

BILL ANALYSIS

S.B. 814
By: Janek
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Environmental investigations are recommended for all children with confirmed elevated blood lead levels. A grant has been received from the Centers for Disease Control and Prevention which enables the Department of State Health Services (DSHS) to fund child lead poisoning prevention activities. Child Protective Services has requested that DSHS inspect child care facilities regarding allegations that a facility is the source of a child's lead exposure. Current law allows DSHS to do this through their rulemaking process, but this legislation places DSHS's authority in statute.

S.B. 814 gives DSHS the authority to conduct environmental lead investigations when the blood levels of a screened child are high. This bill also allows DSHS to adopt rules concerning follow-up care for children with elevated blood lead levels in a manner that is consistent with federal guidelines.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of State Health Services in SECTION 2 (Sections 88.007 and 88.009, Health and Safety Code) of this bill.

ANALYSIS

SECTION 1. Amends Section 88.001, Health and Safety Code, by adding Subdivisions (13)–(16), to define "child-occupied facility," "lead hazard," "certified lead risk assessor," and "environmental lead investigation."

SECTION 2. Amends Chapter 88, Health and Safety Code, by adding Sections 88.007–88.009, as follows:

Sec. 88.007. DEPARTMENT RULES FOR FOLLOW-UP CARE; COORDINATION OF CARE. Authorizes the Department of State Health Services (DSHS) to adopt rules establishing standards for follow-up care provided to children with a confirmed blood lead level of concern. Provides that rules adopted under this section must meet any federal requirements for coordinated follow-up care for children with confirmed blood lead levels of concern and are authorized to include certain investigations or guidance in a manner consistent with federal guidelines.

Sec. 88.008. ENVIRONMENTAL LEAD INVESTIGATIONS. (a) Authorizes DSHS or its authorized agent, upon receiving a report of a child with a confirmed blood lead level warranting an environmental lead investigation (investigation), to conduct an investigation of the home environment in which the child resides, any child-care facility with which the child has regular contact, and any child-occupied facility with which the child has regular contact, if DSHS or its authorized agent obtains the written consent of certain persons.

(b) Provides that consent is not required to be in writing for an investigation related to a report of a child with a blood level of 45 micrograms per deciliter or more if a good faith attempt to contact the persons authorized to provide written consent under Subsection (a) has been unsuccessful, notwithstanding the consent requirements under Subsection (a).

Sec. 88.009. ENVIRONMENTAL LEAD INVESTIGATION PROCEDURES. Authorizes DSHS to adopt rules establishing procedures for investigations of premises subject to this chapter. SB 814 states that the rules must meet, but are prohibited from exceeding, requirements established under regulations adopted by the federal Environmental Protection Agency under Subchapter IV, Toxic Substances Control Act (15 U.S.C. Section 2681 et seq.).

EFFECTIVE DATE

September 1, 2007.