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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1270 Session of  
2018

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INTRODUCED BY YUDICHAK, BAKER, MCGARRIGLE, FONTANA, YAW,  
KILLION, RAFFERTY, HUGHES, COSTA, BREWSTER, BROWNE, FARNESE,  
VULAKOVICH, WARD AND SABATINA, OCTOBER 2, 2018

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REFERRED TO HEALTH AND HUMAN SERVICES, OCTOBER 2, 2018

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AN ACT

1 Providing for blood lead testing of certain children and  
2 pregnant women by health care providers; imposing duties on  
3 the Department of Health; and requiring certain health  
4 insurance policies to cover blood lead tests.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Childhood  
9 Blood Lead Test Act.

10 Section 2. Legislative findings.

11 The General Assembly finds that:

12 (1) Lead is a naturally occurring element that is toxic  
13 to humans when ingested or inhaled.

14 (2) Severe lead poisoning causes convulsions,  
15 intellectual disabilities, seizures and sometimes death.

16 (3) Low-level exposure to lead reduces intelligence,  
17 delays cognitive growth and impairs physical development.

18 (4) Children who are in utero or less than seven years

1 of age are most sensitive to lead poisoning because their  
2 brains and nervous systems are still developing.

3 (5) The only way to diagnose a child with an elevated  
4 blood lead level is through a blood test.

5 (6) The health and development of children is endangered  
6 by chipping or peeling lead-based paint or lead-contaminated  
7 dust or soil in homes and neighborhoods throughout this  
8 Commonwealth.

9 (7) Other sources of lead exposure can be through lead  
10 service lines for drinking water and lead solder used in  
11 drinking water lines, and lead in consumer products such as  
12 toys, foods, cosmetics and ceramics are also of concern.

13 Section 3. Legislative purpose.

14 The purposes of this act are:

15 (1) To promote the elimination of childhood lead  
16 poisoning in this Commonwealth with the purpose of  
17 establishing a system predicated on cost-effective, health-  
18 protective measures to evaluate and control lead-based paint  
19 hazards in housing built prior to 1978.

20 (2) To substantially reduce, and eventually eliminate,  
21 the incidence of childhood lead poisoning in this  
22 Commonwealth.

23 (3) To substantially reduce the risk of childhood lead  
24 poisoning in this Commonwealth by increasing the supply of  
25 lead-safe housing.

26 (4) To improve public awareness of lead safety issues  
27 and educate both property owners and tenants about practices  
28 that can reduce the incidence of lead poisoning.

29 (5) To require the testing of all children in this  
30 Commonwealth at one and two years of age so that prompt

1 diagnosis and treatment, as well as the prevention of harm,  
2 are possible.

3 Section 4. Definitions.

4 The following words and phrases when used in this act shall  
5 have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Blood lead test." A blood lead draw, whether by capillary,  
8 venous or unknown sample type, on a child that produces a  
9 quantifiable result and is analyzed by a Clinical Laboratory  
10 Improvement Amendments-certified facility or an approved  
11 portable device.

12 "Department." The Department of Health of the Commonwealth.

13 "Elevated blood lead level." A single blood lead test,  
14 whether capillary or venous, at or above the Centers for Disease  
15 Control and Prevention's reference range value, currently  
16 established at 5 micrograms per deciliter.

17 Section 5. Lead poisoning prevention.

18 (a) Lead testing requirements for children.--

19 (1) A health care provider shall ensure that a patient  
20 under the health care provider's care receives a blood lead  
21 test between 9 and 12 months of age and again at  
22 approximately 24 months of age.

23 (2) If the results of the blood lead test indicate an  
24 elevated blood lead level, the health care provider shall  
25 perform a confirmatory blood lead test by venipuncture within  
26 12 weeks of the first blood lead test.

27 (b) Lead testing requirements for pregnant women.--A health  
28 care provider shall ensure that a patient under the health care  
29 provider's care receives a blood lead test as part of the  
30 patient's prenatal care.

1 (c) Reporting.--Health care providers and laboratories shall  
2 comply with reporting regulations as specified in 28 Pa. Code §  
3 27.34 (relating to reporting cases of lead poisoning).

4 (d) Nonapplicability.--The testing requirements under this  
5 section shall not apply if a child's parent or legal guardian or  
6 a patient under prenatal care objects in writing to the blood  
7 lead test on religious grounds or on the basis of a strong moral  
8 or ethical conviction similar to a religious belief.

9 Section 6. Duties of department.

10 (a) Comprehensive educational program.--The department shall  
11 conduct a public information campaign to inform parents of young  
12 children, physicians, nurses and other health care providers of  
13 the lead testing requirements of this act.

14 (b) Distribution of literature about childhood lead  
15 poisoning.--

16 (1) The department shall provide culturally and  
17 linguistically appropriate educational materials regarding  
18 childhood lead poisoning, the importance of testing for  
19 elevated lead levels, prevention of childhood lead poisoning,  
20 treatment of childhood lead poisoning, remediation and, when  
21 appropriate, the requirements of this act.

22 (2) Educational materials shall be available at no cost  
23 and will be developed for specific audiences, including  
24 health care providers, homeowners, landlords and parents or  
25 caregivers.

26 (c) Statewide registry.--The department shall develop an  
27 electronic system to provide for the confidential storage and  
28 management of blood lead testing information that enables a  
29 health care provider to review a patient's history to determine  
30 the status of blood lead testing required by this act.

1 Section 7. Blood lead testing coverage.

2 (a) General rule.--A health insurance policy or government  
3 program covered under this section shall provide to covered  
4 individuals or recipients who are pregnant or under two years of  
5 age coverage for blood lead tests as follows:

6 (1) In the case of individuals or recipients who are  
7 pregnant, one blood lead test as part of prenatal care.

8 (2) In the case of individuals or recipients who are  
9 under two years of age, one blood lead test during the time  
10 period between 9 and 12 months of age, one blood lead test at  
11 approximately 24 months of age and, if the results of either  
12 of the blood level tests indicate an elevated blood lead  
13 level, another blood lead test by venipuncture within 12  
14 weeks of the blood level test in which the elevated blood  
15 lead level was indicated.

16 (b) Copayments, deductibles and coinsurance.--Coverage under  
17 this section shall be subject to copayment, deductible and  
18 coinsurance provisions and any other general exclusions or  
19 limitations of a health insurance policy or government program  
20 to the same extent as other medical services covered by the  
21 policy or program are subject to these provisions.

22 (c) Construction.--This section shall not be construed as  
23 limiting benefits which are otherwise available to an individual  
24 under a health insurance policy or government program.

25 (d) Applicability.--

26 (1) This section shall apply to any health insurance  
27 policy offered, issued or renewed on or after July 1, 2019,  
28 in this Commonwealth to groups of 51 or more employees. This  
29 section shall not include the following policies:

30 (i) An accident only policy.

- 1 (ii) A credit only policy.
- 2 (iii) A long-term care or disability income policy.
- 3 (iv) A specified disease policy.
- 4 (v) A Medicare supplement policy.
- 5 (vi) A TRICARE policy, including a Civilian Health  
6 and Medical Program of the Uniformed Services (CHAMPUS)  
7 supplement policy.
- 8 (vii) A fixed indemnity policy.
- 9 (viii) A dental only policy.
- 10 (ix) A vision only policy.
- 11 (x) A workers' compensation policy.
- 12 (xi) An automobile medical payment policy.
- 13 (xii) Another similar policy providing for limited  
14 benefits.

15 (2) This section shall apply to any contract executed on  
16 or after July 1, 2019, by the adult basic coverage insurance  
17 program established under Chapter 13 of the act of June 26,  
18 2001 (P.L.755, No.77), known as the Tobacco Settlement Act,  
19 or by the Children's Health Care Program, or by any successor  
20 program of either of them.

21 (3) On January 1, 2021, insurers shall make a report to  
22 the Insurance Department, in a form and manner as determined  
23 by the department, to evaluate the implementation of this  
24 section.

25 Section 8. Implementation.

26 Section 7 shall apply as follows:

27 (1) For health insurance policies for which either rates  
28 or forms are required to be filed with the Insurance  
29 Department or the Federal Government, this act shall apply  
30 to any policy for which a form or rate is first filed on or

1 after the effective date of this section.

2 (2) For health insurance policies for which neither  
3 rates nor forms are required to be filed with the Insurance  
4 Department or the Federal Government, this act shall apply  
5 to any policy issued or renewed on or after 180 days after  
6 the effective date of this section.

7 Section 9. Regulations.

8 The department shall promulgate rules and regulations to  
9 administer and enforce this act.

10 Section 10. Effective date.

11 This act shall take effect in 60 days.