
A BILL FOR AN ACT

RELATING TO CHILDREN'S HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that it is well-
2 established that lead poisoning can cause permanent health
3 damage, including: intellectual disabilities; learning and
4 behavior problems; high blood pressure; damage to the brain;
5 nervous system, kidneys, and red blood cells; and, in severe
6 cases, coma or death. Even at low levels, lead exposure can
7 result in adverse health effects, especially in young children.
8 According to the Centers for Disease Control and Prevention, the
9 effects of childhood lead poisoning are most effectively treated
10 through early intervention programs before the age of three.
11 Federal law requires that all medicaid-insured children be
12 tested for lead at one and two years of age. While the federal
13 Individuals with Disabilities Education Act requires all states
14 to offer early intervention services for children at risk for
15 developmental delays or disability before they are three years
16 of age, no mandate currently exists at the state level.



1 Though the reported number of children in Hawaii with
2 elevated blood lead levels has decreased over time, elevated
3 blood lead levels among children continue to be a concern.
4 Presently, only twenty-five per cent of children in the State
5 under the age of three are tested for lead, which means that the
6 blood lead levels of the remaining seventy-five per cent of
7 untested children are unknown and, consequently, untreated.

8 The purpose of this Act is to keep Hawaii's children safe
9 from lead hazards and the effects of lead poisoning by requiring
10 blood lead tests at well-child health care provider visits for
11 all children one and two years of age that reside in the State.

12 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
13 amended by adding a new part to be appropriately designated and
14 to read as follows:

15 **"PART . MANDATORY TESTING FOR LEAD POISONING**

16 **§321-A Definitions.** As used in this part, unless the
17 context clearly indicates otherwise:

18 "Certified lead inspector" means an individual certified as
19 a lead inspector by the department.

20 "Delayed development" has the same meaning as in section
21 321-351.



1 "Department" means the department of health.

2 "Director" means the director of health.

3 "Early intervention services" has the same meaning as in
4 section 321-351.

5 "Infant" means a child from birth to thirty-six months of
6 age.

7 "Infants and toddlers with special needs" means infants and
8 toddlers from birth to age three having delayed development.

9 "Lead poisoning" means a medical condition present in a
10 child younger than six years of age in which the child has a
11 concentration of lead in whole venous blood of ten micrograms
12 per deciliter or higher.

13 **§321-B Duties.** It shall be the duty and responsibility of
14 the department to establish, implement, and evaluate a statewide
15 program for early identification of, and intervention for, lead
16 poisoning in infants.

17 **§321-C Regular testing of children for lead poisoning.**

18 All children shall be tested once between nine and twelve months
19 of age, and again at two years of age; provided that a health
20 care provider may determine the lead exposure risk and need for
21 blood lead testing for children three years of age and older.



1 **§321-D Testing of children at high risk for lead**

2 **poisoning.** (a) A child shall be tested for lead poisoning more
3 than once a year whenever, in the sound medical judgment of the
4 child's health care provider, the child is at high risk of lead
5 poisoning or meets one of the following high-risk criteria:

6 (1) The child lives in a home where siblings or other
7 children in the same household have been diagnosed
8 with lead poisoning;

9 (2) The child lives in a home constructed before 1978 that
10 is undergoing renovations, unless the home has been
11 inspected by a certified lead inspector and the
12 surfaces to be disturbed are found not to contain
13 dangerous levels of lead; or

14 (3) The child lives in a home constructed prior to 1978
15 with deteriorated paint or plaster, unless the home
16 has been inspected by a certified lead inspector and
17 is found not to contain a dangerous level of lead.

18 (b) A child who meets any of the high-risk criteria set
19 forth under subsection (a) shall be tested no less than every
20 six months between six months and two years of age.



1 (c) If a child between one and six years of age has never
2 been tested for lead poisoning, the child shall be tested prior
3 to the child's entry into any day care center, including a group
4 day care center or family day care center, pre-kindergarten, or
5 kindergarten; provided that the child's parent or guardian shall
6 present evidence of the testing to the day care center or
7 school. If the child has previously been tested for lead
8 poisoning, the child shall not be required to be tested again to
9 fulfill daycare, pre-kindergarten, or kindergarten entry
10 requirements; provided further that the child's parent or
11 guardian shall present evidence of previous testing to the day
12 care center or school.

13 **§321-E Health care provider applicability.** (a) Each
14 physician duly licensed under chapter 453 shall test patients
15 for lead poisoning at the intervals specified under section
16 321-D, using the methods specified in this part.

17 (b) Each licensed, registered, or approved health care
18 facility serving children younger than six years of age,
19 including hospitals and clinics issued a certificate of need
20 under section 323D-43, shall take appropriate steps to test
21 patients for lead poisoning.



1 (c) Each health maintenance organization issued a
2 certificate of authority under section 432D-2 shall take
3 appropriate steps to test patients for lead poisoning.

4 **§321-F Reimbursement for mandatory lead testing services.**

5 The following blood lead testing services shall constitute
6 mandatory blood lead testing and shall be covered under
7 individual or group policies of insurance as provided under
8 chapter 431, article 10A, parts I and II; individual or group
9 hospital or medical service plan contracts as provided under
10 chapter 432, article 1; and health maintenance contracts as
11 provided by chapter 432D:

12 (1) Assessment of the child for regular testing at age
13 four, in accordance with section 321-C and assessment
14 for high-risk testing in accordance with section
15 321-D;

16 (2) Completion of the laboratory form known as a
17 bloodslip;

18 (3) Packaging and handling of the blood specimen including
19 postage costs for mailing the specimen to the
20 laboratory; and



1 (4) Analysis of the blood specimen for lead level by
2 atomic absorption spectrophotometry or any other
3 method approved by the Clinical Laboratory Improvement
4 Amendments of 1988, Public Law 100-578, and for
5 erythrocyte protoporphyrin by fluorometry, either
6 through the measurement of zinc protoporphyrin or by
7 extraction."

8 SECTION 3. In codifying the new sections added by section
9 2 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

DOH; Lead Poison Testing; Insurance

Description:

Requires the Department of Health to establish, implement, and evaluate a statewide program for early identification of, and intervention for, lead poisoning in infants. Requires insurers to provide coverage for the testing. Effective 7/1/2050. (SD2)

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