

SENATE BILL 712

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2000 Regular Session
(0lr2483)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senator McFadden**

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.

President.

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of requiring certain regulations to require a ~~public school physical~~
5 ~~examination in Baltimore City to include~~ parents or legal guardians of certain
6 children to report the results of a certain test for lead poisoning at a certain
7 time; authorizing the Commissioner of the Baltimore City Health Department,
8 in consultation with certain department heads, to adopt certain regulations;
9 requiring certain public schools in Baltimore City to report certain information
10 to the Commissioner each school year; requiring the Commissioner to report
11 certain information to the Department of the Environment each school year; and
12 generally relating to requiring a certain test for lead poisoning in Baltimore City
13 public schools a certain local health department; requiring certain persons to
14 administer a certain test for lead poisoning under certain circumstances;
15 requiring a medical laboratory to report the results of a certain test for lead
16 poisoning to a certain person under certain circumstances; authorizing the
17 Commissioner of the Baltimore City Health Department to report certain

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

9 BY repealing and reenacting, with amendments,
 10 Article - Education
 11 Section ~~7-402~~ 7-403
 12 Annotated Code of Maryland
 13 (1999 Replacement Volume)

14 BY repealing and reenacting, with amendments,
 15 Article - Environment
 16 Section 6-303 and 6-304
 17 Annotated Code of Maryland
 18 (1996 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, with amendments,
 20 Article - Health - General
 21 Section 18-106
 22 Annotated Code of Maryland
 23 (1994 Replacement Volume and 1999 Supplement)

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

26 **Article - Education**

27 ~~7-402.~~

28 ~~(a) The Department of Education in consultation with the Department of~~
 29 ~~Health and Mental Hygiene shall adopt regulations requiring a physical examination~~
 30 ~~for children entering the Maryland Public School System for the first time.~~

31 ~~(b) (1) The regulations shall require each child entering the Maryland~~
 32 ~~Public School System for the first time to have a physical examination completed~~
 33 ~~within:~~

34 ~~{(1)} (I) The 9-month period before entering the public school system; or~~

35 ~~{(2)} (II) The 6-month period after entering the public school system.~~

1 (2) (1) ~~THE REGULATIONS SHALL REQUIRE THAT, IN BALTIMORE CITY,~~
 2 ~~A PHYSICAL EXAMINATION REQUIRED UNDER THIS SECTION INCLUDE A BLOOD TEST~~
 3 ~~SCREENING FOR LEAD POISONING.~~

4 (II) ~~THE COMMISSIONER OF THE BALTIMORE CITY HEALTH~~
 5 ~~DEPARTMENT, IN CONSULTATION WITH THE STATE SUPERINTENDENT AND THE~~
 6 ~~SECRETARY OF THE ENVIRONMENT, MAY ADOPT REGULATIONS TO IMPLEMENT THE~~
 7 ~~BLOOD TEST SCREENING REQUIRED UNDER THIS PARAGRAPH.~~

8 (e) ~~The physical examination required under subsection (b) of this section~~
 9 ~~shall be completed by:~~

10 (1) ~~A physician; or~~

11 (2) ~~A certified nurse practitioner.~~

12 (d) (1) ~~For each school year each public school shall report to the county~~
 13 ~~board or county health department the number of children entering the public school~~
 14 ~~system for the first time who have not had a physical examination because of:~~

15 (i) ~~The lack of access to health care;~~

16 (ii) ~~Insufficient financial resources; or~~

17 (iii) ~~Any other reason, including a religious reason, as the public~~
 18 ~~school deems appropriate.~~

19 (2) ~~The county board or county health department shall report the~~
 20 ~~information obtained under paragraph (1) of this subsection to the Department of~~
 21 ~~Health and Mental Hygiene.~~

22 (3) (1) ~~FOR EACH SCHOOL YEAR EACH PUBLIC SCHOOL IN BALTIMORE~~
 23 ~~CITY SHALL REPORT THE RESULTS OF A BLOOD TEST SCREENING TO THE~~
 24 ~~COMMISSIONER OF THE BALTIMORE CITY HEALTH DEPARTMENT.~~

25 (II) ~~FOR EACH SCHOOL YEAR THE COMMISSIONER SHALL REPORT~~
 26 ~~THE RESULTS OF THE BLOOD TEST SCREENING TO THE DEPARTMENT OF THE~~
 27 ~~ENVIRONMENT.~~

28 7-403.

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

33 (2) These rules and regulations shall:

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

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

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

13 2. BY SEPTEMBER 2003, REQUIRE A PROGRAM OR SCHOOL TO
14 REPORT THE INFORMATION RECEIVED UNDER ITEM 1 OF THIS ITEM TO THE LOCAL
15 HEALTH DEPARTMENT IN THE JURISDICTION WHERE THE CHILD RESIDES.

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

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

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

25 **Article - Environment**

26 6-303.

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

30 (2) (I) A MEDICAL LABORATORY SHALL REPORT THE RESULTS OF
31 TESTS UNDER PARAGRAPH (1) OF THIS SUBSECTION CONCERNING A CHILD WHO
32 RESIDES IN BALTIMORE CITY TO THE COMMISSIONER OF THE BALTIMORE CITY
33 HEALTH DEPARTMENT.

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

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

- 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; AND
- 24 (3) ~~THE GUIDELINES OF THE CENTERS FOR DISEASE CONTROL AND~~
25 ~~PREVENTION IN "THE SCREENING OF YOUNG CHILDREN FOR LEAD POISONING:~~
26 ~~GUIDANCE FOR STATE AND LOCAL PUBLIC HEALTH OFFICIALS (NOVEMBER 1997)"~~
27 ~~AND ANY SUBSEQUENT GUIDELINES.~~
- 28 (D) THE SECRETARY SHALL REQUIRE PROVIDERS CARING FOR CHILDREN IN
29 AREAS DESIGNATED AS AT RISK FOR LEAD POISONING, AS DETERMINED UNDER
30 SUBSECTION (C) OF THIS SECTION, TO ADMINISTER A BLOOD TEST FOR LEAD
31 POISONING OF CHILDREN BY:
- 32 (1) AGE 12 MONTHS;
- 33 (2) AGAIN BY AGE 24 MONTHS; OR
- 34 (3) IN ACCORDANCE WITH THE GUIDELINES OF THE CENTERS FOR
35 DISEASE CONTROL AND PREVENTION FOR CHILDREN OVER AGE 24 MONTHS WHO
36 HAVE NOT RECEIVED A BLOOD TEST FOR LEAD POISONING.

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

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

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

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