

BILL ANALYSIS

Senate Research Center

S.B. 564
By: Truan
Health & Human Services
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As Filed

DIGEST

Currently, a child-occupied facility is not one of the facilities covered by the emergency authority of the Texas Department of Health (department) under the lead abatement law. The eligibility of state and local governments for federal lead-based paint abatement funds is dependant on state legislation being in compliance with federal requirements. This bill authorizes the department to establish a program for certification of a person involved in a lead-based paint activity in a child-occupied facility under the Texas lead abatement law.

PURPOSE

As proposed, S.B. 564 requires the Department of Health to establish a program for certification of a person involved in a lead-based paint activity in a child-occupied facility.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Department of Health in SECTION 3 (Article 9029(e), V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 9029(2), V.T.C.S., to define "child-occupied facility." Redefines "lead-based paint activity." Provides that "target housing" does not include housing for the elderly or persons with disabilities, unless a child who is younger than seven, rather than six, years of age resides or is expected to reside in that housing. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Articles 9029(3)(a) and (b), V.T.C.S., to require the Department of Health (department) to establish a program for certification of a person in a lead-based paint activity in a child-occupied facility. Requires the department to make any changes to the certification program that are consistent with this chapter and that are necessary to comply with federal law and rules relating to the program. Requires rules adopted under this section to require the use of certified and accredited personnel in any lead-based activity in a child-occupied facility.

SECTION 3. Amends Article 9029(3), V.T.C.S., by adding Subsection (e), to authorize the department, by rule, to require a person who is involved in a lead-based paint activity that the department finds creates a public health hazard to become certified under the program established under this Act. Requires the department to delay implementation of the certification requirement until the day six months after the date the rule is adopted by the department.

SECTION 4. Requires the department to adopt initial rules to implement changes in Articles 9029 (2) and (3)(a) and (b), as amended by this Act, no later than January 1, 1998.

SECTION 5. Effective date: September 1, 1997.
Makes application of this Act prospective to June 1, 1998.

SECTION 6. Emergency clause.