

# HOUSE BILL NO. 5413

October 19, 2021, Introduced by Reps. Lilly, Rogers, Witwer, Steckloff, Weiss, Haadsma, Neeley, Sowerby, Brixie, Aiyash, Ellison, Liberati, Cavanagh, Bolden, Breen, Thanedar, Clemente, Brabec, Tyrone Carter, Morse, Scott, Brenda Carter, Koleszar, Hope, Stone, Sneller, Tate, O'Neal, Cherry, Pohutsky, Kuppa, Hood, Hammoud, Manoogian, Lasinski, Sabo, Rabhi, Whitsett and Steenland and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 5456 (MCL 333.5456), as amended by 2002 PA 644.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1           Sec. 5456. ~~(1) "Department" means the department of community~~  
2 ~~health.~~
- 3           **(1)** ~~(2)~~ "Deteriorated paint" means paint or other surface  
4 coating that is cracking, flaking, chipping, peeling, or otherwise  
5 damaged or separating from the substrate of a building component.

1           (2) ~~(3)~~—"Discipline" means 1 of the specific types or  
 2 categories of lead-based paint activities identified in this part  
 3 for which an individual may receive training from an accredited  
 4 training program and become certified by the department.

5           (3) ~~(4)~~—"Distinct painting history" means the application  
 6 history, as indicated by its visual appearance or a record of  
 7 application, over time of paint or other surface coatings to a  
 8 component or room.

9           (4) ~~(5)~~—"Documented methodology" means a method or protocol  
 10 used to do either or both of the following:

11           (a) Sample and test for the presence of lead in paint, dust,  
 12 and soil.

13           (b) Perform related work practices as described in rules  
 14 promulgated under this part.

15           (5) ~~(6)~~—"Dust lead hazard" means surface dust in a residential  
 16 dwelling or child occupied facility that contains a concentration  
 17 of lead at or in excess of levels identified by the EPA pursuant to  
 18 section 403 of title IV of the toxic substances control act, Public  
 19 Law 94-469, 15 U.S.C. ~~USC~~ 2683, or as otherwise defined by rule.

20           ~~(7) "Elevated blood level" or "EBL" means for purposes of lead~~  
 21 ~~abatement an excessive absorption of lead that is a confirmed~~  
 22 ~~concentration of lead in whole blood of 20 ug/dl, micrograms of~~  
 23 ~~lead per deciliter of whole blood, for a single venous test or of~~  
 24 ~~15-19 ug/dl in 2 consecutive tests taken 3 to 4 months apart. For~~  
 25 ~~purposes of case management of children 6 years of age or less,~~  
 26 ~~elevated blood level means an excessive absorption of lead that is~~  
 27 ~~a confirmed concentration of lead in whole blood of 10 ug/dl.~~

28           ~~(8) "Encapsulant" means a substance that forms a barrier~~  
 29 ~~between lead based paint and the environment using a liquid applied~~

1 ~~coating, with or without reinforcement materials, or an adhesively~~  
2 ~~bonded covering material.~~

3 ~~(9) "Encapsulation" means the application of an encapsulant.~~

4 ~~(10) "Enclosure" means the use of rigid, durable construction~~  
5 ~~materials that are mechanically fastened to the substrate in order~~  
6 ~~to act as a barrier between lead-based paint and the environment.~~

7 ~~(11) "EPA" means the United States environmental protection~~  
8 ~~agency.~~

9 Enacting section 1. This amendatory act does not take effect  
10 unless all of the following bills of the 101st Legislature are  
11 enacted into law:

12 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5418 (request no.  
13 00814'21 \*).

14 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5417 (request no.  
15 03522'21 \*).

16 (c) Senate Bill No. \_\_\_\_ or House Bill No. 5415 (request no.  
17 03956'21).

18 (d) Senate Bill No. \_\_\_\_ or House Bill No. 5423 (request no.  
19 03957'21).