

AMENDED IN SENATE JUNE 20, 2002

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 30, 2002

AMENDED IN ASSEMBLY APRIL 17, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2261**

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**Introduced by Assembly Member Cardenas**  
*(Coauthors: Assembly Members Aroner, Chavez, Firebaugh,  
Havice, Koretz, and Strom-Martin)*  
*(Coauthor: Senator Kuehl)*

February 20, 2002

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An act to add Chapter 3.7 (commencing with Section 105240) to Part 5 of Division 103 of the Health and Safety Code, relating to lead poisoning prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 2261, as amended, Cardenas. Childhood lead poisoning prevention enforcement.

Existing law requires the State Department of Health Services to implement a Childhood Lead Poisoning Prevention Program to identify and conduct medical followup of high-risk children, and to establish procedures for environmental abatement and followup designed to reduce the incidence of excessive childhood lead exposures. Existing law authorizes the department, in consultation with the Department of Housing and Community Development, to adopt regulations governing the abatement of lead paint in and on housing.

Existing law establishes a program to meet the federal requirements of the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the Housing and Community Development Act of 1992 and requires the adoption of regulations for this purpose.

This bill would authorize the State Department of Health Services and the health department of a city, county, or city and county to enforce within its jurisdiction the above-described provisions pertaining to the abatement of lead hazards and, under certain circumstances, to enter and inspect public and residential buildings and premises, issue orders to abate lead hazards and stop work orders related to lead-related construction work, *to require that lead-related construction work be performed using lead-safe work practices*, and *to assess civil penalties for noncompliance*.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 3.7 (commencing with Section  
2 105240) is added to Part 5 of Division 103 of the Health and Safety  
3 Code, to read:

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5 CHAPTER 3.7. CHILDHOOD LEAD POISONING PREVENTION  
6 ENFORCEMENT  
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8 105240. The Childhood Lead Poisoning Prevention Branch  
9 of the State Department of Health Services and the health  
10 department of every city, county, or city and county may enforce  
11 within its jurisdiction this chapter, Chapter 4 (commencing with  
12 Section 105250), Article 7 (commencing with Section 124125) of  
13 Chapter 3 of Part 2 of Division 106, and any rules and regulations  
14 adopted pursuant to those provisions pertaining to the abatement  
15 of a lead hazard, including, but not limited to, all of the following:

16 (a) Standards for the testing, ~~abatement, and disposal~~ *and for*  
17 *interim control or permanent abatement, or both, of a lead hazard,*  
18 *and for the disposal of materials from the abatement* of a lead  
19 hazard.

20 (b) Inspection of public and residential buildings and premises.

21 (c) Issuing orders and assessing penalties for noncompliance.



1 105242. To secure compliance with or prevent a violation of  
2 any provision enforceable pursuant to this chapter, the State  
3 Department of Health Services or the health department of any  
4 city, county, or city and county, if there is ~~probable cause to believe~~  
5 ~~that a building or premises poses a lead-hazard risk, may do any~~  
6 *a significant possibility that a building or premises poses a risk of*  
7 *a lead hazard, may, whenever necessary, do any combination of*  
8 the following:

9 (a) Enter and inspect any public or residential building or  
10 premises that is identified by the State Department of Health  
11 Services or the health department of a city, county, or city and  
12 county as posing a lead-hazard risk or as presenting a significant  
13 possibility of posing a lead-hazard risk based on criteria  
14 established by the State Department of Health Services, or that is  
15 undergoing lead-related construction work.

16 (b) Order the ~~abatement~~ *interim control or permanent*  
17 *abatement, if necessary, of an identified lead hazard at any public*  
18 *or residential building or premises.*

19 (c) Issue stop work orders for projects and worksites  
20 undergoing lead-related construction work or with regard to which  
21 a lead hazard has been identified.

22 105243. *The State Department of Health Services, or the*  
23 *health department of a city, county, or city and county, may do both*  
24 *of the following:*

25 (a) *Require that lead-related construction work be performed*  
26 *using lead-safe work practices.*

27 (b) *Provide written information to the property owner, or to the*  
28 *person who will perform the work, explaining those lead-safe work*  
29 *practices.*

30 105244. (a) Any person who violates any requirement  
31 pertaining to the *interim control of or, if necessary, the permanent*  
32 *abatement of a lead hazard enforceable pursuant to this chapter*  
33 *shall be subject to the assessment by the State Department of*  
34 *Health Services or the health department of the city, county, or city*  
35 *and county of a civil penalty not to exceed two thousand dollars*  
36 *(\$2,000) per site visit.*

37 (b) All proceeds from civil penalties collected by a city, county,  
38 or city and county pursuant to subdivision (a) shall be expended  
39 only to fund enforcement activities authorized by this chapter.



1 (c) All proceeds from civil penalties collected by the State  
2 Department of Health Services shall be deposited in the Childhood  
3 Lead Poisoning Prevention Fund and shall be expended, upon  
4 appropriation by the Legislature, by the State Department of  
5 Health Services only to fund enforcement activities authorized by  
6 this chapter.

7 105245. (a) *In the case of a residential building that is a*  
8 *dwelling unit, any person authorized by this chapter to enter*  
9 *buildings shall not enter the building between the hours of 6:00*  
10 *p.m. of any day and 8:00 a.m. of the succeeding day without the*  
11 *consent of the occupant to enter his or her dwelling unit.*

12 (b) *In the case of a portion of a residential building that is not*  
13 *a dwelling unit, any person authorized by this chapter to enter*  
14 *buildings shall not enter the building without the consent of the*  
15 *owner or occupant.*

16 (c) *In the case of any dwelling unit within a residential*  
17 *building, any person authorized by this chapter to enter buildings*  
18 *shall not enter a dwelling unit in the absence of the occupant*  
19 *without proper written order executed and issued by a court having*  
20 *jurisdiction to issue the order.*

21 105246. For purposes of this chapter, “abatement,” “lead  
22 hazard,” and “lead-related construction” shall have the same  
23 meaning as defined under regulations adopted by the State  
24 Department of Health Services for purposes of the Childhood  
25 Lead Poisoning Prevention Program.

