

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **522** Session of
2021

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

AS AMENDED ON THIRD CONSIDERATION, JUNE 13, 2022

AN ACT

1 Providing for blood lead ASSESSMENT AND testing of certain <--
2 children and pregnant women by health care providers;
3 imposing duties on the Department of Health; and requiring
4 certain health 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)~~ (1) To substantially reduce, and eventually <--
21 eliminate, 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)~~ (2) To improve public awareness of lead safety <--
27 issues IN HOUSING and educate both property owners and <--
28 tenants about practices that can reduce the incidence of lead
29 poisoning.

30 ~~(5)~~ (3) To require the testing of all children in this <--

1 Commonwealth ~~at one and~~ BY two years of age so that prompt <--
2 diagnosis and treatment, as well as the prevention of harm,
3 are possible.

4 Section 4. Definitions.

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

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

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

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

18 Section 5. Lead poisoning prevention, ASSESSMENT AND TESTING. <--

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

20 (1) A health care provider shall MAKE REASONABLE EFFORTS <--
21 TO ensure that a patient under the health care provider's
22 care receives a blood lead test ~~between 9 and 12 months of~~ <--
23 ~~age and again at approximately 24 months of age.~~ BY 24 MONTHS <--
24 OF AGE OR THE AGE OF 24 THROUGH 72 MONTHS IF THEY HAVE NEVER
25 BEEN TESTED IN ACCORDANCE WITH RECOMMENDATIONS FROM THE
26 CENTERS FOR DISEASE CONTROL AND PREVENTION AND THE AMERICAN
27 ACADEMY OF PEDIATRICS.

28 (2) If the results of ~~the~~ A CAPILLARY blood lead test <--
29 indicate an elevated blood lead level, the health care
30 provider shall perform a confirmatory blood lead test by

1 venipuncture within 12 weeks of the first blood lead test.

2 (b) ~~Lead testing requirements for pregnant women. A health~~ <--
3 ~~care provider shall ensure that a patient under the health care~~
4 ~~provider's care receives a blood lead test as part of the~~

5 ~~patient's prenatal care.~~ EXPOSURE RISK ASSESSMENT AND TESTING <--

6 REQUIREMENTS FOR PREGNANT WOMEN.--A HEALTH CARE PROVIDER SHALL
7 CONSIDER POSSIBLE LEAD EXPOSURE IN INDIVIDUAL PREGNANT WOMEN BY
8 EVALUATING RISK FACTORS FOR LEAD EXPOSURE AND PERFORM BLOOD LEAD
9 TESTING IF A SINGLE RISK FACTOR IS IDENTIFIED IN ACCORDANCE WITH
10 RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND
11 PREVENTION AND THE AMERICAN COLLEGE OF OBSTETRICIANS AND
12 GYNECOLOGISTS.

13 (c) Reporting.--Health care providers and laboratories shall
14 comply with reporting regulations as specified in 28 Pa. Code §
15 27.34 (relating to reporting cases of lead poisoning).

16 (d) Nonapplicability.--The ~~testing~~ requirements under this <--
17 section shall not apply if a child's parent or legal guardian or
18 a patient under prenatal care objects in writing to the blood
19 lead test on religious grounds or on the basis of a strong moral
20 or ethical conviction similar to a religious belief.

21 Section 6. Duties of department.

22 (a) Comprehensive educational program.--The department shall
23 conduct a public information campaign to inform parents of young
24 children, physicians, nurses and other health care providers of
25 the lead ASSESSMENT AND testing requirements of this act. <--

26 (b) Distribution of literature about childhood lead
27 poisoning.--

28 (1) The department shall provide culturally and
29 linguistically appropriate educational materials regarding
30 childhood lead poisoning, the importance of ASSESSMENTS AND <--

1 testing for elevated lead levels, prevention of childhood
2 lead poisoning, treatment of childhood lead poisoning,
3 remediation and, when appropriate, the requirements of this
4 act.

5 (2) Educational materials shall be available at no cost
6 and shall be developed for specific audiences, including
7 health care providers, homeowners, landlords and parents or
8 caregivers.

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

14 Section 7. Blood lead ASSESSMENT AND testing coverage. <--

15 (a) General rule.--A health insurance policy or government
16 program covered under this section shall provide to covered
17 ~~individuals or recipients who are pregnant or under two years of~~ <--
18 ~~age coverage for~~ INDIVIDUALS OR RECIPIENTS blood lead tests as <--
19 follows:

20 (1) In the case of individuals or recipients who are
21 pregnant, one blood lead test ~~as part of prenatal care.~~ PER <--
22 PREGNANCY IF A SINGLE RISK FACTOR IS IDENTIFIED IN ACCORDANCE
23 WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND
24 PREVENTION AND THE AMERICAN COLLEGE OF OBSTETRICIANS AND
25 GYNECOLOGISTS.

26 (2) In the case of individuals or recipients who are
27 under two years of age, ~~one blood lead test during the time~~ <--
28 ~~period between 9 and 12 months of age, one blood lead test at~~
29 ~~approximately 24 months of age and, if the results of either~~
30 ~~of~~ ONE BLOOD LEAD TEST BY 24 MONTHS OF AGE IN ACCORDANCE WITH <--

1 RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND
2 PREVENTION AND THE AMERICAN ACADEMY OF PEDIATRICS, AND, IF
3 THE RESULT OF the blood level ~~tests~~ TEST indicates an <--
4 elevated blood lead level, another blood lead test by
5 venipuncture within 12 weeks of the blood level test in which
6 the elevated blood lead level was indicated.

7 (b) Copayments, deductibles and coinsurance.--Coverage under
8 this section shall be subject to copayment, deductible and
9 coinsurance provisions and any other general exclusions or
10 limitations of a health insurance policy or government program
11 to the same extent as other medical services covered by the
12 policy or program are subject to these provisions.

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

16 (d) Applicability.--

17 (1) This section shall apply to ~~any health insurance~~ <--
18 ~~policy offered, issued or renewed on or after July 1, 2022,~~
19 ~~in this Commonwealth to groups of 51 or more employees~~ ALL <--
20 GROUP AND INDIVIDUAL MAJOR MEDICAL HEALTH INSURANCE POLICIES
21 OFFERED, ISSUED OR RENEWED IN THIS COMMONWEALTH IN ACCORDANCE
22 WITH SECTION 8. This section shall not include the following
23 policies:

- 24 (i) An accident-only policy.
- 25 (ii) A credit-only policy.
- 26 (iii) A long-term care or disability income policy.
- 27 (iv) A specified disease policy.
- 28 (v) A Medicare supplement policy.
- 29 (vi) A TRICARE policy, including a Civilian Health
30 and Medical Program of the Uniformed Services (CHAMPUS)

- 1 supplement policy.
- 2 (vii) A fixed indemnity policy.
- 3 (viii) A dental-only policy.
- 4 (ix) A vision-only policy.
- 5 (x) A workers' compensation policy.
- 6 (xi) An automobile medical payment policy.
- 7 (xii) Hospital indemnity policy.
- 8 (xiii) Another similar policy providing for limited
- 9 benefits.

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

17 ~~(3) On January 1, 2024, insurers shall make a report to~~
18 ~~the Insurance Department, in a form and manner as determined~~
19 ~~by the department, to evaluate the implementation of this~~
20 ~~section.~~

21 (2) (RESERVED). <--

22 Section 8. Implementation.

23 Section 7 shall apply as follows:

24 (1) For health insurance policies for which either rates
25 or forms are required to be filed with the Insurance
26 Department or the Federal Government, this act shall apply to
27 any policy for which a form or rate is first filed on or
28 after the effective date of this section.

29 (2) For health insurance policies for which neither
30 rates nor forms are required to be filed with the Insurance

1 Department or the Federal Government, this act shall apply to
2 any policy issued or renewed on or after 180 days after the
3 effective date of this section.

4 ~~Section 9. Regulations.~~

<--

5 ~~The department shall promulgate rules and regulations to~~
6 ~~administer and enforce this act.~~

7 Section ~~10~~ 9. Effective date.

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8 This act shall take effect in 60 days.