

BILL ANALYSIS

Senate Research Center

H.B. 729
By: Van de Putte (Truan)
Health & Human Services
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Engrossed

DIGEST

In 1995, the Texas Legislature passed S.B. 544, requiring the Texas Department of Health (department) to establish a program to certify persons involved in lead-based paint activities and to accredit lead training providers. The bill also required the department to set standards for safe lead-based paint activities. In order to comply with federal law and rules, S.B. 544 only applied to "target housing" or residential and multi-family homes built before 1978. Final rules recently published by the U.S. Environmental Protection Agency now require coverage of both "target housing" and "child-occupied facilities." In order for state and local governments to remain eligible for federal funding of lead abatement programs, the authority created by S.B. 544 needs to be expanded to include "child-occupied facilities" by August 31, 1998. H.B. 729 brings "child-occupied facilities" into the domain of the department's lead safety and abatement programs, and provides a means for further regulation of the public health hazards created by lead-based paint activities in public areas.

PURPOSE

As proposed, H.B. 729 provides for facilities covered by, and the emergency authority of, the Texas Department of Health under the lead abatement law.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Article 9029, V.T.C.S., to define "child-occupied facility," and redefine "lead-based paint activity" and "target housing." Makes conforming changes.

SECTION 2. Amends Sections 3(a) and (b), Article 9029, V.T.C.S., to require the Texas Department of Health (department) to establish a program for certification of a person involved in a lead-based paint activity in target housing or in a child-occupied facility. Requires the department to make any changes to the certification program that are consistent with this chapter and necessary to comply with federal law and rules relating to the program. Makes conforming changes.

SECTION 3. Amends Section 3, Article 9029, 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 in target housing or a public area that the department finds creates a public health hazard to become certified under the program established under this Act. Requires the department, if it adopts a rule under this subsection, to delay implementation of the certification requirement until the day six months after the date the rule is adopted.

SECTION 4. Requires the department to adopt initial rules to implement the change in law made by SECTIONS 1 and 2 of this Act not later than January 1, 1998.

SECTION 5. (a) Effective date: September 1, 1997.

(b) Provides that a person is not required to become certified to perform lead-based paint activity in a child-occupied facility before June 1, 1998.

SECTION 6. Emergency clause.