
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**

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Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 6, 2006

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

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~~
 11 ~~requirements; altering a certain definition; authorizing a certain blood sample~~
 12 ~~to be used in certain circumstances; and generally relating to blood lead testing~~
 13 ~~and blood lead levels.~~

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

1 ~~BY repealing and reenacting, with amendments,~~
 2 ~~Article - Education~~
 3 ~~Section 7-403~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2004 Replacement Volume and 2005 Supplement)~~

6 BY repealing and reenacting, with amendments,
 7 Article - Environment
 8 Section 6-801(f) and 6-830
 9 Annotated Code of Maryland
 10 (1996 Replacement Volume and 2005 Supplement)

11 BY repealing and reenacting, without amendments,
 12 Article - Housing and Community Development
 13 Section 4-708(a)
 14 Annotated Code of Maryland
 15 (2005 Volume)

16 BY repealing and reenacting, with amendments,
 17 Article - Housing and Community Development
 18 Section 4-708(b)
 19 Annotated Code of Maryland
 20 (2005 Volume)

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

23 ~~Article - Health - General~~

24 ~~18-106.~~

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

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

29 ~~(1) Encourage continuity of care with the child's continuing care health~~
 30 ~~care provider;~~

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

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

- 1 (i) Third party payments from insurers;
- 2 (ii) The Medical Assistance Program;
- 3 (iii) Primary care medical assistance programs established under
4 waiver from the federal government;
- 5 (iv) Health maintenance organizations;
- 6 (v) Federally qualified and Maryland-qualified community health
7 centers; and
- 8 (vi) Any other Medicaid reimbursement or waiver to which the
9 State may be entitled under this section;
- 10 (4) Target children under 6 years of age; AND
- 11 (5) Provide lead poisoning [screening] TESTING on a sliding fee scale at
12 sites designated by local health departments for children unable to afford lead
13 poisoning [screening] TESTING[; and
- 14 (6) Employ an initial questionnaire to assess children's exposure to
15 potential lead hazards, except that children residing in at risk areas identified under
16 subsection (c) of this section shall be screened by a blood test for lead poisoning].
- 17 (e) The Secretary shall target efforts AND RESOURCES to promote and to
18 provide blood tests for lead poisoning in at risk areas, as identified by:
- 19 (1) Census tract and zip code information noting areas with large
20 concentrations of pre-1978 housing; and
- 21 (2) Highest rates of lead poisoning as evidenced by information provided
22 to and by the Childhood Lead Registry established and maintained by the
23 Department of the Environment.
- 24 (d) The Secretary shall require HEALTH CARE providers caring for children
25 [in areas designated as at risk for lead poisoning, as determined under subsection (c)
26 of this section,] to administer a blood test for lead poisoning of [children] EACH
27 CHILD IN THE STATE:
- 28 (1) [Within the time frame specified in regulations adopted by the
29 Department; or] AT 12 AND 24 MONTHS OF AGE; AND
- 30 (2) In accordance with the guidelines of the Centers for Disease Control
31 and Prevention for children over age 24 months who have not received a blood test for
32 lead poisoning.
- 33 (e) The Secretary may include information on blood testing for lead poisoning
34 collected under this section, § 7-403 of the Education Article, and §§ 6-303 and 6-304
35 of the Environment Article on any immunization registry developed by the
36 Department.

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

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

9 **Article—Education**

10 7-403.

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

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

19 (3) These rules and regulations shall:

20 (i) Be adopted in compliance with the Administrative Procedure
 21 Act;

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

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

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

- 1 (i) families of limited income; and
- 2 (ii) 1. residential property constructed before 1950; or
- 3 2. children diagnosed with elevated blood lead, which is a
- 4 quantity of lead in their [whole venous] blood, expressed in micrograms per deciliter
- 5 (ug/dl), that exceeds a specified threshold level.

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