

HOUSE BILL No. 4770

May 3, 1989, Introduced by Reps. Stallworth, Stabenow, DeMars, Wallace, Dunaskiss, Gire, Varga, Bennane, Kilpatrick, Clack, Murphy, Porreca, Barns, Jonker, Hart, Webb, Profit, Harrison, Hoffman and Leland 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 95.

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 95 to read as follows:

4 PART 95. LEAD SCREENING

5 SEC. 9501. A LOCAL HEALTH DEPARTMENT SHALL CONDUCT
6 PERIODIC LEAD POISONING TESTING AND SCREENING PROGRAMS WITHOUT
7 CHARGE FOR CHILDREN AGE 9 MONTHS THROUGH 5 YEARS RESIDING IN ITS
8 JURISDICTION. THE PROGRAMS SHALL BE DESIGNED TO ENSURE THAT A
9 CHILD UNDERGOES TESTING AND SCREENING FOR LEAD POISONING AT LEAST

1 ONCE BEFORE THE CHILD REACHES AGE 2 YEARS AND AGAIN BEFORE THE
2 CHILD REACHES AGE 6 YEARS. THE LOCAL HEALTH DEPARTMENT SHALL
3 PUBLICIZE THE FREE TESTING AND SCREENING SERVICE AND THE TIME AND
4 PLACE OF THE CLINICS.

5 SEC. 9502. A PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS
6 OF A CHILD AGE 9 MONTHS THROUGH 5 YEARS SHALL PROVIDE FOR THE
7 CHILD'S LEAD POISONING TESTING AND SCREENING BY THE LOCAL HEALTH
8 DEPARTMENT OR AN AGENCY DESIGNATED BY THE LOCAL HEALTH DEPARTMENT
9 AT LEAST ONCE BEFORE THE CHILD REACHES AGE 2 YEARS AND AGAIN
10 BEFORE THE CHILD REACHES AGE 6 YEARS.

11 SEC. 9503. THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A
12 PROGRAM TO ASSIST LOCAL HEALTH DEPARTMENTS IN DEVELOPING AND
13 MAINTAINING THE PERIODIC LEAD POISONING TESTING AND SCREENING
14 PROGRAMS FOR CHILDREN REQUIRED UNDER THIS PART.

15 SEC. 9505. (1) IF THE RESULT OF A LEAD POISONING TESTING OR
16 SCREENING INDICATES THAT A CHILD IS SUFFERING FROM LEAD POISONING
17 AND REQUIRES FOLLOW-UP CARE, A PROFESSIONAL AUTHORIZED BY LAW, A
18 LOCAL HEALTH DEPARTMENT, OR OTHER AGENCY SHALL PRESENT TO THE
19 PERSON BRINGING THE CHILD FOR TESTING A WRITTEN STATEMENT CLEARLY
20 INDICATING THAT FOLLOW-UP TREATMENT IS REQUIRED. IF THE PERSON
21 BRINGING THE CHILD FOR TESTING IS NOT A PARENT, LEGAL GUARDIAN,
22 OR PERSON IN LOCO PARENTIS OF THE CHILD, THE WRITTEN STATEMENT
23 SHALL ALSO BE PROVIDED TO THE PARENT, LEGAL GUARDIAN, OR PERSON
24 IN LOCO PARENTIS OF THE CHILD.

25 (2) UPON REQUEST, THE LOCAL HEALTH DEPARTMENT SHALL PROVIDE
26 INFORMATION CONCERNING THE AVAILABILITY AND SOURCES OF LEAD
27 POISONING TREATMENT.

1 SEC. 9507. (1) A PARENT, GUARDIAN, OR PERSON IN LOCO
2 PARENTIS APPLYING TO HAVE A CHILD REGISTERED FOR THE FIRST TIME
3 IN A KINDERGARTEN OR FIRST GRADE IN A SCHOOL IN THIS STATE SHALL
4 PRESENT TO SCHOOL OFFICIALS, AT THE TIME OF REGISTRATION OR NOT
5 LATER THAN THE FIRST DAY OF SCHOOL, A CERTIFICATE OF LEAD POISON-
6 ING TESTING OR SCREENING OR STATEMENT OF EXEMPTION UNDER SECTION
7 9511.

8 (2) BEFORE NOVEMBER 1 OF EACH YEAR, THE SCHOOL DISTRICT
9 SHALL GIVE THE DEPARTMENT AND APPROPRIATE LOCAL HEALTH DEPARTMENT
10 A SUMMARY OF THE LEAD POISONING SCREENING REPORTS AT THE TIME OF
11 SCHOOL ENTRY OF NEW ENTERING KINDERGARTEN AND FIRST GRADE
12 STUDENTS. THE REPORTS SHALL BE MADE ON FORMS PROVIDED OR
13 APPROVED BY THE DEPARTMENT.

14 (3) RECORDS OF TESTING AND SCREENING ADMINISTERED AND CON-
15 DUCTED SHALL BE MADE AND PRESERVED AS PROVIDED BY THE
16 DEPARTMENT. THE RECORDS SHALL BE AVAILABLE TO HEALTH AGENCIES
17 AND OTHER PERSONS TO ASSIST IN OBTAINING PROPER AND NECESSARY
18 HEALTH AND EDUCATIONAL CARE, ATTENTION, AND TREATMENT AS PERMIT-
19 TED BY THE DEPARTMENT. EXCEPT AS OTHERWISE PROVIDED IN THIS
20 PART, INDIVIDUAL TESTING AND SCREENING RECORDS SHALL BE
21 CONFIDENTIAL.

22 SEC. 9509. IF IT APPEARS AS THE RESULT OF A LEAD POISONING
23 TESTING AND SCREENING PROGRAM THAT A CHILD IS AT RISK OF DEVELOP-
24 ING LEAD POISONING, THE LOCAL HEALTH DEPARTMENT SHALL ANNUALLY
25 ADMINISTER OR CAUSE TO BE ADMINISTERED INDIVIDUAL LEAD POISONING
26 TESTING AND SCREENING FOR THE CHILD.

1 SEC. 9511. A CHILD IS EXEMPT FROM THIS PART IF A PARENT,
2 GUARDIAN, OR PERSON IN LOCO PARENTIS OF THE CHILD PRESENTS A
3 WRITTEN STATEMENT TO THE ADMINISTRATOR OF THE CHILD'S SCHOOL
4 STATING THAT THE REQUIREMENT VIOLATES THE PERSONAL RELIGIOUS
5 BELIEFS OF THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS.

6 SEC. 9513. IN COOPERATION WITH THE DEPARTMENT OF EDUCATION
7 AND THE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT SHALL PRO-
8 VIDE PUBLIC EDUCATION ON THE DANGERS OF PAINT CONTAINING LEAD AND
9 THE NEED FOR LEAD POISONING SCREENING FOR YOUNG CHILDREN.

10 SEC. 9517. (1) THE DIRECTOR MAY APPOINT AN ADVISORY COMMIT-
11 TEE CONSISTING OF HEALTH PROFESSIONALS, PHYSICIANS, AND INDIVIDU-
12 ALS REPRESENTING SCHOOLS. THE ADVISORY COMMITTEE SHALL ASSIST
13 THE DEPARTMENT WITH LEAD POISONING PROGRAMS AND SHALL CONFORM TO
14 THE REQUIREMENTS OF SECTION 2215.

15 (2) THE DEPARTMENT AND A LOCAL HEALTH DEPARTMENT SHALL COOP-
16 ERATE WITH ANY APPROPRIATE AGENCY OF THE STATE AND WITH A LOCAL
17 HEALTH DEPARTMENT OR OTHER COMMUNITY GROUP IN ENCOURAGING REME-
18 DIAL MEASURES AVAILABLE FOR CHILDREN AT RISK OF DEVELOPING LEAD
19 POISONING OR WITH LEAD POISONING.

20 SEC. 9521. THE DEPARTMENT SHALL PROMULGATE RULES TO IMPLE-
21 MENT THIS PART, INCLUDING, BUT NOT LIMITED TO, THE MAINTENANCE,
22 CONFIDENTIALITY, AND DISCLOSURE OF RECORDS UNDER SECTION 9507,
23 STANDARDS FOR DETERMINING WHETHER A CHILD IS AT RISK OF DEVELOP-
24 ING LEAD POISONING, STANDARDS FOR EXCESSIVE BLOOD-LEAD LEVELS OR
25 EXCESSIVE ABSORPTION OF LEAD, AND STANDARDS FOR MEDICAL CASE MAN-
26 AGEMENT FOR TREATMENT OF A CHILD SUFFERING FROM LEAD POISONING
27 AND COORDINATION WITH THE CHILD'S ATTENDING PHYSICIAN.

1 SEC. 9529. A PERSON WHO VIOLATES THIS PART OR A RULE
2 PROMULGATED UNDER THIS PART IS GUILTY OF A MISDEMEANOR.