

EHB 2554

1 THE STATE SENATE  
2 Wednesday, March 24, 2004

3 ENGROSSED  
4 House Bill No. 2554  
5 As Amended

6 ENGROSSED HOUSE BILL NO. 2554 - By: NATIONS of the House and NICHOLS  
7 of the Senate.

8 [ **contracts - mold assessors and mold remediators to**  
9 **distribute certain materials - codification - effective date**  
10 **- emergency ]**

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 765.10 of Title 15, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. Any person that engages in the practice of mold assessment  
16 or mold remediation, or any person related within the third degree  
17 by affinity or consanguinity to such person, shall not perform both  
18 services or interchange services for a consumer on the same property  
19 or structure. However, if the total cost to be assessed and  
20 remediated does not exceed Two Hundred Dollars (\$200.00), then the  
21 consumer may consent to the assessment and remediation by the same  
22 person or persons.

23 B. Any person that engages in the practice of mold assessment  
24 and remediation shall abide by any public statewide education  
25 program that may be developed in concert by the Oklahoma State

1 Department of Health, Department of Environmental Quality, and  
2 Oklahoma Department of Labor by distributing to each contracting  
3 consumer any educational materials that may be made available by  
4 such program.

5 **C.** This section shall be considered a part of the Oklahoma  
6 Consumer Protection Act. Any violation of this section shall  
7 constitute an unlawful business practice and shall be subject to the  
8 provisions of the Oklahoma Consumer Protection Act.

9 **D.** As used in the this section:

10 1. "Mold" means any fungi or related products or parts,  
11 including, spores, hyphae and mycotoxins;

12 2. "Mold assessment" means the performance of mold assessments,  
13 investigations, or surveys; the development of mold management plans  
14 or response actions; or the collection or analysis of mold samples;  
15 and

16 3. "Mold remediation" means the removal, cleaning or other  
17 treatment of mold or mold contaminated matter, live or dead, that  
18 was not intended or purposely grown at that location.

19 SECTION 2. This act shall become effective July 1, 2004.

1           SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.  
5 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-22-04 -  
6 DO PASS, As Amended.