

RÉSUMÉ DIGEST

ACT 893 (SB 274)

2026 Regular Session

Edmonds

Prior law authorized the secretary of the Dept. of Environmental Quality to establish and administer a program for the collection and analysis of data on lead hazard reduction activities in the state and on the certification, accreditation, and enforcement activities of the department.

New law retains prior law and adds that the program may include reporting of data related to lead hazard detection.

Prior law required the owner of certain licensed day care centers, preschools, and public or nonpublic elementary school facilities that qualify as child-occupied facilities and that were first placed in operation on or after August 1, 2012, to have an inspector conduct an inspection of the facility and grounds for the presence of lead hazards.

New law changes prior law to apply to the owner, operator, or governing authority of any proposed licensed early learning center, daycare center subject to federal daycare center licensing requirements, public prekindergarten program that is part of a public elementary school, or approved nonpublic prekindergarten program that is part of an approved nonpublic elementary school that is first placed in operation on or after August 1, 2026.

New law requires a risk assessor, rather than an inspector, to conduct a risk assessment of the facility and grounds for the presence of paint, dust, and soil lead hazards.

New law requires the results of the risk assessment to be attached to the original application for any license required by a state department for the facility to operate.

Prior law provided that an inspection is not required if the facility or grounds has been inspected or has been the subject of lead abatement since 1978.

New law changes prior law to provide that a risk assessment is not required if the facility or grounds has been inspected, has had a risk assessment, or has been the subject of lead abatement or remediation since 1978. New law further provides that if a portion of the facility or grounds has not been inspected, has not had a risk assessment, or has not been the subject of lead abatement or remediation since 1978, those portions of the facility or grounds are subject to new law.

Prior law required the owner or operator of the facility to maintain documentation that the inspection or lead abatement was conducted in accordance with applicable requirements.

New law changes present law to require the owner, operator, or governing authority to make available upon request documentation demonstrating that all required inspections, risk assessments, abatement, or remediation activities were conducted in accordance with applicable federal and state requirements.

New law requires the owner, operator, or governing authority, prior to issuance of a license for operation, to submit the results of the risk assessment to the Dept. of Environmental Quality, the state Dept. of Education, and the Louisiana Dept. of Health in a form and manner prescribed by the Dept. of Environmental Quality.

Prior law required the inspector and owner to report findings of lead hazards to the state health officer and the secretary of the Dept. of Environmental Quality.

New law requires the risk assessor and the owner to also report to the Louisiana Dept. of Health, the state Dept. of Education.

Existing law requires the state health officer to compile the results and report the findings to the legislature in the annual Louisiana Health Report Card.

New law provides that if the results of the risk assessment indicate that lead hazards were found, the Dept. of Environmental Quality shall notify the Louisiana Dept. of Health and the state Dept. of Education. New law prohibits the facility from commencing operations until

appropriate lead hazard control methods have been implemented and confirmed by the Dept. of Environmental Quality.

New law provides that once a report documenting the absence of lead hazards, either initially or after known lead hazards have been addressed, is provided to the Dept. of Environmental Quality, the Louisiana Dept. of Health, and the state Dept. of Education, no further lead hazard testing shall be required for opening by the owner, operator, or governing authority.

New law authorizes further lead testing if the owner, operator, or governing authority thereafter initiates major alterations of the facility through renovation or remodeling or if lead hazards are thereafter found on the premises. New law provides that renovated buildings qualify for a limited scope risk assessment when determined appropriate by a certified risk assessor based on the nature and extent of renovations completed. New law requires the limited scope risk assessment to include soil samples if bare soil is present.

New law requires the Dept. of Environmental Quality to provide a prospective owner, operator, or governing authority of an early learning center, daycare center subject to federal daycare center licensing requirements, public prekindergarten program that is part of a public elementary school, or approved nonpublic prekindergarten program that is part of an approved nonpublic elementary school with a list of persons approved or licensed to conduct the required lead testing.

Prior law authorized the secretary of the Dept. of Environmental Quality to enter into agreements with the Louisiana Dept. of Health and the state Dept. of Education to implement present law.

New law changes prior law to authorize the secretary to enter into a memorandum of agreement with the Louisiana Dept. of Health and the state Dept. of Education to implement new law.

New law requires the state Dept. of Education to provide notice of the requirements of new law to facilities requiring licensure pursuant to present law relative to early learning centers. New law further requires the state Dept. of Education, for facilities not licensed by the state Dept. of Education, to publish information regarding risk assessments.

Effective August 1, 2026.

(Amends R.S. 30:2351.28)