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HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 424

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CHILDHOOD LEAD POISONING PREVENTION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend Chapter 26, Title 16 of the Delaware Code by making deletions as shown by strike through and  
2           insertions as shown by underline as follows:

3           § 2602 Physicians and health-care facilities to screen children.

4           (a) Every health-care provider who is the primary health-care provider for a child shall order screening of that  
5           child, in accordance with standards promulgated by the Division of Public Health, at or around 12 and 24 months of age for  
6           lead poisoning.

7           ~~(b) In addition to the screening required by subsection (a) of this section, every health-care provider who is the~~  
8           ~~primary health-care provider for a child shall determine based upon criteria promulgated by the Division of Public Health~~  
9           ~~whether that child should be screened for lead poisoning at or around 24 months of age. The health-care provider shall~~  
10           ~~order screening for children for whom screening is suggested by said criteria. The health-care provider shall maintain~~  
11           ~~records of the determination regarding the necessity of screening at 24 months of age.~~

12           ~~(c) Unless the child is at high risk for lead poisoning, as determined by the primary health-care provider, pursuant~~  
13           ~~to guidelines promulgated by the Division of Public Health, screening shall not be required for any child who is over 12~~  
14           ~~months of age on March 1, 1995.~~

15           **(b) The Division of Public Health will review the criteria for tests required in subsection (a) of this section at least**  
16           **once every five years and will update its standards as necessary.**

17           ~~(dc)~~ All laboratories involved in lead level analysis will participate in a universal reporting system as established  
18           by the Division of Public Health.

19           ~~(ed)~~ Nothing in this section shall be construed to require any child to undergo a lead blood level screening or test  
20           whose parent or guardian objects on the grounds that the screening or test conflicts with the parent's or guardian's religious  
21           beliefs.

22            (fe) All laboratories involved in blood lead level analysis will participate in a universal reporting system as  
23    established by the State Board of Health.

#### SYNOPSIS

At this time, the 24-month testing rates are well below what the Division of Public Health would expect them to be based upon the risk factors that determine when testing is necessary. This bill simplifies the requirements and the process for physicians and eliminates confusion that may be causing the low compliance rate for the second test. With better compliance, the Division of Public Health will have a much clearer picture of lead exposure in Delaware. This bill also requires the Division of Public Health to review the criteria for testing every 5 years. This requirement would actively foster discussions between the Division and stakeholders to ensure that the best balance is struck between the burden of testing and the protection to children.