

2026 Regular Session

SENATE BILL NO. 37

BY SENATOR MCMATH

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

AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1285.1 through 1285.4, 1285.6(B), and 1285.7 are hereby amended and reenacted to read as follows:

PART II. LEAD POISONING PREVENTION AND CONTROL **PROGRAM**

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

**A.** The Louisiana Department of Health shall establish ~~a program for the 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~~

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

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

19        §1285.4. ~~Program for detection~~ **Detection** of lead poisoning sources; voluntary and  
20        compulsory inspections; posting dangerous areas; mandatory physical  
21        examinations

22        A.(1) The state health officer or his designee shall establish ~~a comprehensive~~  
23        ~~program~~ **protocols** for detection of sources of lead poisoning. ~~Such program shall~~  
24        ~~attempt, to the extent permitted by appropriations, to locate~~ **To the extent**  
25        **practicable, the protocols shall identify** all dwellings in which the paint, plaster,  
26        or other accessible substance contains dangerous amounts of lead. The means of  
27        detection and the amount of lead that produces the danger of lead poisoning shall be  
28        determined by ~~regulation by~~ the state health officer in accordance with current  
29        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

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

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

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

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

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

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

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§1285.7. Safety precautions; procedures for removal and repainting

A. Whenever a child or children under six years of age or person with an intellectual disability resides in any residential premises in which any paint, plaster, 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

1 **complete the correction** within thirty days of **commencement**.

2 Section 2. R.S. 30:2351.1(7), 2351.52(A) and (C), and 2351.53 and R.S.  
3 40:1285.6(G) are hereby repealed.

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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)]

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#### 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))