

CHAPTER 402
FORMERLY
SENATE BILL NO. 300

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO
CHILDHOOD LEAD POISONING PREVENTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

WHEREAS, the State of Delaware has long recognized the extraordinary danger presented to children by lead poisoning; and

WHEREAS, screening of young children to detect elevated lead levels is one tool that can be used to determine if children are being exposed to lead and end that exposure; and

WHEREAS, the State of Delaware currently mandates lead screening for children at 12 months of age, but permits physicians a wide amount of discretion in determining whether children older than 12 months of age should be screened; and

WHEREAS, organizations such as the Centers for Disease Control and the American Academy of Pediatrics have opined that at least some children should be screened for elevated lead levels at 24 months of age in addition to 12 months of age; and

WHEREAS, screening of some older children will allow detection of elevated blood levels in children who may not have been sufficiently mobile prior to 12 months of age to acquire elevated lead from a dangerous environment; and

WHEREAS, the Centers for Disease Control has developed model screening mechanisms that can be adapted by the State of Delaware to determine which 24 month old children are at higher risk for lead poisoning and should receive an additional screening test at age 24 months;

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2602, Title 16 of the Delaware Code by deleting subsection (b) in its entirety and by substituting in lieu thereof a new subsection (b) to read as follows:

“(b) In addition to the screening required by subsection (a) of this section, every health care provider who is the primary health care provider for a child shall determine based upon criteria promulgated by the Division of Public Health whether that child should be screened for lead poisoning at or around 24 months of age. The health care provider shall order screening for children for whom screening is suggested by said criteria. The health care provider shall maintain records of the determination regarding the necessity of screening at 24 months of age.”

Section 2. The Division of Public Health shall promulgate regulations containing the criteria required by Section 1 of this Act within 90 days of its enactment into law. Said criteria shall be based upon model screening standards published by the Centers for Disease Control.

Section 3. This Act shall become effective 60 days after the regulations required by Section 2 become final.

Approved July 15, 2010