

Bill No. CS for CS for SB 1324

Barcode 733594

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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3	Floor: 1/AD/2R
4	04/28/2006 02:38 PM
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11 Senator Miller moved the following amendment:

12
13 **Senate Amendment (with title amendment)**

14 On page 1, line 20,

15
16 insert:

17 Section 1. Short title.--This act may be cited as the
18 "Lead Poisoning Prevention Screening and Education Act."

19 Section 2. Legislative findings.--

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

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

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

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1 (4) Knowledge of lead-based-paint hazards, their
2 control, mitigation, abatement, and risk avoidance is not
3 sufficiently widespread.

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

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

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

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

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

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

28 (c) An area that is secured and inaccessible to
29 occupants; or

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

31 (2) "Dust-lead hazard" means surface dust in a

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1 residential dwelling or a facility occupied by a person at
2 risk which contains a mass-per-area concentration of lead
3 equal to or exceeding 40 ug/ft2 on floors or 250 ug/ft2 on
4 interior windowsills based on wipe samples.

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

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

13 (5) "Lead-based-paint hazard" means paint-lead hazards
14 and dust-lead hazards.

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

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

28 (a) Any lead-based paint on a friction surface that is
29 subject to abrasion and where the dust-lead levels on the
30 nearest horizontal surface underneath the friction surface,
31 such as the windowsill or floor, are equal to or greater than

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1 the dust-lead-hazard levels defined in subsection (2);

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

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

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

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

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

17 (10) "Tenant" means the individual named as the lessee
18 in a lease, rental agreement, or occupancy agreement for a
19 dwelling unit.

20 Section 4. Educational programs.--

21 (1) LEAD POISONING PREVENTION EDUCATIONAL PROGRAM
22 ESTABLISHED.--In order to achieve the purposes of this act, a
23 statewide, multifaceted, ongoing educational program designed
24 to meet the needs of tenants, property owners, health care
25 providers, early childhood educators, care providers, and
26 realtors is established.

27 (2) PUBLIC INFORMATION INITIATIVE.--The Governor, in
28 conjunction with the Secretary of Health and his or her
29 designee, shall sponsor a series of public service
30 announcements on radio, television, the Internet, and print
31 media about the nature of lead-based-paint hazards, the

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1 importance of standards for lead poisoning prevention in
 2 properties, and the purposes and responsibilities set forth in
 3 this act. In developing and coordinating this public
 4 information initiative, the sponsors shall seek the
 5 participation and involvement of private industry
 6 organizations, including those involved in real estate,
 7 insurance, mortgage banking, and pediatrics.

8 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD
 9 POISONING.--By January 1, 2007, the Secretary of Health or his
 10 or her designee shall develop culturally and linguistically
 11 appropriate information pamphlets regarding childhood lead
 12 poisoning, the importance of testing for elevated blood-lead
 13 levels, prevention of childhood lead poisoning, treatment of
 14 childhood lead poisoning, and, where appropriate, the
 15 requirements of this act. These information pamphlets shall be
 16 distributed to parents or the other legal guardians of
 17 children 6 years of age or younger on the following occasions:

18 (a) By a health care provider at the time of a child's
 19 birth and at the time of any childhood immunization or
 20 vaccination unless it is established that such information
 21 pamphlet has been provided previously to the parent or legal
 22 guardian by the health care provider within the prior 12
 23 months.

24 (b) By the owner or operator of any child care
 25 facility or preschool or kindergarten class on or before
 26 October 15 of the calendar year.

27 Section 5. Screening program.--

28 (1) The secretary shall establish a program for early
 29 identification of persons at risk of having elevated
 30 blood-lead levels. Such program shall systematically screen
 31 children under 6 years of age in the target populations

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1 identified in subsection (2) for the presence of elevated
 2 blood-lead levels. Children within the specified target
 3 populations shall be screened with a blood-lead test at age 12
 4 months and age 24 months, or between the ages of 36 months and
 5 72 months if they have not previously been screened. The
 6 secretary shall, after consultation with recognized
 7 professional medical groups and such other sources as the
 8 secretary deems appropriate, promulgate rules establishing:

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

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

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

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

20 (b) Children under the age of 6 years exhibiting
 21 delayed cognitive development or other symptoms of childhood
 22 lead poisoning.

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

26 (d) Persons at risk residing, or who have recently
 27 resided, in buildings or geographical areas in which
 28 significant numbers of cases of lead poisoning or elevated
 29 blood-lead levels have recently been reported.

30 (e) Persons at risk residing, or who have recently
 31 resided, in an affected property contained in a building that

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1 during the preceding 3 years has been subject to enforcement
2 for violations of lead-poisoning-prevention statutes,
3 ordinances, rules, or regulations as specified by the
4 secretary.

5 (f) Persons at risk residing, or who have recently
6 resided, in a room or group of rooms contained in a building
7 whose owner also owns a building containing affected
8 properties which during the preceding 3 years has been subject
9 to an enforcement action for a violation of
10 lead-poisoning-prevention statutes, ordinances, rules, or
11 regulations.

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

16 (3) The secretary shall maintain comprehensive records
17 of all screenings conducted pursuant to this section. Such
18 records shall be indexed geographically and by owner in order
19 to determine the location of areas of relatively high
20 incidence of lead poisoning and other elevated blood-lead
21 levels.

22
23 All cases or probable cases of lead poisoning found in the
24 course of screenings conducted pursuant to this section shall
25 be reported to the affected individual, to his or her parent
26 or legal guardian if he or she is a minor, and to the
27 secretary.

28 Section 6. For the 2006-2007 fiscal year, the sum of
29 \$308,000 in recurring general revenue funds is appropriated to
30 the Department of Health for the purpose of implementing
31 section 5 of this act.

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1 Section 7. Section 4 shall take effect only if the
2 requirements in that section are consistent with requirements
3 of any federal childhood lead-poisoning-prevention grant
4 awarded to the Department of Health and if federal funds
5 awarded with any such grant are permitted to be used to
6 implement the requirements in that section.

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8 (Redesignate subsequent sections.)

9

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 1, lines 1 and 2, delete those lines insert:

14 A bill to be entitled

15 An act relating to healthy lifestyles;
16 providing a short title; providing legislative
17 findings; providing definitions; providing for
18 the establishment of a statewide comprehensive
19 educational program on lead poisoning
20 prevention; providing for a public information
21 initiative; providing for distribution of
22 literature about childhood lead poisoning;
23 requiring the establishment of a screening
24 program for early identification of persons at
25 risk of elevated levels of lead in the blood;
26 providing for screening of children; providing
27 for prioritization of screening; providing for
28 the maintenance of records of screenings;
29 providing for reporting of cases of lead
30 poisoning; providing an appropriation;
31 providing contingencies for implementing the

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1 educational program under the act;
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