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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 969 Session of  
2021

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INTRODUCED BY ISAACSON, BULLOCK, A. DAVIS, KINKEAD, HOHENSTEIN,  
BURGOS, CIRESI, DALEY, DELLOSO, FREEMAN, HERRIN, HILL-EVANS,  
HOWARD, KRAJEWSKI, O'MARA, ROZZI, SAMUELSON, SANCHEZ,  
SCHLOSSBERG, SIMS, THOMAS, WARREN AND WEBSTER, MARCH 18, 2021

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REFERRED TO COMMITTEE ON HEALTH, MARCH 18, 2021

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AN ACT

1 Providing for blood lead testing of certain children by health  
2 care practitioners; and imposing duties on the Department of  
3 Health.

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

13 "Blood lead test." A blood lead draw whether by capillary,  
14 venous or unknown sample type on a child that produces a  
15 quantifiable result and is analyzed by a Clinical Laboratory  
16 Improvement Amendments-certified facility or an approved  
17 portable device.

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

2 "Health care facility." A hospital or health care facility  
3 that is licensed, certified or otherwise regulated to provide  
4 health care services under the laws of this Commonwealth.

5 "Health care practitioner." As defined in section 103 of the  
6 act of July 19, 1979 (P.L.130, No.48), known as the Health Care  
7 Facilities Act.

8 Section 3. Lead poisoning prevention.

9 (a) Notice.--A health care practitioner shall inform a  
10 parent or guardian about the risk factors associated with lead  
11 exposure in children, the importance of lead testing, insurance  
12 coverage for lead testing, prevention of childhood lead  
13 poisoning and lead poisoning treatment and remediation.

14 (b) Testing.--The following apply:

15 (1) If, after receiving the information provided under  
16 subsection (a), a parent or guardian agrees to testing, a  
17 child shall receive a blood lead test between nine and 12  
18 months of age and again at approximately 24 months of age. A  
19 health care practitioner providing health care services to  
20 children under two years of age shall perform lead testing on  
21 those children unless the parent or guardian declines the  
22 lead testing or the health care practitioner, after querying  
23 the Statewide registry provided for under section 4(c),  
24 determines that the child has already undergone lead testing.

25 (2) A child who has not had his blood lead level tested  
26 between approximately nine and 12 months of age and again at  
27 approximately 24 months of age shall have his blood lead  
28 level tested as soon as possible after 24 months of age but  
29 before 72 months of age or upon entry into kindergarten,  
30 whichever is sooner, if the child's parent or guardian agrees

1 to the testing.

2 (b) Additional testing.--If the results of a capillary blood  
3 lead test indicate a blood lead level at or above the reference  
4 value for exposure identified by the Centers for Disease Control  
5 and Prevention, the health care practitioner:

6 (1) Shall perform a confirmatory blood lead test by  
7 venipuncture within the time frame recommended by the Centers  
8 for Disease Control and Prevention.

9 (2) May refer a child for an early intervention  
10 neurodevelopmental assessment.

11 (c) Nonapplicability.--Nothing in this section may prevent a  
12 parent or guardian of a child from declining lead testing.

13 Section 4. Duties of department.

14 (a) Comprehensive educational program.--The department shall  
15 conduct a public information campaign to inform parents of young  
16 children, health care practitioners, health care facilities and  
17 other health care providers of the lead testing requirements  
18 under this act.

19 (b) Distribution of literature about childhood lead  
20 poisoning.--

21 (1) The department shall provide culturally and  
22 linguistically appropriate educational materials regarding  
23 childhood lead poisoning, the importance of testing for  
24 elevated lead levels, insurance coverage for testing,  
25 including information regarding the Medical Assistance (MA)  
26 Early and Periodic Screening, Diagnostic and Treatment  
27 (EPSDT) program, eligibility criteria and enrollment  
28 procedures, prevention of childhood lead poisoning, treatment  
29 of childhood lead poisoning, remediation and, when  
30 appropriate, the requirements of this act.

1           (2) Educational materials shall be available at no cost  
2 and shall be developed for specific audiences, including  
3 health care practitioners, health care facilities, schools,  
4 homeowners, landlords and parents or caregivers.

5           (3) The educational materials shall be posted on the  
6 department's publicly accessible Internet website in a  
7 downloadable format.

8           (c) Statewide registry.--The department shall develop an  
9 electronic system to provide for the confidential storage and  
10 management of blood lead testing information that enables a  
11 health care practitioner to review a patient's history to  
12 determine the status of blood lead testing required under this  
13 act.

14 Section 5. Liability.

15           A health care practitioner may not be held civilly or  
16 criminally liable for a parent or guardian's refusal of lead  
17 testing under this act.

18 Section 6. Regulations.

19           The department shall promulgate rules and regulations  
20 necessary to administer and enforce this act.

21 Section 7. Effective date.

22           This act shall take effect in 60 days.