

STATE OF NEW YORK

499--A

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. RIVERA, MAY, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. This act shall be known and may be cited as "Dakota's Law".
2 § 2. Subdivision 6 of section 1370 of the public health law, as
3 amended by chapter 485 of the laws of 1992, is amended to read as
4 follows:

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

9 § 3. The public health law is amended by adding a new section 1370-f
10 to read as follows:

11 § 1370-f. Federal guidance change incorporation. Within six months
12 after the date on which the federal department of health and human
13 services has published guidance recommending a lower concentration of
14 lead in blood than the concentration established by subdivision six of
15 section thirteen hundred seventy of this title as the reference level
16 for conducting an environmental intervention, the department shall
17 publish a notice of proposed rulemaking incorporating such guidance into
18 its regulations.

19 § 4. Paragraphs (c) and (d) of subdivision 2 of section 1370-a of the
20 public health law, paragraph (c) as amended by section 4 of part A of
21 chapter 58 of the laws of 2009, and paragraph (d) as added by chapter

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

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1 485 of the laws of 1992, are amended and three new paragraphs (e), (f)
2 and (g) are added to read as follows:

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

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

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

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

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

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

28 1. Every physician or authorized practitioner shall give notice of
29 elevated lead levels ~~[as specified by the commissioner pursuant to regu-~~
30 ~~lation,~~ of five micrograms of lead per deciliter of whole blood to the
31 health officer of the health district wherein the patient resides,
32 except as otherwise provided.

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

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

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

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

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

53 (35) Screening for the detection of elevated lead levels covered under
54 the policy shall not be subject to annual deductibles or coinsurance.
55 For the purposes of this paragraph, "elevated lead levels" shall have

1 the same meaning as set forth in subdivision six of section thirteen
2 hundred seventy of the public health law.

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

5 (22) Screening for the detection of elevated lead levels covered under
6 the policy shall not be subject to annual deductibles or coinsurance.
7 For the purposes of this paragraph, "elevated lead levels" shall have
8 the same meaning as set forth in subdivision six of section thirteen
9 hundred seventy of the public health law.

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

12 (ss) Screening for the detection of elevated lead levels covered under
13 the policy shall not be subject to annual deductibles or coinsurance.
14 For the purposes of this subsection, "elevated lead levels" shall have
15 the same meaning as set forth in subdivision six of section thirteen
16 hundred seventy of the public health law.

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

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

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

25 (e) the commissioner shall promulgate rules, regulations and policies
26 which:

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

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

34 § 12. This act shall take effect immediately.