STATE OF NEW YORK

6971--A

2017-2018 Regular Sessions

IN SENATE

December 15, 2017

Introduced by Sen. HAMILTON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to granting schools access to a student's blood lead test results in the statewide immunization information system; lead screening of child care or pre-school enrollees and kindergarten students; the definition of elevated blood levels; and appointments to the advisory council on lead poisoning prevention

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

Section 1. Subdivision 6 of section 1370 of the public health law, as amended by chapter 485 of the laws of 1992, is amended to read as follows:

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

§ 2. (a) Within 90 days after the date on which this act takes effect, the department of health shall adopt all necessary regulations to define "elevated lead levels" to mean a blood lead level greater than or equal to 5 micrograms per deciliter of whole blood, or such lower blood lead level as the department may establish, to be utilized in its lead poisoning prevention program. The department shall be authorized to promulgate regulations on an emergency basis to implement the provisions of this act.

(b) Within 6 months after the date on which the federal department of health and human services has published guidance recommending a lower concentration of lead in blood than the concentration established pursu-

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

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ant to section one of this act as the reference level for follow-up testing, nutritional and developmental assessments and counseling or environmental assessments or investigations, the department of health shall publish a notice of proposed rule making to consider the incorporation of such guidance into its regulations.

§ 3. Subparagraph (i) of paragraph (d) of subdivision 8 of section 2168 of the public health law, as amended by chapter 154 of the laws of 2013, is amended to read as follows:

(i) schools for **the purpose of** verifying immunization status for eligibility for admission **and for the purpose of confirming students have been screened for elevated blood lead levels when entering child care, pre-school or kindergarten, and identifying individual student blood lead information for the provision of appropriate educational training on lead and the dangers of lead to the student and the parents or legal guardians of the student as well as information on programs that are available to the student and the parents or legal guardians of the student**;

§ 4. Subdivision 1 of section 1370-b of the public health law, as added by section 79 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

1. The New York state advisory council on lead poisoning prevention is hereby established in the department, to consist of the following, or their designees: the commissioner; the commissioner of labor; the commissioner of environmental conservation; the commissioner of housing and community renewal; the commissioner of children and family services; the commissioner of temporary and disability assistance; the secretary of state; and fifteen public members**, of which nine shall be** appointed by the governor**, three by the speaker of the assembly and three by the temporary president of the senate**. The public members shall have a demonstrated expertise or interest in lead poisoning prevention and at least one public member shall be representative of each of the following: local government; community groups; labor unions; real estate; industry; parents; educators; local housing authorities; child health advocates; environmental groups; professional medical organizations and hospitals. The public members of the council shall have fixed terms of three years; except that five of the initial appointments shall be for two years and five shall be for one year. The council shall be chaired by the commissioner or his or her designee.

§ 5. Section 1370-d of the public health law, as added by chapter 485 of the laws of 1992, is amended to read as follows:

§ 1370-d. Lead screening of child care or pre-school enrollees **and kindergarten students**. 1. Except as provided pursuant to regulations of the department, each child care provider, public and private nursery school and pre-school licensed, certified or approved by any state or local agency**, and every school district enrolling students in kindergarten** shall, prior to or within three months after initial enrollment of a child under [~~six~~] **seven** years of age, obtain from a parent or guardian of the child evidence that said child has been screened for lead.

2. Whenever there exists no evidence of lead screening as provided for in subdivision one of this section or other acceptable evidence of the child's screening for lead, the child care provider, principal, teacher, owner or person in charge of the nursery school [~~or~~]**,** pre-school **or kindergarten** shall provide the parent or guardian of the child with information on lead poisoning in children and lead poisoning prevention and refer the parent or guardian to a primary care provider or the local health authority.

3. (a) If any parent or guardian to such child is unable to obtain lead testing, such person may present such child to the health officer of the county in which the child resides, who shall then perform or arrange for the required screening.

(b) The local public health district shall develop and implement a fee schedule for households with incomes in excess of two hundred percent of the federal poverty level for lead screening pursuant to section six hundred six of this chapter, which shall vary depending on patient household income.

§ 6. This act shall take effect immediately.