

Bill	Result Detail
<p>S.1397 An Act modernizing childhood lead poisoning prevention Julian Cyr (617) 722-1570 julian.cyr@masenate.gov 3/29/2021 Referred to the committee on Public Health</p>	<p>Section 1 Section 189A of Chapter 111 Inserting after the definition of “Advisory committee” the following definition: “Blood lead level of concern”, a concentration of lead in whole venous blood in a child under 6 years of age that is less than the concentration of lead in whole venous blood that meets the amount defined as lead poisoning in regulation by the department.</p> <p>Section 2 189A of Chapter 111 Inserting after the definition of “Director” the following definition: “Lead poisoning”, a medical condition present in a child under 6 years of age in which the child has a concentration of lead in whole venous blood at a concentration level defined by the department through regulation; provided, however, that the concentration of lead in whole venous blood shall not be greater than 5 micrograms per deciliter.</p> <p>Section 3 Section 191 of Chapter 111 Striking out, in line 9, the words “the terms ‘lead poisoning’ and ‘previously reported’” and inserting in place thereof the following words:- the term “previously reported”.</p> <p>Section 4 Section 191 of Chapter 111 Adding the following paragraph: The department shall perform public health surveillance and outreach to identify children with a blood lead level of concern. A child reported to have a blood lead level of concern shall be offered appropriate case management services in accordance with standards set forth by the American Academy of Pediatrics, or another qualified standard as determined by the department.</p> <p>Section 5 Section 193 of Chapter 111 Striking out, in lines 44 and 45, the words “, as defined by regulation by the director,”.</p> <p>Section 6 Section 197C of Chapter 111 Striking out, in lines 3 to 5, inclusive, the words “in excess of the level considered dangerous to the child’s immediate health as determined by the department” and inserting in place thereof the following words:- that constitutes lead poisoning.</p>

Section 7

Section 197C of Chapter 111, General Laws, 2018 Official Edition

Striking out, in lines 22 to 24, inclusive, the words “in excess of the level considered dangerous to the child’s immediate health as determined by the department” and inserting in place thereof the following words:- that constitutes lead poisoning.

Section 8

Section 199 of Chapter 111

Striking out, in line 5, the words “at which the department defines” and inserting in place thereof the following words:- that constitutes.

Section 9

Section 6 of Chapter 62, General Laws

Striking out, in line 75, the words “one thousand five hundred dollars” and inserting in place thereof the following figure: - \$3,000.

Section 10

Section 6 of Chapter 62

Striking out, in line 86, the words “five hundred dollars” and inserting in place thereof the following figure: - \$1,000.

Section 11

Section 5 of Chapter 151B, General Laws, 2018 Official Edition

Striking out, in line 214, the figure “\$10,000” and inserting in place thereof the following dollar figure: - \$20,000

Section 12

Section 5 of Chapter 151B

Striking out, in line 216, the figure “\$25,000” and inserting in place thereof the following figure: - \$35,000

Section 13

Section 5 of Chapter 151B

Striking out, in line 220, the figure “\$50,000” and inserting in place thereof the following figure: - \$60,000

Section 14

Section 22 of Chapter 482, Acts of 1993

Striking out, in the second sentence of the first paragraph, after the words “as follows: a” the words “twenty-five” and inserting in place thereof the following figure:- “35”.

	<p>Section 15 Section 22 of Chapter 482, Acts of 1993 Striking out, in the second sentence of the first paragraph, after the words “salesmen; a” the words “twenty-five” and inserting in place thereof the following figure:- “35”.</p> <p>Section 16 Section 22 of Chapter 482, Acts of 1993 Striking out, in the second sentence of the first paragraph, after the words “services; a” the words “twenty-five” and inserting in place thereof the following figure:- “35”.</p> <p>Section 17 Section 22 of Chapter 482, Acts of 1993 Striking out, in the second sentence of the first paragraph, after the words “lead inspections; a” the words “one hundred” and inserting in place thereof the following figure:- “125”.</p> <p>Section 18 Section 22 of Chapter 482, Acts of 1993 Striking out, in the second sentence of the first paragraph, after the words “banks; and a” the words “twenty-five” and inserting in place thereof the following figure:- “35”.</p> <p>Section 19 Sections 1 to 13, inclusive, shall take effect on January 1, 2022.</p> <p>Section 20 Sections 14 to 18 to shall take effect on July 1, 2022.</p>
<p>H.2410 An Act modernizing childhood lead poisoning prevention Julian Cyr (617) 722-1570 julian.cyr@masenate.gov Andres X. Vargas 617-722-2396 3/29/2021, House, Referred to the committee on Public Health</p>	<p>Same as above.</p>

H.2385

An Act to reduce lead poisoning in children

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**3/29/2021, House, Referred to the committee
on Public Health**

Section 1

Section 198 of Chapter 111, General Laws, 2018
Official Edition

Adding the following sentence: No application for a criminal complaint for failure to comply with section 194 and 197 may be made unless there is reasonable cause to believe that the lead present in the premises which is the subject of the order to abate or contain are the proximate cause of elevated levels of lead in the blood of a child age six years or younger.

Section 2

Subsection (e) Section 197 of Chapter 111, General
Laws, 2018 Official Edition

Adding the following sentence: The director shall waive the requirements of this section if the remediation to contain or abate the lead presents a danger of lead poisoning to the children residing in the premises after remediation is complete.

Section 3

Section 192 of Chapter 111, General Laws, 2018
Official Edition

Adding the following sentence: Included in such program shall be information regarding the potential for lead to be present in toys, jewelry, pottery and other objects to which children are regularly exposed.

Section 4

Section 194 of Chapter 111, General Laws, 2018
Official Edition

Amended by inserting after the second sentence the following sentence: Additionally, said program shall attempt to identify all objects likely to come into contact with children under the age of six that contain dangerous levels of lead.

Third sentence of said section by striking out the word "or" after the word "plaster" and inserting the words: -
", or other object" after the word "material".

Second paragraph of said section by inserting after the word "reside" the words: -
", or spends three or more hours per day, such as a nursery or day care facility".

First sentence of the fourth paragraph of said section by inserting after the word "months" the words: -
"and/or attended school or day care,"

Third sentence of the fifth paragraph of said section by inserting after the word "age" the words: -
"and there is reasonable cause to believe that the poisoning was caused by the lead in the premises."

	<p>Section 5 Section 192B of Chapter 111, General Laws, 2018 Official Edition Inserting after the first sentence the following sentence: Included in such program shall be information on sources of lead to which children under the age of six may be exposed, including but not limited to paint in homes, and/or on the surface of jewelry, pottery, and toys, and other objects to which under the age of six are routinely exposed.</p>
<p>S.1056 An Act enhancing justice for families harmed by lead Patricia D. Jehlen 617-722-117 patricia.jehlen@masenate.gov 2/29/2021, Senate, Referred to the committee on The Judiciary</p>	<p>Section 1 Section 189A of Chapter 111, 2016 Official Edition Striking out the words “one hundred and ninety-nine B”, in line 2, and inserting in place thereof the following:- “one hundred and ninety-nine C”.</p> <p>Section 2 Section 189A of Chapter 111 Inserting after the word “seventy-eight”, in line 39, the following: “Placing lead in commerce”. A party shall be regarded as having placed lead in commerce if it offers lead for sale or incorporates lead into products and offers the products for sale, or the party knows or should have known that the sold materials consisting of lead or containing lead would be incorporated into products that would be offered for sale. This shall not include sale for use that is not expected to cause exposures, such as lead batteries that are intended to be used in a closed-loop fashion and recycled, if the party placing lead into commerce has taken action to restrict sale to such uses and to provide assistance with recycling, unless it is shown that the party should have known the batteries or other lead-containing product intended to be used in a closed-loop fashion and recycled would not in fact be recycled. It shall not include retail facilities that accept articles for sale and do not themselves incorporate lead into the products they sell. It shall not include materials containing lead below limits set under federal or state definitions pertaining to lead-containing products. “Lead-containing materials used to convey drinking water” shall include lead service lines and other components of drinking water systems. However, solder, brass fittings and pumps and decorative items shall not be included unless it is shown that lead content was present in excess of limits or in violation of proscriptions on use by any government authority.</p>

Section 3

Chapter 111

Inserting, after Section 199B, the following section:

Section 199C. (a) In any legal proceeding to recover damages caused by exposure to lead from coatings, lead-containing materials used to convey drinking water, materials prohibited by Section 196 of this chapter, and any other product made of or containing lead placed in commerce and used in residences, schools, hospitals or child-occupied facilities as defined under the federal Residential Lead-Based Paint Hazard Reduction Act, the inability to identify the specific party that placed lead or lead-containing products into commerce shall not prevent those harmed by such placement from recovering for damages caused by exposure to the lead or the lead-containing product. When a plaintiff is shown to have lead in blood, bones, teeth or other body tissues at levels identified in the scientific literature causative of injury such injury shall be presumed to have been caused by lead exposure. Plaintiffs suffering injury consistent with exposure to lead caused by the placement of such products in commerce may recover damages for their injury by establishing by a preponderance of evidence the following:

(1) that the defendant placed lead or lead-containing products into commerce which caused exposures sufficient to cause injury, and (2) that the party placing lead in commerce knew or should have known that such harm was a likely consequence of their actions, and (3) the party placing lead in commerce took no or insufficient action to prevent such harm.

(b) No party placing lead into commerce shall be liable if they can show the following:

(1) that they took actions to prevent exposures by users of their product, sufficient to reach and adequately inform all potential users and to include all potential uses. Proof of adequate measures taken to ensure safety through the life-cycle of the use of the lead or lead-containing product must include information about appropriate post-use management of the product, or

(2) that they sold their product for uses that a reasonable person could expect would not subject anyone to harm, or

(3) that their product could not have harmed the plaintiff, or

(4) that they had no reason to expect that their product might be used in residences, schools, hospitals, or child-occupied facilities as defined by the federal Residential Lead-Based Paint Hazard Reduction Act, or used by consumers in a manner that would cause exposure to lead, or

	<p>(c) A court may use any reasonable means of allocating liability amongst those who placed lead in commerce, including determining that liability may be apportioned according to the market share relevant to the activity that caused the harm. The ability of courts to dictate allocation of liability amongst jointly responsible parties shall not mitigate the ability of plaintiffs to recover from any particular defendant found to be liable under this section.</p> <p>(d) This section does not pertain to, nor does it remove any existing liability applicable to providers or sellers of housing, nor to the availability of a cause of action against defendants described herein by any plaintiffs except those injured by lead, except that public officials may seek compensation for victims of lead poisoning as part of an action seeking reimbursement for the costs of remediating lead-contaminated properties.</p> <p>(e) The remedy provided by this section is not exclusive and supplements any existing statutory or common law cause of action.</p> <p>(f) A parent or guardian of a child, landlord, seller or manager of properties, housing authority, retailer, government official, child-occupied facility, school district or other entity except those placing lead in commerce shall not be liable to those placing lead in commerce in an action for contribution for damages recovered under this section.</p> <p>(g) Nothing in this section shall prevent or mitigate any right to recover damages from exposure to lead nor any defense to such recovery available under other statutes or common law.</p> <p>(h) The ability to recover damages from lead exposure under this section shall be available for six years after its passage, or six years from the time that a plaintiff has reason to know or should have known that they have the right to such recovery, whichever is longer.</p> <p>(i) The Department of Public Health, in consultation with agencies of the Commonwealth on the Toxics Use Reduction Administrative Council, and the Departments of Agricultural Resources and Fish and Wildlife as relevant, may add other products to this chapter, even though not commonly used in residences, schools, hospitals or child-occupied facilities, if they deem it advisable for the protection of public health.</p>
<p>S.1430 An Act relative to the Massachusetts lead law and promoting equal access to lead-free housing James B. Eldridge 617-722-1120 james.eldridge@masenate.gov 3/29/2021, Senate, Referred to the committee on Public Health</p>	<p>Section 1 Section 190 of Chapter 111, General Laws, 2018 Official Edition Striking out, each time it appears, in lines 21 and 23, the word “fourteen” and inserting in place thereof the word:- 21</p> <p>Section 2 Section 190 of Chapter 111 Striking out, in line 26, the word “two” and inserting in place thereof the following word:- 5</p>

Section 3

Section 190 of Chapter 111

Striking out, in line 32, the word “and” and inserting in place thereof the following words:- at least 2 of said members shall be active in the field of fair housing; and at least 2 of said members shall be active in the field of environmental justice.

Section 4

Section 194 of Chapter 111

Striking out, in lines 12 and 13, the words:- or retarded

Section 5

Section 194 of Chapter 111

In the fourth paragraph by inserting at the end thereof the following:- “including any local board of health or code enforcement agency.”

Section 6

Fifth paragraph of Section 194 of Chapter 111

Inserting after the first sentence the following:- The owner of such building shall abate or contain paint, plaster or other accessible structural materials containing dangerous levels of lead in accordance with the requirements of subsection (b) or (c) of section 197.

Section 7

Fifth paragraph of Section 194 of Chapter 111

Striking out the third sentence.

Section 8

Subsection (a) of Section 197 of Chapter 111

Inserting after the first sentence the following sentence: This subsection shall remain in effect during the implementation of the transition schedule established as follows:

Section 9

Subsection (a) of Section 197 of Chapter 111

Striking the second sentence.

Section 10

Subsection (a) of Section 197 of Chapter 111

Inserting after the first paragraph the following two paragraphs:

(1) Effective July 1, 2022, the owner of any rental premises that is rented or leased in a designated High Risk Community, shall abate or contain lead paint, plaster, or other accessible structural material that contains dangerous levels of lead, in accordance with the requirements of subsection (b) or subsection (c), before renting or leasing said premises, without regard to the occupancy of a child under 6 years of age. For the purposes of this section, a high risk community shall be defined as a community with a 5-year incidence rate of confirmed greater than or equal to 5 micrograms per deciliter cases that is above the state 5-year incidence rate of confirmed greater than or equal to 5 micrograms per deciliter cases after adjusting for low to moderate income and housing stock built before 1978.

(2) Effective July 1, 2022, the owner of a rental premises that is rented or leased shall abate or contain lead paint, plaster or other structural material that contains dangerous levels of lead, in accordance with the requirements of subsection (b) or subsection (c), before renting or leasing said premises, without regard to the occupancy of a child under six years of age.

Section 11

Section 197D of Chapter 111

Striking out in, lines 10 and 11, the words, “premises in which a child under the age of six resides,” and inserting in place thereof the words:- rental property.

Section 12

Section 197D of Chapter 111

Striking out, in lines 25 through 29, the words:- provided, however, that the mortgagor shall not be liable for such contribution if the mortgagor establishes that no child under six years of age resided in the residential premises while the premises were owned by the mortgagor.

Section 13

Section 198 of Chapter 111

Striking out, in line 16, the word “party” and inserting in place thereof the word:- person.

Section 14

Section 199B of Chapter 111

Striking out the first and second paragraphs.

H. 1725

An Act enhancing justice for families harmed by lead

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3/29/2021, House, Referred to the committee on The Judiciary

Section 1

Section 189A of Chapter 111, 2016 Official Edition Striking out the words “one hundred and ninety-nine B”, in line 2, and inserting in place thereof the following:- “one hundred and ninety-nine C”

Section 2

189A of Chapter 111

Inserting after the word “seventy-eight”, in line 39, the following:

“Placing lead in commerce”. A party shall be regarded as having placed lead in commerce if it offers lead for sale or incorporates lead into products and offers the products for sale, or the party knows or should have known that the sold materials consisting of lead or containing lead would be incorporated into products that would be offered for sale. This shall not include sale for use that is not expected to cause exposures, such as lead batteries that are intended to be used in a closed-loop fashion and recycled, if the party placing lead into commerce has taken action to restrict sale to such uses and to provide assistance with recycling, unless it is shown that the party should have known the batteries or other lead-containing product intended to be used in a closed-loop fashion and recycled would not in fact be recycled. It shall not include retail facilities that accept articles for sale and do not themselves incorporate lead into the products they sell. It shall not include materials containing lead below limits set under federal or state definitions pertaining to lead-containing products.

“Lead-containing materials used to convey drinking water” shall include lead service lines and other components of drinking water systems. However, solder, brass fittings and pumps and decorative items shall not be included unless it is shown that lead content was present in excess of limits or in violation of proscriptions on use by any government authority.

Section 3

Chapter 111

Inserting, after Section 199B, the following section:

Section 199C. (a) In any legal proceeding to recover damages caused by exposure to lead from coatings, lead-containing materials used to convey drinking water, materials prohibited by Section 196 of this chapter, and any other product made of or containing lead placed in commerce and used in residences, schools, hospitals or child-occupied facilities as defined under the federal Residential Lead-Based Paint Hazard Reduction Act, the inability to identify the specific party that placed lead or lead-containing products into commerce shall not prevent those harmed by such placement from recovering for damages caused by exposure to the lead or the lead-containing product. When a plaintiff is shown to have lead in blood, bones, teeth or other body tissues at levels identified in the scientific literature causative of injury such injury shall be presumed to have been caused by lead exposure. Plaintiffs suffering injury consistent with exposure to lead caused by the placement of such products in commerce may recover damages for their injury by establishing by a preponderance of evidence the following:

(1) that the defendant placed lead or lead-containing products into commerce which caused exposures sufficient to cause injury, and (2) that the party placing lead in commerce knew or should have known that such harm was a likely consequence of their actions, and (3) the party placing lead in commerce took no or insufficient action to prevent such harm.

(b) No party placing lead into commerce shall be liable if they can show the following:

(1) that they took actions to prevent exposures by users of their product, sufficient to reach and adequately inform all potential users and to include all potential uses. Proof of adequate measures taken to ensure safety through the life-cycle of the use of the lead or lead-containing product must include information about appropriate post-use management of the product, or

(2) that they sold their product for uses that a reasonable person could expect would not subject anyone to harm, or

(3) that their product could not have harmed the plaintiff, or

(4) that they had no reason to expect that their product might be used in residences, schools, hospitals, or child-occupied facilities as defined by the federal Residential Lead-Based Paint Hazard Reduction Act, or used by consumers in a manner that would cause exposure to lead, or

(c) A court may use any reasonable means of allocating liability amongst those who placed lead in commerce, including determining that liability may be apportioned according to the market share relevant to the activity that caused the harm. The ability of courts to dictate allocation of liability amongst jointly responsible parties shall not mitigate the ability of plaintiffs to recover from any particular defendant found to be liable under this section.

	<p>(d) This section does not pertain to, nor does it remove any existing liability applicable to providers or sellers of housing, nor to the availability of a cause of action against defendants described herein by any plaintiffs except those injured by lead, except that public officials may seek compensation for victims of lead poisoning as part of an action seeking reimbursement for the costs of remediating lead-contaminated properties.</p> <p>(e) The remedy provided by this section is not exclusive and supplements any existing statutory or common law cause of action.</p> <p>(f) A parent or guardian of a child, landlord, seller or manager of properties, housing authority, retailer, government official, child-occupied facility, school district or other entity except those placing lead in commerce shall not be liable to those placing lead in commerce in an action for contribution for damages recovered under this section.</p> <p>(g) Nothing in this section shall prevent or mitigate any right to recover damages from exposure to lead nor any defense to such recovery available under other statutes or common law.</p> <p>(h) The ability to recover damages from lead exposure under this section shall be available for six years after its passage, or six years from the time that a plaintiff has reason to know or should have known that they have the right to such recovery, whichever is longer.</p> <p>(i) The Department of Public Health, in consultation with agencies of the Commonwealth on the Toxics Use Reduction Administrative Council, and the Departments of Agricultural Resources and Fish and Wildlife as relevant, may add other products to this chapter, even though not commonly used in residences, schools, hospitals or child-occupied facilities, if they deem it advisable for the protection of public health.</p>
<p>H. 3773 An Act making appropriations for fiscal year 2021 to produce for supplementing certain existing appropriations and for certain other actives and projects Charles D Baker Emergency Preamble- Could not view bill 5/20/2021, House, Referred to the committee on House Ways and Means Reported in part by H.3827</p>	<p>N/A</p>

S.311

An Act implementing an elementary and secondary interdisciplinary climate education curriculum in the commonwealth

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3/29/2021, Senate, Referred to the committee on Education

Chapter 69, General Laws

Inserting after section 1Q the following new section:

Section 1R.

(a) The board shall direct the commissioner to institute a process for setting curriculum standards for the subjects of history and social sciences to include relevant and interdisciplinary climate change standards that will provide students with a deeper understanding of climate policy, climate justice, and climate activism. In forming a curriculum the commissioner may reference relevant elementary and secondary education history and social sciences standards for climate change in other states and from relevant reputable entities. The commissioner shall ensure that issues involving those disproportionately affected by climate change are addressed in the curriculum, including but not limited to:

(1) How conditions and effects in the Northern Hemisphere differ from the conditions and effects in the Southern Hemisphere.

(2) Environmental justice communities in the Commonwealth, defined as “regions that have the most significant exposure to air pollutants, including, but not limited to, communities with minority populations, communities with low-income populations, or both”.

(3) How historical movement building connects with current and local movements, and how both strived to create social change.

(4) How environmental issues, including climate change, cause severe health issues: asthma, cancer, lead poisoning, inaccessibility of housing, food and water.

(5) How to engage your community, civic leaders, and government officials in confronting climate change.

(b) The board shall direct the commissioner to institute a process for setting curriculum standards for the subjects of science and technology to include relevant and interdisciplinary climate change standards that will provide students with a deeper understanding of anthropogenic climate change, equitable climate solutions, climate policy and climate activism. In forming a curriculum the commissioner may reference relevant elementary and secondary education science and technology standards for climate change in other states and from relevant reputable entities. The commissioner shall ensure that issues involving those disproportionately affected by climate change are addressed in the curriculum, including but not limited to:

(1) The human impact on the carbon cycle, emphasizing long residence time of carbon dioxide in atmosphere and ocean surface waters.

(2) Global warming's impact on the water cycle, including the loss of both sea and land based ice, specifically in regard to the Arctic region, Greenland, and Antarctica, increase in evaporation due to higher temperatures in lower latitudes, higher likelihood of severe storms/torrential rain and the release of greenhouse gasses from melting permafrost, lower albedo relating to less ice/snow coverage, increased water vapor in atmosphere with higher temperatures, and the release of carbon dioxide from soils and plant biomass from large scale fires.

(3) Loss of forests on global scale from fire and land alteration for agriculture, further limiting uptake and storage in soils and plant biomass.

(4) How environmental problems including, climate change, natural disasters, energy facilities and pollutants impact human health, economics, and agricultural systems.

(c). The commissioner shall:

(1) Ensure that bilingual and english as a second language students are given the same curricula and learning opportunities by providing them with multilingual resources regarding environmental activism, climate policy and climate justice in the formation of this curriculum.

(2) Consult environmental and climate justice organizations and professionals throughout the commonwealth while creating these standards. These organizations must include, but are not limited to: youth-led advocacy organizations and conservation focused non-profit organizations.

(3) Engage a diverse council of youth leaders between the ages of 14 to 18, 18 to 22, and 22 to 25 who reside within the commonwealth from a range of geographic areas, including environmental justice communities from the commonwealth, to provide feedback on draft standards and supplements for the different subjects before the board may vote to approve them. These students will work in conjunction with a variety of professionals in the climate education field. This council, both student and professional, will remain standing, with membership reevaluated every year, to continue to assess the application of these standards and supplements.

(4) Provide professional development opportunities for educators on the history and social science and science and technology frameworks and work to create tools aligned with the framework to support districts in the implementation process. Additional support and outreach from the department may include statewide and regional trainings, meetings or conferences, including opportunities for districts and stakeholders to assess and share evidence-based best practices in support of climate change education and provide feedback and recommendations to the department.

	<p>(5) Make recommendations on the appropriate grade levels for the interdisciplinary climate standards to be offered in, subject to approval by the board. The commissioner shall make every effort to solicit feedback from superintendents, teachers and students in the formation of these recommendations.</p> <p>(6) A final curriculum approved by the board must include provisions to create assignments for students to directly contact their elected officials in support of an issue, such as environmental justice.</p> <p>(d). This legislation shall take effect on January 1, 2022. All requirements within the legislation shall be satisfied and implemented by school districts under the department's purview on or before August 1, 2024.</p>
<p>H.614 An Act implementing an elementary and secondary interdisciplinary climate education curriculum in the commonwealth James K Hawkins 617-722-2013 james.hawkins@mahouse.gov Danillo A Sena 617-722-2014 danillo.Sena@mahouse.gov 3/29/2021, House, Referred to the committee on Education</p>	<p>Same as above.</p>