

Legislative Analysis



TESTING FOR CHILDHOOD LEAD POISONING

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4678 (proposed substitute H-2)
Sponsor: Rep. John D. Cherry

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4679 (proposed substitute H-1)
Sponsor: Rep. Helena Scott

Committee: Health Policy
Complete to 6-15-22

SUMMARY:

House Bills 4678 and 4679 would together amend the Public Health Code to require childhood testing for lead poisoning. House Bill 4678 would require minors to be tested for lead poisoning at certain ages, require the testing to be recorded on a certificate of immunization, and require the Department of Health and Human Services (DHHS) to promulgate rules to implement the testing requirement. House Bill 4679 would require a certificate of immunization to include a space to indicate whether a minor has been tested for lead poisoning.

House Bill 4678 would add a new section to Chapter 54A (Lead Abatement) of the Public Health Code. Beginning January 1, 2024, a physician treating a patient who is a minor would be required to test the minor for lead poisoning at the intervals and using the methods specified by DHHS by rule. In addition, the physician would have to make an entry of the testing on the minor's certificate of immunization (described in HB 4679 below). However, the testing requirement would not apply to a minor whose parent, guardian, or person in loco parentis objects to testing.

Departmental rules

DHHS would be required to promulgate rules to implement the bill's provisions. The rules would have to include at least all of the following:

- A requirement that a minor residing in Michigan be tested once between the ages of 9 and 12 months old and tested again between the ages of two and three years old.
- The identification of geographic areas in the state that pose a high risk for childhood lead poisoning and a requirement that a minor who is four years old be tested if the minor resides in one of those geographic areas.
- Factors to identify a minor who is at high risk for lead poisoning. The factors would have to include, but would not be limited to, residing in a home where other minors have been diagnosed with lead poisoning and residing in a home built before 1978.
- A requirement that a minor be tested at intervals determined by DHHS if a physician determines that the minor is at high risk for lead poisoning by applying the factors identified above, through a parent's attestation, or through the physician's own independent medical judgment.

Proposed MCL 333.5474d

House Bill 4679 would amend the Public Health Code to require, beginning January 1, 2024, that a certificate of immunization have a space to indicate whether the minor has been tested for lead poisoning.

Under the code, a certificate of immunization is presented to a person accompanying a child by a health care provider that administers an immunizing agent to the child. The certificate is required to be in a form prescribed by DHHS and must indicate the diseases or infections for which the child has been immunized, the number of doses given, the dates when administered, and whether further immunizations are indicated.

MCL 333.9206

Neither bill would take effect unless both bills were enacted.

FISCAL IMPACT:

House Bill 4678 would have one-time modest fiscal implications for the Department of Health and Human Services to carry out the process of promulgation of rules to implement the bill. These costs should be able to be absorbed by the current appropriations for administration and the relevant programs.

House Bill 4679 would have one-time minor fiscal implications for the Department of Health and Human Services to modify the existing form of the certificate of immunization.

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