

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 819

(Delegate Oaks, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

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

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This bill repeals the requirement that a child's parent or guardian must provide evidence of lead poisoning blood test results to a public prekindergarten, kindergarten, or first grade by September 2003. Instead, the bill requires the parent or guardian to provide documentation from a health care provider certifying that the child received the blood test. The bill adds the requirement that by September 2003 a program or school must report to the local health department the name, address, and telephone number of each child who does not have certified documentation of a lead test. It eliminates the requirement that the child's test results must be reported by the school to the local health department. The health provider must test the child within the time frame specified in Department of Health and Mental Hygiene (DHMH) regulations. It repeals the statutory requirement for a lead poisoning blood test by age 12 months and by age 24 months.

DHMH must consult with the Coalition to End Childhood Lead Poisoning before adopting lead poisoning blood test rules and regulations. DHMH also must develop the health care provider reporting form.

The bill takes effect July 1, 2003.

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**Fiscal Summary**

**State Effect:** General fund expenditures could increase to the extent that grants to local health departments increase to locate children not tested for lead poisoning and encourage the parents or guardians to have the child tested.

**Local Effect:** The bill does not require local departments of health to follow-up on which children were not tested for lead poisoning. However, if such follow-up were done, local health department revenues (from State grants) and expenditures could increase to find the untested children and encourage the parents or guardians to have the testing done.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** The Secretary of Health and Mental Hygiene requires health care providers caring for children in areas at risk for lead poisoning to administer a lead poisoning blood test by age 12 months and 24 months. For children older than 24 months who were not tested for lead poisoning, health care providers must conduct a test according to Centers for Disease Control and Prevention (CDC) guidelines.

By September 2003, in areas designated as being at risk for lead poisoning, when a child enters a public prekindergarten program, kindergarten program, or first grade, a parent or guardian is required to provide evidence of the results of the child's lead poisoning blood tests. The blood tests must follow CDC guidelines. By September 2003, a school or program must report the child's test results to the local health department.

At risk areas are defined as areas with large concentrations of housing built before 1978 and areas with the highest rates of lead poisoning. Baltimore City has the largest concentration of such housing.

Chapter 337 of 2002, which established a Statewide Advisory Commission on Immunizations, required the State Board of Education, the advisory commission, and the Department of Health and Mental Hygiene (DHMH) to adopt rules and regulations regarding immunizations and lead poisoning blood tests for children entering schools. This chapter expires May 31, 2005.

**Background:** According to the August 2002 report on The Governor's Initiative on Lead Poisoning Prevention, there is not a process within the public schools or local health departments to follow up on children's test results. By providing the names and information of children not tested for lead poisoning, local health departments could follow up on those children.

The report stated that the number of children statewide with elevated blood lead levels, equal to or greater than 10 micrograms per deciliter, fell by 16% to 2,841 in 2001 from 3,402 in 2000. The number of children statewide with blood lead poisoning, blood lead levels equal to or greater than 20 micrograms per deciliter, fell by 18% to 288 in 2001 from 353 in 2000.

According to the Maryland Childhood Lead Registry 2001 Annual Surveillance Report by the Maryland Department of the Environment (MDE), blood lead testing of children age one and two increased from 2000. The registry receives blood lead test reports of Maryland children from birth to age 18 and provides test results to local health departments.

Testing of one-year olds statewide increased to 38% in 2001 from 33.8% in 2000. Testing of two-year olds increased to 24% in 2001 from 21.6% in 2000.

A far greater percentage of children living in Baltimore City were tested for lead as a result of testing becoming mandatory by city ordinance in July 2000. In the city, testing of one-year olds increased to 82.9% in 2001 from 65.4% in 2000. Testing of two-year-olds increased to 64.2% in 2001 from 48.2% in 2000.

**State Fiscal Effect:** General fund expenditures could increase to the extent grants from DHMH and MDE to local health departments increase to track children not tested for lead poisoning. Although the bill does not require tracking of untested children, it is assumed that local health departments will use the data to encourage parents or guardians to have the children tested.

In calendar 2001, there were 73,158 children born in Maryland. For illustrative purposes only, and assuming a stable number of births in 2002 and 2003 and applying the statewide percentage tested in 2001 (38%), 90,716 children statewide would not be tested for lead by the time they are two years old.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education; The Governor's Initiative on Lead Poisoning Prevention Report to the Senate Budget and Taxation Committee and the House Committee on Appropriations, August 1, 2002; Maryland Vital Statistics 2001 Preliminary Report; Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2003  
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