



SPONSOR: Rep. Matthews & Rep. Jaques & Sen. Cloutier & Sen. Hansen
Reps. Bentz, Brady, Briggs King, Cooke, Mitchell, Osienski, Michael Smith, K. Williams; Sens. Delcollo, Ennis, Paradee, Poore, Sokola, Townsend, Walsh, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 89

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

1 WHEREAS, childhood lead poisoning can be prevented.

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

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

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

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

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

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

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

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

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

22 NOW, THEREFORE:

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

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

26 § 2605 Childhood Lead Poisoning Advisory Committee.

27 (a) There is hereby established the Childhood Lead Poisoning Prevention Advisory Committee to ~~ensure~~ advise on
28 the implementation of the Childhood Lead Poisoning Prevention Act established pursuant to this chapter and to make any
29 necessary recommendations for the implementation of the program or improvements of the processes to be followed by the
30 agencies responsible for the implementation of said plan.

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

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

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

42 (1) Secretary of the Department of Education.

43 (2) Secretary of the Department of Health and Social Services.

44 (3) Secretary of the Department of Services for Children, Youth & their Families.

45 (4) Director of the Delaware State Housing Authority.

46 (5) President of the Delaware Association of School Administrators.

47 (6) President of the Delaware Association of Realtors.

48 (7) Delaware pediatric provider, appointed by the Governor.

49 (8) Two members appointed by the Governor, each from a different county.

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

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

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

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

55 Section 2. The Childhood Lead Poisoning Advisory Committee is directed to have their first meeting within 3
56 months of enactment and to investigate and report to the Delaware General Assembly within the first 12 months after
57 commencing the Committee with their findings and recommendations on: (1) the current status of compliance with the
58 Childhood Lead Poisoning Prevention Act, including mandatory testing at 12 months, screening at 24 months and screening
59 prior to child care or school enrollment; (2) mechanisms to improve the Childhood Lead Poisoning Prevention Act,
60 including expanding universal testing to include older children, preventive measures in rental housing built before 1978 to
61 protect children from lead dust and degrading paint, and testing or medical risk assessment screening of pregnant and
62 breastfeeding mothers; (3) improving DHSS regulations regarding the monitoring and enforcement of blood lead level
63 testing, the use of medical risk assessment screening, and reporting of compliance by child care facilities and schools; (4)
64 improving participation in blood lead testing and medical risk assessment screening programs; (5) practices that the
65 Department of Education can implement to improve the identification of lead poisoning cases among school age children
66 including those with learning disabilities, behavioral problems, and attention deficit disorder; (6) improve lead poisoning
67 prevention across state agencies and programs, including the Department of Health and Social Services, Department of
68 Natural Resources and Environmental Control, Department of Services for Children, Youth and their Families, and
69 Department of Education; and (7) Delaware's public education needs to prevent childhood lead poisoning, including those
70 that address lead exposure in homes, para-occupational exposure from parents or family members, recreational sources of
71 exposure, and lead found in cosmetics, toys and food.

SYNOPSIS

This bill updates the members of the Childhood Lead Poisoning Advisory Committee to include additional stakeholders, and directs the Committee to report to the General Assembly on the effectiveness of the Act, ways to improve the Act, and other measures that should be taken by the State of Delaware to prevent lead poisoning in children.