

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HEALTH AND SAFETY -- LEAD POISONING PREVENTION ACT

Introduced By: Senators McCaffrey, Ruggiero, Goodwin, Gallo, Miller, and Euer

Date Introduced: March 24, 2022

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-24.6-4 of the General Laws in Chapter 23-24.6 entitled "Lead  
2 Poisoning Prevention Act" is hereby amended to read as follows:

3 **23-24.6-4. Definitions.**

4 For the purposes of this chapter:

5 (1) "Childhood lead poisoning" means a confirmed venous blood lead level, measured in  
6 micrograms of lead per deciliter of whole blood, established by rule by the Rhode Island department  
7 of health based on the best available information about the effects of elevated blood lead levels.

8 (2) "Comprehensive environmental lead inspection" means the inspection of any structure  
9 or premises for the presence of lead in various media and includes sampling as may be necessary  
10 or expedient in order to determine compliance in the structure or premises with standards for being  
11 lead safe or lead free.

12 (3) "Department" means the state department of health.

13 (4) "Director" means the director of health.

14 (5) "Dwelling" means any enclosed space which is wholly or partly used or intended to be  
15 used for living or sleeping by human occupants.

16 (6) "Dwelling unit" means any room or group of rooms located within a dwelling and  
17 forming a single habitable unit with facilities which are used or intended to be used for living,  
18 sleeping, cooking, and eating.

19 (7) "Environment intervention blood lead level" means a confirmed concentration, in a

1 person under six (6) years of age, of lead in whole blood of greater than or equal to twenty (20)  
2 micrograms per deciliter for a single test or for fifteen (15) to nineteen (19) micrograms per deciliter  
3 for two (2) tests taken at least three (3) months apart or as defined by the department consistent  
4 with regulations adopted by the U.S. Department of Housing and Urban Development.

5 (8) "Environmental lead hazard reduction" means activities undertaken by or on behalf of  
6 a property owner in order to achieve lead free or lead safe status pursuant to the requirements of  
7 this chapter.

8 (9) "Inspection" means the inspection, other than a comprehensive environmental lead  
9 inspection, of any structure or premises undertaken to determine compliance with the requirements  
10 of this chapter or with orders issued pursuant to this chapter.

11 (10) "Insurer" means every medical service corporation, hospital service corporation,  
12 health maintenance organization, or other insurance company offering and/or insuring health  
13 services; the term includes any entity defined as an insurer under § 42-62-4.

14 (11) "Lead contractor" means any person or entity engaged in lead hazard reduction as a  
15 business and includes consultants who design, perform, oversee, or evaluate lead hazard reduction  
16 projects undertaken pursuant to the requirements of this chapter.

17 (12) "Lead exposure hazard" means a condition that presents a clear and significant health  
18 risk to occupants of the dwelling, dwelling unit, or premises, particularly where there are children  
19 under the age of six (6) years.

20 (13) "Lead free" means that a dwelling, dwelling unit, or premises either contains no lead  
21 or contains lead in amounts less than the maximum acceptable environmental lead levels  
22 established by department of health regulations.

23 (14) "Lead hazard reduction" means any action or actions designed to reduce exposure to  
24 toxic levels of lead which impose an unacceptable risk of exposure in any dwelling or dwelling  
25 unit, where a child under the age of six (6) years, with environmental intervention blood lead level  
26 or greater resides, or on any premises and may include, but is not limited to: repair, enclosure,  
27 encapsulation, or removal of lead based paint and/or lead contaminated dust, soil or drinking water;  
28 relocation of occupants; and cleanup measures or ongoing maintenance measures, which may  
29 include activities and/or measures that do not present an undue risk to children under age six (6)  
30 and can be performed by, or on behalf of, the property owner, without the person performing such  
31 activities being licensed or certified.

32 (15) "Lead safe" means that a dwelling, dwelling unit, or premises has undergone sufficient  
33 lead hazard reduction to ensure that no significant environmental lead hazard is present and  
34 includes but is not limited to covering and encapsulation.

1 (16) "Lead service lines" means any part of a public or private service line that is made of,  
2 lined with, or contains, materials consisting of lead. Service lines with galvanized steel shall be  
3 considered lead service lines.

4 ~~(16)~~(17) "Occupant" means any person who legally resides in, or regularly uses, a dwelling,  
5 dwelling unit, or structure; provided, however, that a guest of any age shall not be considered an  
6 occupant for the purposes of this chapter.

7 ~~(17)~~(18) "Owner" means any person who, alone or jointly or severally with others:

8 (i) Shall have legal title to any dwelling or dwelling unit with or without accompanying  
9 actual possession of it, or

10 (ii) Shall have charge, care, or control of any dwelling or dwelling unit as owner or agent  
11 of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any  
12 person representing the actual owner shall be bound to comply with the provisions of this chapter  
13 and with rules and regulations adopted pursuant to this chapter to the same extent as if that person  
14 were the owner. An agent of the owner excludes real estate and property management functions  
15 where the agent is only responsible for the property management and does not have authority to  
16 fund capital and/or major property rehabilitation on behalf of the owner.

17 (iii) For purposes of publicly owned property only, the owner shall be defined to be the  
18 chief executive officer of the municipal or state agency which owns, leases, or controls the use of  
19 the property.

20 ~~(18)~~(19) "Person" means any individual, firm, corporation, association, or partnership and  
21 includes municipal and state agencies.

22 ~~(19)~~(20) "Premises" means a platted lot or part thereof or unplatted lot or parcel of land, or  
23 plot of land, occupied by a dwelling or structure and includes any building, accessory structure, or  
24 other structure thereon which is or will be frequently used by children under the age of six (6) years.

25 (21) "Private service line" or "private side" means the portion of the service line including  
26 appurtenances and connections thereto that runs from the curb shutoff valve into the property or  
27 building.

28 ~~(20)~~(22) "Program" means the comprehensive environmental lead program established by  
29 this chapter.

30 (23) "Public service line" or "public side" means the portion of the service line including  
31 appurtenances and connections thereto that runs from the water main in the street to the curb shutoff  
32 valve.

33 ~~(21)~~(24) "State inspector" means the director, his or her designee, or any inspector  
34 employed by the department of health who is authorized by the director to conduct comprehensive

1 environmental lead inspections and/or other inspections for the department.

2 SECTION 2. Chapter 23-24.6 of the General Laws entitled "Lead Poisoning Prevention  
3 Act" is hereby amended by adding thereto the following section:

4 **23-24.6-28. Lead water supply replacement.**

5 (a) Water suppliers, as defined in § 39-15.1-2, that provide safe and potable drinking water  
6 to the public shall replace all public side lead service lines connected to residential and non-  
7 residential facilities that provide water for human consumption.

8 (b) No later than twelve (12) months after the enactment of this section, water suppliers  
9 shall develop a service line inventory in order to determine the existence or absence of lead within  
10 each water connection in its service area. This inventory shall include information about the service  
11 line locations and composition of service lines at each location. The water supplier shall provide a  
12 list of all service lines and classify which have lead, which do not contain lead and which are of  
13 unknown composition. This information shall be posted on the department's website and on the  
14 water supplier's website. Water suppliers without a website shall make the most recent service line  
15 inventory available in a publicly accessible location in each community they serve.

16 (c) Water suppliers may utilize the following to develop a service line inventory:

17 (1) Visual inspection during planned maintenance, meter replacement, and main  
18 replacement projects;

19 (2) Solicitation and receipt of comments, complaints and other input from customers in the  
20 service area;

21 (3) Historical building records and other available data from the American Water Works  
22 Association or other industry research groups; and/or,

23 (4) Any other procedures and resources the water supplier deems appropriate for  
24 identifying lead service lines.

25 (d) Within five (5) days of identifying a lead service line, the water supplier shall provide  
26 written notice to the property owner, the tenants of the building and the director of the presence of  
27 lead service lines. The notice shall include information describing the sources of lead in drinking  
28 water, description of the health effects of lead exposure and steps customers can take to reduce  
29 their exposure to lead in drinking water. This notice shall include lead service line replacement  
30 instructions and contact information to schedule a service line inspection and replacement.

31 (e) Water suppliers without an established lead pipe replacement program shall coordinate  
32 with the department and the Rhode Island infrastructure bank to develop a replacement program.  
33 The department and the Rhode Island infrastructure bank shall partner with water suppliers to  
34 implement lead replacement programs including assisting with financial needs that exist.

1 (f) The department and the Rhode Island infrastructure bank shall assist water suppliers  
2 with financing, grants, loans, drinking water funding opportunities or other monetary assistance to  
3 ensure that public service lines containing lead are replaced in an expeditious manner;

4 (g) For properties with a public service line containing lead, water suppliers shall inspect,  
5 at no cost to the property owner, the private side service lines to determine whether lead or  
6 galvanized steel is present. If lead is detected in the private service line:

7 (1) The Rhode Island infrastructure bank shall provide the property owner with no-cost  
8 financial options to replace the private side line;

9 (2) The water supplier shall replace the entire public side service line, if lead is present in  
10 the public side;

11 (3) In the event a property owner refuses to allow the inspection or replacement of private  
12 side service lines, the water supplier shall file notice of all attempts to inspect or replace the private  
13 side service lines and the property owner's refusal to allow inspection or replacement services with  
14 the department. The notice shall state at a minimum: the date and time of each attempt; the name  
15 of the person who refused each attempt; and the name and signature of the person who made each  
16 attempt. The address where each refusal took place shall be published on the appropriate  
17 department website to ensure occupants of the building have notice of the potential lead in the  
18 service line.

19 (4) If the property is a rental property, the owner and the department shall inform the  
20 tenants of the presence of lead in accordance with § 23-24.6-15(b). If the owner fails to provide  
21 tenants with notification of lead in service lines to the building the owner shall be subject to civil  
22 penalty in accordance with § 23-24.6-27.

23 (h) When a property owner transfers the ownership of property they shall disclose the  
24 presence of lead service lines. Pursuant to § 5-20.8-11, every contract for the transfer or purchase  
25 and sale of real estate that is or may be served by a service line containing lead shall provide that  
26 potential purchasers be permitted a ten (10) day period, unless the parties mutually agree upon a  
27 different period of time, to conduct a risk assessment or an inspection of the property's water service  
28 lines for the presence of lead hazards before becoming obligated under the contract to transfer or  
29 purchase.

30 (i) Any private side service line found to have lead, which provides water to a building  
31 subject to sale or transfer, shall be removed and replaced within twelve (12) months of the date of  
32 sale or transfer.

33 (j) The department and the Rhode Island infrastructure bank shall prioritize lead service  
34 line replacements based on the percentage of lead services lines present within a community.

1 Communities where lead service lines comprise over thirty-five percent (35%) of the public side  
2 service line connections will be prioritized as high-priority.

3 (k) Water suppliers subject to this section shall complete the replacement of all lead service  
4 lines in its service area within ten (10) years of the effective date of this section.

5 (l) Each water supplier shall provide an annual report to the governor, president of the  
6 senate, speaker of the house, director of the department of health, and executive director of the  
7 Rhode Island infrastructure bank. The report shall contain information, including, but not limited  
8 to, the number of public services lines per community served and the number replaced, the number  
9 of private service lines per community served and the number replaced, an estimated number of  
10 service lines to be replaced, property type, number of private service line inspections conducted,  
11 and annual expense to replace service lines.

12 (m) The department shall enforce the provisions of this section.

13 SECTION 3. Section 5-20.8-11 of the General Laws in Chapter 5-20.8 entitled "Real Estate  
14 Sales Disclosures" is hereby amended to read as follows:

15 **5-20.8-11. Lead inspection requirement.**

16 (a) Every contract for the purchase and sale of residential real estate (1-4 family)-built prior  
17 to ~~1978~~ 2011 located in the state shall provide that potential purchasers be permitted a ten-day (10)  
18 period, unless the parties mutually agree upon a different period of time, to conduct a risk  
19 assessment or inspection for the presence of lead exposure hazards before becoming obligated  
20 under the contract to purchase.

21 (b) Failure to include the provision required in subsection (a) in the purchase and sale  
22 agreement for residential real estate does not create any defect in title; provided, that each violation  
23 of this section by the seller or his or her agent is subject to a civil penalty of not less than one  
24 hundred dollars (\$100) nor more than five hundred dollars (\$500).

25 (c) Failure to provide inspection results and/or educational materials pursuant to  
26 department regulations required by § 23-24.6-16(a) does not create any defect in title; provided,  
27 that each violation of this section by the seller or his or her agent is subject to a civil penalty of not  
28 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

29 (d) Failure to include the purchase and sale agreement provision required in subsection (a);  
30 failure to provide inspection results pursuant to § 23-24.6-16(a); or inspection results that show a  
31 lead exposure hazard as defined at § 23-24.6-4(12) entitles the purchaser to void the purchase and  
32 sale agreement by providing notice, in writing, to the seller prior to the transfer of the title at closing.

1 SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- LEAD POISONING PREVENTION ACT

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1           This act would establish a lead water supply replacement program for public and private  
2 service lines and requires disclosure to tenants and buyers of real property of the presence of lead  
3 service lines.

4           This act would take effect upon passage.

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