

EMERGENCY BILL

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7lr3058

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**By: Delegate Hubbard**

Rules suspended

Introduced and read first time: March 10, 1997

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Childhood Lead Screening - Exemption for Religious Beliefs and Practices**

3 FOR the purpose of prohibiting certain family day care and child care centers from  
4 requiring the parent or guardian of a child entering the family day care or child care  
5 center to provide certain evidence of a lead poisoning screening if the parent or  
6 guardian of the child objects to the lead poisoning screening because it conflicts  
7 with the bona fide religious beliefs and practices of the child's parent or guardian;  
8 prohibiting the Secretary of Health and Mental Hygiene from requiring the lead  
9 poisoning screening of a child if the parent or guardian of the child objects to the  
10 lead poisoning screening because it conflicts with the bona fide religious beliefs and  
11 practices of the child's parent or guardian; making this Act an emergency measure;  
12 making this Act contingent on the taking effect of another Act; and generally  
13 relating to a parent's or guardian's right to object to a lead poisoning screening of  
14 the parent's or guardian's child because it conflicts with the bona fide religious  
15 beliefs and practices of the child's parent or guardian.

16 BY repealing and reenacting, with amendments,

17 Article - Family Law

18 Section 5-556.1, 5-580.2, and 5-589.1

19 Annotated Code of Maryland

20 (1991 Replacement Volume and 1996 Supplement)

21 (As enacted by Chapter \_\_\_\_\_ (H.B. 1138) of the Acts of the General Assembly of

22 1997)

23 BY adding to

24 Article - Health - General

25 Section 18-106(d)

26 Annotated Code of Maryland

27 (1994 Replacement Volume and 1996 Supplement)

28 (As enacted by Chapter \_\_\_\_\_ (H.B. 1138) of the Acts of the General Assembly of

29 1997)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

31 MARYLAND, That the Laws of Maryland read as follows:

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1 **Article - Family Law**

2 5-556.1.

3 (A) [Within] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
4 WITHIN 30 days after a child under the age of 6 years enters care in a family day care  
5 home, a parent or guardian of the child shall provide to the family day care home  
6 evidence of an appropriate screening for lead poisoning. This evidence may include  
7 documentation from the child's continuing care health care provider that the child was  
8 screened through an initial questionnaire and was determined not to be at risk for lead  
9 poisoning.

10 (B) A FAMILY DAY CARE HOME MAY NOT REQUIRE THE PARENT OR  
11 GUARDIAN OF A CHILD UNDER 6 YEARS ENTERING CARE IN THE FAMILY DAY CARE  
12 HOME TO PROVIDE EVIDENCE OF A SCREENING FOR LEAD POISONING UNDER THIS  
13 SECTION IF THE PARENT OR GUARDIAN OF THE CHILD OBJECTS TO THE LEAD  
14 POISONING SCREENING BECAUSE IT CONFLICTS WITH THE PARENT'S OR  
15 GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES.

16 5-580.2.

17 (A) [Within] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
18 WITHIN 30 days after a child under the age of 6 years enters care in a child care center,  
19 a parent or guardian of the child shall provide to the child care center evidence of an  
20 appropriate screening for lead poisoning. This evidence may include documentation from  
21 the child's continuing care health care provider that the child was screened through an  
22 initial questionnaire and was determined not to be at risk for lead poisoning.

23 (B) A CHILD CARE CENTER MAY NOT REQUIRE THE PARENT OR GUARDIAN  
24 OF A CHILD UNDER 6 YEARS ENTERING CARE IN THE CHILD CARE CENTER TO  
25 PROVIDE EVIDENCE OF A SCREENING FOR LEAD POISONING UNDER THIS SECTION  
26 IF THE PARENT OR GUARDIAN OF THE CHILD OBJECTS TO THE LEAD POISONING  
27 SCREENING BECAUSE IT CONFLICTS WITH THE PARENT'S OR GUARDIAN'S BONA  
28 FIDE RELIGIOUS BELIEFS AND PRACTICES.

29 5-589.1.

30 (A) [Within] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
31 WITHIN 30 days after a child under the age of 6 years enters care in a child care center in  
32 a State-occupied building, a parent or guardian of the child shall provide to the child care  
33 center evidence of an appropriate screening for lead poisoning. This evidence may  
34 include documentation from the child's continuing care health care provider that the  
35 child was screened through an initial questionnaire and was determined not to be at risk  
36 for lead poisoning.

37 (B) A CHILD CARE CENTER IN A STATE-OCCUPIED BUILDING MAY NOT  
38 REQUIRE THE PARENT OR GUARDIAN OF A CHILD UNDER 6 YEARS ENTERING CARE  
39 IN THE CHILD CARE CENTER TO PROVIDE EVIDENCE OF A SCREENING FOR LEAD  
40 POISONING UNDER THIS SECTION IF THE PARENT OR GUARDIAN OF THE CHILD  
41 OBJECTS TO THE LEAD POISONING SCREENING BECAUSE IT CONFLICTS WITH THE  
42 PARENT'S OR GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES.

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1           **Article - Health - General**

2 18-106.

3           (D) THE SECRETARY MAY NOT REQUIRE A LEAD POISONING SCREENING OF  
4 A CHILD UNDER THIS SECTION IF THE CHILD'S PARENT OR GUARDIAN OBJECTS TO  
5 THE LEAD POISONING SCREENING BECAUSE IT CONFLICTS WITH THE PARENT'S OR  
6 GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES.

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on  
8 the taking effect of Chapter \_\_\_\_\_ (H.B.1138) of the Acts of the General Assembly of  
9 1997, and if Chapter \_\_\_\_\_ does not become effective, this Act shall be null and void  
10 without the necessity of further action by the General Assembly.

11           SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of  
12 this Act, this Act is an emergency measure, is necessary for the immediate preservation of  
13 the public health and safety, has been passed by a yea and nay vote supported by  
14 three-fifths of all the members elected to each of the two Houses of the General  
15 Assembly, and shall take effect from the date it is enacted.