

HOUSE BILL NO. 5368

November 14, 2023, Introduced by Reps. Rogers, Neeley, Hood, Scott, Miller, Rheingans, Wozniak, Conlin, Martus, Brabec, Price, Grant, Koleszar, Paiz, Hope, Farhat, Pohutsky and Whitsett and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5474 (MCL 333.5474), as added by 1998 PA 219,
and by adding section 5456a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 5456a. (1) "Elevated blood lead level" or "EBL" means the**
2 **lowest of the following:**

3 **(a) A concentration of lead in whole blood that exceeds 3.5**
4 **micrograms per deciliter.**

5 **(b) A concentration of lead in whole blood that exceeds the**

1 blood lead reference value for children, as determined by the
2 Centers for Disease Control and Prevention.

3 (c) A concentration of lead in whole blood that exceeds the
4 blood lead reference value for children, as determined by the
5 department.

6 (2) "EBL environmental investigation" means both of the
7 following:

8 (a) A study, for case management purposes, of the living
9 environment of 1 or more children not more than 6 years of age with
10 an elevated blood lead level performed by an EBL investigator to
11 identify causative lead exposures.

12 (b) The provision of a report by the EBL investigator
13 explaining the results of the study and options for remediation of
14 exposures.

15 (3) "EBL investigator" means a certified risk assessor who has
16 been endorsed by the department to conduct EBL environmental
17 investigations.

18 (4) "Emergency renovation operations" means renovation
19 activities that were not planned but result from a sudden,
20 unexpected event, such as a nonroutine failure of equipment, that,
21 if not immediately attended to, presents a safety or public health
22 hazard or threatens equipment, property, or both with significant
23 damage. Once the emergency is controlled, applicable laws and rules
24 apply.

25 (5) "Encapsulant" means a substance that forms a barrier
26 between lead-based paint and the environment using a liquid-applied
27 coating, with or without reinforcement materials, or an adhesively
28 bonded covering material.

29 (6) "Encapsulation" means the application of an encapsulant.

1 (7) "Enclosure" means the use of rigid, durable construction
2 materials that are mechanically fastened to the substrate to act as
3 a barrier between lead-based paint and the environment.

4 (8) "EPA" means the United States Environmental Protection
5 Agency.

6 (9) "Firm" means any of the following:

7 (a) A company, partnership, corporation, sole proprietorship
8 or individual doing business, association, or other business
9 entity.

10 (b) A federal, state, tribal, or local governmental agency.

11 (c) A nonprofit organization.

12 Sec. 5474. (1) The department shall establish a lead poisoning
13 prevention program that has the following components:

14 (a) A coordinated and comprehensive plan to prevent childhood
15 lead poisoning and to minimize exposure of the general public to
16 lead-based paint hazards.

17 (b) A comprehensive educational and community outreach program
18 regarding lead poisoning prevention that ~~shall, must~~, at a minimum,
19 include the development of appropriate educational materials
20 targeted to health care providers, child care providers, public
21 schools, owners and tenants of residential dwellings, and parents
22 of young children. These educational materials ~~shall must~~ be made
23 available, ~~upon-on~~ request, to local and state community groups,
24 legal services organizations, and tenants' groups.

25 (c) A technical assistance system for health care providers to
26 assist those providers in managing cases of childhood lead
27 poisoning. As part of this system, the department shall require
28 that results of all blood lead level tests conducted in Michigan
29 **this state** be reported to the department as provided for ~~in-by~~ rule

1 and that when the department receives notice of **an elevated** blood
 2 ~~lead levels above 10 micrograms per deciliter, it level in a child,~~
 3 **it** shall initiate contact with the local public health department
 4 or the physician, or both, of the child whose blood lead level
 5 ~~exceeds 10 micrograms per deciliter.~~ **is equal to the elevated blood**
 6 **lead level.**

7 (2) ~~The~~ **By January 1 of each year, the** department shall report
 8 to the legislature ~~by January 1, 1999, and annually thereafter,~~ the
 9 number of children ~~through age 6 who were screened for lead~~
 10 ~~poisoning~~ **not more than 6 years of age who received a blood lead**
 11 **level test** during the preceding ~~fiscal calendar~~ year and who were
 12 ~~confirmed to have had~~ **elevated** blood lead levels. ~~above 10~~
 13 ~~micrograms per deciliter.~~ The report ~~shall~~ **must** compare these rates
 14 with those of previous fiscal years and the department shall
 15 recommend methods for improving compliance with guidelines issued
 16 by the ~~federal centers for disease control and prevention,~~ **Centers**
 17 **for Disease Control and Prevention,** including any necessary
 18 legislation or appropriations.

19 (3) ~~Not more than 1 year after the effective date of this~~
 20 ~~part, and annually thereafter,~~ **By July 1 of each year,** the
 21 department shall prepare a written report regarding the
 22 expenditures under the lead poisoning prevention program including
 23 the amounts and sources of money from the previous year and a
 24 complete accounting of its use. The report ~~shall~~ **must** be given to
 25 the appropriate committees of the legislature and be made available
 26 to the general public ~~upon~~ **on** request.

27 Enacting section 1. This amendatory act does not take effect
 28 unless House Bill No. 4532 of the 102nd Legislature is enacted into
 29 law.