

Introduced by Senator Ridley-ThomasFebruary 23, 2007

An act to amend Section 124130 of, and to add Sections 124166 and 124167 to, the Health and Safety Code, relating to childhood lead poisoning.

LEGISLATIVE COUNSEL'S DIGEST

SB 775, as introduced, Ridley-Thomas. Childhood lead poisoning.

(1) Existing law, the Childhood Lead Poisoning Prevention Act of 1991, requires the State Department of Health Services 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. These provisions are to be implemented only to the extent there are sufficient fees collected from certain manufacturers and persons who significantly contributed or currently contribute or both to environmental lead contamination.

Existing law also establishes a Childhood Lead Poisoning Prevention program within the department. Under the program, a laboratory that performs a blood lead analysis on a specimen of human blood drawn in the state is required to report prescribed information to the department on every person tested. Notwithstanding this requirement, the act provides the department with the authority to, among other things, develop protocols to be utilized in screening the level of lead in blood and procedures for changing the protocols when more accurate or efficient technologies become available. Effective July 1, 2007, the duties of the department will be transferred to the State Department of Public Health.

This bill would revise the information to be reported by the laboratory, as specified. The bill would require the department to distribute to all health care providers that administer perinatal care services informational materials about lead, as specified, and would require providers to give this information to pregnant women.

(2) 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 development center unless he or she has been fully immunized against various diseases. 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, on and after July 1, 2008, prohibit the above-described governing authority 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 development center, unless the pupil has been assessed for risk of exposure to lead. The bill would require a licensed health care provider to conduct the assessment by presenting to the child's parent, guardian, or caretaker relative specified questions adopted by the department in order to determine whether the child has been exposed to lead. 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 124130 of the Health and Safety Code
2 is amended to read:

- 1 124130. (a) A laboratory that performs a blood lead analysis
2 on a specimen of human blood drawn in California shall report
3 the information specified in this section to the department for each
4 analysis on every person tested.
- 5 (b) The analyzing laboratory shall report all of the following:
6 (1) The test results in micrograms of lead per deciliter.
7 (2) The name of the person tested.
8 (3) The person's birth date if the analyzing laboratory has that
9 information, or if not, the person's age.
10 (4) The person's address ~~if the analyzing laboratory has that~~
11 ~~information, or if not, a telephone number by which the person~~
12 ~~may be contacted, including the person's ZIP Code.~~
13 (5) The name, address, and telephone number of the health care
14 provider that ordered the analysis.
15 (6) The name, address, and telephone number of the analyzing
16 laboratory.
17 (7) The accession number of the specimen.
18 (8) The date the analysis was performed.
19 (9) *The person's gender.*
20 (10) *A unique identifier for each person tested.*
21 (11) *The name and type of the person's health insurer, including*
22 *Medi-Cal and Healthy Families.*
23 (12) *The name, if any, of the person's managed care plan.*
- 24 (c) The analyzing laboratory shall report all of the following
25 information that it possesses:
26 ~~(1) The person's gender.~~
27 ~~(2)~~
28 (1) The name, address, and telephone number of the person's
29 employer, if any.
30 ~~(3)~~
31 (2) The date the specimen was drawn.
32 ~~(4)~~
33 (3) The source of the specimen, specified as venous, capillary,
34 arterial, cord blood, or other.
- 35 (d) The analyzing laboratory may report to the department other
36 information that directly relates to the blood lead analysis or to
37 the identity, location, medical management, or environmental
38 management of the person tested.
- 39 (e) If the result of the blood lead analysis is a blood lead level
40 equal to or greater than 10 micrograms of lead per deciliter of

1 blood, the report required by this section shall be submitted within
2 three working days of the analysis. If the result is less than 10
3 micrograms per deciliter, the report required by this section shall
4 be submitted within 30 calendar days.

5 (f) Commencing January 1, 2003, a report required by this
6 section shall be submitted by hand, courier, postal mail, facsimile,
7 or electronic transfer. Commencing January 1, 2005, a report
8 required by this section shall be submitted by electronic transfer.

9 (g) All information reported pursuant to this section shall be
10 confidential, as provided in Section 100330, except that the
11 department may share the information for the purpose of
12 surveillance, case management, investigation, environmental
13 assessment, environmental remediation, or abatement with the
14 local health department, environmental health agency authorized
15 pursuant to Section 101275, or building department. The local
16 health department, environmental health agency, or building
17 department shall otherwise maintain the confidentiality of the
18 information in the manner provided in Section 100330.

19 (h) The director may assess a fine up to five hundred dollars
20 (\$500) against any laboratory that knowingly fails to meet the
21 reporting requirements of this section.

22 (i) A laboratory shall not be fined or otherwise penalized for
23 failure to provide the patient's birth date, age, address, or telephone
24 number if the result of the blood lead analysis is a blood lead level
25 less than 25 micrograms of lead per deciliter of blood, and if all
26 of the following circumstances exist:

27 (1) The test sample was sent to the laboratory by another medical
28 care provider.

29 (2) The laboratory requested the information from the medical
30 care provider who obtained the sample.

31 (3) The medical care provider that obtained the sample and sent
32 it to the laboratory failed to provide the patient's birth date, age,
33 address, or telephone number.

34 SEC. 2. Section 124166 is added to the Health and Safety Code,
35 to read:

36 124166. (a) The department shall distribute to all health care
37 providers who administer perinatal care services informational
38 materials about the sources of lead, lead-safe work practices, and
39 the impact of lead poisoning on a child's health.

1 (b) Every health care provider who administers perinatal care
2 services shall provide the informational materials to every pregnant
3 female patient upon her first prenatal visit.

4 SEC. 3. Section 124167 is added to the Health and Safety Code,
5 to read:

6 124167. (a) Prior to July 1, 2008, the department shall adopt
7 regulations that specify the questions to be used to assess the risk
8 of a child's exposure to lead, in accordance with subdivision (b).

9 (b) On and after July 1, 2008, the governing authority, as defined
10 in Section 120335, shall not unconditionally admit any person as
11 a pupil of any private or public elementary or secondary school,
12 child care center, day nursery, nursery school, family day care
13 home, or development center, unless the pupil has been assessed
14 for risk of exposure to lead. A licensed health care provider,
15 including a properly trained school nurse, shall conduct the
16 assessment by presenting to the child's parent, guardian, or
17 caretaker relative the questions described in subdivision (a) in
18 order to determine whether the child has been exposed to lead.

19 (c) If the response to any question in the assessment is in the
20 affirmative or indicates a lack of knowledge, the health care
21 provider shall recommend further testing.

22 SEC. 4. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.