

FIRST REGULAR SESSION

SENATE BILL NO. 246

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS MAXWELL AND GOODE.

Read 1st time January 11, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S1071.011

AN ACT

To repeal section 701.304, RSMo Supp. 1998, relating to inspections for lead hazard, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 701.304, RSMo Supp. 1998, is repealed and one new section enacted in lieu thereof, to be known as section 701.304, to read as follows:

701.304. 1. A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, may conduct an inspection or a risk assessment at a dwelling or a child-occupied facility for the purpose of ascertaining the existence of a lead hazard under the following conditions:

(1) **The department, owner of the dwelling, and an adult occupant of a dwelling which is rented or leased have been notified that** an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule[, and the owner of the dwelling has been notified of the inspection or risk assessment by certified mail at least three days prior]; and

(2) The inspection or risk assessment occurs at a reasonable time; and

(3) The representative of the department or local government presents appropriate credentials to the owner or occupant; and

(4) Either the dwelling's owner or adult occupant or the child-occupied facility's owner or agent grants consent to enter the premises to conduct an inspection or risk assessment; or

(5) If consent to enter is not granted, the representative of the department, local government, or local health department may petition the circuit court for an

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

order to enter the premises and conduct an inspection or risk assessment after notifying the dwelling's owner or adult occupant in writing of the time and purpose of the inspection or risk assessment at least forty-eight hours in advance. The court shall grant the order upon a showing that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule.

2. In conducting such an inspection or risk assessment, a representative of the department, or representative of a unit of local government or health department licensed by the department for this purpose, may remove samples necessary for laboratory analysis in the determination of the presence of a lead-bearing substance or lead hazard in the designated dwelling or child-occupied facility.

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