

2026 Regular Session

SENATE BILL NO. 37

BY SENATOR MCMATH

HEALTH DEPARTMENT. Provides relative to lead poisoning prevention. (8/1/26)

1 AN ACT

2 To amend and reenact R.S. 40:1285.1 through 1285.4, 1285.6(B), and 1285.7 and to repeal
3 R.S. 30:2351.1(7), 2351.52(A) and (C), and 2351.53 and R.S. 40:1285.6(G), relative
4 to lead poisoning prevention; to provide for the duties of the Louisiana Department
5 of Health; to provide for lead testing requirements for early learning centers, schools
6 with prekindergarten programs, and elementary schools; to provide for mandatory
7 reporting of lead poisoning cases; to provide for the detection of lead poisoning
8 sources; to provide for the sale and use of lead-based paint; to provide for lead
9 removal; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

PART II. LEAD POISONING PREVENTION AND CONTROL PROGRAM

14 §1285.1. Establishment of lead poisoning prevention program **Lead Poisoning**
15 **Prevention and Control Program**

16 A. The Louisiana Department of Health shall establish a program for the
17 prevention, screening, diagnosis, and treatment of lead poisoning in it's the Lead

1 **Poisoning Prevention and Control Program within the** office of public health.

2 **B.** This program shall, to the extent permitted by appropriations, **The**
3 **program shall** provide for the prevention of lead poisoning through **all of the**
4 **following:**

5 **(1) Requiring submission of lead testing results for early learning**
6 **centers, schools with prekindergarten programs, public and nonpublic**
7 **elementary schools that were built prior to 1978 in order to obtain approval for**
8 **occupancy.**

9 **(2) Managing mandatory reporting of lead poisoning cases.**

10 **(3) Developing, implementing, and enforcing protocols for detection of**
11 **lead poisoning sources.**

12 **(4) Developing and conducting** public and professional education;

13 **(5) shall ensure Ensuring** the availability of screening, diagnosis, and
14 treatment relative to lead poisoning of children under the age of six years and
15 persons deemed at risk by the state health officer;

16 **(6) and shall advocate Advocating** for the abatement of sources of lead when
17 appropriate. The program shall not apply to those persons having religious objections
18 to the examination.

19 **C. The state health officer or his designee may contract with a public**
20 **agency or a university or collaborate with any agencies, individuals, or groups**
21 **for the provision of necessary services, the development of educational**
22 **programs, scientific research, and detection and abatement of sources of lead**
23 **poisoning required pursuant to this Part.**

24 **D.** The office of public health shall promulgate rules and regulations to
25 implement this program.

26 **§1285.2. Collaboration with other organizations Lead testing requirements; early**
27 **learning centers; schools with prekindergarten programs; public**
28 **and nonpublic elementary schools**

29 The state health officer or his designee may contract with a public agency or

1 a university or collaborate with any agencies, individuals, or groups for the provision
2 of necessary services, the development of educational programs, scientific research,
3 and detection and abatement of sources of lead poisoning, subject to appropriations,
4 and shall promulgate and from time to time amend such rules and regulations as may
5 be necessary.

6 A. Every early learning center, public and nonpublic school with a
7 prekindergarten program, and public and nonpublic elementary school that
8 was built prior to 1978 shall submit lead testing results to the department as a
9 requirement for obtaining approval for occupancy from the department. Lead
10 testing results shall include testing of the building, water supply, and soil
11 adjacent to and on the property of the early learning center or public or
12 nonpublic elementary school.

13 B. If the test results identify lead contamination, the department shall
14 not grant approval until abatement has been verified by a reinspection
15 authorized by the state health officer.

16 C. If the owner or operator of the early learning center or public or
17 nonpublic elementary school provides test results to the department which show
18 no presence of lead in the building, water supply, or soil, the documentation
19 shall be sufficient for one-time submission and shall be noted in the files held by
20 the department.

21 D. The department shall provide the lead testing required by this Part
22 or provide an owner or operator with a list of resources to secure the required
23 lead testing.

24 §1285.3. Mandatory reporting of lead poisoning cases required; comprehensive
25 records

26 A. Any local health officer, health unit supervisor, examining physician,
27 hospital, public health nurse, or reporting person The state health officer shall
28 define test results which are positive for the presence of lead. Healthcare
29 providers shall report to the state health officer or his designee the existence and

circumstances of each case of lead poisoning known to him and not previously reported. Such reports **when any person seen by a provider has blood test results that are positive for the presence of lead. Reports** shall be made on forms prescribed by the state health officer or his designee. ~~The state health officer shall by regulation, and in accordance with current technical knowledge and guidelines of the United States Centers for Disease Control and Prevention, United States Environmental Protection Agency, and United States Department of Housing and Urban Development, define the terms "lead poisoning" and "previously reported" and what constitutes hazardous lead conditions in the environment.~~

B. When the state health officer or his designee is informed of a case of lead poisoning pursuant to Subsection A of this Section or otherwise, he shall ~~strongly encourage~~ recommend the examination of all ~~other~~ children under the age of six years; and all any other persons person deemed at risk by the state health officer or his designee; who is residing or recently residing resided in the household of the person with lead poisoning. The results of ~~such~~ the examinations shall be reported to the persons or agency reporting the original case pursuant to Subsection A of this Section, and to ~~such~~ other persons or agencies as the state health officer or his designee deems advisable.

§1285.4. Program for detection **Detection** of lead poisoning sources; voluntary and compulsory inspections; posting dangerous areas; mandatory physical examinations

A.(1) The state health officer or his designee shall establish a comprehensive program protocols for detection of sources of lead poisoning. Such program shall attempt, to the extent permitted by appropriations, to locate To the extent practicable, the protocols shall identify all dwellings in which the paint, plaster, or other accessible substance contains dangerous amounts of lead. The means of detection and the amount of lead that produces the danger of lead poisoning shall be determined by regulation by the state health officer in accordance with current technical knowledge and guidelines of the United States Centers for Disease Control

1 and Prevention, United States Environmental Protection Agency, and United States
2 Department of Housing and Urban Development.

3 (2) Such programs of detection **Lead detection** shall, to the extent that all
4 appropriate dwellings are not inspected, give priority in inspections to **be prioritized**
5 **in** those dwellings located in areas where significant numbers of lead poisoning cases
6 have recently been reported, and in which children under the age of six years or other
7 persons deemed at risk by the state health officer or his designee reside.

8 B. When the state health officer or his designee is informed of a case of lead
9 poisoning pursuant to this Part, or otherwise, he shall cause to have inspected **order**
10 **an inspection of** the dwelling in which the person with lead poisoning resides, or has
11 recently resided, if the occupants of **said the** dwelling consent, after reasonable
12 notice, to **such the** inspection. The findings of **such the** inspection shall be reported
13 to the state health officer or his designee and to the appropriate enforcement
14 authorities provided in R.S. 40:1285.9.

15 C. A dangerous level of lead found in a dwelling inspected pursuant to this
16 Section, or otherwise, shall be reported immediately to the owner of the building or
17 to his duly appointed representative, all affected tenants, the appropriate enforcement
18 authorities set out in R.S. 40:1285.9, and the state health officer or his designee. The
19 state health officer or his designee shall inform **such** other persons or agencies as he
20 deems advisable, and shall cause to have prominently posted **post** on the main
21 entrance to **said the** dwelling a notice that the dwelling contains dangerous amounts
22 of lead paint or other lead materials and that children under the age of six years and
23 persons deemed at risk should not be allowed to reside in **said the** dwelling. **Such**
24 **The** notice may not be removed until all premises have been found to comply with
25 R.S. 40:1285.7. Unauthorized intentional removal of the notice shall subject the
26 offender to a fine of five hundred dollars.

27 D. When a dangerous level of lead is found in a dwelling inspected pursuant
28 to this Part, or otherwise, the state health officer or his designee shall cause to have
29 examined **order an examination of** all children under the age of six years and other

1 persons as he may find advisable to examine, residing or who have recently resided
2 in ~~said the~~ dwelling. The results of ~~such the~~ examinations shall be reported to the
3 state health officer or his designee, the affected individual, and his parent or legal
4 guardian. The state health officer or his designee shall inform ~~such~~ other persons or
5 agencies as he deems advisable.

6 * * *

7 §1285.6. Sale and use of lead-based paint and other similar lead-based surface
8 coating material restricted; penalties

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10 B.(1) No person shall knowingly sell or offer for sale any other lead-based
11 paint or similar surface coating material that may be purchased by the general public
12 unless the container is clearly labeled as to its intended use and bears on the principal
13 display panel the word "WARNING" and the following statement: "Contains lead.
14 Dried film of this paint may be harmful if eaten or chewed."

15 (2) The following cautionary statement, or its practical equivalent, shall be
16 placed on the label but need not be part of the warning statement on the principal
17 display panel:

18 "Do not apply on toys and other children's articles, furniture, or interior
19 surfaces of any dwelling. Do not apply on those exterior surfaces of any dwelling,
20 such as window sills, porches, stairs, or railings, to which children may be
21 commonly exposed. Keep Out Of The Reach of Children."

22 (3) The type size of this labeling shall be in accordance with the requirements
23 for precautionary labeling under the Federal Hazardous Substances Act, 15 U.S.C.
24 §1260 (1970).

25 * * *

26 §1285.7. Safety precautions; procedures for removal and repainting

27 A. Whenever a child or children under six years of age or person with an
28 intellectual disability resides in any residential premises in which any paint, plaster,
29 or other accessible materials contain dangerous levels of lead as defined pursuant to

1 the provisions of this Part, after notification by the state health officer or his
2 representative, the owner shall remove or cover ~~said~~ the paint, plaster, or other
3 material ~~so as~~ to make it inaccessible to children under six years of age or persons
4 with intellectual disabilities. Whenever any ~~such~~ residential premises containing ~~said~~
5 dangerous levels of lead undergoes a change of ownership and ~~as a result thereof~~, a
6 child under six years of age or a person with an intellectual disability will become
7 a resident ~~therein~~, the new owner shall remove or cover ~~said~~ the paint, plaster, or
8 other material ~~so as~~ to make it inaccessible to ~~such~~ the child or person.

9 B. Repainting with nonlead based paint, without removal of the ~~offending~~
10 lead paint, plaster, or other material shall not constitute compliance with this
11 Section. ~~Such~~ All removal or covering shall be performed as follows:

12 (1) All peeling paint, plaster or other material, on both interior and exterior
13 surfaces and fixtures, shall be removed or adequately covered.

14 (2) Paint, plaster, or other material that is not peeling shall be removed or
15 covered on window sills; door frames; windows, including mullions; stair rail
16 spindles; stair treads; doors; stair rails; porch railings, and all other exterior and
17 interior surfaces or fixtures ~~that may be readily chewed by children or persons with~~
18 ~~intellectual disabilities~~.

19 C. ~~This duty~~ The requirements of this Section shall apply to every owner
20 of residential premises ~~whenever wherever~~ a child under six years of age or a person
21 with an intellectual disability resides ~~therein~~ or whenever ~~such~~ the premises
22 undergoes a change of ownership and as a result ~~thereof~~ a child under six years of
23 age or person with an intellectual disability ~~shall reside therein resides~~, whether or
24 not his premises have been inspected pursuant to R.S. 40:1285.4 or otherwise. The
25 provisions of this Section shall be strictly construed and enforced ~~so as~~ to best
26 protect the safety of residents of ~~such~~ the dwellings.

27 D. Every owner of residential premises who violates the provisions of this
28 Section shall commence correction of the condition constituting the violation within
29 fifteen days after notification of the violation, ~~which project shall be completed and~~

complete the correction within thirty days of **commencement**.
Section 2. R.S. 30:2351.1(7), 2351.52(A) and (C), and 2351.53 and R.S. 40:1285.6(G) are hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST
SB 37 Original 2026 Regular Session McMath

Present law provides for lead poisoning provisions relative to children in both Title 30 under the La. Dept. of Environment Quality and in Title 40 under the La. Dept. of Health.

Proposed law consolidates all lead poisoning provisions relative to children into Title 40.

Title 30

Present law requires healthcare providers to report blood test results that are positive for the presence of lead to the state health officer and for the state health officer to define what constitutes a positive test result. Present law further authorizes the state health officer to enter into agreements with other departments for purposes of lead exposure reporting. Proposed law combines present law provisions with similar provisions in Title 40.

Present law defines "child-occupied facility" and includes public and nonpublic elementary schools and day care centers in the definition.

Proposed law moves provisions relative to public and nonpublic elementary schools and day care centers to Title 40.

Present law requires the owner of a child-occupied facility and the inspector to provide joint notification to the secretary of the Dept. of Environmental Quality and the state health officer within 90 days of receipt of a report of lead hazards, lead abatement activities, or any lead testing performed that exceeds applicable standards. Proposed law repeals present law.

Present law further requires the child-occupied facility to display a copy of the notification in a prominent location at the facility and to notify all parents and legal guardians or children enrolled at the facility. Proposed law repeals present law.

Title 40

Present law provides for the state Sanitary Code which authorizes the La. Dept. of Health to conduct health and safety inspections and to issue permits to public and private schools and buildings where people congregate.

Present law establishes a lead poisoning prevention program within the La. Dept. of Health to provide for the prevention, screening, diagnosis, and treatment of lead poisoning.

Proposed law retains present law and requires early learning centers, schools with prekindergarten programs, and public and private elementary schools built prior to 1978 to submit lead testing results to the department prior to obtaining approval for occupancy as part of the department's lead poisoning prevention program.

Present law authorizes the sale of lead-based paint if the container contains a warning label.

Proposed law repeals present law to prohibit the sale of lead-based paint.

Effective August 1, 2026.

(Amends R.S. 40:1285.1-1285.4, 1285.6(B), and 1285.7; repeals R.S. 30:2351.1(7), 2351.52(A) and (C), and 2351.53 and R.S. 40:1285.6(G))