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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 825 Session of  
2023

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INTRODUCED BY GIRAL, BURGOS, MADDEN, SCHLOSSBERG, PROBST,  
SANCHEZ, PIELLI, CIRESI, CEPEDA-FREYTIZ, N. NELSON AND OTTEN,  
APRIL 3, 2023

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REFERRED TO COMMITTEE ON INSURANCE, APRIL 3, 2023

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AN ACT

1 Providing for lead screening and related services, for health  
2 insurance coverage for lead screening and related diagnostic  
3 services and supplies and for duties of the Department of  
4 Health.

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 Lead Testing and Protection Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) According to the Centers for Disease Control and  
13 Prevention, at least 4,000,000 households have children  
14 living in them who are being exposed to high levels of lead,  
15 a naturally occurring element that is toxic to humans when  
16 ingested or inhaled.

17 (2) There are approximately 500,000 children in the  
18 United States between one and five years of age with blood

1 lead levels above five micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ), the  
2 reference level at which the Centers for Disease Control and  
3 Prevention recommends public health actions be initiated.

4 (3) Lead poisoning is most detrimental to children under  
5 72 months of age and expectant mothers.

6 (4) The effects of lead poisoning are not reversible.

7 (5) According to the department's 2020 Childhood Lead  
8 Surveillance Annual Report, of the approximately 843,000  
9 children in this Commonwealth under six years of age, only  
10 148,432 children were screened for blood lead levels. Of the  
11 148,432 children tested, 6,755 children had elevated blood  
12 lead levels.

13 (6) Complications from lead poisoning include the  
14 following:

15 (i) Developmental delays.

16 (ii) Brain damage.

17 (iii) Nervous system damage.

18 (iv) Memory loss.

19 (v) Abdominal pain.

20 (vi) Aggressive behavior.

21 (vii) Constipation.

22 (viii) Sleep problems.

23 (ix) Headaches.

24 (x) Irritability.

25 (xi) Loss of developmental skills in children.

26 (xii) Loss of appetite.

27 (xiii) Fatigue.

28 (xiv) High blood pressure.

29 (xv) Numbness or tingling in the extremities.

30 (xvi) Anemia.

1 (xvii) Kidney dysfunction.

2 (7) No safe blood lead level in children has been  
3 identified.

4 Section 3. 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 "Birthing facility." An inpatient or ambulatory health care  
9 facility licensed by the department that provides birthing and  
10 newborn care services.

11 "Blood lead level." A measure of lead in the blood, measured  
12 in micrograms of lead per deciliter of whole blood ( $\mu\text{g}/\text{dL}$ ).

13 "Child." A child under 72 months of age who is a resident of  
14 this Commonwealth.

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

16 "Diagnostic blood lead level testing." Analysis of a blood  
17 sample to determine quantitative blood lead levels for a sample:

18 (1) Obtained by venipuncture or capillary blood sampling  
19 for the purpose of any of the following:

20 (i) Confirming lead poisoning as a follow-up blood  
21 lead level test.

22 (ii) Diagnosing a child or expectant mother showing  
23 signs or symptoms of lead poisoning.

24 (iii) Diagnosing a child or expectant mother  
25 suspected of having sustained a significant lead  
26 exposure.

27 (2) Analyzed in a laboratory licensed by the department  
28 to perform the testing or in a laboratory of the department.

29 "Diagnostic evaluation." Obtaining and evaluating medical  
30 history information, conducting a physical examination and

1 diagnostic blood lead level testing, identifying potential  
2 sources of lead exposure and evaluating iron status.

3 "Government program." Any of the following:

4 (1) The children's health care program under Article  
5 XXIII-A of the act of May 17, 1921 (P.L.682, No.284), known  
6 as The Insurance Company Law of 1921.

7 (2) The Commonwealth's medical assistance program  
8 established under the act of June 13, 1967 (P.L.31, No.21),  
9 known as the Human Services Code.

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

13 "Insurance policy." An individual or group health insurance  
14 policy, contract or plan issued by or through an insurer or a  
15 government program that provides medical or health care coverage  
16 by a health care facility or licensed health care practitioner.  
17 The term does not include accident only, fixed indemnity,  
18 limited benefit, credit, dental, specified disease, Civilian  
19 Health and Medical Program of the Uniformed Services (CHAMPUS)  
20 supplement, long-term care or disability income, workers'  
21 compensation or automobile medical payment insurance.

22 "Insurer." An entity or affiliate entity that issues an  
23 insurance policy that is offered or governed under any of the  
24 following:

25 (1) The children's health care program under Article  
26 XXIII-A of The Insurance Company Law of 1921.

27 (2) The act of December 29, 1972 (P.L.1701, No.364),  
28 known as the Health Maintenance Organization Act.

29 (3) The act of May 18, 1976 (P.L.123, No.54), known as  
30 the Individual Accident and Sickness Insurance Minimum

1 Standards Act.

2 (4) 40 Pa.C.S. Ch. 61 (relating to hospital plan  
3 corporations).

4 (5) 40 Pa.C.S. Ch. 63 (relating to professional health  
5 services plan corporations).

6 "Lead poisoning." A blood lead level that meets one of the  
7 following criteria:

8 (1) A confirmed blood lead level greater than or equal  
9 to 20 µg/dL in a child or expectant mother.

10 (2) Two blood lead level samples of a child or expectant  
11 mother, separated by at least 90 days, but not more than 365  
12 days, which indicate a blood lead level greater than or equal  
13 to 15 µg/dL.

14 "Lead-screening-related services." Include:

15 (1) Materials and supplies used to obtain blood  
16 specimens for quantitative blood lead level or erythrocyte  
17 protoporphyrin (EP) analysis.

18 (2) Laboratory analysis of submitted samples for  
19 quantitative blood lead level testing or EP analysis.

20 (3) Evaluation of results obtained from laboratory  
21 analysis of samples submitted for quantitative blood lead  
22 level or EP analysis, as well as related consultation,  
23 referral and follow-up of children and expectant mothers who  
24 potentially have lead poisoning.

25 "Screening test." A blood sample obtained either by  
26 venipuncture or capillary blood sampling from an asymptomatic  
27 child or expectant mother not known to have lead poisoning in  
28 order to identify the child or expectant mother's risk of lead  
29 poisoning.

30 Section 4. Screening.

1 (a) General rule.--Screening tests shall be performed in  
2 accordance with the following:

3 (1) Children shall receive a screening test in  
4 accordance with the following schedule:

5 (i) Each child shall be screened at 12 months of age  
6 and 24 months of age.

7 (ii) All children designated as high risk through a  
8 risk assessment evaluation promulgated by the department  
9 shall be screened annually from 12 months of age to 72  
10 months of age.

11 (iii) More frequent screening tests for asymptomatic  
12 children under 72 months of age may be completed upon  
13 recommendation of a health care practitioner.

14 (2) All expectant mothers shall receive a screening test  
15 as part of their prenatal care.

16 (b) Testing methods.--Health care practitioners shall ensure  
17 that screening tests are conducted either by venipuncture or by  
18 capillary blood sampling in accordance with department  
19 regulation.

20 (c) Exception.--If the parent or guardian of a child objects  
21 in writing on the ground that a screening test conflicts with a  
22 religious belief or practice, the screening test under  
23 subsection (a) may not be performed.

24 Section 5. Health insurance coverage.

25 (a) General rule.--An insurance policy shall provide  
26 coverage for all of the following:

27 (1) Screening tests and lead-screening-related services  
28 for children under 72 months of age and expectant mothers.

29 (2) Diagnostic evaluations.

30 (b) Department duties.--The department shall provide the

1 following services for children under 72 months of age and  
2 expectant mothers who are not covered by a health insurance  
3 policy:

4 (1) Screening tests and lead-screening-related services.

5 (2) Diagnostic evaluations.

6 (c) Reimbursement.--The department shall not be required to  
7 reimburse third parties for services under subsection (b) that  
8 are not provided by the department.

9 (d) Applicability.--This section shall apply to insurance  
10 policies issued or entered into on or after the effective date  
11 of this section.

12 Section 6. Materials.

13 (a) Educational and instructional materials.--The department  
14 shall distribute readily understandable information and  
15 educational and instructional materials regarding lead  
16 poisoning. The materials shall at a minimum explain the risk  
17 factors associated with lead exposure and emphasize lead  
18 screening and testing procedures, treatment of lead poisoning  
19 and the requirements of this act. The materials shall be  
20 provided to parents of newborns prior to discharge from a  
21 hospital or birthing facility. If the birth takes place in a  
22 setting other than a hospital or birthing facility, the  
23 materials shall be provided by a health care practitioner who  
24 assists at the birth.

25 (b) Acknowledgment statement.--An acknowledgment statement  
26 shall be signed by a parent of a newborn prior to discharge from  
27 a hospital or birthing facility or after a birth that takes  
28 place in a setting other than a hospital or birthing facility.  
29 One copy of the acknowledgment statement shall be given to a  
30 parent and one copy shall remain on file in the hospital or

1 birthing facility. Copies of acknowledgment statements signed by  
2 parents of newborns in settings other than a hospital or  
3 birthing facility shall be kept on file by the health care  
4 practitioner who assists at the birth. The acknowledgment  
5 statement shall be in a form as prescribed by the department.

6 (c) Distribution of materials.--The information and  
7 educational and instructional materials described in subsection  
8 (a) shall be provided without cost by each hospital, birthing  
9 facility or health care practitioner to a parent of each newborn  
10 upon discharge from a hospital or birthing facility or after  
11 births that take place in settings other than a hospital or  
12 birthing facility.

13 (d) Liability.--A hospital, birthing facility or health care  
14 practitioner shall not be civilly or criminally liable for the  
15 action or inaction of a parent with regard to lead exposure  
16 pursuant to materials given to the parent relating to lead  
17 exposure.

18 Section 7. Regulations.

19 The department shall promulgate regulations as necessary to  
20 implement the provisions of this act.

21 Section 8. Effective date.

22 This act shall take effect in 90 days.