SPONSOR: Rep. K. Williams & Sen. Pinkney
Reps. Lynn, Berry, Gorman, Lambert

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 259
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO SCREENING FOR LEAD POISONING.

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

Section 1. Amend § 2603, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2603. Screening prior to child care or school enrollment.

(a) For every child who has reached the age of 12 months, child care facilities and public and private nursery schools, preschools, and kindergartens shall require proof of screening for lead poisoning for admission or continued enrollment.

(b) Except in the case of enrollment in kindergarten, the screening under subsection (a) of this section may be done within 60 calendar days of the date of enrollment.

(c) A child's parent or guardian must provide 1 of the following:

(1) A statement from the child's primary health-care provider that the child has received a screening for lead poisoning.

(2) A certificate signed by the parent or guardian stating that the screening is contrary to the parent's or guardian's religious beliefs.

(d) The Division of Public Health shall ensure that all school nurses have access to data that confirms or denies whether each enrolled child has been screened for lead poisoning and the results of all lead screenings or tests. A record of the proof of screening shall be kept in each student's school health record. Results must be in micrograms per deciliter and provided by Jan 1, 2025.

(e) (1) By November 1 of each year, all school districts and charter schools must report to the Division of Public ~~Health~~ Health, by school, the number of students enrolled in kindergarten who have not met the requirements under subsection (c) of this ~~section.~~ section, as well as the total number of students enrolled in kindergarten at each school.

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(2) By January 1 of each year, the Division of Public Health shall collect the data reported to the Division of Public Health under paragraph (e)(1) of this section and submit it in a single report, disaggregated by school, to the Secretary of Education, the Secretary of the Senate for distribution to all Senators, the Clerk of the House of Representatives for distribution to all Representatives, the Director and the Librarian of the Division of Legislative Services, and the Public Archives. The report under this paragraph must also be made available to the public through posting on the Division of Public Health website. The reporting required under this paragraph may be combined with and submitted together with the annual report required under § 2606 of this title.

(f) Any contracts or computer upgrades must continue to include lead results.