STATE OF NEW YORK

9131

IN SENATE

July 9, 2018

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, the insurance law, the social services law and the public housing law, in relation to elevated lead levels in children

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

Section 1. This act shall be known and may be cited as "Dakota's Law".

§ 2. 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.

§ 3. Paragraphs (c) and (d) of subdivision 2 of section 1370-a of the public health law, paragraph (c) as amended by section 4 of part A of chapter 58 of the laws of 2009, and paragraph (d) as added by chapter 485 of the laws of 1992, are amended and three new paragraphs (e), (f) and (g) are added to read as follows:

(c) establish a statewide registry of lead levels of children provided such information is maintained as confidential except for (i) disclosure for medical treatment purposes; (ii) disclosure of non-identifying epidemiological data; and (iii) disclosure of information from such registry to the statewide immunization information system established by section twenty-one hundred sixty-eight of this chapter; [~~and~~]

(d) develop and implement public education and community outreach programs on lead exposure, detection and risk reduction[~~.~~]**;**

(e) establish a process that allows physicians to record when a child under such physician's care has completed a lead screening and/or obtained a blood test for lead to the statewide immunization information system established by section twenty-one hundred sixty-eight of this chapter;

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

LBD15313-03-8

(f) add a question to the lead exposure risk assessment questionnaire for children which shall include a question asking if the child has obtained a blood test for lead at the ages of twelve months old and twenty-four months old; and

(g) establish a hotline, to be operated by the department, to serve as a centralized system for physicians to report elevated lead levels as required pursuant to section thirteen hundred seventy-e of this title. The department shall utilize the information reported to such hotline to notify the appropriate local or state health officer of elevated lead levels as required to be reported pursuant to this title.

§ 4. Subdivision 1 of section 1370-e of the public health law, as added by chapter 485 of the laws of 1992, is amended to read as follows:

1. Every physician or authorized practitioner shall give notice of elevated lead levels [~~as specified by the commissioner pursuant to regulation,~~] of five micrograms of lead per deciliter of whole blood to the health officer of the health district wherein the patient resides, except as otherwise provided.

§ 5. Section 1373 of the public health law is amended by adding a new subdivision 6 to read as follows:

6. (a) The commissioner or their representative shall require the jurisdictional local or state health department to investigate cases of elevated lead levels, as defined in subdivision six of section thirteen hundred seventy of this title, that are reported by physicians to a local or state health officer pursuant to section thirteen hundred seventy-e of this title.

(b) A jurisdictional local health department may request assistance from the state department of health to investigate cases of elevated lead levels if such jurisdictional local health department does not have the capacity and/or resources to investigate such cases as required pursuant to paragraph (a) of this subdivision.

(c) For the purposes of this subdivision, "jurisdictional local or state health department" shall mean the local or state health department of the local or state health officer whom a physician has reported elevated lead levels to pursuant to section thirteen hundred seventy-e of this title.

§ 6. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 35 to read as follows:

(35) Every insurer issuing a policy of accident and health insurance for delivery in this state shall provide coverage for screening and blood tests of children for elevated lead levels. For the purposes of this paragraph, "elevated lead levels" shall have the same meaning as set forth in subdivision six of section thirteen hundred seventy of the public health law.

§ 7. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 22 to read as follows:

(22) Every group or blanket policy delivered or issued for delivery in this state which provides hospital, surgical or medical coverage shall provide coverage for screening and blood tests of children for elevated lead levels. For the purposes of this paragraph, "elevated lead levels" shall have the same meaning as set forth in subdivision six of section thirteen hundred seventy of the public health law.

§ 8. Section 4303 of the insurance law is amended by adding a new subsection (ss) to read as follows:

(ss) Every medical expense indemnity corporation, hospital service corporation and health service corporation which provides coverage for medical, surgical or major medical care shall provide coverage for

screening and blood tests of children for elevated lead levels. For the purposes of this paragraph, "elevated lead levels" shall have the same meaning as set forth in subdivision six of section thirteen hundred seventy of the public health law.

§ 9. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (ff) to read as follows:

(ff) screening and blood tests of children for elevated lead levels. For the purposes of this paragraph, elevated lead levels means a blood lead level greater than or equal to five micrograms of lead per deciliter of whole blood.

§ 10. Subdivision 4 of section 14 of the public housing law is amended by adding a new paragraph (e) to read as follows:

(e) the commissioner, their counsel or any other officer or employee of the division specially designated by the commissioner shall promulgate rules, regulations and policies which:

(i) set the action level for lead to five micrograms of lead per deciliter of whole blood when identifying elevated blood lead levels of children occupying a dwelling in public housing; and

(ii) require projects to follow the federal department of housing and urban development's guidance on lead safe housing rule pertaining to elevated blood levels for the public housing, housing choice voucher, and project-based voucher programs.

§ 11. This act shall take effect immediately.