

ENROLLED BILL

-- Health and Government Operations/Judicial Proceedings --

Introduced by **Delegates Oaks, Barkley, Bobo, Bromwell, Bronrott, Brown, Carter, Costa, Cryor, DeBoy, Dumais, Feldman, Franchot, Gordon, Haddaway, Holmes, Hubbard, James, Jones, Kaiser, Kelley, King, Lawton, Love, Madaleno, Marriott, McHale, McIntosh, Moe, Montgomery, Murray, Petzold, Quinter, Rosenberg, Ross, and Trueschler Trueschler, Hammen, Barve, Benson, Donoghue, Elliott, Frank, Kach, Kohl, Kullen, Mandel, McDonough, Morhaim, Nathan-Pulliam, Pendergrass, Rudolph, V. Turner, and Weldon**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Lead Poisoning - Lead Testing**

3 FOR the purpose of ~~altering the Lead Poisoning Screening Program to be the Lead~~
4 ~~Poisoning Testing Program; expanding the Program to require each child in the~~
5 ~~State be tested for lead poisoning; expanding the requirement for the Secretary~~
6 ~~of Health and Mental Hygiene to require certain health care providers caring for~~
7 ~~children to administer certain blood tests for lead poisoning to include each child~~
8 ~~in the State at certain ages; requiring the Department of Health and Mental~~
9 ~~Hygiene to adopt regulations relating to certificates of blood testing for lead~~
10 ~~poisoning of all children who enter a certain grade; altering certain reporting~~

1 requirements; altering a certain definition; ~~authorizing a certain blood sample~~
 2 ~~to be used in certain circumstances; requiring that the elevated blood lead~~
 3 ~~concentration of a blood sample be determined in a certain manner on or after a~~
 4 ~~certain date;~~ and generally relating to blood lead testing and blood lead levels.

5 ~~BY repealing and reenacting, with amendments,~~
 6 ~~Article Health General~~
 7 ~~Section 18-106~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(2005 Replacement Volume and 2005 Supplement)~~

10 ~~BY repealing and reenacting, with amendments,~~
 11 ~~Article Education~~
 12 ~~Section 7-403~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2004 Replacement Volume and 2005 Supplement)~~

15 BY repealing and reenacting, with amendments,
 16 Article - Environment
 17 Section 6-801(f) and 6-830
 18 Annotated Code of Maryland
 19 (1996 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, without amendments,
 21 Article - Housing and Community Development
 22 Section 4-708(a)
 23 Annotated Code of Maryland
 24 (2005 Volume)

25 BY repealing and reenacting, with amendments,
 26 Article - Housing and Community Development
 27 Section 4-708(b)
 28 Annotated Code of Maryland
 29 (2005 Volume)

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

32 **~~Article Health General~~**

33 ~~18-106.~~

34 (a) ~~The Secretary shall establish and administer a Lead Poisoning~~
 35 ~~[Screening] TESTING Program that will assure the appropriate [screening] BLOOD~~
 36 ~~LEAD TESTING of [children] EACH CHILD in Maryland for lead poisoning.~~

1 (b) The Lead Poisoning [~~Screening~~] TESTING Program shall:

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

4 (2) Promote timely, appropriate [~~screening~~] BLOOD LEAD TESTING of
5 [~~children~~] EACH CHILD [~~at risk of being poisoned by lead~~] IN THE STATE;

6 (3) Utilize all of the payment mechanisms available to cover lead
7 poisoning [~~screening~~] TESTING, including:

8 (i) Third party payments from insurers;

9 (ii) The Medical Assistance Program;

10 (iii) Primary care medical assistance programs established under
11 waiver from the federal government;

12 (iv) Health maintenance organizations;

13 (v) Federally qualified and Maryland qualified community health
14 centers; and

15 (vi) Any other Medicaid reimbursement or waiver to which the
16 State may be entitled under this section;

17 (4) Target children under 6 years of age; AND

18 (5) Provide lead poisoning [~~screening~~] TESTING on a sliding fee scale at
19 sites designated by local health departments for children unable to afford lead
20 poisoning [~~screening~~] TESTING; and

21 (6) Employ an initial questionnaire to assess children's exposure to
22 potential lead hazards, except that children residing in at risk areas identified under
23 subsection (c) of this section shall be screened by a blood test for lead poisoning].

24 (c) The Secretary shall target efforts AND RESOURCES to promote and to
25 provide blood tests for lead poisoning in at risk areas, as identified by:

26 (1) Census tract and zip code information noting areas with large
27 concentrations of pre 1978 housing; and

28 (2) Highest rates of lead poisoning as evidenced by information provided
29 to and by the Childhood Lead Registry established and maintained by the
30 Department of the Environment.

31 (d) The Secretary shall require HEALTH CARE providers caring for children
32 [~~in areas designated as at risk for lead poisoning, as determined under subsection (c)~~
33 ~~of this section,~~] to administer a blood test for lead poisoning of [~~children~~] EACH
34 CHILD IN THE STATE:

1 (1) [~~Within the time frame specified in regulations adopted by the~~
2 ~~Department; or] AT 12 AND 24 MONTHS OF AGE; AND~~

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

6 (e) ~~The Secretary may include information on blood testing for lead poisoning~~
7 ~~collected under this section, § 7-403 of the Education Article, and §§ 6-303 and 6-304~~
8 ~~of the Environment Article on any immunization registry developed by the~~
9 ~~Department.~~

10 (f) (1) ~~Subject to paragraph (2) of this subsection, this section does not~~
11 ~~require blood testing of a child whose parent or guardian, in accordance with~~
12 ~~regulations adopted by the Secretary, objects to the testing on the ground that it~~
13 ~~conflicts with the parent's or guardian's bona fide religious beliefs and practices.~~

14 (2) ~~Paragraph (1) of this subsection does not apply if the responses of the~~
15 ~~child's parent or guardian on a questionnaire furnished by the Secretary and~~
16 ~~administered by a pediatrician indicate that the child is at high risk for lead~~
17 ~~poisoning.~~

18 **Article—Education**

19 ~~7-403.~~

20 (a) (1) ~~In cooperation with the State Board and the Medical and Surgical~~
21 ~~Faculty of Maryland, the Department of Health and Mental Hygiene shall adopt rules~~
22 ~~and regulations regarding blood tests for lead poisoning required of children entering~~
23 ~~schools.~~

24 (2) ~~In cooperation with the State Board and the Statewide Advisory~~
25 ~~Commission on Immunizations, the Department of Health and Mental Hygiene shall~~
26 ~~adopt rules and regulations regarding immunizations required of children entering~~
27 ~~schools.~~

28 (3) ~~These rules and regulations shall:~~

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

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

33 (iii) 1. [~~By September 2003, in areas designated as at risk for~~
34 ~~lead poisoning, as determined under § 18-106 of the Health General Article, when]~~
35 ~~WHEN a child enters a public prekindergarten program, kindergarten program, or~~
36 ~~first grade, require the parent or legal guardian of the child to provide documentation~~
37 ~~from a health care provider, on a form developed by the Department of Health and~~
38 ~~Mental Hygiene, certifying that the child has undergone blood testing for lead~~

1 poisoning administered in accordance with the guidelines of the Centers for Disease
2 Control and Prevention in the screening of young children for lead poisoning;
3 Guidance for State and Local Public Health Officials (November 1997) and any
4 subsequent guidelines; and

5 2. ~~[By September 2003, require]~~ REQUIRE a program or
6 school to report the name, last known address, and telephone number of each child for
7 whom certified documentation of a lead test is not provided under item 1 of this item;
8 as determined by regulation, to the local health department in the jurisdiction where
9 the child resides.

10 (4) 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 6-801.

21 (f) (1) "Elevated blood lead" or "EBL" means a quantity of lead in ~~whole~~
22 ~~venous] blood OR CAPILLARY BLOOD OBTAINED USING A METHOD APPROVED BY THE~~
23 ~~DEPARTMENT IN BLOOD~~, expressed in micrograms per deciliter (ug/dl), that exceeds a
24 ~~specified~~ THE threshold level SPECIFIED IN THIS SUBTITLE AND IS DETERMINED IN
25 ACCORDANCE WITH THE FOLLOWING PROTOCOLS:

26 (I) A VENOUS BLOOD TEST; OR

27 (II) TWO CAPILLARY BLOOD TESTS TAKEN IN ACCORDANCE WITH
28 PARAGRAPH (2) OF THIS SUBSECTION.

29 (2) IF THE CAPILLARY BLOOD TEST METHOD IS USED, AN INDIVIDUAL
30 SHALL:

31 (I) HAVE A FIRST SAMPLE OF CAPILLARY BLOOD DRAWN AND
32 TESTED; AND

33 (II) HAVE A SECOND SAMPLE OF CAPILLARY BLOOD DRAWN AND
34 TESTED WITHIN 84 DAYS AFTER THE FIRST SAMPLE IS DRAWN.

35 (3) IF THE RESULT OF ONE CAPILLARY BLOOD TEST WOULD REQUIRE
36 ACTION UNDER THIS SUBTITLE AND THE OTHER RESULT WOULD NOT, AN

1 INDIVIDUAL'S ELEVATED BLOOD LEAD LEVEL SHALL BE CONFIRMED BY A VENOUS
 2 BLOOD TEST.

3 6-830.

4 (A) If, between February 24, 1996 and February 23, 2001, inclusive, the
 5 concentration of lead in a whole venous blood sample ~~OR CAPILLARY BLOOD SAMPLE~~
 6 ~~OBTAINED USING A METHOD APPROVED BY THE DEPARTMENT~~ of a person at risk
 7 tested within 30 days after the person at risk begins residence or to regularly spend
 8 at least 24 hours per week in an affected property that is certified as being in
 9 compliance with the provisions of § 6-815 of this subtitle is greater than or equal to
 10 25 ug/dl, or, between February 24, 2001 and February 23, 2006, inclusive, greater
 11 than or equal to 20 ug/dl, or, on or after February 24, 2006, greater than or equal to 15
 12 ug/dl, it shall be presumed that the ingestion of lead occurred before a person at risk
 13 began residing or regularly spending at least 24 hours per week in the affected
 14 property.

15 (B) ON OR AFTER JULY 1, 2006, THE EBL CONCENTRATION OF LEAD IN A
 16 BLOOD SAMPLE SHALL BE DETERMINED IN ACCORDANCE WITH § 6-801(F) OF THIS
 17 SUBTITLE.

18 **Article - Housing and Community Development**

19 4-708.

20 (a) There is a Lead Hazard Reduction Grant Program.

21 (b) The Department may make a grant solely to finance a lead hazard
 22 reduction activity that:

23 (1) is a program that tests innovative or unproven methods of lead
 24 hazard reduction; or

25 (2) is in a residential property in an area designated by the Department
 26 to have a concentration of:

27 (i) families of limited income; and

28 (ii) 1. residential property constructed before 1950; or

29 2. children diagnosed with elevated blood lead, which is a
 30 quantity of lead in their [whole venous] blood, expressed in micrograms per deciliter
 31 (ug/dl), that exceeds a specified threshold level.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 July 1, 2006.

