

Amendment to SB 247-FN-A

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Lead Paint Poisoning Prevention; Parental Notification. Amend RSA 130-A:6-b to read as
4 follows:

5 130-A:6-b Parent Notification. The department shall send materials to the parents of any child
6 with a blood lead level of ~~[5]~~3 micrograms per deciliter or higher. Such materials shall inform
7 parents who are tenants to work with the property owner and advise against engaging in
8 renovation, repair, or painting activities themselves. Such materials shall inform parents who own
9 and occupy the house in which the child resides of resources for identifying and eliminating lead
10 hazards, including the Renovation, Repair and Painting Program.

11 2 Lead Paint Poisoning Prevention; Property Owner Notification. Amend RSA 130-A:6-a, I to
12 read as follows:

13 I. The department shall notify in writing the owner or registered agent of an owner of a
14 dwelling or dwelling unit where the child resides if a venous blood test lead level of ~~[5]~~3 to 9.9
15 micrograms per deciliter is found in the child's blood. Such notice to the property owner shall
16 specify that it is neither a finding that a lead exposure hazard exists in the property nor is it an
17 order for lead hazard reduction. Such notice shall include information about the health hazards of
18 lead poisoning, standards for identifying and eliminating lead hazards, and the federal Renovation,
19 Repair, and Painting Program.

20 3 Lead Paint Poisoning Prevention and Control, Testing for Blood Levels. Amend RSA 130-A:5-
21 a to read as follows:

22 130-A:5-a ***Universal Testing; Health Care Providers; Not Liable.*** All health care providers
23 who provide primary medical care shall ~~[ensure that parents and guardians of children 6 years of~~
24 ~~age or younger are advised of the availability and advisability of screening and testing their~~
25 ~~children for lead in accordance with this chapter]~~ ***conduct blood testing of all one and 2-year***
26 ***old patients to determine a blood lead level.*** A health care provider shall not be liable for not
27 performing a ~~[screening or confirmation]~~ test for blood lead level when a parent or guardian has
28 been informed of the ~~[availability and advisability of screening]~~ ***blood test requirement*** and has
29 refused to consent or has failed to follow through in response to a referral for a ~~[screening or~~
30 ~~confirmation]~~ test. ***Nothing in this section shall prevent a health care provider from***
31 ***recommending blood testing for children younger than one year or older than 2 years***
32 ***should circumstances, including potential lead hazard exposures, warrant such testing.***

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1 4 New Section; Lead Paint Poisoning Prevention and Control; Blood Lead Testing. Amend
2 RSA 130-A by inserting after section 5-b the following new section:

3 130-A:5-c Blood Lead Testing.

4 I. All parents or legal guardians shall have their children who are residing in this state
5 tested for blood lead level at the ages of one and 2. Effective July 1, 2019, no child 6 years old or
6 younger shall be admitted or enrolled in any school or child care agency, public or private, unless it
7 is demonstrated that such child has been tested for blood lead level at the ages of one and 2 or,
8 should it not be possible to demonstrate testing at these ages, testing on at least one occasion prior
9 admission or enrollment shall be performed. Notwithstanding the foregoing, parents shall be
10 provided a period of 30 days following admission or enrollment to obtain a blood lead level test or
11 documentation of an appointment within 30 days or to obtain and provide proof of testing.

12 II. The requirements for admission or enrollment contained in this section shall not apply if
13 the parent or guardian executes and provides to the school or child care agency a form prepared by
14 the department acknowledging that he or she understands the benefits of blood lead testing and is
15 affirmatively refusing such testing. Such form shall be prepared by the department, in coordination
16 with the department of education, no later than March 1, 2019 and shall contain information
17 regarding the health risks associated with childhood lead poisoning and the health benefits of blood
18 lead testing.

19 III. A child shall be exempt from this required blood lead level testing if a parent or legal
20 guardian objects to such testing because of religious beliefs and provides sworn statement to such
21 effect or if a physician licensed under RSA 329, or a physician exempted under RSA 329:21, III,
22 certifies that blood lead level testing may be detrimental to the child's health. The latter exemption
23 shall exist only for the length of time that, in the opinion of the physician, testing would be
24 detrimental to the child.

25 5 New Sections; Remediation of Lead in Water and Rental Housing Fund. Amend RSA 130-A
26 by inserting after section 15 the following new sections:

27 130-A:15-a Remediation of Lead in Water and Rental Housing Fund Established.

28 I. There is hereby established the remediation of lead in water and rental housing fund to
29 be used to for the purposes of remediating lead in water and in rental housing. The fund shall be
30 composed of appropriations, gifts, grants, donations, bequests, or other moneys from any public or
31 private source and shall be used to pay costs to remediate lead in water and rental housing. The
32 fund shall be nonlapsing and shall be continually appropriated to the commissioner of the
33 department of health and human services for the purposes of this chapter. In using moneys from
34 the fund for the purpose of remediating lead in rental housing the commissioner shall contract with
35 the New Hampshire housing finance authority. The fund may reimburse owners of for-profit and
36 not-for-profit rental property for the costs of remediation of lead in water, including installation and
37 replacement of water filters and also the costs of replacing windows, doors, and other components

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1 that pose lead hazards provided that:

2 (a) Such replacements are conducted in accordance with lead-safe practices under
3 applicable laws and regulations; and

4 (b) Whether or not the property has been the subject of an order for lead hazard
5 reduction pursuant to RSA 130-A:6 or an enforcement action under RSA 130-A:7.

6 II. The department shall prepare a schedule of reimbursable costs for such components
7 premised on 75 percent of the reasonable cost of purchase and installation, or 100 percent of the
8 reasonable cost of purchase and installation if there is a demonstrated financial hardship. One-
9 third of the annual fund moneys may be used for loan loss reserve purposes in order to back or
10 otherwise secure low-interest loans from New Hampshire banks for the purpose of this section.

11 130-A:15-b Rulemaking for the Remediation of Lead in Water and Rental Housing Fund. In
12 developing the schedule of the reimbursable costs and the rules for the administration of the fund
13 provided for in RSA 130-A:15-a, the department shall consult with stakeholders representing
14 including, but not limited to, landlords, tenants, public health interests, realtors, financial services
15 and banking industry.

16 6 New Subparagraph; Application of Receipts; Remediation of Lead in Water and Rental
17 Housing Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new
18 subparagraph:

19 (334) Moneys deposited in the remediation of lead in water and rental housing fund
20 established in RSA 130-A:15-a.

21 7 Child Day Care Licensing; License or Permit Suspension, Revocation, or Denial. Amend RSA
22 170-E:12, XII and XIII to read as follows:

23 XII. Fails to comply with the corrective action plan submitted by the child day care agency
24 and approved by the department; ~~or~~

25 XIII. Loses health, safety or zoning approval; **or**

26 ***XIV. Fails to comply with applicable public health laws and regulations***
27 ***concerning lead.***

28 8 New Paragraph; Residential Care and Child-Placing Agency Licensing; License or Permit
29 Suspension, Revocation, or Denial. Amend RSA 170-E:35 by inserting after paragraph XV the
30 following new paragraph:

31 XVI. Fails to comply with applicable public health laws and regulations concerning lead.

32 9 New Section; Coverage for Blood Lead Testing; Individual. Amend RSA 415 by inserting
33 after section 6-u the following new section:

34 415:6-v Coverage for Blood Lead Testing; Individual. Each insurer that issues or renews any
35 individual policy, plan, or contract of accident or health insurance providing benefits for medical or
36 hospital expenses shall provide to persons covered by such insurance who are residents of this state
37 coverage for the costs of blood lead testing conducted pursuant to RSA 130-A:5-a. Benefits provided

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1 under this section shall not be subject to any greater co-payment, deductible, or coinsurance than
2 any other similar benefits provided by the insurer.

3 10 New Section; Coverage for Blood Lead Testing; Individual. Amend RSA 415 by inserting
4 after section 18-z the following new section:

5 415:18-aa Coverage for Blood Lead Testing; Group. Each insurer that issues or renews any
6 policy of group or blanket accident or health insurance providing benefits for medical or hospital
7 expenses shall provide to each group, or to the portion of each group comprised of certificate holders
8 of such insurance who are residents of this state, coverage for coverage for the costs of blood lead
9 testing conducted pursuant to RSA 130-A:5-a. Benefits provided under this section shall not be
10 subject to any greater co-payment, deductible, or coinsurance than any other similar benefits
11 provided by the insurer.

12 11 Health Services Corporations; Applicable Statutes; Effective Until January 1, 2021 at 12:01
13 a.m. Amend RSA 420-A:2 to read as follows:

14 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this
15 chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
16 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
17 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u,
18 **RSA 415:6-v**, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a,
19 RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-
20 w, RSA 415:18-y, RSA 415:18-z, **RSA 415:18-aa**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and
21 all applicable provisions of title XXXVII wherein such corporations are specifically included. Every
22 health service corporation and its agents shall be subject to the fees prescribed for health service
23 corporations under RSA 400-A:29, VII.

24 12 Health Services Corporations; Applicable Statutes; Effective January 1, 2021 at 12:01 a.m.
25 Amend RSA 420-A:2 to read as follows:

26 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this
27 chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
28 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
29 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, **RSA 415:6-**
30 **v**, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j,
31 RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w,
32 RSA 415:18-z, **RSA 415:18-aa**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable
33 provisions of title XXXVII wherein such corporations are specifically included. Every health service
34 corporation and its agents shall be subject to the fees prescribed for health service corporations
35 under RSA 400-A:29, VII.

36 13 Health Maintenance Organizations; Statutory Construction; Effective October 1, 2017, at
37 12:02 a.m. Amend RSA 420-B:20, III to read as follows:

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1 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
2 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, ***RSA 415:6-v***, RSA 415:18, VII-
3 a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u,
4 RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, ***RSA 415:18-aa***, RSA 415-A, RSA 415-F,
5 RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

6 14 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021 at
7 12:01 a.m. Amend RSA 420-B:20, III to read as follows:

8 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
9 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, ***RSA 415:6-v***, RSA 415:18, VII-a, RSA 415:18,
10 XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-
11 w, RSA 415:18-z, ***RSA 415:18-aa***, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to
12 health maintenance organizations.

13 15 Realty Conveyances and Interests; Notification Required; Lead. Amend the section heading
14 and paragraph I of RSA 477:4-a to read as follows:

15 477:4-a Notification Required; Radon, Arsenic, and Lead [~~Paint~~].

16 I. Prior to the execution of any contract for the purchase and sale of any interest in real
17 property which includes a building, the seller, or seller's agent, shall provide the following
18 notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy
19 of such notification:

20 "Radon: Radon, the product of decay of radioactive materials in rock, may be found in some
21 areas of New Hampshire. Radon gas may pass into a structure through the ground or through
22 water from a deep well. Testing of the air by a professional certified in radon testing and testing of
23 the water by an accredited laboratory can establish radon's presence and equipment is available to
24 remove it from the air or water."

25 "Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at
26 unhealthy levels in well water in many areas of the state. Tests are available to determine whether
27 arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer
28 is encouraged to consult the New Hampshire department of environmental services private well
29 testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is
30 served by a private well."

31 "Lead [~~Paint~~]: Before [~~1977~~] **1978**, paint containing lead may have been used in structures.
32 ***Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint***
33 ***dust from friction surfaces, or from the disturbance of intact surfaces containing lead***
34 ***paint through unsafe renovation, repair or painting practices, or from soils in close***
35 ***proximity to the building***, can present a serious health hazard, especially to young children and
36 pregnant women. ***Lead may also be present in drinking water as a result of lead in service***
37 ***lines, plumbing and fixtures***. Tests are available to determine whether lead is present ***in paint***

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1 *or drinking water."*

2 16 New Section; Lead in Drinking Water in School and Child Care Facilities. Amend RSA 485
3 by inserting after section 17 the following new section:

4 485:17-a Lead in Drinking Water in Schools and Child Care Facilities.

5 I. No later than 180 days after the effective date of this section, and within every 5-year
6 period thereafter, public and private schools and licensed and license-exempt child care that have
7 not sampled in the prior 2 years shall test for the presence of lead in drinking water at all locations
8 at the facility that is available for consumption by children. Such testing shall be in accordance
9 with guidance from the department of environmental services. If test results demonstrate the
10 presence of lead in a concentration that exceeds the applicable standard established by the
11 Environmental Protection Agency, the school or licensed child care facility shall, within 5 business
12 days, notify parents and guardians and shall, as an interim measure, ensure that the children are
13 provided only drinking water that meets the standard. The school or licensed child care facility
14 shall also implement a remediation plan, as approved by the department within 30 days of
15 notification of parents or, in consultation with the department, as soon as practicable. The
16 department shall review the plan and any associated submittals within 30 days of receiving them.
17 If 3 consecutive rounds of sampling performed every 5 years are below the standard, further testing
18 shall not be required.

19 II. Any time the applicable federal standard for lead in drinking water is changed, public
20 and private schools and licensed child care facilities shall within 30 days compare the results of
21 their most recent testing with such new standard and, in the event any such results exceed the new
22 standard, proceed with the requirements of paragraph I relative to notice, remediation, and interim
23 measures.

24 17 New Section; Safe Drinking Water Act; Identification and Disclosure of Lead in Public
25 Water Systems. Amend RSA 485 by inserting after section 23-a the following new section:

26 485:23-b Identification and Disclosure of Lead in Public Water Systems. By January 1, 2019,
27 all public water systems and privately owned redistribution systems shall make reasonable efforts
28 to identify and publicly disclose all lead components that are in contact with drinking water
29 supplied to customers from their systems and shall make reasonable efforts to prevent elevated lead
30 levels in their systems. These efforts shall include, at a minimum: reviewing applicable system and
31 public records; consulting with system staff; requesting information from customers whose drinking
32 water may be affected; and documenting any new information about lead in their systems. This
33 section shall not require any system to perform excavation or conduct inspections on all customer
34 premises to identify lead components. Subject to the availability of funds, portions of the costs of
35 eliminating lead pipes may be eligible for funding from the drinking water and groundwater trust
36 fund established in RSA 6-D:1.

37 18 New Section; Testing for Presence of Lead Prior to Leasing Unit Required. Amend RSA 540-

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1 A by inserting after section 3 the following new section:

2 540-A:3-a Testing for Presence of Lead in Drinking Water. Any time a child tests positive for
3 lead the department of health and human services shall test the water in the unit for lead. If the
4 presence of lead in the drinking water exceeds the standard established by the Environmental
5 Protection Agency, the landlord shall notify the tenant or prospective tenant and, shall install on
6 the kitchen faucet a filtering device certified to reduce lead by NSF International/American
7 National Standards Institute and follow all standards for the replacement of the filtering device and
8 cartridges. The landlord shall not be required to maintain or install water filters where the source
9 of the lead has been removed and the water tests below the advisory level established by the
10 Environmental Protection Agency, as verified by the department of health and human services.

11 19 Reporting and Recommendation on Lead Poisonings Between 3 and 9.9 Micrograms. The
12 department of health and human services shall provide a report to the childhood lead poisoning
13 prevention and screening commission, established pursuant to RSA 130-A:19, on or by December
14 31, 2017, which shall include a comprehensive accounting of venous blood test levels of 3
15 micrograms or higher from the effective date this act until December 31, 2017, including, but not
16 limited to, any and all raw data points excluding personally identifying information and the
17 disclosure of methods of retrieving, collecting, or otherwise receiving such data. After a review and
18 public discussion of this report, the childhood lead poisoning prevention and screening commission
19 shall make a recommendation to the general court relative to whether and how to lower the current
20 threshold of 10 micrograms provided for in RSA 130-A:5, I.

21 20 Appropriation. The sum of \$3,000,000 for fiscal year ending June 30, 2018 and the sum of
22 \$3,000,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the department of
23 health and human services to be deposited in the remediation of lead in water and rental housing
24 fund, established in RSA 130-A:15-a. The governor is authorized to draw a warrant for said sums
25 out of any money in the treasury not otherwise appropriated.

26 21 Lead Paint Poisoning Prevention and Control; Testing for Blood Levels RSA 130-A:5-a is
27 repealed and reenacted to read as follows:

28 130-A:5-a Health Care Providers; Not Liable. All health care providers who provide primary
29 medical care shall ensure that parents and guardians of children 6 years of age or younger are
30 advised of the availability and advisability of screening and testing their children for lead in
31 accordance with this chapter. A health care provider shall not be liable for not performing a
32 screening or confirmation test for blood lead level when a parent or guardian has been informed of
33 the availability and advisability of screening and has refused to consent or has failed to follow
34 through in response to a referral for a screening or confirmation test.

35 22 Repeal. RSA 130-A:5-c, relative to blood lead testing.

36 23 Contingent Effectiveness. Sections 21 and 22 shall take effect July 1, 2019 if the
37 appropriation in section 20 of this act does not continue for fiscal year 2020 at least at the same

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1 amount as appropriated in section 20.

2 24 Effective Date.

3 I. Sections 9, 10, 11, and 13 shall take effect October 1, 2017 at 12:03 a.m.

4 II. Sections 12 and 14 shall take effect January 1, 2021 at 12:02 a.m.

5 III. Sections 21 and 22 shall take effect as provided in section 23 of this act.

6 IV. The remainder of this act shall take effect 60 days after its passage.

2017-0795s

AMENDED ANALYSIS

This bill makes various changes in the laws regarding lead. Some of the changes are as follows:

- I. Changes the blood levels for parental notification and property owners relative to blood lead levels in children.
- II. Requires testing for blood lead levels in children at the age of one and 2.
- III. Establishes a remediation of lead in water and rental housing fund and makes an appropriation for the purposes of the fund.
- IV. Requires insurance coverage for blood lead level testing.
- V. Requires certain notification regarding lead for the purchase and sale of certain real estate.
- VI. Requires testing for lead in drinking water in child care facilities and schools.