

HOUSE BILL 1388
EMERGENCY BILL

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HB 1461/97 - ENV

1998 Regular Session
8r2755

By: **Delegate Guns**

Introduced and read first time: March 5, 1998

Assigned to: Rules and Executive Nominations

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
5 care center to provide certain evidence of a lead poisoning screening if the
6 parent or guardian of the child objects to the lead poisoning screening because it
7 conflicts with the bona fide religious beliefs and practices of the child's parent or
8 guardian; prohibiting the Secretary of Health and Mental Hygiene from
9 requiring the lead poisoning screening of a child if the parent or guardian of the
10 child objects to the lead poisoning screening because it conflicts with the bona
11 fide religious beliefs and practices of the child's parent or guardian; making this
12 Act an emergency measure; and generally relating to a parent's or guardian's
13 right to object to a lead poisoning screening of the parent's or guardian's child
14 because it conflicts with the bona fide religious beliefs and practices of the
15 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 1997 Supplement)

21 BY adding to
22 Article - Health - General
23 Section 18-106(d)
24 Annotated Code of Maryland
25 (1994 Replacement Volume and 1997 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

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
8 was screened through an initial questionnaire and was determined not to be at risk
9 for lead poisoning.

10 (B) A FAMILY DAY CARE HOME MAY NOT REQUIRE THE PARENT OR GUARDIAN
11 OF A CHILD UNDER 6 YEARS ENTERING CARE IN THE FAMILY DAY CARE HOME TO
12 PROVIDE EVIDENCE OF SCREENING FOR LEAD POISONING UNDER THIS SECTION IF
13 THE PARENT OR GUARDIAN OF THE CHILD OBJECTS TO THE LEAD POISONING
14 SCREENING BECAUSE IT CONFLICTS WITH THE PARENT'S OR GUARDIAN'S BONA FIDE
15 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
19 center, a parent or guardian of the child shall provide to the child care center evidence
20 of an appropriate screening for lead poisoning. This evidence may include
21 documentation from the child's continuing care health care provider that the child
22 was screened through an initial questionnaire and was determined not to be at risk
23 for lead poisoning.

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

30 5-589.1.

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

38 (B) A CHILD CARE CENTER IN A STATE-OCCUPIED BUILDING MAY NOT
39 REQUIRE THE PARENT OR GUARDIAN OF A CHILD UNDER 6 YEARS ENTERING CARE
40 IN THE CHILD CARE CENTER TO PROVIDE EVIDENCE OF SCREENING FOR LEAD
41 POISONING UNDER THIS SECTION IF THE PARENT OR GUARDIAN OF THE CHILD

1 OBJECTS TO THE LEAD POISONING SCREENING BECAUSE IT CONFLICTS WITH THE
2 PARENT'S OR GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES.

3

Article - Health - General

4 18-106.

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

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