



S.B. 181

125th General Assembly
(As Introduced)

Sens. Prentiss, Fedor, Miller, Hagan

BILL SUMMARY

- Requires the Director of Health to impose a \$1,500 fine on the owner of a residential unit that is the subject of four or more lead hazard control orders.
- Permits a tenant of a residential unit that is the subject of four or more lead hazard control orders to terminate or temporarily suspend a rental agreement.
- Requires the Director of Health to financially assist tenants who temporarily suspend rental agreements.
- Requires all rental agreements to include terms allowing a tenant to terminate or temporarily suspend the agreement because four or more lead hazard control orders have been issued.
- Requires production and distribution of an educational video on lead poisoning prevention by the Director of Health.
- Requires physicians, nonprofit clinics, and hospitals who receive a lead poisoning prevention video offer at-risk pregnant women the opportunity to view the video.
- Requires the Public Health Council to adopt rules specifying which zip codes pose high risk for lead poisoning.
- Permits money in the Lead Poisoning Prevention Fund to be used for the financial assistance of tenants who temporarily suspend rental agreements and for the production of a lead poisoning prevention video.

CONTENT AND OPERATION

Current law

Child lead poisoning prevention program

(R.C. 3742.31, 3742.35, and 3742.51)

Current law requires the Director of Health to establish, promote, and maintain a child lead poisoning prevention program. The program must provide statewide coordination of screening, diagnosis, and treatment services for children under age six, and the Director must collect and disseminate information relating to child lead poisoning. Funding for the program is through the Department of Health.

The Lead Poisoning Prevention Fund contains all money appropriated to the Department for administration and enforcement of the program and any grants collected by the Department for the purposes of preventing lead poisoning. The money in the fund is to be used to provide financial assistance to individuals who are unable to pay costs associated with obtaining lead tests and treatment for children under age six and to pay costs associated with having lead abatement or preventive treatments performed.

When the Director becomes aware that an individual has lead poisoning, the Director must undertake an investigation to determine the source of the poisoning if the individual is a child under age six; the Director is permitted to investigate if the individual is over age six.

Lead hazard control order

(R.C. 3742.36 to 3742.40)

When the Director or an authorized board of health determines pursuant to an investigation that a residential unit is a possible source of a child's lead poisoning, the Director or board is required to conduct a risk assessment of that property. The assessment must be conducted in accordance with rules adopted by the Public Health Council.

If the results of a risk assessment indicate that one or more lead hazards identified in a residential unit are contributing to a child's lead poisoning, the Director or board of health must immediately issue an order to have each lead hazard in the property controlled.

A lead hazard control order must specify each lead hazard to be controlled and the date by which the unit must pass a clearance examination demonstrating that each lead hazard has been sufficiently controlled. The Director or board may include in the order a requirement that occupants of the unit whose health may be threatened vacate the unit until it passes the clearance examination. A residential unit is subject to a lead hazard control order until it passes a clearance examination.

The owner and manager of a residential unit that is subject to a lead hazard control order must cooperate with the Director or board that issued the order in controlling each lead hazard specified. The owner or manager must choose a method of controlling each lead hazard that enables the residential unit 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 must inform the Director or board of the method chosen.

If the owner and manager of a residential unit fails or refuses for any reason to comply with a lead hazard control order, the Director or board must issue an order prohibiting the owner and manager from permitting the property to be used as a residential unit until it passes a clearance examination.

The bill

Owners and tenants of residential units

(R.C. 3742.371 and 5321.061)

If any tenant's rental agreement is entered into on or after the bill's effective date and the tenant's residential unit has been the subject of four or more lead hazard control orders, the tenant may terminate the rental agreement or temporarily suspend compliance with the rental agreement until the unit is no longer subject to a lead hazard control order. If a tenant opts to suspend compliance with the rental agreement, the Director must assist the tenant with the costs of temporary housing, including the cost of moving, a security deposit, and the first month's rent for the temporary residential unit. The bill creates a requirement that all rental agreements for residential units include terms allowing the tenant to either terminate the rental agreement or temporarily suspend the rental agreement when four or more lead hazard control orders have been issued for the residential unit.

The bill requires the Director of Health to impose a \$1,500 fine on an owner of a residential unit rented to a tenant if a lead hazard control order is issued for the unit four or more times. Prior to issuing the fine, the Director must give the

owner an opportunity for a hearing. The hearing is to be scheduled and conducted in the same manner as an adjudication hearing under Revised Code (R.C.) Chapter 119. (Ohio's Administrative Procedure Act).

Within 30 days after being fined, the owner must pay the fine. The owner must also choose a method of controlling each lead hazard that enables the residential unit to pass a clearance examination and inform the Director or board of the method chosen. The Director must deposit the fine into the Lead Poisoning Prevention Fund.

Educational audio-video recording

(R.C. 3742.311)

As part of the child lead poisoning prevention program, the bill requires the Director to produce an educational audio-video recording on lead poisoning prevention for at-risk pregnant women and distribute copies of it to physicians, nonprofit clinics, and hospitals that provide prenatal care to at-risk pregnant women. A physician, nonprofit clinic, or hospital that receives a copy must offer at-risk pregnant women the opportunity to view the recording. The bill defines "at-risk pregnant woman" as a pregnant woman who resides in a postal zip code area specified as high risk for lead poisoning. The Public Health Council must adopt rules specifying which postal zip code areas in Ohio pose a high risk for lead poisoning.¹

Lead Poisoning Prevention Fund

(R.C. 3742.51)

Under the bill, money in the Fund may be used to pay the costs of producing and distributing the audio-video recording required by the bill and the costs of assisting tenants who opt to temporarily suspend compliance with a rental agreement.

¹ *The Public Health Council is part of the Department of Health and consists of seven members appointed by the Governor: three physicians, a pharmacist, a registered nurse, a sanitarian, and a member of the public. Its duties include adopting rules and hearing appeals.*

HISTORY

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