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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**

Introduced and read first time: March 2, 2006

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

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  
11 requirements; altering a certain definition; and generally relating to blood lead  
12 testing and blood lead levels.

13 BY repealing and reenacting, with amendments,  
14 Article - Health - General  
15 Section 18-106  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2005 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Education  
20 Section 7-403  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Environment  
25 Section 6-801(f)  
26 Annotated Code of Maryland

1 (1996 Replacement Volume and 2005 Supplement)

2 BY repealing and reenacting, without amendments,  
3 Article - Housing and Community Development  
4 Section 4-708(a)  
5 Annotated Code of Maryland  
6 (2005 Volume)

7 BY repealing and reenacting, with amendments,  
8 Article - Housing and Community Development  
9 Section 4-708(b)  
10 Annotated Code of Maryland  
11 (2005 Volume)

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

14 **Article - Health - General**

15 18-106.

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

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

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

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

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

26 (i) Third party payments from insurers;

27 (ii) The Medical Assistance Program;

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

30 (iv) Health maintenance organizations;

31 (v) Federally qualified and Maryland qualified community health  
32 centers; and

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

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

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

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

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

12 (1) Census tract and zip code information noting areas with large  
13 concentrations of pre-1978 housing; and

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

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

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

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

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

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

**Article - Education**

1 7-403.

3 (a) (1) In cooperation with the State Board and the Medical and Chirurgical  
4 Faculty of Maryland, the Department of Health and Mental Hygiene shall adopt rules  
5 and regulations regarding blood tests for lead poisoning required of children entering  
6 schools.

7 (2) In cooperation with the State Board and the Statewide Advisory  
8 Commission on Immunizations, the Department of Health and Mental Hygiene shall  
9 adopt rules and regulations regarding immunizations required of children entering  
10 schools.

11 (3) These rules and regulations shall:

12 (i) Be adopted in compliance with the Administrative Procedure  
13 Act;

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

16 (iii) 1. [ By September 2003, in areas designated as at risk for  
17 lead poisoning, as determined under § 18-106 of the Health - General Article, when]  
18 WHEN a child enters a public prekindergarten program, kindergarten program, or  
19 first grade, require the parent or legal guardian of the child to provide documentation  
20 from a health care provider, on a form developed by the Department of Health and  
21 Mental Hygiene, certifying that the child has undergone blood testing for lead  
22 poisoning administered in accordance with the guidelines of the Centers for Disease  
23 Control and Prevention in the screening of young children for lead poisoning:  
24 Guidance for State and Local Public Health Officials (November 1997) and any  
25 subsequent guidelines; and

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

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

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

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

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**Article - Environment**

2 6-801.

3 (f) "Elevated blood lead" or "EBL" means a quantity of lead in [whole venous]  
4 blood, expressed in micrograms per deciliter (ug/dl), that exceeds a specified threshold  
5 level.

6

**Article - Housing and Community Development**

7 4-708.

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

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

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

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

15 (i) families of limited income; and

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

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

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