

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1038

Final Reading

Introduced by Council, 11; Ashford, 20; Campbell, 25; Harr, 8;
Krist, 10; Lathrop, 12; McGill, 26; Mello, 5;
Nordquist, 7.

Read first time January 17, 2012

Committee: Education

A BILL

1 FOR AN ACT relating to children; to provide for the establishment of
2 a lead poisoning prevention program as prescribed; and to
3 provide duties for the Department of Health and Human
4 Services.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Division of Public Health of the
2 Department of Health and Human Services shall establish a lead
3 poisoning prevention program that has the following components:

4 (a) A coordinated plan to prevent childhood lead
5 poisoning and to minimize exposure of the general public to lead-
6 based paint hazards. Such plan shall:

7 (i) Provide a standard, stated in terms of micrograms of
8 lead per deciliter of whole blood, to be used in identifying elevated
9 blood-lead levels;

10 (ii) Require that a child be tested for an elevated
11 blood-lead level in accordance with the medicaid state plan as
12 defined in section 68-907 if the child is a participant in the
13 medical assistance program established pursuant to the Medical
14 Assistance Act; and

15 (iii) Recommend that a child be tested for elevated
16 blood-lead levels if the child resides in a zip code with a high
17 prevalence of children with elevated blood-lead levels as
18 demonstrated by previous testing data or if the child meets one of
19 the criteria included in a lead poisoning prevention screening
20 questionnaire developed by the department; and

21 (b) An educational and community outreach plan regarding
22 lead poisoning prevention that shall, at a minimum, include the
23 development of appropriate educational materials targeted to health
24 care providers, child care providers, public school personnel, owners
25 and tenants of residential dwellings, and parents of young children.

1 Such educational materials shall be made available to the general
2 public via the department's web site.

3 (2) The results of all blood-lead level tests conducted
4 in Nebraska shall be reported to the department. When the department
5 receives notice of a child with an elevated blood-lead level as
6 stated in the plan required pursuant to subdivision (1)(a) of this
7 section, it shall initiate contact with the local public health
8 department or the physician, or both, of such child and offer
9 technical assistance, if necessary.

10 (3) The department shall report to the Legislature by
11 January 1, 2013, and each January 1 thereafter, the number of
12 children from birth through age six who were screened for elevated
13 blood-lead levels during the preceding fiscal year and who were
14 confirmed to have elevated blood-lead levels as stated in the plan
15 required pursuant to subdivision (1)(a) of this section. The report
16 shall compare such results with those of previous fiscal years and
17 shall identify any revisions to the plan required by subdivision (1)
18 (a) of this section.

19 (4) This section does not require the department to pay
20 the cost of elevated-blood-lead-level testing in accordance with this
21 section except in cases described in subdivision (1)(a)(ii) of this
22 section.