

# HOUSE BILL No. 4878

May 28, 1991, Introduced by Reps. Stallworth, Hoffman, Joe Young, Sr., Dobronski, Clack, Gire, Barns, Trim, Baade, Leland, Profit, Palamara, Varga, DeMars, Harrison, Hertel, Bennane, Yokich, Brown, Wallace, Saunders, Kosteva, Gubow, Jonker, Pitoniak, Murphy, Hunter, Wozniak, Perry Bullard, Joe Young, Jr., Clarke, Harder, Dolan and Hickner and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding part 94.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as  
2 amended, being sections 333.1101 to 333.25211 of the Michigan  
3 Compiled Laws, is amended by adding part 94 to read as follows:

### 4 PART 94. LEAD POISONING ASSESSMENT

5 SEC. 9401. A LOCAL HEALTH DEPARTMENT, OR A PERSON OR AGENCY  
6 DESIGNATED BY THE DEPARTMENT AND WORKING IN COOPERATION WITH THE  
7 LOCAL HEALTH DEPARTMENT, SHALL CONDUCT PERIODIC LEAD POISONING  
8 ASSESSMENT PROGRAMS WITHOUT CHARGE FOR CHILDREN AGE 9 MONTHS  
9 THROUGH 5 YEARS RESIDING IN ITS JURISDICTION. THE PROGRAMS SHALL

1 BE DESIGNED TO ENSURE THAT A CHILD UNDERGOES A LEAD POISONING  
2 ASSESSMENT AT LEAST ONCE BEFORE THE CHILD REACHES AGE 2 YEARS AND  
3 AGAIN BEFORE THE CHILD REACHES AGE 6 YEARS. THE LOCAL HEALTH  
4 DEPARTMENT OR THE DEPARTMENT'S DESIGNEE SHALL PUBLICIZE THE FREE  
5 ASSESSMENT SERVICE AND THE TIME AND PLACE OF THE CLINICS.

6 SEC. 9403. THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A  
7 PROGRAM TO ASSIST LOCAL HEALTH DEPARTMENTS IN DEVELOPING AND  
8 MAINTAINING THE PERIODIC LEAD POISONING ASSESSMENT PROGRAMS FOR  
9 CHILDREN REQUIRED UNDER THIS PART.

10 SEC. 9405. (1) IF A LEAD POISONING ASSESSMENT BY A LOCAL  
11 HEALTH DEPARTMENT OR THE DEPARTMENT'S DESIGNEE INDICATES THAT A  
12 CHILD SHOULD BE TESTED FOR LEAD POISONING, THE LOCAL HEALTH  
13 DEPARTMENT OR THE DEPARTMENT'S DESIGNEE SHALL TEST THE CHILD FOR  
14 LEAD POISONING UPON RECEIVING APPROPRIATE AUTHORIZATION FROM THE  
15 CHILD'S PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS.  
16 ALTERNATIVELY, THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS  
17 MAY HAVE THE CHILD TESTED FOR LEAD POISONING BY ANOTHER HEALTH  
18 PROFESSIONAL AUTHORIZED BY LAW TO PERFORM SUCH A TEST.

19 (2) IF THE RESULT OF A LEAD POISONING TESTING UNDER SUBSEC-  
20 TION (1) INDICATES THAT A CHILD IS SUFFERING FROM LEAD POISONING  
21 AND REQUIRES FOLLOW-UP CARE, A QUALIFIED HEALTH PROFESSIONAL, THE  
22 LOCAL HEALTH DEPARTMENT, OR THE DEPARTMENT'S DESIGNEE SHALL  
23 PRESENT TO THE CHILD'S PARENT, GUARDIAN, OR PERSON IN LOCO PAREN-  
24 TIS A WRITTEN STATEMENT CLEARLY INDICATING THAT FOLLOW-UP TREAT-  
25 MENT IS MEDICALLY INDICATED.

26 (3) THE LOCAL HEALTH DEPARTMENT OR THE DEPARTMENT'S DESIGNEE  
27 SHALL PROVIDE INFORMATION CONCERNING THE AVAILABILITY AND SOURCES

1 OF LEAD POISONING TREATMENT TO THE CHILD'S PARENT, GUARDIAN, OR  
2 PERSON IN LOCO PARENTIS.

3 SEC. 9409. A PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS  
4 OF A CHILD AGE 9 MONTHS THROUGH 5 YEARS SHALL ENSURE THAT THE  
5 CHILD UNDERGOES A LEAD POISONING ASSESSMENT BY THE LOCAL HEALTH  
6 DEPARTMENT, THE DEPARTMENT'S DESIGNEE, OR A QUALIFIED HEALTH PRO-  
7 FESSIONAL AT LEAST ONCE BEFORE THE CHILD REACHES AGE 2 YEARS AND  
8 AGAIN BEFORE THE CHILD REACHES AGE 6 YEARS.

9 SEC. 9411. (1) A PARENT, GUARDIAN, OR PERSON IN LOCO PAREN-  
10 TIS APPLYING TO HAVE A CHILD REGISTERED FOR THE FIRST TIME IN A  
11 KINDERGARTEN OR FIRST GRADE IN A SCHOOL IN THIS STATE SHALL  
12 PRESENT TO SCHOOL OFFICIALS, AT THE TIME OF REGISTRATION OR NOT  
13 LATER THAN THE FIRST DAY OF SCHOOL, A CERTIFICATE OF LEAD POISON-  
14 ING ASSESSMENT OR STATEMENT OF EXEMPTION UNDER SECTION 9415.

15 (2) BEFORE NOVEMBER 1 OF EACH YEAR, A SCHOOL DISTRICT SHALL  
16 GIVE THE DEPARTMENT AND APPROPRIATE LOCAL HEALTH DEPARTMENT A  
17 SUMMARY OF THE LEAD POISONING ASSESSMENT REPORTS AT THE TIME OF  
18 SCHOOL ENTRY OF NEW ENTERING KINDERGARTEN AND FIRST GRADE  
19 STUDENTS. THE REPORTS SHALL BE MADE ON FORMS PROVIDED OR  
20 APPROVED BY THE DEPARTMENT.

21 (3) A SCHOOL DISTRICT SHALL MAKE AND PRESERVE RECORDS OF  
22 LEAD POISONING ASSESSMENTS AS PROVIDED BY THE DEPARTMENT. THE  
23 RECORDS SHALL BE AVAILABLE TO HEALTH AGENCIES AND APPROPRIATE  
24 SCHOOL DISTRICT PERSONNEL TO ASSIST IN OBTAINING PROPER AND NEC-  
25 ESSARY HEALTH AND EDUCATIONAL CARE, ATTENTION, AND TREATMENT AS  
26 PERMITTED BY THE DEPARTMENT. EXCEPT AS OTHERWISE PROVIDED IN  
27 THIS PART, INDIVIDUAL ASSESSMENT RECORDS ARE CONFIDENTIAL.

1        SEC. 9413. (1) A HEALTH PROFESSIONAL, LOCAL HEALTH  
2 DEPARTMENT, OR DEPARTMENT DESIGNEE THAT TESTS A CHILD FOR LEAD  
3 POISONING AND FINDS THAT THE CHILD IS SUFFERING FROM LEAD POISON-  
4 ING SHALL REPORT THE POSITIVE TEST RESULT, THE CHILD'S NAME AND  
5 ADDRESS, AND THE NAME AND ADDRESS OF THE CHILD'S PARENT, GUARDI-  
6 AN, OR PERSON IN LOCO PARENTIS TO THE DEPARTMENT.

7        (2) IF THE DEPARTMENT RECEIVES A REPORT UNDER SUBSECTION  
8 (1), THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

9        (A) CONDUCT AN INVESTIGATION TO IDENTIFY THE SOURCE OF THE  
10 LEAD EXPOSURE THAT POISONED THE CHILD.

11       (B) RECOMMEND TO THE CHILD'S PARENT, GUARDIAN, OR PERSON IN  
12 LOCO PARENTIS MEASURES TO ELIMINATE THE SOURCE OF LEAD EXPOSURE.

13       (C) ANNUALLY TEST THE CHILD FOR LEAD POISONING UNTIL NEGA-  
14 TIVE TEST RESULTS ARE OBTAINED IN 3 CONSECUTIVE YEARS.

15       SEC. 9415. A CHILD IS EXEMPT FROM THIS PART IF A PARENT,  
16 GUARDIAN, OR PERSON IN LOCO PARENTIS OF THE CHILD PRESENTS A  
17 WRITTEN STATEMENT TO THE ADMINISTRATOR OF THE CHILD'S SCHOOL  
18 STATING THAT THE REQUIREMENT VIOLATES THE PERSONAL RELIGIOUS  
19 BELIEFS OF THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS.

20       SEC. 9417. IN COOPERATION WITH THE DEPARTMENT OF EDUCATION  
21 AND THE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT SHALL PRO-  
22 VIDE PUBLIC EDUCATION ON THE DANGERS OF LEAD POISONING AND THE  
23 NEED FOR LEAD POISONING ASSESSMENT FOR YOUNG CHILDREN.

24       SEC. 9419. (1) THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE  
25 ALL OF THE FOLLOWING TO LOCAL HEALTH DEPARTMENTS AND HEALTH CARE  
26 PROFESSIONALS:

1 (A) PROTOCOLS FOR CONDUCTING A LEAD POISONING ASSESSMENT TO  
2 DETERMINE IF A CHILD IS AT RISK AND SHOULD BE TESTED FOR LEAD  
3 POISONING.

4 (B) STANDARDS FOR EXCESSIVE BLOOD-LEAD LEVELS OR EXCESSIVE  
5 ABSORPTION OF LEAD.

6 (C) GUIDELINES FOR MEDICAL CASE MANAGEMENT FOR TREATMENT OF  
7 A CHILD SUFFERING FROM LEAD POISONING.

8 (D) A FORM FOR USE AS THE CERTIFICATE OF LEAD POISONING  
9 ASSESSMENT REQUIRED UNDER SECTION 9411.

10 (2) THE DEPARTMENT AND A LOCAL HEALTH DEPARTMENT SHALL COOP-  
11 ERATE WITH ANY APPROPRIATE AGENCY OF THE STATE AND WITH A LOCAL  
12 HEALTH DEPARTMENT OR OTHER COMMUNITY GROUP IN ENCOURAGING REME-  
13 DIAL MEASURES AVAILABLE FOR CHILDREN AT RISK OF DEVELOPING LEAD  
14 POISONING OR SUFFERING FROM LEAD POISONING.

15 SEC. 9421. THE DIRECTOR MAY APPOINT AN ADVISORY COMMITTEE  
16 CONSISTING OF HEALTH PROFESSIONALS, PHYSICIANS, AND INDIVIDUALS  
17 REPRESENTING SCHOOLS. THE ADVISORY COMMITTEE SHALL ASSIST THE  
18 DEPARTMENT WITH LEAD POISONING PROGRAMS AND SHALL CONFORM TO THE  
19 REQUIREMENTS OF SECTION 2215.

20 SEC. 9423. THE DEPARTMENT SHALL PROMULGATE RULES TO IMPL-  
21 MENT THIS PART, INCLUDING, BUT NOT LIMITED TO, THE MAINTENANCE,  
22 CONFIDENTIALITY, AND DISCLOSURE OF RECORDS UNDER SECTION 9411.

23 SEC. 9429. A PERSON WHO VIOLATES THIS PART OR A RULE  
24 PROMULGATED UNDER THIS PART IS GUILTY OF A MISDEMEANOR.