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SENATE BILL NO. 437**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Rehabilitation and Social Services
on January 24, 2014)

(Patron Prior to Substitute—Senator Barker)

A *BILL to amend the Code of Virginia by adding a section numbered 63.2-1811.1, relating to child day programs; radon testing.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 63.2-1811.1 as follows:

§ 63.2-1811.1. Radon testing for certain child day programs.

A. *Regulated child day programs, as defined in § 63.2-1809, that are located in jurisdictions designated by the U.S. Environmental Protection Agency (EPA) as High or Moderate Risk areas for indoor radon shall test for radon at least once every five years and shall submit the test results to the Department within 120 days of receiving such results. Such child day programs shall maintain files of the radon test results for at least five years and shall make such files available to the public for review, upon request.*

B. *Any radon testing required by subsection A shall be conducted between November 1 and March 31 in the lowest areas of the building while the building's heating and ventilation system is in normal operation and shall be conducted using a radon testing device certified by the National Radon Safety Board, the National Radon Proficiency Program, or any other organization endorsed by the EPA. Such tests shall be conducted by either the child day program or a professional radon tester as specified in § 32.1-229.01.*

C. *If the results of any test conducted pursuant to this section meet or exceed the EPA's recommended action level of 4.0 pCi/L, the regulated child day program shall consider conducting a long-term test of at least 90 days of duration. Such long-term test shall meet the requirements of this section. If such long-term test confirms that the indoor radon levels are 4.0 pCi/L or higher, the regulated child day care program shall consider mitigation by a professional as specified in § 32.1-229.01.*

2. That the provisions of this act shall become effective on January 1, 2015.