

JAN 19 2024

A BILL FOR AN ACT

RELATING TO LEAD POISONING.

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

1 SECTION 1. Chapter 325, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§325- Lead poisoning; testing; minors; exemption. (a)
5 Beginning January 1, 2025, a physician treating a minor patient
6 shall complete the following:

7 (1) Test the minor patient for lead poisoning, or order
8 the test for the minor patient at certain intervals
9 using methods pursuant to rules adopted by the
10 department of health; and

11 (2) If the physician performs the test described in
12 paragraph (1), the physician shall make an entry of
13 the testing on the minor patient's record that is
14 maintained pursuant to section 325-33.

15 (b) The department of health shall adopt rules pursuant to
16 chapter 91 to implement this section. The rules shall include
17 but not be limited to:



- 1 (1) Subject to subsection (c), a requirement that a minor
2 residing in the State is tested at the following ages:
3 (A) Twelve months of age and twenty-four months of
4 age; or
5 (B) If the minor has no previous record of the test
6 required pursuant to subsection (a), between
7 twenty-four months of age and seventy-two months
8 of age;
9 (2) Identification of geographic areas in the State that
10 pose a high risk for childhood lead poisoning and a
11 requirement that a minor who is four years of age be
12 tested if the minor resides in an area designated by
13 the department of health;
14 (3) Factors to identify a minor who is at high risk for
15 lead poisoning shall include but not be limited to:
16 (A) Residing in a home where other minors have been
17 diagnosed with lead poisoning; and
18 (B) Residing in a home that was built before 1978;
19 (4) A requirement that minors be tested at intervals
20 determined by the department of health if a physician
21 determines that the minor is at high risk for lead



1 poisoning by applying the factors in paragraph (3),
2 through a parent's attestation or through the
3 physician's own independent medical judgment; and

4 (5) Procedures for entering the information described in
5 subsection (a) (2) on the minor's record of testing
6 that is maintained pursuant to section 325-33,
7 including but not limited to procedures for entering
8 the information if testing is performed by a person
9 other than a physician.

10 (c) The department of health may, by rule, adjust the age
11 requirements in subsection (b) (1) or eliminate the testing
12 requirement if, after collecting and reviewing data on lead
13 poisoning in the State for five years, the department of health
14 determines that testing minors at the ages set by subsection
15 (b) (1) is no longer necessary or appropriate to maintain the
16 health and safety of minors who reside in the State. If the
17 department of health adjusts the ages or eliminates the
18 requirement in subsection (b) (1) pursuant to this section, the
19 department of health shall submit a report of its findings and
20 rationale to the legislature twenty days prior to the convening
21 of the next regular session.




1 (d) This section shall not apply to a minor whose parent,
2 guardian, or individual in loco parentis objects to testing."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect upon its approval.

5

INTRODUCED BY: 



S.B. NO. 2682

Report Title:

DOH; Minors; Lead Poisoning; Mandatory Testing; Requirements; Rules; Exemption

Description:

Beginning 1/1/2025, requires physicians to perform or order test for lead poisoning in minor patients at certain intervals, and if the physician performs the test, the results to be included in the minor patient's record of immunization. Requires the Department of Health to adopt rules. Provides certain exemptions for the mandatory lead poisoning testing of minors.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

