

24:14A-1 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 24:14A-1 et al.

Laws of 1976 Chapter 116

Bill No. S152

Sponsor(s) Fay

Date Introduced Pre-filed

Committee: Assembly Labor, Industry, & Professions

Senate Law, Public Safety & Defense

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks.

Date of passage: Assembly Sept. 27, 1976

Senate May 24, 1976

Date of approval November 16, 1976

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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SENATE, No. 152

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# STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senator FAY

AN ACT to amend *\*and supplement\** "An act prohibiting the use of lead paint under certain circumstances, providing remedies and penalties for violations thereof, and supplementing Title 24 of the Revised Statutes," approved December 28, 1971 (P. L. 1971, c. 366).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 \*1. Section 1 of P. L. 1971, c. 366 (C. 24:14A-1) is amended to  
2 read as follows:

3 1. No person shall **[knowingly]** apply lead paint to toys, furni-  
4 ture or the exposed interior surfaces of any dwelling *as defined*  
5 *in this act*, **[dwelling unit, rooming house, rooming unit or facility**  
6 **occupied or used by children,]** *or to any exterior surface that is*  
7 *readily accessible to children.* **[Such exposed interior surfaces**  
8 **include but are not limited to window sills, window frames, doors,**  
9 **door frames, walls, ceilings, stair rails and spindles or other ap-**  
10 **purtenances.]**

1 2. Section 2 of P. L. 1971, c. 366 (C. 24:14A-2) is amended to  
2 read as follows:

3 2. No person shall **[knowingly]** sell *or transfer for profit* or  
4 offer to sell *or transfer for profit* toys or furniture to which lead  
5 paint has been applied, *and no person shall knowingly transfer*  
6 *or exchange or offer to transfer or exchange toys or furniture to*  
7 *which lead paint has been applied and which will be readily ac-*  
8 *cessible to children.\**

1 \***[1.]**\* \*3.\* Section 4 of P. L. 1971, c. 366 (C. 24:14A-4) is  
2 amended to read as follows:

3 4. For purposes of this act:

4 a. "Approved" means satisfactory compliance as determined  
5 and recorded by the Department of Health.

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

6 b. "Department" means the State Department of Health.

7 c. "Lead paint" means any pigmented, liquid substance applied  
8 to surfaces by brush, roller, spray or other means in which the total  
9 nonvolatile ingredients contain more than 1% of lead, by weight,  
10 calculated as metallic lead.

11 d. "Dwelling" means any building or structure or portion  
12 thereof which is occupied in whole or in part as the home, residence,  
13 or sleeping quarters of one or more persons and *includes any*  
14 *dwelling unit, rooming house or rooming unit, and any facility*  
15 *occupied or used by children.*

16 e. "Board" means local board of health, regional health com-  
17 mission or other locally constituted health agency having primary  
18 jurisdiction to enforce this act.

19 \*f. "Interior surfaces" and "exterior surfaces" shall include  
20 *but shall not be limited to window sills, window frames, doors,*  
21 *door frames, walls, ceilings, stair rails and spindles or other ap-*  
22 *purtenances, including equipment on the premises of dwellings as*  
23 *defined herein.*

1 4. Section 5 of P. L. 1971, c. 366 (C. 24:14A-5) is amended to  
2 read as follows:

3 5. The presence of lead paint upon the interior of any dwelling  
4 *or upon any exterior surface that is readily accessible to children*  
5 causing a hazard to the occupants **[of such dwelling]** *or anyone*  
6 *coming in contact with such surfaces* is hereby declared to be a  
7 public nuisance.

1 5. Section 7 of P. L. 1971, c. 366 (C. 24:14A-7) is amended to  
2 read as follows:

3 7. When the board of health having primary jurisdiction under  
4 this act finds that there is lead paint on the interior walls, ceilings,  
5 doors, floors, baseboards or window sills and frames of any dwell-  
6 ing, *or any exterior surface that is readily accessible to children*  
7 it may order the removal and appropriate disposition of such lead  
8 paint, under such safety conditions as it may specify, and as shall  
9 be approved by the department.

1 6. Section 8 of P. L. 1971, c. 366 (C. 24:14A-8) is amended to  
2 read as follows:

3 8. When the board of health having primary jurisdiction here-  
4 under finds that there is lead paint on the interior walls, ceilings,  
5 doors, floors, baseboards or window sills and frames of any dwell-  
6 ing **[and further finds that the blood-lead level of any person re-**  
7 **siding in such dwelling is 60 micrograms per 100 milliliters or**  
8 **higher,]** *or any exterior surface that is readily accessible to*

9 *children and further finds a person occupying or using such dwell-*  
 10 *ing is an unequivocal case of lead poisoning or at high risk of lead*  
 11 *intoxication as defined by department regulation it shall at once*  
 12 *notify the owner that he is maintaining a public nuisance and order*  
 13 *him to abate the nuisance and refinish such interior surface of the*  
 14 *dwelling or exterior surface that is readily available to children*  
 15 *within [5] 10 days in accordance with regulations specified by the*  
 16 *commissioner, and dispose of any lead paint residues in an ap-*  
 17 *proved area. In lieu of removal of the lead paint the accessible*  
 18 *surface may be covered by such a durable material and in a manner*  
 19 *approved by the department. Repainting a surface with a non-*  
 20 *lead paint without complete removal of the existing lead paint*  
 21 *shall not be deemed to be satisfactory compliance with this act.*

22 A duplicate of the notice shall be left with one or more of the  
 23 tenants or occupants of the dwelling. If the owner resides out of  
 24 the State or cannot be so notified speedily, a notice left at the house  
 25 or premises shall suffice.

1 7. (New section) *No person found to be in violation of the law*  
 2 *shall evict, or cause to be evicted, occupants for the purpose of*  
 3 *avoiding corrective maintenance ordered by the local board of*  
 4 *health to eliminate hazardous lead exposure.*

1 8. Section 11 of P. L. 1971, c. 366 (C. 24:14A-11) is amended to  
 2 read as follows:

3 11. The commissioner of the department shall have the power  
 4 to prescribe rules and regulations establishing criteria for the  
 5 identification of areas and conditions involving high risk of lead  
 6 poisoning *or intoxication*, specifying methods of detection of lead  
 7 in dwellings, and standards for the repair of premises containing  
 8 lead paint, and other rules and regulations necessary to effectuate  
 9 the purposes of this act.\*

1 \***[2.]**\* \*9.\* This act shall take effect immediately.

## SENATE, No. 152

# STATE OF NEW JERSEY

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By Senator FAY

AN ACT to amend "An act prohibiting the use of lead paint under certain circumstances, providing remedies and penalties for violations thereof, and supplementing Title 24 of the Revised Statutes," approved December 28, 1971 (P. L. 1971, c. 366).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 4 of P. L. 1971, c. 366 (C. 24:14A-4) is amended to  
2 read as follows:

3 4. For purposes of this act:

4 a. "Approved" means satisfactory compliance as determined  
5 and recorded by the Department of Health.

6 b. "Department" means the State Department of Health.

7 c. "Lead paint" means any pigmented, liquid substance applied  
8 to surfaces by brush, roller, spray or other means in which the total  
9 nonvolatile ingredients contain more than 1% of lead, by weight,  
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11 d. "Dwelling" means any building or structure or portion  
12 thereof which is occupied in whole or in part as the home, residence,  
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14 *dwelling unit, rooming house or rooming unit, and any facility*  
15 *occupied or used by children.*

16 e. "Board" means local board of health, regional health com-  
17 mission or other locally constituted health agency having primary  
18 jurisdiction to enforce this act.

1 2. This act shall take effect immediately.

### STATEMENT

This bill amends the definition of "dwelling" in the law prohibiting the use of lead paint to provide that civil sanctions will be applicable to violators of the law who operate day-care centers or nursery schools. As the law is presently written, only criminal penalties are available for such violators.

SENATE LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
**SENATE, No. 152**

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**STATE OF NEW JERSEY**

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DATED: APRIL 23, 1976

This bill expands the definition of "dwelling" to include any dwelling unit, rooming house or rooming unit and any facility occupied or used by children, in the law providing civil sanctions for illegal use of lead paint. This is primarily intended to allow for civil sanctions to be employed in cases where nursery schools, day care centers and similar facilities are found in violation. Under present law only criminal penalties are available for such violations.