STATE OF NEW YORK

5292

2023-2024 Regular Sessions

IN SENATE

March 1, 2023

Introduced by Sen. FERNANDEZ -- 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 the definition of elevated blood lead levels

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 section 1 of part P of chapter 57 of the laws of 2019, is amended to read as follows:

6. "Elevated lead levels" means a blood lead level greater than or equal to [~~five~~] **3.5** 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 3.5 micrograms per deciliter of whole blood, or such lower blood lead level as such department may establish, to be utilized in its lead poisoning prevention program. The department of health 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 pursuant to subdivision 6 of section 1370 of the public health law as the reference level for conducting an environmental intervention, the department of health shall publish a notice of proposed rule making to consider the incorporation of such guidance into its regulations.

§ 3. This act shall take effect immediately.

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

LBD07795-01-3