

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 522 Session of 2021

INTRODUCED BY BAKER, YUDICHAK, FONTANA, KANE, YAW, HUGHES, SANTARSIERO, SCAVELLO, TARTAGLIONE, SCHWANK, COSTA, HAYWOOD AND COMMITTA, APRIL 9, 2021

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED, DECEMBER 14, 2021

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 ~~five~~ THREE AND ONE-HALF 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 shall 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 indicates 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, 2022,
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) HOSPITAL INDEMNITY POLICY. <--
- 14 ~~(xii)~~ (XIII) Another similar policy providing for <--
- 15 limited benefits.

16 (2) This section shall apply to any contract executed on
17 or after July 1, 2022, by the adult basic coverage insurance
18 program established under Chapter 13 of the act of June 26,
19 2001 (P.L.755, No.77), known as the Tobacco Settlement Act,
20 under Article XXIII-A of the act of May 17, 1921 (P.L.682,
21 No.284), known as The Insurance Company Law of 1921, or by
22 any successor program.

23 (3) On January 1, 2024, insurers shall make a report to
24 the Insurance Department, in a form and manner as determined
25 by the department, to evaluate the implementation of this
26 section.

27 Section 8. Implementation.

28 Section 7 shall apply as follows:

- 29 (1) For health insurance policies for which either rates
- 30 or forms are required to be filed with the Insurance

1 Department or the Federal Government, this act shall apply to
2 any policy for which a form or rate is first filed on or
3 after the effective date of this section.

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

9 Section 9. Regulations.

10 The department shall promulgate rules and regulations to
11 administer and enforce this act.

12 Section 10. Effective date.

13 This act shall take effect in 60 days.