

# Legislative Analysis



## CHILDHOOD LEAD POISONING PREVENTION AND CONTROL COMMISSION

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4747 as introduced**  
**Sponsor: Rep. John D. Cherry**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 4748 as introduced**  
**Sponsor: Rep. Mary Whiteford**

**Committee: Natural Resources and Outdoor Recreation**  
**Complete to 10-15-19**

### SUMMARY:

House Bills 4747 and 4748 would each add a section to Part 54A (Lead Abatement) of the Public Health Code. House Bill 4748 would require the governor to create a Childhood Lead Poisoning Prevention and Control Commission and describe its composition. House Bill 4748 would charge the commission with certain responsibilities.

The bills are tie-barred together, meaning that neither could take effect unless both were enacted. The bills would take effect 90 days after enactment.

#### **House Bill 4748**

Within 30 days of the date the bill took effect, the governor would have to create the commission within the Michigan Department of Health and Human Services (DHHS). It would be composed of the following nine voting members, appointed by the governor with the advice and consent of the Senate:

- 1 member representing DHHS and serving as chair of the commission.
- 1 member representing the Department of Environment, Great Lakes, and Energy (EGLE).
- 1 member representing the Michigan State Housing Development Authority.
- 1 member representing the Pediatric Public Health Initiative formed by Michigan State University and Hurley Children's Hospital.
- 1 member representing a local health department located in a county with a population between 380,000 and 450,000.<sup>1</sup>
- 1 member representing certified lead-abatement contractors.
- 3 members representing the general public, including 1 member from a city with a population between 90,000 and 105,000<sup>2</sup> located in a county with a population between

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<sup>1</sup> The only Michigan county that falls into this population range is Genesee County, with a population of 407,385 in 2017. Flint is the largest city and seat of Genesee County.

<http://www.senate.michigan.gov/sfa/Economics/MichiganPopulationByCounty.PDF>

<sup>2</sup> Flint had a population of approximately 95,943 in 2018. <https://www.census.gov/quickfacts/flintcitymichigan> It is the only city in Genesee county that falls into the population range.

380,000 and 450,000 who has specific knowledge of lead poisoning in children, and 1 member representing property owners and developers in Michigan.

Commission members would serve without compensation, but could receive reimbursement for actual and necessary expenses incurred in connection with the commission. Vacancies would be filled in the same manner as the original appointment.

The commission would have to hold at least two public hearings to seek input from the general public and the 36 groups specified in the bill, and any other interested organization or association concerned with the prevention, treatment, and control of lead poisoning that MDHHS determines necessary.

The commission's first public hearing would have to take place within 60 days after members' appointment, and the commission could hold additional hearings as it determined necessary and appropriate. Meetings would have to be held in compliance with the Open Meetings Act and writings made available to the public in compliance with the Freedom of Information Act.

Proposed MCL 333.5478a

#### **House Bill 4747**

Under the bill, the commission would be responsible for all of the following:

- Studying environmental threats of lead poisoning to children's health.
- Reviewing the Lead Poisoning Prevention Program established under section 5474 of the act,<sup>3</sup> and evaluating the effectiveness of the program, including its ability to satisfy federal requirements that 100% of all young children enrolled in Medicaid are screened with a blood test.
- Making recommendations for improvements to the Lead Poisoning Prevention Program.

Additionally, the commission would have to consider information obtained from its public hearings and other sources and study the experiences of other states. The commission would establish short- and long-range strategic recommendations for childhood lead poisoning prevention and control in Michigan, including strategies to do all of 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.
- Ensure state interagency as well as public and private cooperating and communication regarding lead exposure issues related to public health and the environment.

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<sup>3</sup> House Fiscal Agency analysis of PA 219 of 1998 (HB 5561), which established the Lead Poisoning Prevention Program. <http://www.legislature.mi.gov/documents/1997-1998/billanalysis/House/pdf/1997-HLA-5561-B.pdf>

The commission would have to submit a written report, which would include its recommendations, to the governor and legislature by March 31, 2020, and annually thereafter. A representative of DHHS would summarize the findings and recommendations in testimony before relevant House and Senate committees.

Proposed MCL 333.5478b

## **FISCAL IMPACT:**

House Bills 4747 and 4748 would have negligible fiscal implications for the Department of Health and Human Services. DHHS currently supports staffing and budget for a similar commission, the Child Lead Exposure Elimination Commission established by Executive Order 2017-2 in March 2017.<sup>4</sup> It is not anticipated that costs related to the new commission and its tasks would vary significantly from the administrative support level for the existing commission.

The existing commission was preceded by the 2016 Child Lead Poisoning Elimination Board, and earlier by the Childhood Lead Poisoning Prevention and Control Commission from 2005 to 2010.

One-time funding totaling \$2.5 million GF/GP was appropriated in FY 2017-18 and FY 2018-19 to assist in implementation of November 2016 recommendations of the Child Lead Poisoning Elimination Board. Of that funding, \$1.4 million remained available as of September 24, 2019. The FY 2019-20 enacted budget includes funding of \$2.1 million Gross (\$601,500 GF/GP) and 4.5 staff positions for the ongoing childhood lead program, which may also support commission costs.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>4</sup> Executive Order 2017-2 establishing the Child Lead Exposure Elimination Commission.  
[https://www.michigan.gov/documents/snyder/EO\\_2017-2\\_558658\\_7.pdf](https://www.michigan.gov/documents/snyder/EO_2017-2_558658_7.pdf)