

HOUSE BILL 1221

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2000 Regular Session
(01r2290)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegate Marriott (Baltimore City Administration) and
Delegates Rosenberg, Hammen, Hubbard, Klausmeier, and
Nathan-Pulliam**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **~~Baltimore City~~ Education -Lead Poisoning Tests - Administering and**
3 **Reporting**

4 FOR the purpose of requiring certain regulations to require parents or legal
5 guardians of certain children to have been administered report the results of a
6 certain test for lead poisoning at a certain time; requiring certain public schools
7 ~~in Baltimore City~~ to report certain information to ~~the Commissioner of the~~
8 ~~Baltimore City Health Department each school year~~ a certain local health
9 department; requiring certain persons to administer a certain test for lead
10 poisoning under certain circumstances; providing for a waiver of certain tests for
11 religious reasons; requiring a medical laboratory to report the results of a
12 certain test for lead poisoning to a certain person under certain circumstances;
13 authorizing the Commissioner of the Baltimore City Health Department to
14 report certain information to a certain registry program; authorizing the
15 Department of the Environment to report the results of a certain test for lead

1 poisoning to a certain immunization registry; authorizing the Secretary of
 2 Health and Mental Hygiene to report certain information concerning a certain
 3 test for lead poisoning on a certain immunization registry; and generally
 4 relating to requiring certain children to have been administered a certain test
 5 for lead poisoning ~~at a certain time in Baltimore City~~ and reporting certain
 6 results and information concerning tests for lead poisoning under certain
 7 circumstances.

8 BY repealing and reenacting, with amendments,
 9 Article - Education
 10 Section 7-403
 11 Annotated Code of Maryland
 12 (1999 Replacement Volume)

13 BY repealing and reenacting, with amendments,
 14 Article - Environment
 15 Section 6-303 and 6-304
 16 Annotated Code of Maryland
 17 (1996 Replacement Volume and 1999 Supplement)

18 ~~BY adding to~~ repealing and reenacting, with amendments,
 19 Article - Health - General
 20 Section ~~19-308.6~~ 18-106
 21 Annotated Code of Maryland
 22 (1996 Replacement Volume and 1999 Supplement)

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

25 **Article - Education**

26 7-403.

27 (a) (1) In cooperation with the State Board and the Medical and Chirurgical
 28 Faculty of Maryland, the Department of Health and Mental Hygiene shall adopt rules
 29 and regulations regarding the immunizations AND BLOOD ~~TEST SCREENINGS TESTS~~
 30 FOR LEAD POISONING required of children entering schools.

31 (2) These rules and regulations shall:

32 (i) Be adopted in compliance with the Administrative Procedure
 33 Act; [and]

34 (ii) Provide that any child may have the immunization
 35 administered by his personal physician; AND

1 (III) 1. ~~IN BALTIMORE CITY, REQUIRE A CHILD ENTERING A~~
 2 ~~SCHOOL TO HAVE BEEN ADMINISTERED A VENOUS BLOOD TEST SCREENING FOR~~
 3 ~~LEAD POISONING AT THE TIME OF THE CHILD'S FIRST RUBELLA, MEASLES, OR~~
 4 ~~MUMPS IMMUNIZATION; AND~~

5 2. ~~FOR EACH SCHOOL YEAR EACH PUBLIC SCHOOL SHALL~~
 6 ~~REPORT THE RESULTS OF THE VENOUS BLOOD TEST SCREENING TO THE~~
 7 ~~COMMISSIONER OF THE BALTIMORE CITY HEALTH DEPARTMENT~~

8 1. BY SEPTEMBER 2003, IN AREAS DESIGNATED AS AT RISK
 9 FOR LEAD POISONING, AS DETERMINED UNDER § 18-106 OF THE HEALTH - GENERAL
 10 ARTICLE, WHEN A CHILD ENTERS A PUBLIC PREKINDERGARTEN PROGRAM,
 11 KINDERGARTEN PROGRAM, OR FIRST GRADE, REQUIRE THE PARENT OR LEGAL
 12 GUARDIAN OF THE CHILD TO PROVIDE EVIDENCE OF THE RESULTS OF THE CHILD'S
 13 BLOOD TESTS FOR LEAD POISONING ADMINISTERED IN ACCORDANCE WITH THE
 14 GUIDELINES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE
 15 SCREENING OF YOUNG CHILDREN FOR LEAD POISONING: GUIDANCE FOR STATE AND
 16 LOCAL PUBLIC HEALTH OFFICIALS (NOVEMBER 1997) AND ANY SUBSEQUENT
 17 GUIDELINES; AND

18 2. BY SEPTEMBER 2003, REQUIRE A PROGRAM OR SCHOOL TO
 19 REPORT THE INFORMATION RECEIVED UNDER SUB-SUBPARAGRAPH 1 OF THIS
 20 SUBPARAGRAPH TO THE LOCAL HEALTH DEPARTMENT IN THE JURISDICTION
 21 WHERE THE CHILD RESIDES.

22 (3) Any requirement for the administration of pertussis vaccine shall be
 23 consistent with § 18-332(b) of the Health - General Article.

24 (b) (1) Unless the Secretary of Health and Mental Hygiene declares an
 25 emergency or an epidemic of disease, a child whose parent or guardian objects to
 26 immunization on the ground that it conflicts with the parent's or guardian's bona fide
 27 religious beliefs and practices may not be required to present a physician's
 28 certification of immunization in order to be admitted to school.

29 (2) The Secretary of Health and Mental Hygiene shall adopt rules and
 30 regulations for religious exemptions under this subsection.

31 **Article - Environment**

32 6-303.

33 (a) (1) [A] NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, A
 34 medical laboratory shall report to the Department the results of all blood [lead] tests
 35 FOR LEAD POISONING performed on any child 18 years and under.

36 (2) (I) A MEDICAL LABORATORY SHALL REPORT THE RESULTS OF
 37 TESTS UNDER PARAGRAPH (1) OF THIS SUBSECTION CONCERNING A CHILD WHO
 38 RESIDES IN BALTIMORE CITY TO THE COMMISSIONER OF THE BALTIMORE CITY
 39 HEALTH DEPARTMENT.

1 (II) THE COMMISSIONER OF THE BALTIMORE CITY HEALTH
 2 DEPARTMENT MAY REPORT THE INFORMATION RECEIVED UNDER SUBPARAGRAPH
 3 (I) OF THIS PARAGRAPH TO THE BALTIMORE IMMUNIZATION REGISTRY PROGRAM.

4 (B) THE DEPARTMENT MAY REPORT THE RESULTS OF BLOOD TESTS FOR LEAD
 5 POISONING TO AN IMMUNIZATION REGISTRY SUBSEQUENTLY DEVELOPED BY THE
 6 DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

7 [(b)] (C) The Department shall report the results of blood [lead] tests FOR
 8 LEAD POISONING indicating an elevated blood lead level, as defined by regulation, to:

9 (1) The local health department in the jurisdiction where the child
 10 resides; and

11 (2) The Department of Health and Mental Hygiene.

12 [(c)] (D) The Department shall adopt regulations to:

13 (1) Govern the reporting requirements of laboratories to the Department
 14 under subsection (a) of this section; and

15 (2) Provide for the reporting of information by the Department to local
 16 health departments and the Department of Health and Mental Hygiene.

17 6-304.

18 (a) The Secretary shall assist local governments, if necessary, to provide case
 19 management of children with elevated blood lead levels greater than or equal to 15
 20 micrograms per deciliter (ug/dl).

21 (b) A local health department that receives the results of a blood [lead] test
 22 FOR LEAD POISONING indicating that a child under 6 years of age has an elevated
 23 blood lead level greater than or equal to 15 ug/dl and less than 20 ug/dl shall notify:

24 (1) The child's parents; and

25 (2) In the case of a child who lives in a rental dwelling unit, the owner of
 26 the rental dwelling unit where the child resides.

27 **Article - Health - General**

28 ~~19-308.6.~~

29 ~~A PHYSICIAN OR OTHER HEALTH CARE PROVIDER IN BALTIMORE CITY SHALL~~
 30 ~~ADMINISTER A VENOUS BLOOD TEST SCREENING WHEN TREATING A PERSON UNDER~~
 31 ~~THE AGE OF 5 YEARS IN A HOSPITAL OR RELATED INSTITUTION.~~

1 18-106.

2 (a) The Secretary shall establish and administer a Lead Poisoning Screening
3 Program that will assure the appropriate screening of children in Maryland for lead
4 poisoning.

5 (b) The Lead Poisoning Screening Program shall:

6 (1) Encourage continuity of care with the child's continuing care health
7 care provider;

8 (2) Promote timely, appropriate screening of children at risk of being
9 poisoned by lead;

10 (3) Utilize all of the payment mechanisms available to cover lead
11 poisoning screening, including:

12 (i) Third party payments from insurers;

13 (ii) The Medical Assistance Program;

14 (iii) Primary care medical assistance programs established under
15 waiver from the federal government;

16 (iv) Health maintenance organizations;

17 (v) Federally qualified and Maryland qualified community health
18 centers; and

19 (vi) Any other Medicaid reimbursement or waiver to which the
20 State may be entitled under this section;

21 (4) Target children under 6 years of age;

22 (5) Provide lead poisoning screening on a sliding fee scale at sites
23 designated by local health departments for children unable to afford lead poisoning
24 screening; and

25 (6) Employ an initial questionnaire to assess children's exposure to
26 potential lead hazards, except that children residing in AT RISK areas [of highest
27 risk] IDENTIFIED UNDER SUBSECTION (C) OF THIS SECTION shall be screened by a
28 [venous] blood test FOR LEAD POISONING.

29 (c) The Secretary shall target efforts to promote and to provide BLOOD TESTS
30 FOR lead poisoning [screening to areas of highest] IN AT risk AREAS, as identified by:

31 (1) Census tract AND ZIP CODE information noting areas with large
32 concentrations of pre-1978 housing; and

1 (2) Highest rates of lead poisoning as evidenced by information provided
2 to and by the Childhood Lead Registry established and maintained by the
3 Department of the Environment.

4 (D) THE SECRETARY SHALL REQUIRE PROVIDERS CARING FOR CHILDREN IN
5 AREAS DESIGNATED AS AT RISK FOR LEAD POISONING, AS DETERMINED UNDER
6 SUBSECTION (C) OF THIS SECTION, TO ADMINISTER A BLOOD TEST FOR LEAD
7 POISONING OF CHILDREN:

8 (1) (I) BY AGE 12 MONTHS; AND

9 (II) BY AGE 24 MONTHS; OR

10 (2) IN ACCORDANCE WITH THE GUIDELINES OF THE CENTERS FOR
11 DISEASE CONTROL AND PREVENTION FOR CHILDREN OVER AGE 24 MONTHS WHO
12 HAVE NOT RECEIVED A BLOOD TEST FOR LEAD POISONING.

13 (E) THE SECRETARY MAY INCLUDE INFORMATION ON BLOOD TESTING FOR
14 LEAD POISONING COLLECTED UNDER THIS SECTION, § 7-403 OF THE EDUCATION
15 ARTICLE, AND §§ 6-303 AND 6-304 OF THE ENVIRONMENT ARTICLE ON ANY
16 IMMUNIZATION REGISTRY DEVELOPED BY THE DEPARTMENT.

17 (F) ~~THIS SECTION DOES NOT REQUIRE BLOOD LEAD TESTING OF ANY CHILD~~
18 ~~WHOSE PARENTS OR GUARDIAN OBJECTS, IN ACCORDANCE WITH REGULATIONS~~
19 ~~ADOPTED BY THE SECRETARY, TO THE TESTING ON THE GROUND THAT IT CONFLICTS~~
20 ~~WITH THE PARENT'S OR GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS AND~~
21 ~~PRACTICES~~

22 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION
23 DOES NOT REQUIRE BLOOD TESTING OF A CHILD WHOSE PARENT OR GUARDIAN, IN
24 ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY, OBJECTS TO THE
25 TESTING ON THE GROUND THAT IT CONFLICTS WITH THE PARENT'S OR GUARDIAN'S
26 BONA FIDE RELIGIOUS BELIEFS AND PRACTICES.

27 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY IF THE
28 RESPONSES OF THE CHILD'S PARENT OR GUARDIAN ON A QUESTIONNAIRE
29 FURNISHED BY THE SECRETARY AND ADMINISTERED BY A PEDIATRICIAN INDICATE
30 THAT THE CHID IS AT HIGH RISK FOR LEAD POISONING.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2000.

