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

Introduced and read first time: February 7, 2003

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2003

CHAPTER _____

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 within a certain time frame; requiring the
12 Department of Health and Mental Hygiene to consult with a certain entity
13 before adopting rules and regulations regarding blood tests for lead poisoning;
14 providing for the effective date of certain provisions of this Act; providing for the
15 termination of certain provisions of this Act; and generally relating to
16 administering and reporting of 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

1 (2001 Replacement Volume and 2002 Supplement)
 2 (As enacted by Chapter 337 of the Acts of the General Assembly of 2002)

3 BY repealing and reenacting, with amendments,
 4 Article - Health - General
 5 Section 18-106(d)
 6 Annotated Code of Maryland
 7 (2000 Replacement Volume and 2002 Supplement)

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

10 **Article - Education**

11 7-403.

12 (a) (1) In cooperation with the State Board and the [Statewide Advisory
 13 Commission on Immunizations] ~~MARYLAND STATE MEDICAL SOCIETY MEDICAL AND~~
 14 ~~CHIRURGICAL FACULTY OF MARYLAND~~, the Department of Health and Mental
 15 Hygiene shall adopt rules and regulations regarding [the immunizations and] blood
 16 tests for lead poisoning required of children entering schools.

17 (2) IN COOPERATION WITH THE STATE BOARD AND THE STATEWIDE
 18 ADVISORY COMMISSION ON IMMUNIZATIONS, THE DEPARTMENT OF HEALTH AND
 19 MENTAL HYGIENE SHALL ADOPT RULES AND REGULATIONS REGARDING
 20 IMMUNIZATIONS 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 HEALTH CARE PROVIDER, ON A~~
 31 ~~FORM DEVELOPED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,~~
 32 ~~CERTIFYING THAT THE CHILD HAS UNDERGONE~~ blood [tests] TESTING for lead
 33 poisoning administered in accordance with the guidelines of the Centers for Disease
 34 Control and Prevention in the screening of young children for lead poisoning:
 35 Guidance for State and Local Public Health Officials (November 1997) and any
 36 subsequent guidelines; and

37 2. By September 2003, require a program or school to report
 38 [the information received under sub-subparagraph 1 of this subparagraph] THE

1 NAME, LAST KNOWN ADDRESS, AND TELEPHONE NUMBER OF EACH CHILD FOR
 2 WHOM ~~PHYSICIAN-CERTIFIED~~ CERTIFIED DOCUMENTATION OF A LEAD TEST IS NOT
 3 PROVIDED UNDER ITEM 1 OF THIS ITEM, AS DETERMINED BY REGULATION, to the
 4 local health department in the jurisdiction where the child resides.

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

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

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

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

16 **Article - Education**

17 7-403.

18 (a) (1) In cooperation with the State Board and the ~~Medical and~~
 19 ~~Chirurgical Faculty of Maryland]~~ ~~MARYLAND STATE MEDICAL SOCIETY~~, the
 20 Department of Health and Mental Hygiene shall adopt rules and regulations
 21 regarding [the immunizations and] blood tests for lead poisoning required of children
 22 entering schools.

23 (2) IN COOPERATION WITH THE STATE BOARD AND THE MEDICAL AND
 24 CHIRURGICAL FACULTY OF MARYLAND, THE DEPARTMENT OF HEALTH AND MENTAL
 25 HYGIENE SHALL ADOPT RULES AND REGULATIONS REGARDING IMMUNIZATIONS
 26 REQUIRED OF CHILDREN ENTERING SCHOOLS.

27 (3) These rules and regulations shall:

28 (i) Be adopted in compliance with the Administrative Procedure
 29 Act;

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

32 (iii) 1. By September 2003, in areas designated as at risk for lead
 33 poisoning, as determined under § 18-106 of the Health - General Article, when a
 34 child enters a public prekindergarten program, kindergarten program, or first grade,
 35 require the parent or legal guardian of the child to provide [evidence of the results of
 36 the child's] ~~DOCUMENTATION FROM A PHYSICIAN~~ HEALTH CARE PROVIDER, ON A
 37 FORM DEVELOPED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,
 38 CERTIFYING THAT THE CHILD HAS UNDERGONE blood [tests] TESTING for lead

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

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

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