

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4936

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 5478 and 5479; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5478. (1) IT IS THE INTENT OF THE LEGISLATURE THAT THE
2 CHILDHOOD LEAD POISONING PREVENTION AND CONTROL COMMISSION CREATED
3 IN THE DEPARTMENT UNDER FORMER SECTION 5474A SHALL BE REINSTATED
4 WITH MINIMAL INTERRUPTION. TO THIS END, THE FOLLOWING 9 MEMBERS
5 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE
6 UNDER FORMER SECTION 5474A AND SERVING ON THE CHILDHOOD LEAD
7 POISONING PREVENTION AND CONTROL COMMISSION ON JUNE 30, 2007 SHALL
8 BE REINSTATED TO SERVE ON THE COMMISSION:

9 (A) ONE MEMBER REPRESENTING THE DEPARTMENT OF COMMUNITY

1 HEALTH. THE MEMBER APPOINTED UNDER THIS SUBDIVISION SHALL SERVE AS
2 CHAIRPERSON.

3 (B) ONE MEMBER REPRESENTING THE DEPARTMENT OF HUMAN SERVICES.

4 (C) ONE MEMBER REPRESENTING THE DEPARTMENT OF ENVIRONMENTAL
5 QUALITY.

6 (D) ONE MEMBER REPRESENTING THE MICHIGAN STATE HOUSING
7 DEVELOPMENT AUTHORITY.

8 (E) ONE MEMBER REPRESENTING "GET THE LEAD OUT!". THE MEMBER
9 APPOINTED UNDER THIS SUBDIVISION SHALL BE FROM A COUNTY WITH A
10 POPULATION OF MORE THAN 500,000 BUT NOT MORE THAN 700,000.

11 (F) ONE MEMBER REPRESENTING A LOCAL HEALTH DEPARTMENT LOCATED
12 IN A COUNTY WITH A POPULATION OF MORE THAN 170,000 BUT NOT MORE
13 THAN 200,000.

14 (G) ONE MEMBER REPRESENTING CERTIFIED LEAD-ABATEMENT
15 CONTRACTORS.

16 (H) TWO MEMBERS REPRESENTING THE GENERAL PUBLIC. ONE OF THE
17 MEMBERS APPOINTED UNDER THIS SUBDIVISION SHALL BE FROM A CITY WITH
18 A POPULATION OF 750,000 OR MORE AND BE A PARENT OF A CHILD WHO HAS
19 EXPERIENCED LEAD POISONING OR A CHILD ADVOCATE WHO HAS EXPERIENCE
20 WITH LEAD POISONING IN CHILDREN. THE SECOND MEMBER APPOINTED UNDER
21 THIS SUBDIVISION SHALL REPRESENT PROPERTY OWNERS AND DEVELOPERS IN
22 THIS STATE.

23 (2) EFFECTIVE 30 DAYS AFTER THE EFFECTIVE DATE OF THIS
24 SECTION, THE CHILDHOOD LEAD POISONING PREVENTION AND CONTROL
25 COMMISSION REINSTATED UNDER SUBSECTION (1) SHALL CONSIST OF 16
26 VOTING MEMBERS. IN ADDITION TO THE 9 MEMBERS UNDER SUBSECTION (1),
27 THE FOLLOWING ADDITIONAL 7 MEMBERS SHALL BE APPOINTED BY THE

1 GOVERNOR WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,
2 WITH THE ADVICE AND CONSENT OF THE SENATE:

3 (A) ONE MEMBER REPRESENTING THE MICHIGAN MUNICIPAL LEAGUE.

4 (B) ONE MEMBER REPRESENTING THE DEPARTMENT OF LABOR AND
5 ECONOMIC GROWTH.

6 (C) ONE MEMBER REPRESENTING THE MICHIGAN CHAPTER OF THE
7 AMERICAN ACADEMY OF PEDIATRICS.

8 (D) ONE MEMBER REPRESENTING THE PROSECUTING ATTORNEYS
9 COORDINATING COUNCIL.

10 (E) ONE MEMBER REPRESENTING THE DEPARTMENT OF EDUCATION.

11 (F) ONE MEMBER REPRESENTING THE MICHIGAN ASSOCIATION OF HOME
12 BUILDERS REMODELORS COUNCIL.

13 (G) ONE MEMBER REPRESENTING THE EARLY CHILDHOOD INVESTMENT
14 CORPORATION.

15 (3) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE TERM
16 OF OFFICE OF INDIVIDUAL MEMBERS OF THE COMMISSION, EXCEPT THOSE
17 APPOINTED TO FILL VACANCIES, EXPIRES 3 YEARS AFTER APPOINTMENT ON
18 DECEMBER 31 OF THE YEAR IN WHICH THE TERM WILL EXPIRE. MEMBERS ARE
19 ELIGIBLE FOR REAPPOINTMENT TO THE COMMISSION.

20 (4) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION
21 BUT, SUBJECT TO APPROPRIATIONS, MAY RECEIVE REIMBURSEMENT FOR THEIR
22 ACTUAL AND NECESSARY EXPENSES WHILE ATTENDING MEETINGS OR
23 PERFORMING OTHER AUTHORIZED OFFICIAL BUSINESS OF THE COMMISSION. IF
24 A VACANCY OCCURS ON THE COMMISSION, THAT VACANCY SHALL BE FILLED IN
25 THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

26 (5) THE COMMISSION MAY HOLD PUBLIC HEARINGS AS IT DETERMINES
27 NECESSARY OR APPROPRIATE TO CARRY OUT ITS DUTIES UNDER THIS PART.

1 THE COMMISSION SHALL SEEK INPUT FROM THE GENERAL PUBLIC AND ALL OF
2 THE FOLLOWING INDIVIDUALS OR GROUPS THAT HAVE AN INTEREST IN
3 CHILDHOOD LEAD POISONING PREVENTION AND CONTROL:

4 (A) THE MICHIGAN ASSOCIATION OF OSTEOPATHIC FAMILY PHYSICIANS
5 OR ITS SUCCESSOR ORGANIZATION.

6 (B) THE MICHIGAN NURSES ASSOCIATION OR ITS SUCCESSOR
7 ORGANIZATION.

8 (C) THE MICHIGAN COUNCIL OF NURSE PRACTITIONERS OR ITS
9 SUCCESSOR ORGANIZATION.

10 (D) THE MICHIGAN ASSOCIATION OF HEALTH PLANS OR ITS SUCCESSOR
11 ORGANIZATION.

12 (E) THE MICHIGAN ASSOCIATION FOR LOCAL PUBLIC HEALTH OR ITS
13 SUCCESSOR ORGANIZATION.

14 (F) BLUE CROSS BLUE SHIELD OF MICHIGAN OR ITS SUCCESSOR
15 ORGANIZATION.

16 (G) THE MICHIGAN HEALTH AND HOSPITAL ASSOCIATION OR ITS
17 SUCCESSOR ORGANIZATION.

18 (H) THE MICHIGAN HEAD START ASSOCIATION OR ITS SUCCESSOR
19 ORGANIZATION.

20 (I) THE MICHIGAN COUNCIL FOR MATERNAL AND CHILD HEALTH OR ITS
21 SUCCESSOR ORGANIZATION.

22 (J) MICHIGAN'S CHILDREN OR ITS SUCCESSOR ORGANIZATION.

23 (K) MICHIGAN LEAGUE FOR HUMAN SERVICES OR ITS SUCCESSOR
24 ORGANIZATION.

25 (L) DETROIT PUBLIC SCHOOLS OR ITS SUCCESSOR ORGANIZATION.

26 (M) THE RENTAL PROPERTY OWNERS ASSOCIATION OR ITS SUCCESSOR
27 ORGANIZATION.

1 (N) THE MICHIGAN ASSOCIATED GENERAL CONTRACTORS OR ITS
2 SUCCESSOR ORGANIZATION.

3 (O) THE MICHIGAN ASSOCIATION OF REALTORS OR ITS SUCCESSOR
4 ORGANIZATION.

5 (P) THE MICHIGAN ENVIRONMENTAL COUNCIL OR ITS SUCCESSOR
6 ORGANIZATION.

7 (Q) THE MICHIGAN ADULT BLOOD LEAD EPIDEMIOLOGY AND
8 SURVEILLANCE PROGRAM OR ITS SUCCESSOR ORGANIZATION.

9 (R) THE MICHIGAN STATE UNIVERSITY EXTENSION PROGRAM OR ITS
10 SUCCESSOR ORGANIZATION.

11 (S) THE DETROIT LEAD PARTNERSHIP OR ITS SUCCESSOR
12 ORGANIZATION.

13 (T) THE MICHIGAN LEAD SAFE PARTNERSHIP OR ITS SUCCESSOR
14 ORGANIZATION.

15 (U) THE DETROIT MAYOR'S LEAD-BASED PAINT TASK FORCE OR ITS
16 SUCCESSOR ORGANIZATION.

17 (V) UNITED PARENTS AGAINST LEAD OR ITS SUCCESSOR ORGANIZATION.

18 (W) THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH MEDICAL
19 SERVICES ADMINISTRATION OR ITS SUCCESSOR ORGANIZATION.

20 (X) THE MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
21 OR ITS SUCCESSOR ORGANIZATION.

22 (Y) THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH BUREAU OF
23 LABORATORIES OR ITS SUCCESSOR ORGANIZATION.

24 (Z) AN OCCUPATIONAL AND ENVIRONMENTAL MEDICINE SPECIALIST.

25 (AA) PARENTS OR PATIENT ADVOCATES OF CHILDREN WHO HAVE
26 EXPERIENCED LEAD POISONING.

27 (BB) A LOCAL HOUSING AUTHORITY.

1 (CC) A COMMUNITY REINVESTMENT OFFICER.

2 (DD) THE MICHIGAN STATE MEDICAL SOCIETY OR ITS SUCCESSOR
3 ORGANIZATION.

4 (EE) THE MICHIGAN ACADEMY OF FAMILY PHYSICIANS OR ITS
5 SUCCESSOR ORGANIZATION.

6 (FF) SAINT MARY'S FIELD NEUROSCIENCES INSTITUTE OR ITS
7 SUCCESSOR ORGANIZATION.

8 (GG) THE ARC MICHIGAN ORGANIZATION OR ITS SUCCESSOR
9 ORGANIZATION.

10 (HH) ANY OTHER INTERESTED ORGANIZATION OR ASSOCIATION
11 CONCERNED WITH THE PREVENTION, TREATMENT, AND CONTROL OF LEAD
12 POISONING THAT THE DEPARTMENT DETERMINES NECESSARY.

13 (6) THE COMMISSION SHALL CONDUCT ITS BUSINESS AT A PUBLIC
14 MEETING HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267,
15 MCL 15.261 TO 15.275. THE COMMISSION SHALL GIVE PUBLIC NOTICE OF
16 THE TIME, DATE, AND PLACE OF THE MEETING IN THE MANNER REQUIRED BY
17 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. THE
18 COMMISSION SHALL MAKE AVAILABLE A WRITING PREPARED, OWNED, USED, IN
19 THE POSSESSION OF, OR RETAINED BY THE CHILDHOOD LEAD POISONING
20 PREVENTION AND CONTROL COMMISSION TO THE PUBLIC IN COMPLIANCE WITH
21 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

22 (7) AS USED IN THIS SECTION AND SECTION 5479, "COMMISSION"
23 MEANS THE COMMISSION CREATED AND APPOINTED BY THE GOVERNOR UNDER
24 FORMER SECTION 5474A AND THIS SECTION.

25 (8) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2010.

26 SEC. 5479. (1) THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

27 (A) STUDY AND REPORT ON THE ENVIRONMENTAL THREATS OF LEAD

1 POISONING TO CHILDREN'S HEALTH, INCLUDING, BUT NOT LIMITED TO, THE
2 INCIDENCE OF EXPOSURE, SOURCE OF EXPOSURE, AND DEGREE OF EXPOSURE.

3 (B) REVIEW THIS STATE'S LEAD POISONING PREVENTION PROGRAM AND
4 EVALUATE THE EFFECTIVENESS OF THE PROGRAM, INCLUDING, BUT NOT
5 LIMITED TO, THE ABILITY OF THE PROGRAM TO SATISFY FEDERAL LAW
6 REQUIREMENTS THAT 100% OF ALL YOUNG CHILDREN ENROLLED IN MEDICAID
7 SHALL BE SCREENED WITH A BLOOD LEAD TEST.

8 (C) MAKE RECOMMENDATIONS FOR IMPROVEMENTS TO THIS STATE'S LEAD
9 POISONING PREVENTION PROGRAM.

10 (D) EVALUATE AND REPORT ON WHETHER THERE IS A NEED TO ADJUST
11 THE LEAD CONTENT LEVEL REFERENCED IN THE DEFINITIONS OF LEAD-
12 BEARING SUBSTANCE AND TOXIC SUBSTANCE IN PARTS 54B AND 54C IN ORDER
13 TO REDUCE THE INCIDENCE OF LEAD POISONING IN CHILDREN.

14 (2) THE COMMISSION SHALL CONSIDER ALL INFORMATION RECEIVED
15 FROM ITS PUBLIC HEARINGS, REVIEW INFORMATION FROM OTHER SOURCES,
16 AND STUDY THE EXPERIENCES OF OTHER STATES. THE COMMISSION SHALL
17 DEVELOP SHORT- AND LONG-RANGE STRATEGIC RECOMMENDATIONS FOR
18 CHILDHOOD LEAD POISONING PREVENTION AND CONTROL IN THIS STATE. THE
19 RECOMMENDATIONS SHALL INCLUDE, BUT ARE NOT LIMITED TO, STRATEGIES
20 TO DO ALL OF THE FOLLOWING:

21 (A) ENHANCE PUBLIC AND PROFESSIONAL AWARENESS OF LEAD
22 POISONING AS A CHILD HEALTH EMERGENCY.

23 (B) SIGNIFICANTLY INCREASE BLOOD LEAD TESTING RATES FOR YOUNG
24 CHILDREN.

25 (C) ELIMINATE OR MANAGE THE SOURCES OF LEAD POISONING,
26 ESPECIALLY FOCUSING ON LEAD-BASED PAINT IN AGED HOUSING.

27 (D) ASSURE STATE INTERAGENCY AS WELL AS PUBLIC AND PRIVATE

1 COOPERATION AND COMMUNICATION REGARDING RESOLUTION OF THIS COMPLEX
2 ENVIRONMENTAL AND PUBLIC HEALTH PROBLEM.

3 (3) THE CHILDHOOD LEAD POISONING PREVENTION AND CONTROL
4 COMMISSION SHALL SUBMIT A WRITTEN REPORT OF ITS FINDINGS, INCLUDING
5 THE RECOMMENDATIONS UNDER SUBSECTION (2), TO THE GOVERNOR AND THE
6 LEGISLATURE BY MARCH 31, 2008 AND ANNUALLY THEREAFTER BY MARCH 31
7 OF EACH YEAR. A REPRESENTATIVE OF THE DEPARTMENT OF COMMUNITY
8 HEALTH SHALL PROVIDE TESTIMONY SUMMARIZING THE FINDINGS AND
9 RECOMMENDATIONS OF THE COMMISSION TO THE STANDING COMMITTEES OF THE
10 SENATE AND HOUSE OF REPRESENTATIVES WITH JURISDICTION OVER ISSUES
11 PERTAINING TO PUBLIC HEALTH AND CHILDREN.

12 (4) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2010.

13 Enacting section 1. This amendatory act does not take effect
14 unless all of the following bills of the 94th Legislature are
15 enacted into law:

16 (a) Senate Bill No. 174.

17 (b) House Bill No. 4132.

18 (c) House Bill No. 4399.