



General Assembly

Amendment

January Session, 2007

LCO No. 7634

HB0672307634HDO

Offered by:

REP. AMANN, 118th Dist.
REP. MCMAHON, 15th Dist.
SEN. MEYER, 12th Dist.
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To: House Bill No. 6723

File No. 365

Cal. No. 308

**"AN ACT CONCERNING THE PREVENTION OF CHILDHOOD LEAD
POISONING."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 19a-111a of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2007*):

5 (a) The [Commissioner] Department of Public Health shall be the
6 lead state agency for lead poisoning prevention in this state. The
7 Commissioner of Public Health shall (1) identify the state and local
8 agencies in this state with responsibilities related to lead poisoning
9 prevention, and (2) schedule a meeting of such state agencies and
10 representative local agencies at least once annually in order to
11 coordinate lead poisoning prevention efforts in this state.

12 (b) The commissioner shall establish a lead poisoning prevention

13 program [. Such program shall] to provide screening, diagnosis,
14 consultation, inspection and treatment services, including, but not
15 limited to, the prevention and elimination of lead poisoning through
16 research, abatement, education and epidemiological and clinical
17 activities. Such program shall include, but need not be limited to, the
18 screening services provided pursuant to section 2 of this act.

19 [(b)] (c) Within available appropriations, the [Commissioner of
20 Public Health] commissioner may contract with individuals, groups or
21 agencies for the provision of necessary services and enter into
22 assistance agreements with municipalities, cities, boroughs or district
23 departments of health or special service districts for the development
24 and implementation of comprehensive lead poisoning prevention
25 programs consistent with the provisions of sections 19a-110 to 19a-
26 111c, inclusive.

27 Sec. 2. (NEW) (*Effective April 1, 2008*) (a) Each primary care provider
28 giving pediatric care in this state to a child under three years of age,
29 excluding a hospital emergency department and its staff, shall take or
30 cause to be taken a blood sample from each such child for the purpose
31 of conducting blood lead screening in accordance with this section.
32 Each such primary care provider shall also arrange for lead risk
33 assessments in accordance with subsection (b) of this section. The
34 requirements of this section shall not apply to any child whose parent
35 or guardian objects to a blood test as being in conflict with the parent
36 or guardian's religious tenets and practices.

37 (b) (1) Lead screening shall be conducted at least annually for each
38 child between nine and thirty-five months of age. Additional screening
39 shall be conducted for any child under seventy-two months of age as
40 clinically indicated as determined by the primary care provider. For
41 purposes of this section, clinically indicated screening shall include,
42 but not be limited to, screening for a child who:

43 (A) Has never been screened for blood lead, in which case the child
44 shall be immediately screened regardless of other risk factors;

45 (B) Has a clinical record or exhibits symptoms indicative of elevated
46 blood lead levels;

47 (C) Has a chronological age of two years or older but is
48 developmentally delayed and is found to be at risk for lead poisoning
49 pursuant to subdivision (2) of this subsection; or

50 (D) Has a loss of cognitive skill for no identified reason.

51 (2) In addition to such screening, a risk assessment shall be
52 conducted at least annually for each child between thirty-six and
53 seventy-one months of age and may be conducted for any child under
54 such age who is determined by a primary care provider to be in need
55 of such risk assessment. Such risk assessment shall comply with
56 standards established by the Commissioner of Public Health, and shall
57 include, but need not be limited to, questions to determine whether the
58 child:

59 (A) Is exhibiting a habit of eating nonfood substances;

60 (B) Has a prior confirmed venous blood lead level equal to or
61 greater than fifteen micrograms per deciliter; or

62 (C) Resides in a residence constructed before 1978 that has
63 undergone major renovations that may increase the risk of lead
64 exposure.

65 Sec. 3. Subsection (a) of section 19a-110 of the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective*
67 *October 1, 2007*):

68 (a) [Each institution licensed under the provisions of sections 19a-
69 490 to 19a-503, inclusive, and each private clinical laboratory licensed
70 under section 19a-30 shall, within] Not later than forty-eight hours [of
71 receipt of knowledge thereof,] after receiving or completing a report of
72 a person found to have a level of lead in the blood equal to or greater
73 than ten micrograms per deciliter of blood or any other abnormal body
74 burden of lead, each institution licensed under sections 19a-490 to 19a-

75 503, inclusive, as amended, and each clinical laboratory licensed under
76 section 19a-30 shall report to (1) the Commissioner of Public Health,
77 and to the director of health of the town, city or borough in which the
78 person resides: [(1)] (A) The name, full residence address, date of birth,
79 gender, race and ethnicity of each person found to have a level of lead
80 in the blood equal to or greater than ten micrograms per deciliter of
81 blood or any other abnormal body burden of lead; [(2)] (B) the name,
82 address and telephone number of the health care provider who
83 ordered the test; [(3)] (C) the sample collection date, analysis date, type
84 and blood lead analysis result; and [(4)] (D) such other information as
85 the commissioner may require, and (2) the health care provider who
86 ordered the test, the results of the test. With respect to a child under
87 three years of age, not later than seventy-two hours after the provider
88 receives such results, the provider shall make reasonable efforts to
89 notify the parent or guardian of the child of the blood lead analysis
90 results. Any institution or laboratory making an accurate report in
91 good faith shall not be liable for the act of disclosing said report to the
92 commissioner or to the director of health. The commissioner, after
93 consultation with the Chief Information Officer of the Department of
94 Information Technology, shall determine the method and format of
95 transmission of data contained in said report.

96 Sec. 4. Subsection (d) of section 19a-110 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective April*
98 *1, 2008*):

99 (d) The director of health of the town, city or borough shall provide
100 or cause to be provided, to the parent or guardian of a child reported,
101 pursuant to subsection (a) of this section, with information describing
102 the dangers of lead poisoning, precautions to reduce the risk of lead
103 poisoning, information about potential eligibility for services for
104 children from birth to three years of age pursuant to sections 17a-248
105 to 17a-248g, inclusive, and laws and regulations concerning lead
106 abatement. Said information shall be developed by the Department of
107 Public Health and provided to each local and district director of health.
108 With respect to the child reported, the director shall conduct an on-site

109 inspection to identify the source of the lead causing a confirmed
110 venous blood lead level equal to or greater than fifteen micrograms per
111 deciliter but less than twenty micrograms per deciliter in two tests
112 taken at least three months apart and order remediation of such
113 sources by the appropriate persons responsible for the conditions at
114 such source. On and after January 1, 2012, if one per cent or more of
115 children in this state under the age of six report blood lead levels equal
116 to or greater than ten micrograms per deciliter, the director shall
117 conduct such on-site inspection and order such remediation for any
118 child having a confirmed venous blood lead level equal to or greater
119 than ten micrograms per deciliter in two tests taken at least three
120 months apart.

121 Sec. 5. (NEW) (*Effective April 1, 2008*) Each individual health
122 insurance policy providing coverage of the type specified in
123 subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of the general
124 statutes delivered, issued for delivery, amended, renewed or
125 continued in this state on or after April 1, 2008, shall provide coverage
126 for blood lead screening and risk assessments ordered by a primary
127 care provider pursuant to section 2 of this act.

128 Sec. 6. Subsection (b) of section 38a-535 of the general statutes is
129 repealed and the following is substituted in lieu thereof (*Effective April*
130 *1, 2008*):

131 (b) [Every] Each group health insurance policy providing coverage
132 of the type specified in subdivisions (1), (2), (4), (6), (11) and (12) of
133 section 38a-469 delivered, issued for delivery or renewed on or after
134 October 1, 1989, or continued as defined in section 38a-531, on or after
135 October 1, 1990, shall provide benefits for preventive pediatric care for
136 any child covered by the policy or contract at approximately the
137 following age intervals: Every two months from birth to six months of
138 age, every three months from nine to eighteen months of age and
139 annually from two through six years of age. Any such policy may
140 provide that services rendered during a periodic review shall be
141 covered to the extent that such services are provided by or under the

142 supervision of a single physician during the course of one visit. On and
143 after April 1, 2008, each such policy shall also provide coverage for
144 blood lead screening and risk assessments ordered by a primary care
145 provider pursuant to section 2 of this act. Such benefits shall be subject
146 to any policy provisions which apply to other services covered by such
147 policy.

148 Sec. 7. (NEW) (*Effective July 1, 2007*) (a) There is established a lead
149 safe account, which shall be a separate, nonlapsing account within the
150 General Fund. The account may contain any moneys required by law
151 to be deposited in the account. The account shall be used by the
152 Department of Social Services for the purpose of providing financial
153 assistance and loans for the remediation or removal of lead from
154 residential real property.

155 (b) The Department of Social Services shall establish and administer
156 a program of financial assistance and loans to property owners for the
157 remediation or removal of lead from residential real property.

158 Sec. 8. (NEW) (*Effective October 1, 2007*) Not later than January 1,
159 2008, the Commissioner of Public Health shall review the data
160 collected by the Department of Public Health regarding lead poisoning
161 to determine if the data is recorded in a format that is compatible with
162 the information reported by institutions and laboratories pursuant to
163 section 19a-110 of the general statutes, as amended by this act. If the
164 commissioner finds that such data should be reported in a different
165 manner, the commissioner shall adopt regulations, in accordance with
166 chapter 54 of the general statutes, to establish the manner for reporting
167 such data.

168 Sec. 9. Section 19a-111c of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2007*):

170 (a) The owner of any dwelling in which the paint, plaster or other
171 [materials] material is found to contain toxic levels of lead and in
172 which children under the age of six reside, shall abate, remediate or
173 manage such dangerous materials consistent with regulations adopted

174 pursuant to this section. The Commissioner of Public Health shall
175 adopt regulations, in accordance with [the provisions of] chapter 54,
176 [establishing removal and] to establish requirements and procedures
177 for testing, remediation, abatement [requirements and procedures for]
178 and management of materials containing toxic levels of lead. For the
179 purposes of this section, "remediation" means the use of interim
180 controls, including, but not limited to, paint stabilization, spot point
181 repair, dust control, specialized cleaning and covering of soil with
182 mulch.

183 (b) The commissioner shall authorize the use of any liquid,
184 cementitious or flexible lead encapsulant product which complies with
185 an appropriate standard for such products developed by the American
186 Society for Testing and Materials or similar testing organization
187 acceptable to the commissioner for the abatement [of toxic levels of
188 lead, unless the commissioner disapproves the use of any such
189 product] and remediation of lead hazards. The commissioner shall
190 maintain a list of all such approved lead encapsulant products that
191 may be used in this state for the abatement [of toxic levels of lead] and
192 remediation of lead hazards.

193 (c) (1) The Commissioner of Public Health may adopt regulations, in
194 accordance with chapter 54, to regulate paint removal from the exterior
195 of any building or structure where the paint removal project may
196 present a health hazard to neighboring premises. The regulations may
197 establish: (1) Definitions, (2) applicability and exemption criteria, (3)
198 procedures for submission of notifications, (4) appropriate work
199 practices, and (5) penalties for noncompliance.

200 (2) The Commissioner of Public Health may adopt regulations, in
201 accordance with chapter 54, to regulate the standards and procedures
202 for testing, remediation, as defined in this section, abatement and
203 management of materials containing toxic levels of lead in any
204 premises.

205 Sec. 10. Section 19a-206 of the general statutes is repealed and the

206 following is substituted in lieu thereof (*Effective October 1, 2007*):

207 (a) Town, city and borough directors of health or their authorized
208 agents shall, within their respective jurisdictions, examine all
209 nuisances and sources of filth injurious to the public health, cause such
210 nuisances to be abated or remediated and cause to be removed all filth
211 which in their judgment may endanger the health of the inhabitants.
212 Any owner or occupant of any property who maintains such property,
213 whether real or personal, or any part thereof, in a manner which
214 violates the provisions of the Public Health Code enacted pursuant to
215 the authority of sections 19a-36 and 19a-37 shall be deemed to be
216 maintaining a nuisance or source of filth injurious to the public health.
217 Any local director of health or his authorized agent or a sanitarian
218 authorized by such director may enter all places within his jurisdiction
219 where there is just cause to suspect any nuisance or source of filth
220 exists, and abate or remediate or cause to be abated or remediated such
221 nuisance and remove or cause to be removed such filth.

222 (b) When any such nuisance or source of filth is found on private
223 property, such director of health shall order the owner or occupant of
224 such property, or both, to remove, [or] abate or remediate the same
225 within such time as the director directs. If such order is not complied
226 with [,] within the time fixed by such director: (1) Such director, or any
227 official of such town, city or borough authorized to institute actions on
228 behalf of such town, city or borough, may institute and maintain a civil
229 action for injunctive relief in any court of competent jurisdiction to
230 require the abatement or remediation of such nuisance, the removal of
231 such filth and the restraining and prohibiting of acts which caused
232 such nuisance or filth, and such court shall have power to grant such
233 injunctive relief upon notice and hearing; (2) (A) the owner or
234 occupant of such property, or both, shall be subject to a civil penalty of
235 two hundred fifty dollars per day for each day such nuisance is
236 maintained or such filth is allowed to remain after the time fixed by
237 the director in his order has expired, except that the owner or occupant
238 of such property or any part thereof on which a public eating place is
239 conducted shall not be subject to the provisions of this subdivision, but

240 shall be subject to the provisions of subdivision (3) [. Such] of this
241 subsection, and (B) such civil penalty may be collected in a civil
242 proceeding by the director of health or any official of such town, city or
243 borough authorized to institute civil actions and shall be payable to the
244 treasurer of such city, town or borough; [,] and (3) the owner or
245 occupant of such property, or both, shall be subject to the provisions of
246 sections 19a-36, 19a-220 and 19a-230.

247 (c) If the director institutes an action for injunctive relief seeking the
248 abatement or remediation of a nuisance or the removal of filth, the
249 maintenance of which is of so serious a nature as to constitute an
250 immediate hazard to the health of persons other than the persons
251 maintaining such nuisance or filth, he may, upon a verified complaint
252 stating the facts which show such immediate hazard, apply for an ex
253 parte injunction requiring the abatement or remediation of such
254 nuisance or the removal of such filth and restraining and prohibiting
255 the acts which caused such nuisance or filth to occur, and for a hearing
256 on an order to show cause why such ex parte injunction should not be
257 continued pending final determination on the merits of such action. If
258 the court finds that an immediate hazard to the health of persons other
259 than those persons maintaining such nuisance or source of filth exists,
260 such ex parte injunction shall be issued, provided a hearing on its
261 continuance pending final judgment is ordered held within seven days
262 thereafter and provided further that any persons so enjoined may
263 make a written request to the court or judge issuing such injunction for
264 a hearing to vacate such injunction, in which event such hearing shall
265 be held within three days after such request is filed.

266 (d) In each town, except in a town having a city or borough within
267 its limits, the town director of health shall have and exercise all the
268 power for preserving the public health and preventing the spread of
269 diseases; and, in any town within which there exists a city or borough,
270 the limits of which are not coterminous with the limits of such town,
271 such town director of health shall exercise the powers and duties of his
272 office only in such part of such town as is outside the limits of such city
273 or borough, except that when such city or borough has not appointed a

274 director of health, the town director of health shall, for the purposes of
275 this section, exercise the powers and duties of his office throughout the
276 town, including such city or borough, until such city or borough
277 appoints a director of health.

278 (e) When such nuisance is abated or remediated or the source of
279 filth is removed from private property, such abatement, [or]
280 remediation or removal shall be at the expense of the owner or, where
281 applicable, the occupant of such property, or both, and damages and
282 costs for such abatement, remediation or removal may be recovered
283 against [them] the owner or, where applicable, the occupant, or both,
284 by the town, city or borough in a civil action as provided in subsection
285 (b) of this section or in a separate civil action brought by the director of
286 health or any official of such city, town or borough authorized to
287 institute civil actions.

288 Sec. 11. Section 47a-52 of the general statutes is repealed and the
289 following is substituted in lieu thereof (*Effective October 1, 2007*):

290 (a) As used in this section, "rented dwelling" means any structure or
291 portion thereof which is rented, leased, or hired out to be occupied as
292 the home or residence of one or two families and any mobile
293 manufactured home in a mobile manufactured home park which,
294 although owned by its resident, sits upon a space or lot which is
295 rented, leased or hired out, but shall not include a tenement house as
296 defined in section 19a-355 or in section 47a-1.

297 (b) "Department of health" means the health authority of each city,
298 borough or town, by whatever name such health authority may be
299 known.

300 (c) When any defect in the plumbing, sewerage, water supply,
301 drainage, lighting, ventilation, or sanitary condition of a rented
302 dwelling, or of the premises on which it is situated, in the opinion of
303 the department of health of the municipality [wherein] where such
304 dwelling is located, constitutes a danger to life or health, the
305 department may order the responsible party to correct the same in

306 such manner as it specifies. If the order is not complied with within the
307 time limit set by the department, the person in charge of the
308 department may institute a civil action for injunctive relief, in
309 accordance with chapter 916, to require the abatement of such danger.

310 (d) Paint on the exposed surfaces of the interior of a rented dwelling
311 shall not be cracked, chipped, blistered, flaking, loose or peeling so as
312 to constitute a health hazard. Testing, remediation, abatement and
313 management of lead-based paint at a rented dwelling or its premises
314 shall be as defined in, and in accordance with, the regulations, if any,
315 adopted pursuant to section 19a-111c, as amended by this act.

316 ~~[(d)]~~ (e) When the department of health certifies that any such
317 rented dwelling or premises are unfit for human habitation, by reason
318 of defects which may cause sickness or endanger the health of the
319 occupants, the department may issue an order requiring the rented
320 dwelling, premises or any portion thereof to be vacated within not less
321 than twenty-four hours or more than ten days.

322 ~~[(e)]~~ (f) Any person who violates or assists in violating, or fails to
323 comply with, any provision of this section or any legal order of a
324 department of health made under any such provision shall be fined
325 not more than two hundred dollars or imprisoned not more than sixty
326 days or both.

327 ~~[(f)]~~ (g) Any person aggrieved by an order issued under this section
328 may appeal, pursuant to section 19a-229, to the Commissioner of
329 Public Health.

330 Sec. 12. Section 47a-54f of the general statutes is repealed and the
331 following is substituted in lieu thereof (*Effective October 1, 2007*):

332 (a) In each tenement, lodging or boarding house the walls of any
333 court, shaft, hall or room shall be whitewashed or painted a light color
334 whenever, in the opinion of the board of health or enforcing agency,
335 such whitewashing or painting is needed for the better lighting of any
336 room, hall or water closet compartment.

337 (b) Paint on the [accessible] exposed surfaces of a tenement house
338 shall not be cracked, chipped, blistered, flaking, loose, or peeling so as
339 to constitute a health hazard. Testing, remediation, abatement and
340 management of lead-based paint at a tenement house or its premises
341 shall be as defined in, and in accordance with, the regulations, if any,
342 adopted pursuant to section 19a-111c, as amended by this act.

343 Sec. 13. (NEW) (*Effective October 1, 2007*) On or before January 1,
344 2009, and annually thereafter, the Department of Public Health shall
345 report, in accordance with section 11-4a of the general statutes, to the
346 joint standing committees of the General Assembly having cognizance
347 of matters relating to public health and human services on the status of
348 lead poisoning prevention efforts in the state. Such report shall
349 include, but not be limited to, (1) the number of children screened for
350 lead poisoning during the preceding calendar year, (2) the number of
351 children diagnosed with elevated blood levels during the preceding
352 calendar year, and (3) the amount of testing, remediation, abatement
353 and management of materials containing toxic levels of lead in all
354 premises during the preceding calendar year.

355 Sec. 14. (NEW) (*Effective July 1, 2007*) (a) There is established an
356 account to be known as the "local lead assistance account" which shall
357 be a separate, nonlapsing account within the General Fund. The
358 account may contain any moneys required by law to be deposited into
359 the account. The account shall be used by the Department of Public
360 Health for the purpose of providing financial assistance to local health
361 departments for expenses incurred in complying with applicable
362 provisions of sections 19a-110, 19a-111a, 19a-206, 47a-52 and 47a-54f of
363 the general statutes, as amended by this act.

364 (b) The Department of Public Health shall establish and administer
365 a program of financial assistance to local health departments for
366 expenses incurred in complying with applicable provisions of sections
367 19a-110, 19a-111a, 19a-206, 47a-52 and 47a-54f of the general statutes,
368 as amended by this act. The Commissioner of Public Health may
369 adopt, in accordance with chapter 54, such regulations as the

370 commissioner deems necessary to carry out the purposes of this
 371 section.

372 Sec. 15. (NEW) (*Effective October 1, 2007*) All standards adopted by
 373 the federal Occupational Safety and Health Administration, including,
 374 but not limited to, standards listed in 29 CFR 1910.1025 and 1926.62, as
 375 adopted pursuant to chapter 571 of the general statutes, or 29 USC 651
 376 et seq., as from time to time amended, as appropriate, and only as
 377 those standards apply to employers and employees, shall apply to the
 378 provisions of sections 19a-111c, 19a-206, 47a-52 and 47a-54f of the
 379 general statutes, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	19a-111a
Sec. 2	<i>April 1, 2008</i>	New section
Sec. 3	<i>October 1, 2007</i>	19a-110(a)
Sec. 4	<i>April 1, 2008</i>	19a-110(d)
Sec. 5	<i>April 1, 2008</i>	New section
Sec. 6	<i>April 1, 2008</i>	38a-535(b)
Sec. 7	<i>July 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	19a-111c
Sec. 10	<i>October 1, 2007</i>	19a-206
Sec. 11	<i>October 1, 2007</i>	47a-52
Sec. 12	<i>October 1, 2007</i>	47a-54f
Sec. 13	<i>October 1, 2007</i>	New section
Sec. 14	<i>July 1, 2007</i>	New section
Sec. 15	<i>October 1, 2007</i>	New section