

AMENDED IN ASSEMBLY MARCH 28, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2115

Introduced by Assembly Member Mullin

February 20, 2008

An act to add Section 124168 to the Health and Safety Code, relating to childhood lead poisoning.

LEGISLATIVE COUNSEL'S DIGEST

AB 2115, as amended, Mullin. Childhood lead screening.

Existing law, the Childhood Lead Poisoning Prevention Act of 1991, requires the State Department of Public Health to adopt regulations establishing a standard of care, at least as stringent as the most recent United States Centers for Disease Control and Prevention blood lead level screening guidelines, whereby all children are required to be evaluated for risk of lead poisoning by health care providers during each child's periodic health assessment. Existing law also establishes a Childhood Lead Poisoning Prevention Program within the department.

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or developmental center unless he or she has been fully immunized against various diseases and provides documentary proof of a pupil's immunization status. Existing law requires the governing board of each school district to exclude from school, for not more than 5 days, any first grade pupil who has not provided either a prescribed certificate that the child has received health screening and evaluation services or a waiver.

This bill would, with certain exceptions, on and after July 1, 2010, prohibit the above-described governing authorities from unconditionally admitting any person *who is 6 years of age or younger* as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or developmental center, unless the pupil has a certificate showing that he or she has been ~~screened~~ *evaluated* for lead poisoning. The bill would require evidence of the certificate to be included in the entrant’s permanent cumulative record.

The bill would authorize the department to adopt regulations specifying the procedures and circumstances in which a registered nurse may administer a risk assessment, blood screening, or both, for lead poisoning. By imposing new duties upon local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 124168 is added to the Health and Safety
- 2 Code, to read:
- 3 124168. (a) For purposes of this section, the following terms
- 4 shall have the following meanings:
- 5 (1) “Certificate” means a document signed by the examining
- 6 physician licensed under Chapter 5 (commencing with Section
- 7 2000) of Division 2 of the Business and Professions Code, or a
- 8 notice from a public health agency, or any other private or public
- 9 source, any of which indicates that ~~screening an evaluation~~ for
- 10 lead poisoning has been completed.
- 11 (2) “Department” means State Department of Public Health.
- 12 (3) “Governing authority” means the governing board of each
- 13 school district or the authority of each other private or public
- 14 institution responsible for the operation and control of the

1 institution or the principal or administrator of each school or
2 institution.

3 (4) *“Evaluation” means a risk assessment, a blood screening,*
4 *or both, for lead poisoning that is or are consistent with regulations*
5 *adopted pursuant to Section 105285.*

6 (b) ~~Exempt~~ Except as provided in subdivisions (d) and (e), the
7 governing authority shall not unconditionally admit any person
8 *who is six years of age or younger* as a pupil of any private or
9 public elementary ~~or secondary~~ school, child care center, day
10 nursery, nursery school, family day care home, or developmental
11 center, unless prior to his or her first admission to that institution
12 he or she provides evidence to the institution of a certificate
13 showing that he or she has undergone ~~screening~~ *an evaluation* for
14 lead poisoning.

15 (c) The governing authority shall include the provided evidence
16 of a certificate showing that each person subject to the requirements
17 of subdivision (b) has undergone ~~screening~~ *an evaluation* for lead
18 poisoning in the person’s permanent cumulative record.

19 (d) (1) A person who does not have on file the certificate
20 required by this section may be admitted by the governing authority
21 on condition that, within a time period designated by the
22 department, he or she will provide the certificate.

23 (2) Unless the person is exempt pursuant to subdivision (e), the
24 governing authority shall prohibit from further attendance any
25 person admitted conditionally who fails to obtain and provide the
26 required certificate within the time period designated by the
27 department, until the person has provided the certificate to the
28 governing authority.

29 (e) (1) The certificate shall not be required if the parent,
30 guardian, or other adult who has assumed responsibility for his or
31 her care and custody in case of a minor, ~~or the person seeking~~
32 ~~admission, if an emancipated minor,~~ provides to the governing
33 authority an affidavit stating that the ~~screening~~ *evaluation* required
34 to obtain the certificate is contrary to his or her beliefs.

35 (2) The certificate shall not be required if the parent, guardian,
36 or other adult who has assumed responsibility for his or her care
37 and custody in case of a minor, ~~or the person seeking admission,~~
38 ~~in the case of an emancipated minor,~~ files with the governing
39 authority a written statement by a licensed physician to the effect
40 that the physical condition of the child is such, or medical

1 circumstances relating to the child are such, that ~~screening an~~
2 *evaluation* for lead poisoning is not considered safe and indicates
3 the specific nature and probable duration of the medical condition
4 or circumstances that contraindicate the ~~screening~~ *evaluation*.

5 ~~(3) The certificate shall not be required for any person 18 years~~
6 ~~of age or older.~~

7 (f) The department, in consultation with the State Department
8 of Education, shall adopt ~~and enforce all regulations~~ *regulations*
9 ~~as necessary to carry out this section. These regulations shall~~
10 ~~include, but not be limited to, the specification of process for~~
11 ~~screening for lead poisoning modeled on the two-step process~~
12 ~~recommended by the United States Public Health Services' Centers~~
13 ~~for Disease Control and the American Academy of Pediatrics.~~
14 ~~carry out this section.~~

15 (g) Any person or organization administering ~~screening an~~
16 *evaluation* for lead poisoning shall furnish each person examined,
17 or his or her parent or guardian, as appropriate, with a certificate
18 of the examination results given in a form prescribed by the
19 department.

20 (h) The governing authority may cooperate with the local health
21 officer in carrying out any programs ordered by the local health
22 officer for the ~~screening~~ *evaluation* for lead poisoning of persons
23 applying for first admission to any school or institution under its
24 jurisdiction. The governing board of any school district may use
25 funds, property, and personnel of the district for that purpose.

26 (i) It is the intent of the Legislature for the administration of
27 ~~screening an~~ *evaluation* for lead poisoning by registered nurses as
28 part of a school immunization program under the direction of a
29 supervising physician and surgeon as provided in Sections 49403
30 and 49426 of the Education Code, to be in accordance with
31 accepted medical procedures. To implement this intent, the
32 department, in consultation with the State Department of Education,
33 may adopt regulations specifying the procedures and circumstances
34 under which a registered nurse, acting under the direction of a
35 supervising physician and surgeon, may administer ~~screening an~~
36 *evaluation* for lead poisoning. However, nothing in this section
37 shall be construed to prevent any registered nurse from
38 administering an immunizing agent in accordance with Sections
39 49403 and 49426 of the Education Code in the absence of these
40 regulations.

1 (j) This section shall become operative July 1, 2010.
2 SEC. 2. If the Commission on State Mandates determines that
3 this act contains costs mandated by the state, reimbursement to
4 local agencies and school districts for those costs shall be made
5 pursuant to Part 7 (commencing with Section 17500) of Division
6 4 of Title 2 of the Government Code.

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