

1 ENGROSSED SENATE
2 BILL NO. 1855

By: Crain and Gumm of the
Senate

3 and

4 Cox of the House
5
6

7 An Act relating to public health and safety; amending
8 63 O.S. 2001, Section 1-114.1, which relates to the
9 Childhood Lead Poisoning Prevention Advisory Council;
10 directing the State Board of Health to promulgate
11 certain rules; modifying membership of certain
12 advisory council; requiring county departments of
13 health to perform certain audits; specifying content
14 of certain audits; requiring certain report;
15 providing for penalties for failure to make certain
16 report; directing the State Department of Health to
17 annually designate certain week; directing the
18 development and implementation of certain campaign;
19 directing the State Department of Health in
20 conjunction with the State Board of Education to
21 develop and implement certain learning unit and
22 advertising campaign; specifying content of certain
23 learning unit and public advertising campaign;
24 providing for codification; and providing an
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-114.1, is
amended to read as follows:

Section 1-114.1 A. There is hereby established the
Comprehensive Childhood Lead Poisoning Prevention Program to be
administered by the State Department of Health.

B. The State Board of Health shall promulgate rules for:

- 1 1. Lead toxicity screening of children ages six (6) months to
2 seventy-two (72) months;
- 3 2. The performance of verbal risk assessments on children ages
4 six (6) months to seventy-two (72) months;
- 5 3. The performance of blood lead tests when screening eligible
6 children for lead poisoning, provided that screening and testing for
7 Medicaid-eligible children shall be conducted in accordance with
8 existing federal law;
- 9 4. Setting standards for any developmental assessments for a
10 child identified as being lead poisoned;
- 11 5. Identifying as statewide screening requirements the minimum
12 laboratory tests or analysis for childhood lead poisoning to be
13 performed by medical providers for particular age or population
14 groups;
- 15 6. The determination of risk for each child tested;
- 16 7. Detailing the diagnosis, treatment and follow-up services
17 needed pursuant to the provisions of this act;
- 18 8. Providing for health education and counseling related to
19 childhood lead poisoning to parents and children; ~~and~~
- 20 9. Assessments and lead hazard control as part of the treatment
21 and follow-up for a child identified as being lead poisoned;
- 22 10. Establish procedures for notification to current and future
23 tenants of lead hazards in dwelling units where a child with an
24 elevated blood lead level has been identified;

1 11. Establish lead safe standards in dwelling units; and

2 12. Establish a regulatory structure and enforcement process

3 that assures electronic reporting of all blood lead levels.

4 C. To assist the State Board of Health in establishing
5 criteria, standards and rules necessary to effectuate the provisions
6 of this section, there is hereby created the Childhood Lead
7 Poisoning Prevention Advisory Council. The Council shall consist of
8 ~~fifteen (15)~~ seven (7) members to be appointed as follows:

9 ~~1. Eleven members shall be appointed by the State Commissioner~~
10 ~~of Health as follows: a representative of a local housing~~
11 ~~authority, a representative of a housing industry organization, a~~
12 ~~local housing code official, a representative of a local housing~~
13 ~~project, an environmental professional, a public health nurse, a~~
14 ~~representative of the Oklahoma Chapter of the American Academy of~~
15 ~~Pediatrics, a representative of the State Medicaid Program, a~~
16 ~~clinical laboratory director, and two parents; and~~

17 ~~2. The following four ex officio members or their designees:~~
18 ~~the State Commissioner of Health, the Executive Director of the~~
19 ~~Department of Environmental Quality, the Director of the Oklahoma~~
20 ~~Commission on Children and Youth, and the Director of the Oklahoma~~
21 ~~Housing Finance Authority.~~

22 ~~The terms of office of the appointed members shall be three (3)~~
23 ~~years~~ by the State Commissioner of Health.

1 D. Members shall serve at the pleasure of the appointing
2 authority. The Council shall recommend to the Board
3 rules for the Comprehensive Childhood Lead Poisoning
4 Prevention Program. The Council is authorized to
5 utilize the conference rooms of the State Department of
6 Health and to obtain administrative assistance from the
7 Department.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-114.1a of Title 63, unless
10 there is created a duplication in numbering, reads as follows:

11 A. Each county department of health shall perform an annual
12 audit of lead toxicity screens of children ages six (6) months to
13 seventy-two (72) months as provided for in Section 1-114.1 of Title
14 63 of the Oklahoma Statutes. Each audit shall include information
15 on the number of screened and unscreened children in the specified
16 age group.

17 B. Each county department of health shall report the results of
18 the audit to the Legislature within thirty (30) days of completion.
19 An administrator of a county department of health who knowingly or
20 recklessly fails to report the results of the audit within the
21 specified amount of time shall be subject to disciplinary action,
22 including, but not limited to, suspension or dismissal.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-114.1b of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 The State Department of Health shall annually designate one week
5 of the year as "Heavy Metals Safety Week". As part of Heavy Metals
6 Safety Week, the Department shall develop and implement a heavy
7 metals safety campaign.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 114.1c of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 The State Department of Health, in conjunction with the State
12 Board of Education, shall coordinate the development and
13 implementation of an elementary education learning unit and a
14 related public advertising campaign devoted to the effects of
15 exposure to heavy metals. The learning unit and public advertising
16 campaign shall focus on the dangers facing children and others
17 exposed to heavy metals, the possible sources of lead exposure, and
18 the ways lead exposure may be prevented.

19 SECTION 5. This act shall become effective November 1, 2010.
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1 Passed the Senate the 24th day of February, 2010.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2010.

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8 _____
9 Presiding Officer of the House
10 of Representatives