

ASSEMBLY, No. 709

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman R. SMITH

1 AN ACT concerning tests for lead toxicity, and supplementing
2 P.L.1985, c.84 (C.26:2-130 et seq.).

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. As used in this act:

8 "Child" means a person under 18 years of age.

9 "Lead toxicity" means a concentration of lead as defined in Chapter
10 XIII of the State Sanitary Code established pursuant to section 7 of
11 P.L.1947, c.177 (C.26:1A-7); and

12 "Results of a blood test for lead toxicity" means a certificate signed
13 by a physician licensed to practice medicine or osteopathy in any
14 jurisdiction of the United States, or a record from any public health
15 department, containing the name of the child tested, date of the test,
16 the type of test performed and the blood lead level of the child.

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18 2. Except as provided in section 5 of this act, a parent, guardian or
19 other person having control of any child shall submit to the principal,
20 director, or other person in charge of a public or nonpublic school
21 offering grades K-8 or any lesser number of those grades, or to the
22 director of a licensed child care center, as appropriate, the results of
23 a blood test for lead toxicity prior to the child's attendance at that
24 school or child care center.

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26 3. Upon receipt of the results of a blood test for lead toxicity
27 pursuant to section 2 of this act, the principal, director, or other
28 person in charge of the public or nonpublic school or the director of
29 the licensed child care center shall submit those results by July 1 of
30 each year to the Department of Health, except that any result that
31 indicates a blood level that exceeds federal or State standards shall be
32 submitted to the department immediately.

33 The Department of Health shall annually compile the results and
34 prepare a report thereon stating the number of children with elevated
35 blood lead level and the schools or centers which they attend, any

1 followup actions taken by the department, and any recommendations
2 for administrative or legislative action. This report shall be
3 transmitted to the Governor and the Legislature.

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5 4. The principal, director or other person in charge of a public or
6 nonpublic school offering grades K-8 or any lesser number of those
7 grades, or the director of a licensed child care center, as appropriate,
8 shall prohibit the attendance of any child at that school or child care
9 center if the parent, guardian, or other person in control of the child
10 has not submitted the results of a blood test for lead toxicity.

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12 5. A blood test for lead toxicity shall not be required of a child
13 whose parent objects because that test conflicts with that parent's
14 sincerely held religious beliefs. A parent who claims this exemption
15 shall submit his or her objection in writing to the principal, director,
16 or other person in charge of the public or nonpublic school or the
17 director of the licensed child care center prior to the child's attendance
18 at that school or child care center.

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20 6. This act shall take effect one year following enactment, but the
21 Commissioner of Health may take such anticipatory administrative
22 action in advance as may be necessary for the implementation of the
23 act.

24 25 26 STATEMENT

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28 This bill requires that a parent, guardian or person having control
29 of a child shall submit to the head of a public or nonpublic school
30 offering any grades from kindergarten through grade 8, or to the
31 director of a licensed child care center, nursery school or day care
32 center, test results for blood lead toxicity levels prior to the child's
33 attendance at that school or child care center. The head of any such
34 public or nonpublic school or child care center shall prohibit the
35 attendance of a child for whom blood test results have not been
36 submitted.

37 The bill also requires all schools and child care centers subject to
38 the provisions of the bill annually to submit to the Department of
39 Health (DOH) the information they received concerning blood test
40 results, except that any test result showing a blood lead level in excess
41 of State or federal standards shall be submitted to DOH immediately.

42 Further, the bill requires DOH to make an annual report to the
43 Legislature and the Governor that includes a compilation of the data
44 submitted by the public and non-public schools and the child care
45 centers, a summary of any follow-up actions taken by DOH with
46 respect to children with elevated blood lead levels, the numbers of

1 children with elevated blood lead levels and the schools or centers
2 which they attend, and any recommendations for administrative or
3 legislative action that DOH may deem appropriate.

4 The bill includes an exemption from the blood test requirement for
5 any child whose parent submits a written objection to the test on the
6 basis of sincerely held religious beliefs.

7 The bill also adds a definition of "child" to ensure that this bill does
8 not incorporate the definition, in section 2 of P.L.1985, c.84, of
9 "child" as a person one through five years of age.

10 The bill also provides that the DOH may take any necessary
11 anticipatory administrative action before the effective date of the act.

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16 Mandates testing for lead toxicity as condition for certain school,
17 nursery school, or child care attendance.