

STATE OF NEW YORK

5024

2021-2022 Regular Sessions

IN SENATE

February 22, 2021

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

AN ACT to amend the public health law, in relation to prevention and screening for 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. Paragraphs (c) and (d) of subdivision 2 of section 1370-a of the
3 public health law, paragraph (c) as amended by section 4 of part A of
4 chapter 58 of the laws of 2009, and paragraph (d) as added by chapter
5 485 of the laws of 1992, are amended and a new paragraph (e) is added to
6 read as follows:

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

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

15 (e) primary health care providers shall provide the parent or guardian
16 of each child under six years of age anticipatory guidance on lead
17 poisoning prevention as part of routine care, including but not limited
18 to their right to an inspection if the child is at risk of lead expo-
19 sure.

20 § 3. Section 1370-c of the public health law is amended by adding a
21 new subdivision 2-a to read as follows:

22 2-a. Every primary health care provider shall conduct a lead exposure
23 risk assessment questionnaire provided by the department beginning at
24 least six months and continuing until the age of six at each routine

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

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1 well-child visit, or at least annually if a child has not had routine
2 well-child visits.

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

5 § 1370-d. Lead screening of child care [~~or~~], pre-school, pre-kinder-
6 garten or kindergarten enrollees. 1. Except as provided pursuant to
7 regulations of the department, each child care provider, public and
8 private nursery school [~~and~~], pre-school, and pre-kindergarten or
9 kindergarten licensed, certified or approved by any state or local agen-
10 cy shall, prior to or within three months after initial enrollment of a
11 child under six years of age, obtain from a parent or guardian of the
12 child evidence that said child has been screened for lead.

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

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

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

30 § 5. Paragraph (d) of subdivision 8 of section 2168 of the public
31 health law, as amended by chapter 154 of the laws of 2013, subparagraph
32 (i) as amended by section 7 of part MM of chapter 57 of the laws of
33 2018, is amended to read as follows:

34 (d) The following authorized users shall have access to the statewide
35 immunization information system and the blood lead information in such
36 system and the citywide immunization registry for the purposes stated in
37 this paragraph: (i) schools for the purpose of verifying immunization
38 status for eligibility for admission, for the purpose of confirming a
39 student has been screened for lead when enrolling in child care, pre-
40 school, pre-kindergarten or kindergarten, and for the provision of
41 appropriate educational materials developed by the department pursuant
42 to section thirteen hundred seventy-a of this chapter on the dangers of
43 lead exposure, and the health risks associated with elevated blood lead
44 levels to the parents or legal guardians of the student with an elevated
45 blood lead level, as such term is defined in subdivision six of section
46 thirteen hundred seventy of this chapter, as well as information on
47 programs that may be available to the student and the parents or legal
48 guardians of the student; (ii) colleges for verifying immunization
49 status for eligibility for admission; (iii) professional and technical
50 schools for verifying immunization status for eligibility for admission;
51 (iv) children's overnight camps and summer day camps for verifying
52 immunization status of children attending camp; (v) third party payer
53 for performing quality assurance, accountability and outreach, relating
54 to enrollees covered by the third party payer; (vi) commissioners of
55 local social services districts with regard to a child in his/her legal
56 custody; (vii) the commissioner of the office of children and family

1 services with regard to children in their legal custody, and for quality
2 assurance and accountability of commissioners of local social services
3 districts, care and treatment of children in the custody of commission-
4 ers of local social services districts; and (viii) WIC programs for the
5 purposes of verifying immunization and lead testing status for those
6 seeking or receiving services.

7 § 6. This act shall take effect immediately.