

SB 216

FILED

2002 APR -3 P 5:40

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

Regular Session, 2002



**ENROLLED**

SENATE BILL NO. 216

(By Senator Redd, et al)



PASSED March 9, 2002

In Effect ninety days from Passage

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 216**

(BY SENATORS REDD, BURNETTE, CALDWELL, HUNTER,  
MINARD, ROWE, SNYDER, WOOTON, FACEMYER,  
MITCHELL AND ANDERSON)

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[Passed March 9, 2002; in effect ninety days from passage.]

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AN ACT to amend article thirty-five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four-a, relating to the screening of children under six years of age for lead poisoning.

*Be it enacted by the Legislature of West Virginia:*

That article thirty-five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section four-a, to read as follows:

**ARTICLE 35. LEAD ABATEMENT.**

**§16-35-4a. Duty of director to establish program for early identification of lead poisoning in children.**

1 (a) The director shall establish a program for early  
2 identification of cases of lead poisoning. The program shall  
3 include a systematic screening of all children under six  
4 years of age for the presence of lead poisoning. The  
5 director shall, after consultation with recognized profes-  
6 sional medical groups and such other sources as he deems  
7 appropriate, propose legislative rules establishing: (1) The  
8 means by which and the intervals at which children under  
9 six years of age shall be screened for lead poisoning; and  
10 (2) guidelines for the medical follow-up of children found  
11 to be lead poisoned. Such identification program shall, to  
12 the extent that all children residing in this state are not  
13 systematically screened, give priority in screening to  
14 children residing, or who have recently resided, in areas  
15 where significant numbers of lead poisoning cases have  
16 recently been reported or where other reliable evidence  
17 indicates that significant numbers of lead poisoning cases  
18 may be found. If the director is informed of any person  
19 having a medically confirmed elevated blood-lead level,  
20 the director shall cause to have screened all other children  
21 under six years of age, and such other children as he or she  
22 finds advisable to screen, residing or recently residing in  
23 the household of the victim, unless the parents of such  
24 child object to the screening because it conflicts with their  
25 religious beliefs and practices. The results of the screen-  
26 ings shall be reported to the director, to the person or  
27 agency reporting the original case and to such other  
28 persons or agencies as the director deems advisable.

29 (b) The director shall maintain comprehensive records of  
30 all screenings conducted pursuant to this section. The  
31 records shall be geographically indexed in order to deter-  
32 mine the location of areas of relatively high incidence of  
33 lead poisoning. The records shall be public records, except  
34 that the names of screened individuals may not be public.  
35 A summary of the results of all screenings conducted  
36 pursuant to this section shall be released quarterly, or  
37 more frequently if the director so determines, to all  
38 interested parties.

39 (c) All cases or probable cases of lead poisoning, as  
40 defined by legislative rule proposed by the director, found  
41 in the course of screenings conducted pursuant to this  
42 section shall be reported immediately to the affected  
43 individual, to a child's parent or legal guardian if the child  
44 is a minor, and to the director. The director shall inform  
45 such persons or agencies as the director determines is  
46 advisable of the existence of the case or probable case of  
47 lead poisoning.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within is approved..... this the 3rd...  
Day of April....., 2002.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/19/02

Time 3:05 P