

STATE OF NEW YORK

8564

2021-2022 Regular Sessions

IN ASSEMBLY

December 13, 2021

Introduced by M. of A. FERNANDEZ -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to the definition of
elevated blood lead levels

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivision 6 of section 1370 of the public health law, as
2 amended by section 1 of part P of chapter 57 of the laws of 2019, is
3 amended to read as follows:

4 6. "Elevated lead levels" means a blood lead level greater than or
5 equal to [~~five~~] 3.5 micrograms of lead per deciliter of whole blood or
6 such lower blood lead level as may be established by the department
7 pursuant to rule or regulation.

8 § 2. (a) Within 90 days after the date on which this act takes effect,
9 the department of health shall adopt all necessary regulations to define
10 "elevated lead levels" to mean a blood lead level greater than or equal
11 to 3.5 micrograms per deciliter of whole blood, or such lower blood lead
12 level as such department may establish, to be utilized in its lead
13 poisoning prevention program. The department of health shall be author-
14 ized to promulgate regulations on an emergency basis to implement the
15 provisions of this act.

16 (b) Within 6 months after the date on which the federal department of
17 health and human services has published guidance recommending a lower
18 concentration of lead in blood than the concentration established pursu-
19 ant to subdivision 6 of section 1370 of the public health law as the
20 reference level for conducting an environmental intervention, the
21 department of health shall publish a notice of proposed rule making to
22 consider the incorporation of such guidance into its regulations.

23 § 3. Section 1370-c of the public health law is amended by adding two
24 new subdivisions 2-a and 2-b to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 2-a. Every clinic, physician, or other authorized practitioner who
2 provides medical care to pregnant women, shall provide guidance about
3 measures to prevent potential impacts of lead on the fetus at regular
4 prenatal appointments.

5 2-b. Every clinic, physician, or other authorized practitioner who
6 provides medical care to pregnant women shall provide reference informa-
7 tion about sources of lead in the community.

8 § 4. This act shall take effect immediately.