

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

Re-referred to: Environmental Matters, March 9, 1998

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 1998

CHAPTER _____

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

17 BY repealing and reenacting, with amendments,
18 Article - Family Law
19 Section 5-556.1, 5-580.2, and 5-589.1
20 Annotated Code of Maryland
21 (1991 Replacement Volume and 1997 Supplement)

22 BY adding to
23 Article - Health - General
24 Section 18-106(d)

1 Annotated Code of Maryland
2 (1994 Replacement Volume and 1997 Supplement)

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

5 **Article - Family Law**

6 5-556.1.

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

14 (B) A FAMILY DAY CARE HOME MAY NOT REQUIRE THE PARENT OR GUARDIAN
15 OF A CHILD UNDER 6 YEARS ENTERING CARE IN THE FAMILY DAY CARE HOME TO
16 PROVIDE EVIDENCE OF SCREENING FOR LEAD POISONING FROM A CONTINUING
17 CARE HEALTH CARE PROVIDER UNDER THIS SECTION IF THE PARENT OR GUARDIAN
18 OF THE CHILD OBJECTS ~~TO THE LEAD POISONING SCREENING~~ BECAUSE IT
19 CONFLICTS WITH THE PARENT'S OR GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS
20 AND PRACTICES.

21 5-580.2.

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

29 (B) A CHILD CARE CENTER MAY NOT REQUIRE THE PARENT OR GUARDIAN OF
30 A CHILD UNDER 6 YEARS ENTERING CARE IN THE CHILD CARE CENTER TO PROVIDE
31 EVIDENCE OF SCREENING FOR LEAD POISONING FROM A CONTINUING CARE
32 HEALTH CARE PROVIDER UNDER THIS SECTION IF THE PARENT OR GUARDIAN OF
33 ~~THE CHILD OBJECTS TO THE LEAD POISONING SCREENING~~ BECAUSE IT CONFLICTS
34 WITH THE PARENT'S OR GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS AND
35 PRACTICES.

36 5-589.1.

37 (A) [Within] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
38 WITHIN 30 days after a child under the age of 6 years enters care in a child care
39 center in a State-occupied building, a parent or guardian of the child shall provide to

1 the child care center evidence of an appropriate screening for lead poisoning. This
2 evidence may include documentation from the child's continuing care health care
3 provider that the child was screened through an initial questionnaire and was
4 determined not to be at risk for lead poisoning.

5 (B) A CHILD CARE CENTER IN A STATE-OCCUPIED BUILDING MAY NOT
6 REQUIRE THE PARENT OR GUARDIAN OF A CHILD UNDER 6 YEARS ENTERING CARE
7 IN THE CHILD CARE CENTER TO PROVIDE EVIDENCE OF SCREENING FOR LEAD
8 POISONING ~~FROM A CONTINUING CARE HEALTH CARE PROVIDER UNDER THIS~~
9 SECTION IF THE PARENT OR GUARDIAN OF THE CHILD OBJECTS ~~TO THE LEAD~~
10 ~~POISONING SCREENING~~ BECAUSE IT CONFLICTS WITH THE PARENT'S OR GUARDIAN'S
11 BONA FIDE RELIGIOUS BELIEFS AND PRACTICES.

12 **Article - Health - General**

13 18-106.

14 (D) THE SECRETARY MAY NOT REQUIRE A LEAD POISONING SCREENING
15 ~~FROM A CONTINUING CARE HEALTH CARE PROVIDER OF A CHILD UNDER THIS~~
16 SECTION IF THE CHILD'S PARENT OR GUARDIAN OBJECTS ~~TO THE LEAD POISONING~~
17 ~~SCREENING~~ BECAUSE IT CONFLICTS WITH THE PARENT'S OR GUARDIAN'S BONA FIDE
18 RELIGIOUS BELIEFS AND PRACTICES.

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