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

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2000

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City-- Lead Poisoning Tests - Administering and Reporting**

3 FOR the purpose of requiring certain regulations to require parents or legal
4 guardians of certain children to have been administered report the results of a
5 certain test for lead poisoning at a certain time; requiring certain public schools
6 in Baltimore City to report certain information to the Commissioner of the
7 Baltimore City Health Department each school year a certain local health
8 department; requiring certain persons to administer a certain test for lead
9 poisoning under certain circumstances; providing for a waiver of certain tests for
10 religious reasons; requiring a medical laboratory to report the results of a
11 certain test for lead poisoning to a certain person under certain circumstances;
12 authorizing the Commissioner of the Baltimore City Health Department to
13 report certain information to a certain registry program; authorizing the
14 Department of the Environment to report the results of a certain test for lead
15 poisoning to a certain immunization registry; authorizing the Secretary of
16 Health and Mental Hygiene to report certain information concerning a certain
17 test for lead poisoning on a certain immunization registry; and generally
18 relating to requiring certain children to have been administered a certain test
19 for lead poisoning at a certain time in Baltimore City and reporting certain
20 results and information concerning tests for lead poisoning under certain
21 circumstances.

22 BY repealing and reenacting, with amendments,
23 Article - Education
24 Section 7-403
25 Annotated Code of Maryland

1 (1999 Replacement Volume)

2 BY repealing and reenacting, with amendments,

3 Article - Environment

4 Section 6-303 and 6-304

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 1999 Supplement)

7 ~~BY adding to repealing and reenacting, with amendments,~~

8 ~~Article - Health - General~~

9 ~~Section 19-308.6 18-106~~

10 ~~Annotated Code of Maryland~~

11 ~~(1996 Replacement Volume and 1999 Supplement)~~

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

14 **Article - Education**

15 7-403.

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

20 (2) These rules and regulations shall:

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

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

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

29 ~~2. FOR EACH SCHOOL YEAR EACH PUBLIC SCHOOL SHALL~~
30 ~~REPORT THE RESULTS OF THE VENOUS BLOOD TEST SCREENING TO THE~~
31 ~~COMMISSIONER OF THE BALTIMORE CITY HEALTH DEPARTMENT~~

32 1. BY SEPTEMBER 2003, IN AREAS DESIGNATED AS AT RISK
33 FOR LEAD POISONING, AS DETERMINED UNDER § 18-106 OF THE HEALTH - GENERAL
34 ARTICLE, WHEN A CHILD ENTERS A PUBLIC PREKINDERGARTEN PROGRAM,
35 KINDERGARTEN PROGRAM, OR FIRST GRADE, REQUIRE THE PARENT OR LEGAL
36 GUARDIAN OF THE CHILD TO PROVIDE EVIDENCE OF THE RESULTS OF THE CHILD'S

1 BLOOD TESTS FOR LEAD POISONING ADMINISTERED IN ACCORDANCE WITH THE
2 GUIDELINES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE
3 SCREENING OF YOUNG CHILDREN FOR LEAD POISONING: GUIDANCE FOR STATE AND
4 LOCAL PUBLIC HEALTH OFFICIALS (NOVEMBER 1997) AND ANY SUBSEQUENT
5 GUIDELINES; AND

6 2. BY SEPTEMBER 2003, REQUIRE A PROGRAM OR SCHOOL TO
7 REPORT THE INFORMATION RECEIVED UNDER SUB-SUBPARAGRAPH 1 OF THIS
8 SUBPARAGRAPH TO THE LOCAL HEALTH DEPARTMENT IN THE JURISDICTION
9 WHERE THE CHILD RESIDES.

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

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

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

19 **Article - Environment**

20 6-303.

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

24 (2) (I) A MEDICAL LABORATORY SHALL REPORT THE RESULTS OF
25 TESTS UNDER PARAGRAPH (1) OF THIS SUBSECTION CONCERNING A CHILD WHO
26 RESIDES IN BALTIMORE CITY TO THE COMMISSIONER OF THE BALTIMORE CITY
27 HEALTH DEPARTMENT.

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

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

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

36 (1) The local health department in the jurisdiction where the child
37 resides; and

1 (2) The Department of Health and Mental Hygiene.
 2 [(c)] (D) The Department shall adopt regulations to:
 3 (1) Govern the reporting requirements of laboratories to the Department
 4 under subsection (a) of this section; and

5 (2) Provide for the reporting of information by the Department to local
 6 health departments and the Department of Health and Mental Hygiene.
 7 6-304.

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

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

14 (1) The child's parents; and

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

17 **Article - Health - General**

18 ~~19-308.6.~~

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

22 18-106.

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

26 (b) The Lead Poisoning Screening Program shall:

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

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

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

33 (i) Third party payments from insurers;

- 1 (ii) The Medical Assistance Program;
- 2 (iii) Primary care medical assistance programs established under
3 waiver from the federal government;
- 4 (iv) Health maintenance organizations;
- 5 (v) Federally qualified and Maryland qualified community health
6 centers; and
- 7 (vi) Any other Medicaid reimbursement or waiver to which the
8 State may be entitled under this section;
- 9 (4) Target children under 6 years of age;
- 10 (5) Provide lead poisoning screening on a sliding fee scale at sites
11 designated by local health departments for children unable to afford lead poisoning
12 screening; and
- 13 (6) Employ an initial questionnaire to assess children's exposure to
14 potential lead hazards, except that children residing in AT RISK areas [of highest
15 risk] IDENTIFIED UNDER SUBSECTION (C) OF THIS SECTION shall be screened by a
16 [venous] blood test FOR LEAD POISONING.
- 17 (c) The Secretary shall target efforts to promote and to provide BLOOD TESTS
18 FOR lead poisoning [screening to areas of highest] IN AT risk AREAS, as identified by:
- 19 (1) Census tract AND ZIP CODE information noting areas with large
20 concentrations of pre-1978 housing; and
- 21 (2) Highest rates of lead poisoning as evidenced by information provided
22 to and by the Childhood Lead Registry established and maintained by the
23 Department of the Environment.
- 24 (D) THE SECRETARY SHALL REQUIRE PROVIDERS CARING FOR CHILDREN IN
25 AREAS DESIGNATED AS AT RISK FOR LEAD POISONING, AS DETERMINED UNDER
26 SUBSECTION (C) OF THIS SECTION, TO ADMINISTER A BLOOD TEST FOR LEAD
27 POISONING OF CHILDREN:
- 28 (1) (I) BY AGE 12 MONTHS; AND
- 29 (1) (II) BY AGE 24 MONTHS; OR
- 30 (2) IN ACCORDANCE WITH THE GUIDELINES OF THE CENTERS FOR
31 DISEASE CONTROL AND PREVENTION FOR CHILDREN OVER AGE 24 MONTHS WHO
32 HAVE NOT RECEIVED A BLOOD TEST FOR LEAD POISONING.
- 33 (E) THE SECRETARY MAY INCLUDE INFORMATION ON BLOOD TESTING FOR
34 LEAD POISONING COLLECTED UNDER THIS SECTION, § 7-403 OF THE EDUCATION
35 ARTICLE, AND §§ 6-303 AND 6-304 OF THE ENVIRONMENT ARTICLE ON ANY
36 IMMUNIZATION REGISTRY DEVELOPED BY THE DEPARTMENT.

1 (F) THIS SECTION DOES NOT REQUIRE BLOOD LEAD TESTING OF ANY CHILD
2 WHOSE PARENTS OR GUARDIAN OBJECTS, IN ACCORDANCE WITH REGULATIONS
3 ADOPTED BY THE SECRETARY, TO THE TESTING ON THE GROUND THAT IT CONFLICTS
4 WITH THE PARENT'S OR GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS AND
5 PRACTICES.

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