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:

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

§ 2. 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 a new paragraph (e) is 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) primary health care providers shall provide the parent or guardian of each child under six years of age anticipatory guidance on lead poisoning prevention as part of routine care, including but not limited to their right to an inspection if the child is at risk of lead exposure.

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

2-a. Every primary health care provider shall conduct a lead exposure risk assessment questionnaire provided by the department beginning at 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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well-child visit, or at least annually if a child has not had routine well-child visits.

§ 4. 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**, pre-kindergarten or kindergarten** enrollees. 1. Except as provided pursuant to regulations of the department, each child care provider, public and private nursery school [~~and~~], pre-school**, and pre-kindergarten or kindergarten** licensed, certified or approved by any state or local agency shall, prior to or within three months after initial enrollment of a child under six 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 pre-kindergarten 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.

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

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

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

§ 6. This act shall take effect immediately.