

1 A bill to be entitled
 2 An act relating to the Lead Poisoning Prevention Screening
 3 and Education Act; providing a popular name; providing
 4 legislative findings; providing definitions; providing for
 5 the establishment of a statewide comprehensive educational
 6 program on lead poisoning prevention; providing for a
 7 public information initiative; providing for distribution
 8 of literature about childhood lead poisoning; requiring
 9 the establishment of a screening program for early
 10 identification of persons at risk of elevated levels of
 11 lead in the blood; providing for screening of children;
 12 providing for prioritization of screening; providing for
 13 the maintenance of records of screenings; providing for
 14 reporting of cases of lead poisoning; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Popular name.--This act may be cited as the
 20 "Lead Poisoning Prevention Screening and Education Act."

21 Section 2. Legislative findings.--

22 (1) Nearly 300,000 American children may have levels of
 23 lead in their blood in excess of 10 micrograms per deciliter
 24 (ug/dL). Unless prevented or treated, elevated blood-lead levels
 25 in egregious cases may result in impairment of the ability to
 26 think, concentrate, and learn.

27 (2) A significant cause of lead poisoning in children is
 28 the ingestion of lead particles from deteriorating lead-based

29 paint in older, poorly maintained residences.

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

34 (4) Knowledge of lead-based-paint hazards, their control,
 35 mitigation, abatement, and risk avoidance is not sufficiently
 36 widespread.

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

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

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

45 (1) "Affected property" means a room or group of rooms
 46 within a property constructed before January 1, 1960, or within
 47 a property constructed between January 1, 1960, and January 1,
 48 1978, where the owner has actual knowledge of the presence of
 49 lead-based paint, that form a single independent habitable
 50 dwelling unit for occupation by one or more individuals and that
 51 has living facilities with permanent provisions for living,
 52 sleeping, eating, cooking, and sanitation. Affected property
 53 does not include:

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

56 (b) A unit within a hotel, motel, or similar seasonal or

57 transient facility, unless such unit is occupied by one or more
 58 persons at risk for a period exceeding 30 days;

59 (c) An area that is secured and inaccessible to occupants;
 60 or

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

62 (2) "Dust-lead hazard" means surface dust in a residential
 63 dwelling or a facility occupied by a person at risk which
 64 contains a mass-per-area concentration of lead equal to or
 65 exceeding 40 ug/ft2 on floors or 250 ug/ft2 on interior
 66 windowsills based on wipe samples.

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

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

75 (5) "Lead-based-paint hazard" means paint-lead hazards and
 76 dust-lead hazards.

77 (6) "Owner" means a person, firm, corporation, nonprofit
 78 organization, partnership, government, guardian, conservator,
 79 receiver, trustee, executor, or other judicial officer, or other
 80 entity which, alone or with others, owns, holds, or controls the
 81 freehold or leasehold title or part of the title to property,
 82 with or without actually possessing it. The definition includes
 83 a vendee who possesses the title, but does not include a
 84 mortgagee or an owner of a reversionary interest under a ground

85 rent lease. The term includes any authorized agent of the owner,
 86 including a property manager or leasing agent.

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

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

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

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

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

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

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

108 (10) "Tenant" means the individual named as the lessee in
 109 a lease, rental agreement, or occupancy agreement for a dwelling
 110 unit.

111 Section 4. Educational programs.--

112 (1) LEAD POISONING PREVENTION EDUCATIONAL PROGRAM

113 ESTABLISHED.--In order to achieve the purposes of this act, a
114 statewide, multifaceted, ongoing educational program designed to
115 meet the needs of tenants, property owners, health care
116 providers, early childhood educators, care providers, and
117 realtors is established.

118 (2) PUBLIC INFORMATION INITIATIVE.--The Governor, in
119 conjunction with the Secretary of Health and his or her
120 designee, shall sponsor a series of public service announcements
121 on radio, television, the Internet, and print media about the
122 nature of lead-based-paint hazards, the importance of standards
123 for lead poisoning prevention in properties, and the purposes
124 and responsibilities set forth in this act. In developing and
125 coordinating this public information initiative, the sponsors
126 shall seek the participation and involvement of private industry
127 organizations, including those involved in real estate,
128 insurance, mortgage banking, and pediatrics.

129 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD
130 POISONING.--By January 1, 2006, the Secretary of Health or his
131 or her designee shall develop culturally and linguistically
132 appropriate information pamphlets regarding childhood lead
133 poisoning, the importance of testing for elevated blood-lead
134 levels, prevention of childhood lead poisoning, treatment of
135 childhood lead poisoning, and where appropriate, the
136 requirements of this act. These information pamphlets shall be
137 distributed to parents or the other legal guardians of children
138 6 years of age or younger on the following occasions:

139 (a) By the owner of any affected property or his or her
140 agents or employees at the time of the initiation of a rental

141 agreement with a new tenant whose household includes a person at
 142 risk or any other woman of childbearing age.

143 (b) By a health care provider at the time of a child's
 144 birth and at the time of any childhood immunization or
 145 vaccination unless it is established that such information
 146 pamphlet has been provided previously to the parent or legal
 147 guardian by the health care provider within the prior 12 months.

148 (c) By the owner or operator of any child care facility or
 149 preschool or kindergarten class on or before October 15 of the
 150 calendar year.

151 Section 5. Screening program.--

152 (1) The secretary shall establish a program for early
 153 identification of persons at risk of having elevated blood-lead
 154 levels. Such program shall systematically screen children under
 155 6 years of age in the target populations identified in
 156 subsection (2) for the presence of elevated blood-lead levels.
 157 Children within the specified target populations shall be
 158 screened with a blood-lead test at age 12 months and age 24
 159 months, or between the ages of 36 months and 72 months if they
 160 have not previously been screened. The secretary shall, after
 161 consultation with recognized professional medical groups and
 162 such other sources as the secretary deems appropriate,
 163 promulgate rules establishing:

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

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

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

172 (a) All children enrolled in the Medicaid program at ages
173 12 months and 24 months, or between the ages of 36 months and 72
174 months if they have not previously been screened.

175 (b) Children under the age of 6 years exhibiting delayed
176 cognitive development or other symptoms of childhood lead
177 poisoning.

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

181 (d) Persons at risk residing, or who have recently
182 resided, in buildings or geographical areas in which significant
183 numbers of cases of lead poisoning or elevated blood-lead levels
184 have recently been reported.

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

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

196 (g) Persons at risk residing in other buildings or

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197 geographical areas in which the secretary reasonably determines
198 there to be a significant risk of affected individuals having a
199 blood-lead level of 10 ug/dL or greater.

200 (3) The secretary shall maintain comprehensive records of
201 all screenings conducted pursuant to this section. Such records
202 shall be indexed geographically and by owner in order to
203 determine the location of areas of relatively high incidence of
204 lead poisoning and other elevated blood-lead levels.

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

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