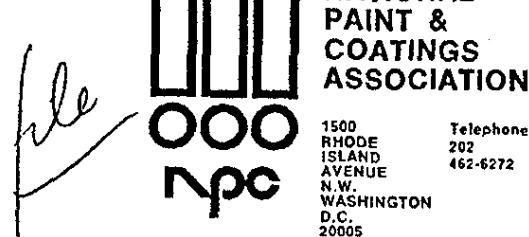


State legislation alert



January 30, 1974
NO. 38 (Kentucky)

TO: All NPCA Members in Kentucky
NPCA Legislative Committee
All Officers. Louisville Paint & Coatings Association

Subject: Kentucky House Bill No. 137 - Lead Poisoning

1. Status: Introduced on January 8, 1974 by Representative Mae Street Kidd (D.-Dist. 41), 2308 Chestnut St. West, Louisville, Ky. 40211. Referred to Committee on Health and Welfare and reported favorably by that committee on January 16, 1974.

2. Brief Synopsis:

This bill sets up a comprehensive program for the prevention, screening, detection, diagnosis and treatment of lead poisoning under the direction of the Commissioner of the State Department of Health.

Provisions are included for education programs, reporting of cases of elevated blood lead levels, inspections of housing, and requirements for removal of "lead based substances" from such housing.

All programs are aimed at "lead based substances" which are defined as "any substance containing more than 0.5% lead by weight of non-volatile content as provided in KRS 217.801."

There are no specific provisions which would impose any restrictions or requirements on the sale, use, or labeling of paint. However, the Commissioner would be granted the broad power to establish rules and regulations "for the proper administration of this Act. The regulation shall include, but not be limited to, those which govern permissible limits of lead based substances in and about dwellings and dwelling units."

3. Comments:

The lead level established is consistent with the current Federal law (P.L. 93-151) and the most recent regulations of the Consumer Product Safety Commission.

While this bill does not contain a specific repeal of that provision in the 1972 Kentucky law which established a 0.06% standard after January 1, 1974, it is my opinion that that provision is now void because of the Federal preemption clause in P.L. 93-151.

Copies of the bill can be obtained in the shortest time from your representative in the Kentucky legislature or from NPCA on request.


N. R. Bach
Counsel