

By Senator Miller

18-1079-05

See HB 495

1                                   A bill to be entitled

2           An act relating to the Lead Poisoning

3           Prevention Screening and Education Act;

4           providing a popular name; providing legislative

5           findings; providing definitions; providing for

6           the establishment of a statewide comprehensive

7           educational program on lead poisoning

8           prevention; providing for a public information

9           initiative; providing for distribution of

10          literature about childhood lead poisoning;

11          requiring the establishment of a screening

12          program for early identification of persons at

13          risk of elevated levels of lead in the blood;

14          providing for screening of children; providing

15          for prioritization of screening; providing for

16          the maintenance of records of screenings;

17          providing for reporting of cases of lead

18          poisoning; providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Popular name.--This act may be cited as the

23 "Lead Poisoning Prevention Screening and Education Act."

24           Section 2. Legislative findings.--

25           (1) Nearly 300,000 American children may have levels

26 of lead in their blood in excess of 10 micrograms per

27 deciliter (ug/dL). Unless prevented or treated, elevated

28 blood-lead levels in egregious cases may result in impairment

29 of the ability to think, concentrate, and learn.

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1           (2) A significant cause of lead poisoning in children  
2 is the ingestion of lead particles from deteriorating  
3 lead-based paint in older, poorly maintained residences.

4           (3) Childhood lead poisoning can be prevented if  
5 parents, property-owners, health professionals, and those who  
6 work with young children are informed about the risks of  
7 childhood lead poisoning and how to prevent it.

8           (4) Knowledge of lead-based-paint hazards, their  
9 control, mitigation, abatement, and risk avoidance is not  
10 sufficiently widespread.

11           (5) Most children who live in older homes and who  
12 otherwise may be at risk for childhood lead poisoning are not  
13 tested for the presence of elevated lead levels in their  
14 blood.

15           (6) Testing for elevated lead levels in the blood can  
16 lead to the mitigation or prevention of the harmful effects of  
17 childhood lead poisoning and may also prevent similar injuries  
18 to other children living in the same household.

19           Section 3. Definitions.--As used in this act, the  
20 term:

21           (1) "Affected property" means a room or group of rooms  
22 within a property constructed before January 1, 1960, or  
23 within a property constructed between January 1, 1960, and  
24 January 1, 1978, where the owner has actual knowledge of the  
25 presence of lead-based paint, that form a single independent  
26 habitable dwelling unit for occupation by one or more  
27 individuals and that has living facilities with permanent  
28 provisions for living, sleeping, eating, cooking, and  
29 sanitation. Affected property does not include:

30           (a) An area not used for living, sleeping, eating,  
31 cooking, or sanitation, such as an unfinished basement;

1           (b) A unit within a hotel, motel, or similar seasonal  
2 or transient facility, unless such unit is occupied by one or  
3 more persons at risk for a period exceeding 30 days;

4           (c) An area that is secured and inaccessible to  
5 occupants; or

6           (d) A unit that is not offered for rent.

7           (2) "Dust-lead hazard" means surface dust in a  
8 residential dwelling or a facility occupied by a person at  
9 risk which contains a mass-per-area concentration of lead  
10 equal to or exceeding 40 ug/ft<sup>2</sup> on floors or 250 ug/ft<sup>2</sup> on  
11 interior windowsills based on wipe samples.

12           (3) "Elevated blood-lead level" means a quantity of  
13 lead in whole venous blood, expressed in micrograms per  
14 deciliter (ug/dL), which exceeds 10 ug/dL or such other level  
15 as specifically provided in this act.

16           (4) "Lead-based paint" means paint or other surface  
17 coatings that contain lead equal to or exceeding 1.0 milligram  
18 per square centimeter, 0.5 percent by weight, or 5,000 parts  
19 per million (ppm) by weight.

20           (5) "Lead-based-paint hazard" means paint-lead hazards  
21 and dust-lead hazards.

22           (6) "Owner" means a person, firm, corporation,  
23 nonprofit organization, partnership, government, guardian,  
24 conservator, receiver, trustee, executor, or other judicial  
25 officer, or other entity which, alone or with others, owns,  
26 holds, or controls the freehold or leasehold title or part of  
27 the title to property, with or without actually possessing it.  
28 The definition includes a vendee who possesses the title, but  
29 does not include a mortgagee or an owner of a reversionary  
30 interest under a ground rent lease. The term includes any

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1 authorized agent of the owner, including a property manager or  
2 leasing agent.

3 (7) "Paint-lead hazard" means any one of the  
4 following:

5 (a) Any lead-based paint on a friction surface that is  
6 subject to abrasion and where the dust-lead levels on the  
7 nearest horizontal surface underneath the friction surface,  
8 such as the windowsill or floor, are equal to or greater than  
9 the dust-lead-hazard levels defined in subsection (2);

10 (b) Any damaged or otherwise deteriorated lead-based  
11 paint on an impact surface that is caused by impact from a  
12 related building material, such as a door knob that knocks  
13 into a wall or a door that knocks against its door frame;

14 (c) Any chewable lead-based painted surface on which  
15 there is evidence of teeth marks; or

16 (d) Any other deteriorated lead-based paint in or on  
17 the exterior of any residential building or any facility  
18 occupied by a person at risk.

19 (8) "Person at risk" means a child under the age of 6  
20 years or a pregnant woman who resides or regularly spends at  
21 least 24 hours per week in an affected property.

22 (9) "Secretary" means the secretary of the Department  
23 of Health or a designee chosen by the secretary to administer  
24 the Lead Poisoning Prevention Screening and Education Act.

25 (10) "Tenant" means the individual named as the lessee  
26 in a lease, rental agreement, or occupancy agreement for a  
27 dwelling unit.

28 Section 4. Educational programs.--

29 (1) LEAD POISONING PREVENTION EDUCATIONAL PROGRAM  
30 ESTABLISHED.--In order to achieve the purposes of this act, a  
31 statewide, multifaceted, ongoing educational program designed

1 to meet the needs of tenants, property owners, health care  
2 providers, early childhood educators, care providers, and  
3 realtors is established.

4 (2) PUBLIC INFORMATION INITIATIVE.--The Governor, in  
5 conjunction with the Secretary of Health and his or her  
6 designee, shall sponsor a series of public service  
7 announcements on radio, television, the Internet, and print  
8 media about the nature of lead-based-paint hazards, the  
9 importance of standards for lead poisoning prevention in  
10 properties, and the purposes and responsibilities set forth in  
11 this act. In developing and coordinating this public  
12 information initiative, the sponsors shall seek the  
13 participation and involvement of private industry  
14 organizations, including those involved in real estate,  
15 insurance, mortgage banking, and pediatrics.

16 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD  
17 POISONING.--By January 1, 2006, the Secretary of Health or his  
18 or her designee shall develop culturally and linguistically  
19 appropriate information pamphlets regarding childhood lead  
20 poisoning, the importance of testing for elevated blood-lead  
21 levels, prevention of childhood lead poisoning, treatment of  
22 childhood lead poisoning, and where appropriate, the  
23 requirements of this act. These information pamphlets shall be  
24 distributed to parents or the other legal guardians of  
25 children 6 years of age or younger on the following occasions:

26 (a) By the owner of any affected property or his or  
27 her agents or employees at the time of the initiation of a  
28 rental agreement with a new tenant whose household includes a  
29 person at risk or any other woman of childbearing age.

30 (b) By a health care provider at the time of a child's  
31 birth and at the time of any childhood immunization or

1 vaccination unless it is established that such information  
2 pamphlet has been provided previously to the parent or legal  
3 guardian by the health care provider within the prior 12  
4 months.

5 (c) By the owner or operator of any child care  
6 facility or preschool or kindergarten class on or before  
7 October 15 of the calendar year.

8 Section 5. Screening program.--

9 (1) The secretary shall establish a program for early  
10 identification of persons at risk of having elevated  
11 blood-lead levels. Such program shall systematically screen  
12 children under 6 years of age in the target populations  
13 identified in subsection (2) for the presence of elevated  
14 blood-lead levels. Children within the specified target  
15 populations shall be screened with a blood-lead test at age 12  
16 months and age 24 months, or between the ages of 36 months and  
17 72 months if they have not previously been screened. The  
18 secretary shall, after consultation with recognized  
19 professional medical groups and such other sources as the  
20 secretary deems appropriate, promulgate rules establishing:

21 (a) The means by which and the intervals at which such  
22 children under 6 years of age shall be screened for lead  
23 poisoning and elevated blood-lead levels.

24 (b) Guidelines for the medical followup on children  
25 found to have elevated blood-lead levels.

26 (2) In developing screening programs to identify  
27 persons at risk with elevated blood-lead levels, priority  
28 shall be given to persons within the following categories:

29 (a) All children enrolled in the Medicaid program at  
30 ages 12 months and 24 months, or between the ages of 36 months  
31 and 72 months if they have not previously been screened.

1           (b) Children under the age of 6 years exhibiting  
2 delayed cognitive development or other symptoms of childhood  
3 lead poisoning.

4           (c) Persons at risk residing in the same household, or  
5 recently residing in the same household, as another person at  
6 risk with a blood-lead level of 10 ug/dL or greater.

7           (d) Persons at risk residing, or who have recently  
8 resided, in buildings or geographical areas in which  
9 significant numbers of cases of lead poisoning or elevated  
10 blood-lead levels have recently been reported.

11           (e) Persons at risk residing, or who have recently  
12 resided, in an affected property contained in a building that  
13 during the preceding 3 years has been subject to enforcement  
14 for violations of lead-poisoning-prevention statutes,  
15 ordinances, rules, or regulations as specified by the  
16 secretary.

17           (f) Persons at risk residing, or who have recently  
18 resided, in a room or group of rooms contained in a building  
19 whose owner also owns a building containing affected  
20 properties which during the preceding 3 years has been subject  
21 to an enforcement action for a violation of lead poisoning  
22 prevention statutes, ordinances, rules, or regulations.

23           (g) Persons at risk residing in other buildings or  
24 geographical areas in which the secretary reasonably  
25 determines there to be a significant risk of affected  
26 individuals having a blood-lead level of 10 ug/dL or greater.

27           (3) The secretary shall maintain comprehensive records  
28 of all screenings conducted pursuant to this section. Such  
29 records shall be indexed geographically and by owner in order  
30 to determine the location of areas of relatively high  
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1 incidence of lead poisoning and other elevated blood-lead  
2 levels.

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4 All cases or probable cases of lead poisoning found in the  
5 course of screenings conducted pursuant to this section shall  
6 be reported to the affected individual, to his or her parent  
7 or legal guardian if he or she is a minor, and to the  
8 secretary.

9           Section 6. This act shall take effect July 1, 2005.

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