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BILL ANALYSIS

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House Bill 4936 (Substitute H-4 as passed by the House)  
Sponsor: Representative Andy Coulouris  
House Committee: Health Policy  
Senate Committee: Health Policy

Date Completed: 10-9-07

## **CONTENT**

**The bill would amend the Lead Abatement Act (Part 54A of the Public Health Code) to reestablish the Childhood Lead Poisoning Prevention and Control Commission; and set a July 1, 2010, expiration date on the sections reestablishing the Commission and prescribing its duties.**

Public Act 431 of 2004 created the Commission within the Department of Community Health (DCH), and Public Act 400 of 2004 prescribed the Commission's duties. The sections enacted by those Acts were repealed on July 1, 2007. The bill states, "It is the intent of the legislature that the childhood lead poisoning prevention and control commission created in the department under former section 5474a shall be continued without interruption." To this end, the following nine members appointed by the Governor with the advice and consent of the Senate and serving on the Commission on June 30, 2007, would have to continue to serve on the Commission:

- One member representing the DCH, who would continue to serve as the chairperson.
- One member representing the Department of Human Services.
- One member representing the Department of Environmental Quality.
- One member representing the Michigan State Housing Development Authority.
- One member representing "Get the Lead Out!" from a county with a population over 500,000 but not more than 700,000 (i.e., Kent County).
- One member representing a local health department located in a county with a population of more than 170,000 but not more than 200,000 (i.e., Muskegon County).
- One member representing certified lead-abatement contractors.
- Two members representing the general public.

Of the members representing the general public, one would have to be from a city with a population of at least 750,000 (Detroit) who was a parent of a child who had experienced lead poisoning or was a child advocate who had experience with lead poisoning in children. The other public member would have to represent property owners and developers in Michigan.

Effective 30 days after the bill took effect, the Commission would have to consist of 16 voting members. In addition to the nine members described above, the following additional seven members would have to be appointed by the Governor within 30 days of the bill's effective date, with the advice and consent of the Senate:

- One member representing the Michigan Municipal League.

- One member representing the Department of Labor and Economic Growth.
- One member representing the Michigan chapter of the American Academy of Pediatrics.
- One member representing the Prosecuting Attorneys Coordinating Council.
- One member representing the Department of Education.
- One member representing the Michigan Association of Home Builders Remodelors Council.
- One member representing the Early Childhood Investment Corporation.

On and after the bill's effective date, the term of office of individual members, except those appointed to fill vacancies, would expire three years after appointment on December 31 of the year in which the term would expire. Members would be eligible for reappointment to the Commission.

Commission members would serve without compensation but, subject to appropriations, could receive reimbursement for their actual and necessary expenses while attending meetings or performing other authorized official Commission business. If a vacancy occurred, it would have to be filled in the same manner as the original appointment.

The Commission could hold public hearings as it determined necessary or appropriate to carry out its duties under Part 54A. The Commission would be subject to the Open Meetings Act and the Freedom of Information Act.

The bill would reenact the provisions of Public Act 400 requiring the Commission to study the environmental threats of lead poisoning to children's health; review the State's lead poisoning prevention program; evaluate the effectiveness of the program, including its ability to satisfy Federal law requirements that 100% of all young children enrolled in Medicaid be screened with a blood lead test; and make recommendations for improvements to the program.

As required by Public Act 400, the Commission would have to consider all information received from its public hearings, review information from other sources, study the experiences of other states, and develop short- and long-range strategic recommendations for childhood lead poisoning prevention and control in Michigan. The recommendations would have to include strategies to do the following:

- Enhance public and professional awareness of lead poisoning as a child health emergency.
- Significantly increase blood lead testing rates for young children.
- Eliminate or manage the sources of lead poisoning, especially focusing on lead-based paint in aged housing.
- Assure State interagency as well as public and private cooperation and communication regarding resolution of this complex environmental and public health problem.

The Commission would have to submit a written report of its findings, including the recommendations, to the Governor and the Legislature by March 31 each year, beginning in 2008. A DCH representative would have to provide testimony summarizing the Commission's findings and recommendations to the standing committees of the Senate and House of Representatives with jurisdiction over issues pertaining to public health and children.

Proposed MCL 333.5478 & 333.5479

## **BACKGROUND**

Under Public Act 400 of 2004, the Childhood Lead Poisoning Prevention and Control Commission was required to submit a written report of its findings, including its

recommendations, to the Governor and the Legislature by March 31 of each year, beginning in 2005. The Commission issued its final report on June 30, 2007. The report made recommendations for a long-term plan to eliminate childhood lead poisoning in Michigan, and identified the following four priorities: eliminating lead hazards from all Michigan homes and daycare settings used by children under age six; testing all children at high risk for lead hazard exposure; developing adequate and sustainable funds to complete this work; and continuing to monitor progress in all other lead poisoning prevention and control activities. One of the Commission's recommendations to implement the fourth priority was that the Commission should continue through at least 2010, to assure that its recommendations are fully implemented with optimal effect.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

Upon the re-establishment of the Childhood Lead Poisoning Prevention and Control Commission, the Department could see a minor, indeterminate increase in administrative cost associated with supporting the work of the Commission.

Fiscal Analyst: David Fosdick

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.