

CHAPTER 17
FORMERLY
HOUSE BILL NO. 89

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

WHEREAS, childhood lead poisoning can be prevented.

WHEREAS, Delaware is only requiring the testing of blood lead levels of 23% of children under the age of 5 each year.

WHEREAS, only 43.67% of children age 12-14 months are receiving a blood lead level screening or test, even though testing at 12 months of age is required by law in the Childhood Lead Poisoning Prevention Act.

WHEREAS, Delaware's Childhood Lead Poisoning Prevention Act currently does not require lead poisoning tests or screening for children older than 2 years of age, even though the American Academy of Pediatrics reports that 20% of children are diagnosed at age 3, and that lead poisoning can occur through school age.

WHEREAS, between 2012 and 2016, more than 1650 Delaware children had elevated levels of lead in their blood.

WHEREAS, there is no State data on the percentage of children screened for lead poisoning risk at 2 years of age, so compliance with this requirement in the Childhood Lead Poisoning Prevention Act is poorly understood.

WHEREAS, Delaware has no screening or testing requirements for pregnant or breastfeeding women, even though there are risks to prenatal and breastfeeding exposure.

WHEREAS, Delaware trails most mid-Atlantic and Northeast states in the implementation of universal testing and medical risk assessment screening for children age 2 and above.

WHEREAS, Delaware's "Strategic Plan to Eliminate Childhood Lead Poisoning By 2010" has not accomplished its overarching goal "to reduce the incidence of lead poisoning to less than one percent of all children under the age of six."

WHEREAS, children at risk of lead poisoning include those who live or spend time in housing built before 1978 or adjacent to lead paint removal, renovation or demolition projects, use firearms and eat wild game, wear jewelry or play with toys that contain lead, eat certain food items, drink lead-contaminated water, or are exposed from a parent or family member who experiences para-occupational lead exposure or wears certain cosmetics that contain lead.

NOW, THEREFORE:

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

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

§ 2605 Childhood Lead Poisoning Advisory Committee.

(a) There is hereby established the Childhood Lead Poisoning Prevention Advisory Committee to ~~ensure~~ advise on the implementation of the Childhood Lead Poisoning Prevention Act established pursuant to this chapter

and to make any necessary recommendations for the implementation of the program or improvements of the processes to be followed by the agencies responsible for the implementation of said plan.

(b) The Committee shall ~~semi~~annually prepare and distribute a report to the General Assembly regarding the Childhood Lead Poisoning Prevention Act, the intervention activities, studies of incidence, the State Blood Lead Screening Program, and monitoring and implementation of regulations promulgated pursuant to this chapter.

~~(c) The Committee shall be co-chaired by the Secretary of the Department of Health and Social Services or the Secretary's designee and the Secretary of Education or the Secretary's designee and shall have no more than 7 members. The Secretary of Education and the Secretary of Health and Social Services shall, after consultation with the Governor, appoint 7 members comprised of individuals which shall include: a representative of the Department of Services for Children, Youth and Their Families, which must represent the interests of daycare licensing, a representative of the medical community at large who is a practicing physician, an administrative representative of a school district, and a public member.~~

(c) The Committee shall consist of 9 members as follows:

- (1) Secretary of the Department of Education.
- (2) Secretary of the Department of Health and Social Services.
- (3) Secretary of the Department of Services for Children, Youth & their Families.
- (4) Director of the Delaware State Housing Authority.
- (5) President of the Delaware Association of School Administrators.
- (6) President of the Delaware Association of Realtors.
- (7) Delaware pediatric provider, appointed by the Governor.
- (8) Two members appointed by the Governor, each from a different county.

~~(d) The Committee will sunset upon full implementation of the Childhood Lead Poisoning Prevention Act.~~

(d) Members serving by virtue of position may appoint a designee to serve in their stead and at their pleasure.

(e) The Committee shall elect a Chair and a Vice Chair from among the members.

(f) The Committee shall have the power to form advisory subcommittees, which may include individuals who are not members of the Committee, to assist the Commission in its duties.

Section 2. The Childhood Lead Poisoning Advisory Committee is directed to have their first meeting within 3 months of enactment and to investigate and report to the Delaware General Assembly within the first 12 months after commencing the Committee with their findings and recommendations on: (1) the current status of compliance with the Childhood Lead Poisoning Prevention Act, including mandatory testing at 12 months, screening at 24 months and screening prior to child care or school enrollment; (2) mechanisms to improve the Childhood Lead Poisoning Prevention Act, including expanding universal testing to include older children, preventive measures in rental housing built before 1978 to protect children from lead dust and degrading paint, and testing or medial risk assessment screening of pregnant and breastfeeding mothers; (3) improving DHSS regulations regarding the monitoring and enforcement of blood lead level testing, the use of medical risk assessment screening,

and reporting of compliance by child care facilities and schools; (4) improving participation in blood lead testing and medical risk assessment screening programs; (5) practices that the Department of Education can implement to improve the identification of lead poisoning cases among school age children including those with learning disabilities, behavioral problems, and attention deficit disorder; (6) improve lead poisoning prevention across state agencies and programs, including the Department of Health and Social Services, Department of Natural Resources and Environmental Control, Department of Services for Children, Youth and their Families, and Department of Education; and (7) Delaware's public education needs to prevent childhood lead poisoning, including those that address lead exposure in homes, para-occupational exposure from parents or family members, recreational sources of exposure, and lead found in cosmetics, toys and food.

Approved May 15, 2019