
By: **Delegates Oaks, Carter, Hubbard, Kirk, and Rosenberg**

Introduced and read first time: February 7, 2003

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Lead Poisoning Tests - Administering and Reporting**

3 FOR the purpose of requiring certain entities to cooperate with the Department of
4 Health and Mental Hygiene to adopt certain regulations regarding
5 immunization and blood tests for lead poisoning; requiring a parent or legal
6 guardian of a child to provide certain documentation certifying that the child
7 has undergone certain testing; requiring certain programs or schools to report
8 the name, last known address, and telephone number of each child for whom
9 certain documentation is not provided; requiring the Secretary of Health and
10 Mental Hygiene to require certain providers caring for children to administer
11 certain blood tests for lead poisoning; requiring the Department of Health and
12 Mental Hygiene to consult with a certain entity before adopting rules and
13 regulations regarding blood tests for lead poisoning; providing for the effective
14 date of certain provisions of this Act; providing for the termination of certain
15 provisions of this Act; and generally relating to administering and reporting of
16 lead poisoning testing of children.

17 BY repealing and reenacting, with amendments,
18 Article - Education
19 Section 7-403
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Education
24 Section 7-403
25 Annotated Code of Maryland
26 (2001 Replacement Volume and 2002 Supplement)
27 (As enacted by Chapter 337 of the Acts of the General Assembly of 2002)

28 BY repealing and reenacting, with amendments,
29 Article - Health - General
30 Section 18-106(d)

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2002 Supplement)

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

5 **Article - Education**

6 7-403.

7 (a) (1) In cooperation with the State Board and the [Statewide Advisory
8 Commission on Immunizations] MARYLAND STATE MEDICAL SOCIETY, the
9 Department of Health and Mental Hygiene shall adopt rules and regulations
10 regarding [the immunizations and] blood tests for lead poisoning required of children
11 entering schools.

12 (2) IN COOPERATION WITH THE STATE BOARD AND THE STATEWIDE
13 ADVISORY COMMISSION ON IMMUNIZATIONS, THE DEPARTMENT OF HEALTH AND
14 MENTAL HYGIENE SHALL ADOPT RULES AND REGULATIONS REGARDING
15 IMMUNIZATIONS REQUIRED OF CHILDREN ENTERING SCHOOLS.

16 (3) These rules and regulations shall:

17 (i) Be adopted in compliance with the Administrative Procedure
18 Act;

19 (ii) Provide that any child may have the immunization
20 administered by his personal physician; and

21 (iii) 1. By September 2003, in areas designated as at risk for lead
22 poisoning, as determined under § 18-106 of the Health - General Article, when a
23 child enters a public prekindergarten program, kindergarten program, or first grade,
24 require the parent or legal guardian of the child to provide [evidence of the results of
25 the child's] DOCUMENTATION FROM A PHYSICIAN, ON A FORM DEVELOPED BY THE
26 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, CERTIFYING THAT THE CHILD
27 HAS UNDERGONE blood [tests] TESTING for lead poisoning administered in
28 accordance with the guidelines of the Centers for Disease Control and Prevention in
29 the screening of young children for lead poisoning: Guidance for State and Local
30 Public Health Officials (November 1997) and any subsequent guidelines; and

31 2. By September 2003, require a program or school to report
32 [the information received under sub-subparagraph 1 of this subparagraph] THE
33 NAME, LAST KNOWN ADDRESS, AND TELEPHONE NUMBER OF EACH CHILD FOR
34 WHOM PHYSICIAN-CERTIFIED DOCUMENTATION OF A LEAD TEST IS NOT PROVIDED
35 UNDER ITEM 1 OF THIS ITEM, AS DETERMINED BY REGULATION, to the local health
36 department in the jurisdiction where the child resides.

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article - Education**

11 7-403.

12 (a) (1) In cooperation with the State Board and the [Medical and
13 Chirurgical Faculty of Maryland] MARYLAND STATE MEDICAL SOCIETY, the
14 Department of Health and Mental Hygiene shall adopt rules and regulations
15 regarding [the immunizations and] blood tests for lead poisoning required of children
16 entering schools.

17 (2) IN COOPERATION WITH THE STATE BOARD AND THE MEDICAL AND
18 CHIRURGICAL FACULTY OF MARYLAND, THE DEPARTMENT OF HEALTH AND MENTAL
19 HYGIENE SHALL ADOPT RULES AND REGULATIONS REGARDING IMMUNIZATIONS
20 REQUIRED OF CHILDREN ENTERING SCHOOLS.

21 (3) These rules and regulations shall:

22 (i) Be adopted in compliance with the Administrative Procedure
23 Act;

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

26 (iii) 1. By September 2003, in areas designated as at risk for lead
27 poisoning, as determined under § 18-106 of the Health - General Article, when a
28 child enters a public prekindergarten program, kindergarten program, or first grade,
29 require the parent or legal guardian of the child to provide [evidence of the results of
30 the child's] DOCUMENTATION FROM A PHYSICIAN, ON A FORM DEVELOPED BY THE
31 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, CERTIFYING THAT THE CHILD
32 HAS UNDERGONE blood [tests] TESTING for lead poisoning administered in
33 accordance with the guidelines of the Centers for Disease Control and Prevention in
34 the screening of young children for lead poisoning: Guidance for State and Local
35 Public Health Officials (November 1997) and any subsequent guidelines; and

36 2. By September 2003, require a program or school to report
37 [the information received under sub-subparagraph 1 of this subparagraph] THE
38 NAME, LAST KNOWN ADDRESS, AND TELEPHONE NUMBER OF EACH CHILD FOR
39 WHOM PHYSICIAN-CERTIFIED DOCUMENTATION OF A LEAD TEST IS NOT PROVIDED

1 UNDER ITEM 1 OF THIS ITEM, AS DETERMINED BY REGULATION, to the local health
2 department in the jurisdiction where the child resides.

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

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

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

12 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
13 read as follows:

14 **Article - Health - General**

15 18-106.

16 (d) The Secretary shall require providers caring for children in areas
17 designated as at risk for lead poisoning, as determined under subsection (c) of this
18 section, to administer a blood test for lead poisoning of children:

19 (1) DURING PREVENTIVE HEALTH MAINTENANCE SERVICES PROVIDED
20 IN ACCORDANCE WITH THE STANDARD PRACTICE FOR PEDIATRIC CARE:

21 (i) [By age 12 months] AT THE CHILD'S 12-MONTH VISIT; and

22 (ii) [By age 24 months] AT THE CHILD'S 24-MONTH VISIT; or

23 (2) In accordance with the guidelines of the Centers for Disease Control
24 and Prevention for children over age 24 months who have not received a blood test for
25 lead poisoning.

26 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
27 of Sections 1 and 2 of this Act, the Department of Health and Mental Hygiene shall
28 consult with the Coalition to End Childhood Lead Poisoning before adopting rules and
29 regulations regarding blood tests for lead poisoning.

30 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
31 take effect on the taking effect of the termination provision specified in Section 2 of
32 Chapter 337 of the Acts of the General Assembly of 2002. If that termination provision
33 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
34 This Act may not be interpreted to have any effect on that termination provision.

35 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
36 of Section 5 of this Act, this Act shall take effect July 1, 2003.

