the area; 1191

(B) Cover the area with six mil polyethylene plastic or its 1192  
equivalent; 1193

(C) Protect workers in a manner consistent with lead-safe 1194  
renovation; 1195



<u>(D) Protect occupants' belongings by covering or removing them from the area;</u>	1196
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<u>(E) Wet down all painted surfaces before disturbing the surfaces;</u>	1198
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<u>(F) Wet down debris before sweeping or vacuuming.</u>	1200
<b><u>Sec. 3742.44.</u></b> (A) <u>The following activities shall be considered unsafe work practices due to the likelihood that engaging in the activities will create lead hazards, and in no event shall any person engage in the following activities when implementing essential maintenance practices or preventive treatments:</u>	1202
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<u>(1) Open flame burning or torching;</u>	1208
<u>(2) Machine sanding or grinding without a HEPA local vacuum exhaust tool;</u>	1209
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<u>(3) Abrasive blasting or sandblasting without a HEPA local vacuum exhaust tool;</u>	1211
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<u>(4) Use of a heat gun operating above one thousand one hundred degrees fahrenheit;</u>	1213
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<u>(5) Charring paint;</u>	1215
<u>(6) Dry sanding;</u>	1216
<u>(7) Dry scraping, except when done as follows:</u>	1217
<u>(a) In conjunction with a heat gun operating at no more than one thousand one hundred degrees fahrenheit;</u>	1218
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<u>(b) Within one foot of an electrical outlet;</u>	1220
<u>(c) To treat defective paint spots totaling not more than two square feet in an interior room or space or twenty square feet on an exterior surface.</u>	1221
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<u>(8) Uncontained hydroblasting or high-pressure washing;</u>	1224
<u>(9) Paint stripping in a poorly ventilated space using a volatile stripper that is considered a hazardous substance under 16 C.F.R. 1500.3 or a hazardous chemical under 29 C.F.R. 1910.1200 or 29 C.F.R. 1926.59 in the type of work being performed.</u>	1225 1226 1227 1228
<u>(B) A person may engage in the following activities when performing essential maintenance practices or preventive treatments, but only if licensed under this chapter:</u>	1229 1230 1231
<u>(1) Machine sanding or grinding performed with a HEPA local vacuum exhaust tool;</u>	1232 1233
<u>(2) Abrasive blasting or sandblasting performed with a HEPA local vacuum exhaust tool;</u>	1234 1235
<u>(3) Hydroblasting or high-pressure washing if the activity is contained.</u>	1236 1237
<b><u>Sec. 3742.45.</u></b> <u>(A) Specialized cleaning methods used as essential maintenance practices or preventive treatments to control lead-contaminated dust may include any of the following:</u>	1238 1239 1240
<u>(1) Cleaning potentially lead-contaminated surfaces with a detergent;</u>	1241 1242
<u>(2) Vacuuming potentially lead-contaminated surfaces with a HEPA vacuum;</u>	1243 1244
<u>(3) Covering potentially lead-contaminated soil.</u>	1245
<u>(B) A person who uses or provides for others to use specialized cleaning methods as an essential maintenance practice or preventive treatment shall ensure that the cleaning is performed as follows:</u>	1246 1247 1248 1249
<u>(1) The exterior of a residence or the common areas of a building with more than one residential unit must undergo specialized cleaning at least annually, including hallways,</u>	1250 1251 1252

stairways, laundry rooms, recreational rooms, playgrounds, 1253  
boundary fences, and other portions of the building and its 1254  
surroundings that are generally accessible to all residents. 1255

(2) The interior of a residential unit that is vacated by its 1256  
occupants must undergo specialized cleaning before it may be 1257  
reoccupied. 1258

(3) A child day-care facility or school must undergo 1259  
specialized cleaning at least annually at a time when children are 1260  
not present at the facility or school. 1261

(4) A residential unit, child day-care facility, or school 1262  
must undergo specialized cleaning on the completion of any 1263  
maintenance or repair work that disturbs lead-contaminated dust. 1264

**Sec. 3742.46.** Except as provided in division (B) of section 1265  
3742.44 of the Revised Code, essential maintenance practices and 1266  
lead-safe renovation need not be performed by an individual who is 1267  
licensed as a lead abatement contractor, lead abatement worker, or 1268  
lead-safe renovator under this chapter. Any person, other than a 1269  
licensed lead abatement contractor or lead abatement worker, who 1270  
performs or supervises essential maintenance practices must have 1271  
successfully completed a not more than one-day training program in 1272  
lead-safe renovation approved by the director of health under 1273  
section 3742.47 of the Revised Code. 1274

**Sec. 3742.47.** (A) A person seeking approval of a not more 1275  
than one-day training program in lead-safe renovation shall apply 1276  
for approval to the director of health. The application shall be 1277  
made on a form prescribed by the director and shall include the 1278  
fee established under division (B) of this section. The director 1279  
shall issue approval to the applicant if the training program 1280  
meets the following requirements and any requirements established 1281  
by rules adopted under section 3742.49 of the Revised Code: 1282

(1) Administers an examination established by rule of the public health council at the end of the training program to each person who completes the training; 1283  
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(2) Grades each examination not later than one week after its completion and determines whether the person who took the examination received a passing score; 1286  
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(3) Not later than one week after the examination is completed provides written proof of course completion to each person who completes the program and passes the examination. 1289  
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(B) The director of health shall establish an application fee for approving not more than one-day training programs under this section. The fee shall be reasonable and shall not exceed the expenses incurred in conducting the approval of training programs. An application fee submitted under division (A) of this section is nonrefundable. 1292  
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**Sec. 3742.48.** The director of health, in consultation with the individual authorized by the governor to act as the state historic preservation officer, shall develop recommendations for controlling lead hazards that take into consideration the historic nature of the property in which the hazards are located. The director shall provide periodic notifications of the recommendations to all persons licensed under this chapter. All lead hazard control orders issued under section 3742.37 of the Revised Code shall inform the recipient of the recommendations developed under this section. 1298  
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In no event shall a person use the recommendations as justification for refusing to comply with a lead hazard control order issued under section 3742.37 of the Revised Code. 1308  
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**Sec. 3742.49.** (A) The public health council shall adopt rules in accordance with Chapter 119. of the Revised Code establishing 1311  
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<u>all of the following:</u>	1313
<u>(1) Procedures necessary for the development and operation of the child lead poisoning prevention program established under section 3742.31 of the Revised Code;</u>	1314 1315 1316
<u>(2) Standards and procedures for conducting investigations and risk assessments under sections 3742.35 and 3742.36 of the Revised Code;</u>	1317 1318 1319
<u>(3) Standards and procedures for issuing lead hazard control orders under section 3742.37 of the Revised Code, including standards and procedures for determining appropriate deadlines for complying with lead hazard control orders;</u>	1320 1321 1322 1323
<u>(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the centers for disease control and prevention in the public health service of the United States department of health and human services;</u>	1324 1325 1326 1327
<u>(5) The level of lead in paint, dust, and soil that is hazardous to human health;</u>	1328 1329
<u>(6) Standards and procedures to be followed when implementing essential maintenance practices or preventive treatments for the control of lead hazards pursuant to sections 3742.41 and 3742.42 of the Revised Code that are based on information from the United States environmental protection agency, department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of essential maintenance practices or preventive treatments;</u>	1330 1331 1332 1333 1334 1335 1336 1337 1338
<u>(7) Standards that must be met to pass a clearance examination;</u>	1339 1340
<u>(8) Procedures for approving under section 3742.47 of the Revised Code not more than one-day training programs in lead-safe</u>	1341 1342

renovation and requirements, in addition to those specified in 1343  
section 3742.47 of the Revised Code, a program must meet to 1344  
receive approval; 1345

(9) The examination to be administered by a training program 1346  
approved under section 3742.47 of the Revised Code and the 1347  
examination's passing score. 1348

(B) The public health council shall establish procedures for 1349  
revising its rules to ensure that the child lead poisoning 1350  
prevention activities conducted under this chapter continue to 1351  
meet the requirements necessary to obtain any federal funding 1352  
available for those activities, including requirements established 1353  
by the United States environmental protection agency, United 1354  
States department of housing and urban development, or any other 1355  
federal agency with jurisdiction over activities pertaining to 1356  
child lead poisoning prevention. 1357

**Sec. 3742.50.** At the request of the director of health, the 1358  
attorney general may commence a civil action for civil penalties 1359  
and injunctive and other equitable relief against a person who 1360  
violates division (A) of section 3742.41 of the Revised Code. The 1361  
action shall be commenced in a court of competent jurisdiction in 1362  
the county in which the violation occurred or is about to occur. 1363

The court shall grant injunctive and other equitable relief 1364  
on a showing that the person has violated or is about to violate 1365  
division (A) of section 3742.41 of the Revised Code. On a finding 1366  
of a violation, the court shall assess a civil penalty of not more 1367  
than one thousand dollars. Each day a violation continues is a 1368  
separate violation, unless the court determines that the person is 1369  
making a good faith effort to end the violation. All civil 1370  
penalties collected by the court under this section shall be 1371  
deposited into the state treasury to the credit of the lead 1372  
poisoning prevention fund created under section 3742.51 of the 1373

Revised Code.

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Sec. 3742.51. (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall include all moneys appropriated to the department of health for the administration and enforcement of sections 3742.31 to 3742.50 of the Revised Code and the rules adopted under those sections and all civil penalties awarded to the department of health under section 3742.50 of the Revised Code. Any grants, contributions, or other moneys collected by the department for purposes of preventing lead poisoning shall be deposited in the state treasury to the credit of the fund.

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(B) Moneys in the fund shall be used solely for the purposes of the child lead poisoning prevention program established under section 3742.31 of the Revised Code, including providing financial assistance to individuals who are unable to pay for the following:

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(1) Costs associated with obtaining lead tests and lead poisoning treatment for children under six years of age who are not covered by private medical insurance or are underinsured, are not eligible for the medicaid program established under Chapter 5111. of the Revised Code or any other government health program, and do not have access to another source of funds to cover the cost of lead tests and any indicated treatments;

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(2) Costs associated with having essential maintenance practices, preventive treatments, or lead abatement performed.

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Sec. 3742.99. (A) At the request of the director of health or a board of health, a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer may commence a criminal action against any person who violates any provision of this chapter section 3742.02, 3742.06, or 3742.07 of the Revised Code, any rule adopted under ~~it~~ this chapter that is directly

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related to any of the provisions of those sections, or any order 1404  
issued pursuant to this chapter that is directly related to any of 1405  
the provisions of those sections. 1406

(B) Upon conviction, the person is subject to: 1407

(1) A fine of not more than one thousand dollars or 1408  
imprisonment for not more than six months, or both, for a first 1409  
offense; 1410

(2) A fine of at least one thousand but not more than five 1411  
thousand dollars or imprisonment for at least six months but not 1412  
more than three years, or both, for a second or subsequent 1413  
offense. Each day of violation is a separate offense. 1414

**Section 2.** That existing sections 3314.03, 3318.031, 3742.01, 1415  
3742.02, 3742.03, 3742.04, 3742.05, 3742.06, 3742.07, 3742.08, 1416  
3742.10, 3742.11, 3742.12, 3742.13, 3742.14, 3742.15, 3742.16, 1417  
3742.17, 3742.18, 3742.19, and 3742.99 of the Revised Code are 1418  
hereby repealed. 1419