STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2007

Introduced by Reps. Coulouris, LeBlanc, Warren, Bauer, Meadows, Byrum, Corriveau, Bieda, Condino, Ebli, Lemmons, Wojno, Byrnes, Sheltrown, Hood, Clack, Valentine, Brown, Donigan, Young, Robert Jones, Alma Smith, Simpson, Vagnozzi, Johnson, Melton, Mayes, Hammon, Hammel, Miller, Scott, Cheeks, Gaffney, Angerer, Jackson and Opsommer

ENROLLED HOUSE BILL No. 4936

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding sections 5478 and 5479; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 5478. (1) It is the intent of the legislature that the childhood lead poisoning prevention and control commission created in the department under former section 5474a shall be reinstated with minimal interruption. To this end, the following 9 members appointed by the governor with the advice and consent of the senate under former section 5474a and serving on the childhood lead poisoning prevention and control commission on June 30, 2007 shall be reinstated to serve on the commission:

(a) One member representing the department of community health. The member appointed under this subdivision shall serve as chairperson.

(b) One member representing the department of human services.

(c) One member representing the department of environmental quality.

(d) One member representing the Michigan state housing development authority.

(e) One member representing "Get the Lead Out!". The member appointed under this subdivision shall be from a county with a population of more than 500,000 but not more than 700,000.

(f) One member representing a local health department located in a county with a population of more than 170,000 but not more than 200,000.

(g) One member representing certified lead-abatement contractors.

(h) Two members representing the general public. One of the members appointed under this subdivision shall be from a city with a population of 750,000 or more and be a parent of a child who has experienced lead poisoning or a child advocate who has experience with lead poisoning in children. The second member appointed under this subdivision shall represent property owners and developers in this state.

(2) Effective 30 days after the effective date of this section, the childhood lead poisoning prevention and control commission reinstated under subsection (1) shall consist of 16 voting members. In addition to the 9 members under subsection (1), the following additional 7 members shall be appointed by the governor within 30 days after the effective date of this section, with the advice and consent of the senate:

(a) One member representing the Michigan municipal league.

(b) One member representing the department of labor and economic growth.

(c) One member representing the Michigan chapter of the American academy of pediatrics.

(d) One member representing the prosecuting attorneys coordinating council.

(e) One member representing the department of education.

(f) One member representing the Michigan association of home builders remodelors council.

(g) One member representing the early childhood investment corporation.

(3) On and after the effective date of this section, the term of office of individual members of the commission, except those appointed to fill vacancies, expires 3 years after appointment on December 31 of the year in which the term will expire. Members are eligible for reappointment to the commission.

(4) Members of the commission shall serve without compensation but, subject to appropriations, may receive reimbursement for their actual and necessary expenses while attending meetings or performing other authorized official business of the commission. If a vacancy occurs on the commission, that vacancy shall be filled in the same manner as the original appointment.

(5) The commission may hold public hearings as it determines necessary or appropriate to carry out its duties under this part. The commission shall seek input from the general public and all of the following individuals or groups that have an interest in childhood lead poisoning prevention and control:

(a) The Michigan association of osteopathic family physicians or its successor organization.

(b) The Michigan nurses association or its successor organization.

(c) The Michigan council of nurse practitioners or its successor organization.

(d) The Michigan association of health plans or its successor organization.

(e) The Michigan association for local public health or its successor organization.

(f) Blue cross blue shield of Michigan or its successor organization.

(g) The Michigan health and hospital association or its successor organization.

(h) The Michigan head start association or its successor organization.

(i) The Michigan council for maternal and child health or its successor organization.

(j) Michigan's children or its successor organization.

(k) Michigan league for human services or its successor organization.

(*l*) Detroit public schools or its successor organization.

(m) The rental property owners association or its successor organization.

(n) The Michigan associated general contractors or its successor organization.

(o) The Michigan association of realtors or its successor organization.

(p) The Michigan environmental council or its successor organization.

(q) The Michigan adult blood lead epidemiology and surveillance program or its successor organization.

(r) The Michigan state university extension program or its successor organization.

(s) The Detroit lead partnership or its successor organization.

(t) The Michigan lead safe partnership or its successor organization.

(u) The Detroit mayor's lead-based paint task force or its successor organization.

(v) United parents against lead or its successor organization.

(w) The Michigan department of community health medical services administration or its successor organization.

(x) The Michigan occupational safety and health administration or its successor organization.

(y) The Michigan department of community health bureau of laboratories or its successor organization.

(z) An occupational and environmental medicine specialist.

(aa) Parents or patient advocates of children who have experienced lead poisoning.

(bb) A local housing authority.

(cc) A community reinvestment officer.

(dd) The Michigan state medical society or its successor organization.

(ee) The Michigan academy of family physicians or its successor organization.

(ff) Saint Mary's field neurosciences institute or its successor organization.

(gg) The ARC Michigan organization or its successor organization.

(hh) Any other interested organization or association concerned with the prevention, treatment, and control of lead poisoning that the department determines necessary.

(6) The commission shall conduct its business at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The commission shall give public notice of the time, date, and place of the meeting in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The commission shall make available a writing prepared, owned, used, in the possession of, or retained by the childhood lead poisoning prevention and control commission to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) As used in this section and section 5479, "commission" means the commission created and appointed by the governor under former section 5474a and this section.

(8) This section is repealed effective July 1, 2010.

Sec. 5479. (1) The commission shall do all of the following:

(a) Study and report on the environmental threats of lead poisoning to children's health, including, but not limited to, the incidence of exposure, source of exposure, and degree of exposure.

(b) Review this state's lead poisoning prevention program and evaluate the effectiveness of the program, including, but not limited to, the ability of the program to satisfy federal law requirements that 100% of all young children enrolled in medicaid shall be screened with a blood lead test.

(c) Make recommendations for improvements to this state's lead poisoning prevention program.

(d) Evaluate and report on whether there is a need to adjust the lead content level referenced in the definitions of lead-bearing substance and toxic substance in parts 54B and 54C in order to reduce the incidence of lead poisoning in children.

(2) The commission shall consider all information received from its public hearings, review information from other sources, and study the experiences of other states. The commission shall develop short- and long-range strategic recommendations for childhood lead poisoning prevention and control in this state. The recommendations shall include, but are not limited to, strategies to do all of the following:

(a) Enhance public and professional awareness of lead poisoning as a child health emergency.

(b) Significantly increase blood lead testing rates for young children.

(c) Eliminate or manage the sources of lead poisoning, especially focusing on lead-based paint in aged housing.

(d) Assure state interagency as well as public and private cooperation and communication regarding resolution of this complex environmental and public health problem.

(3) The childhood lead poisoning prevention and control commission shall submit a written report of its findings, including the recommendations under subsection (2), to the governor and the legislature by March 31, 2008 and annually thereafter by March 31 of each year. A representative of the department of community health shall provide testimony summarizing the findings and recommendations of the commission to the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to public health and children.

(4) This section is repealed effective July 1, 2010.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) Senate Bill No. 174.

(b) House Bill No. 4132.

(c) House Bill No. 4399.

This act is ordered to take immediate effect.

Richard J. Brown

Clerk of the House of Representatives

Carol Morey Viventi

Secretary of the Senate

Approved .....

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Governor