
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 79 Session of
2019

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VITALI AND WARREN, JANUARY 28, 2019

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JANUARY 28, 2019

AN ACT

1 Providing for blood lead testing of certain children by health
2 care providers, for health insurance coverage for blood lead
3 testing and imposing duties on the Department of Health.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Childhood
8 Blood Lead Test Act.

9 Section 2. Legislative findings.

10 The General Assembly finds and declares as follows:

11 (1) Lead is a naturally occurring element that is toxic
12 to humans when ingested or inhaled.

13 (2) Severe lead poisoning causes convulsions,
14 intellectual disabilities, seizures and sometimes death.

15 (3) Low-level exposure to lead reduces intelligence,
16 delays cognitive growth and impairs physical development.

17 (4) Children who are in utero or less than six years of

1 age are most sensitive to lead poisoning because their brains
2 and nervous systems are still developing.

3 (5) The only way to diagnose a child with an elevated
4 blood lead level is through a blood test.

5 (6) The health and development of children is endangered
6 by chipping or peeling lead-based paint or lead-contaminated
7 dust or soil in homes and neighborhoods throughout this
8 Commonwealth.

9 (7) Other sources of lead exposure can be through lead
10 service lines for drinking water, lead solder used in
11 drinking water lines and lead in consumer products such as
12 toys, foods, cosmetics and ceramics.

13 Section 3. Legislative purpose.

14 The purposes of this act are:

15 (1) To promote the elimination of childhood lead
16 poisoning in this Commonwealth with the purpose of
17 establishing a system predicated on cost-effective, health-
18 protective measures to evaluate and control lead-based paint
19 hazards in housing built prior to 1978.

20 (2) To substantially reduce, and eventually eliminate,
21 the incidence of childhood lead poisoning in this
22 Commonwealth.

23 (3) To substantially reduce the risk of childhood lead
24 poisoning in this Commonwealth by increasing the supply of
25 lead-safe housing.

26 (4) To improve public awareness of lead safety issues
27 and educate both property owners and tenants about practices
28 that can reduce the incidence of lead poisoning.

29 (5) To require the testing of all children in this
30 Commonwealth at one and two years of age so that prompt

1 diagnosis and treatment, as well as the prevention of harm,
2 are possible.

3 Section 4. Definitions.

4 The following words and phrases when used in this act shall
5 have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Blood lead test." A blood lead draw whether by capillary,
8 venous or unknown sample type on a child that produces a
9 quantifiable result and is analyzed by a Clinical Laboratory
10 Improvement Amendments-certified facility or an approved
11 portable device.

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

13 "Elevated blood lead level." A single blood lead test,
14 whether capillary or venous, at or above the Centers for Disease
15 Control and Prevention's reference range value.

16 Section 5. Lead poisoning prevention.

17 (a) Lead testing requirements.--

18 (1) A health care provider shall make reasonable efforts
19 to ensure that patients under the health care provider's care
20 receive a blood lead test between nine and twelve months of
21 age and again at approximately 24 months of age.

22 (2) If the results of the blood lead test indicate an
23 elevated blood lead level, the health care provider shall
24 perform a confirmatory blood lead test by venipuncture within
25 12 weeks of the first blood lead test.

26 (3) Health care providers and laboratories shall comply
27 with reporting regulations as specified in 28 Pa. Code §
28 27.34 (relating to reporting cases of lead poisoning).

29 (b) Nonapplicability.--The testing requirements in this
30 section shall not apply if a child's parent or legal guardian

1 objects in writing to the blood lead test on religious grounds
2 or on the basis of a strong moral or ethical conviction similar
3 to a religious belief.

4 Section 6. Duties of department.

5 (a) Comprehensive educational program.--The department shall
6 conduct a public information campaign to inform parents of young
7 children, physicians, nurses and other health care providers of
8 the lead testing requirements under this act.

9 (b) Distribution of literature about childhood lead
10 poisoning.--

11 (1) The department shall provide culturally and
12 linguistically appropriate educational materials regarding
13 childhood lead poisoning, the importance of testing for
14 elevated lead levels, prevention of childhood lead poisoning,
15 treatment of childhood lead poisoning, remediation and, when
16 appropriate, the requirements of this act.

17 (2) Educational materials shall be available at no cost
18 and shall be developed for specific audiences, including
19 health care providers, homeowners, landlords and parents or
20 caregivers.

21 (c) Statewide registry.--The department shall develop an
22 electronic system to provide for the confidential storage and
23 management of blood lead testing information that enables a
24 health care provider to review a patient's history to determine
25 the status of blood lead testing required under this act.

26 Section 7. Blood lead testing coverage.

27 (a) General rule.--A health insurance policy or government
28 program covered under this section shall provide to covered
29 individuals or recipients who are under two years of age
30 coverage for one blood lead test during the time period between

1 nine and twelve months of age, one blood lead test at
2 approximately 24 months of age and, if the results of either of
3 the blood level tests indicate an elevated blood lead level, an
4 additional blood lead test by venipuncture within 12 weeks of
5 the blood level test in which the elevated blood lead level was
6 indicated.

7 (b) Copayments, deductibles and coinsurance.--Coverage under
8 this section shall be subject to copayment, deductible and
9 coinsurance provisions and any other general exclusions or
10 limitations of a health insurance policy or government program
11 to the same extent as other medical services covered by the
12 health insurance policy or government program are subject to
13 such provisions.

14 (c) Construction.--This section shall not be construed as
15 limiting benefits which are otherwise available to an individual
16 under a health insurance policy or government program.

17 (d) Applicability.--

18 (1) This section shall apply to a health insurance
19 policy offered, issued or renewed on or after July 1, 2019,
20 in this Commonwealth to groups of 51 or more employees. This
21 section shall not include the following policies:

22 (i) An accident only policy.

23 (ii) A credit only policy.

24 (iii) A long-term care or disability income policy.

25 (iv) A specified disease policy.

26 (v) A Medicare supplement policy.

27 (vi) A TRICARE policy, including a Civilian Health
28 and Medical Program of the Uniformed Services (CHAMPUS)
29 supplement policy.

30 (vii) A fixed indemnity policy.

- 1 (viii) A dental only policy.
- 2 (ix) A vision only policy.
- 3 (x) A worker's compensation policy.
- 4 (xi) An automobile medical payment policy.
- 5 (xii) Another similar policy providing for limited
- 6 benefits.

7 (2) This section shall apply to a contract executed on
8 or after July 1, 2019, under Article XXIII-A of the act of
9 May 17, 1921 (P.L.682, No.284), known as The Insurance
10 Company Law of 1921, or by any successor program.

11 (e) Report.--An insurer shall issue a report to the
12 Insurance Department, in a form and manner as determined by the
13 Insurance Department, to evaluate the implementation of this
14 section by January 1, 2021.

15 Section 8. Applicability.

16 This act shall apply as follows:

17 (1) For health insurance policies for which either rates
18 or forms are required to be filed with the Insurance
19 Department or the Federal Government, this act shall apply to
20 any policy for which a form or rate is first filed on or
21 after the effective date of this section.

22 (2) For health insurance policies for which neither
23 rates nor forms are required to be filed with the Insurance
24 Department or the Federal Government, this act shall apply to
25 any policy issued or renewed on or after 180 days after the
26 effective date of this section.

27 Section 9. Regulations.

28 The department shall promulgate rules and regulations
29 necessary to administer this act.

30 Section 10. Effective Date.

1 This act shall take effect in 60 days.