



STATE LEAD TESTING POLICIES FOR CHILDREN NOT ENROLLED IN MEDICAID 50-State Survey

This survey looks at state lead testing policies for children not enrolled in Medicaid. Currently, 20 jurisdictions have mandatory lead testing laws for children outside of the Medicaid program. There are two ways to test blood lead levels: a capillary test or a venous blood draw. The capillary test involves pricking the child's finger or heel. It is a quick and easy option that allows for testing outside of the medical office. However, it can be less accurate than the venous blood draw that requires a medical professional to draw blood from a vein in the child's arm.ⁱ

There are three major categories of testing requirements: universal testing, targeted testing, and hybrid testing. For example, Connecticut has a universal testing requirement that mandates testing for all children between 9 and 35 months.ⁱⁱ In contrast, Missouri has a targeted testing requirement that focuses efforts on children at high risk of lead exposure. The Missouri law mandates annual testing between 6 and 72 months for children who live or spend more than 10 hours per week in high-risk areas.ⁱⁱⁱ In Missouri, high-risk area designation is based on a collection of factors including the percentage of housing built before 1950, recent lead poisoning prevalence data for the area, and the presence of industrial operations that create a threat for lead poisoning, e.g., lead mines or smelter factories.^{iv} Hybrid policies have a universal baseline-testing requirement but also mandate more extensive testing for children deemed to be at higher risk. For example, New York requires testing for all children at or around the age of 1 year and again at or around 2 years of age.^v However, New York also mandates additional testing between the ages of 6 and 72 months for children found to be at high-risk for lead exposure.^{vi}

State	Citation	Testing Requirement		Age for Testing	Waivers				Require for Daycare/School Enrollment
		Universal	Targeted		Religious	General Parental Objection	Low-Risk Waiver	Medical	
LA	LA. ADMIN. CODE TIT. 48, §7005 ^{xiv} LA. REV. STAT. ANN. § 40:1285.1	Yes	No ^{xv}	Test all children at 12 months and at 24 months or at any time from 36 months to 72 months, if they have not been previously screened.	Yes	No	No	No	No
MA	105 MASS. CODE REGS. 460.050 MASS. GEN. LAWS CH. 111 § 193	Yes	Yes	Universal testing once between 9 and 12 months and again between 2 and 3 years. Additional targeted testing at 4 years for children in high-risk areas.	No ^{xvi}	No	No	No	Required for day care, pre-kindergarten, and kindergarten.
ME	ME. REV. STAT. TIT. 22, § 1317-D	Yes	No	Universal testing at 1 and 2 years of age.	Yes	No	Yes ^{xvii}	No	No
MD	MD. CODE ANN. HEALTH-GEN. § 18-106 MD. CODE REGS. 10.11.04.04 MD. CODE REGS. 10.11.04.05 Maryland Targeting Plan for Areas at Risk for Childhood Lead Poisoning	Yes ^{xviii}	Yes	Universal testing at 12 and 24 months. Targeted testing between 24 months and 6 years for children in high-risk areas with no evidence of previous testing.	Yes	No	No	No	Required for first entry to public prekindergarten, kindergarten, and first grade.

State	Citation	Testing Requirement		Age for Testing	Waivers				Require for Daycare/School Enrollment
		Universal	Targeted		Religious	General Parental Objection	Low-Risk Waiver	Medical	
MI	MICH. COMP. LAWS § 400.1111 MI WIC Policy Manual	No	Yes	The state WIC program requires children to be tested for lead poisoning. The state recommends that these tests be performed when the child gets his or her hemoglobin assessments. Hemoglobin assessments are conducted at around 12 months and again at 18 months. The state also recommends testing children between 3 and 5 years who have never had lead testing.	No	Yes ^{xix}	No	No	No
MN	N/A	No	No	No	No	No	No	No	No
MO	MO. CODE REGS. ANN. TIT. 19, § 20-8.030	No	Yes	Annual testing for children between 6 and 72 months who live in or spend more than 10 hours/week in a high-risk area.	No	Yes	No	No	Required at enrollment for all childcare facilities in high-risk areas but parents can refuse.
MS	N/A	No	No	No	No	No	No	No	No
MT	N/A	No	No	No	No	No	No	No	No
NE	N/A	No	No	No	No	No	No	No	No
NC	N/A	No	No	No	No	No	No	No	No
ND	N/A	No	No	No	No	No	No	No	No
NH	N.H. REV. STAT. ANN. §130-A:5-a	Yes	No	Testing of all one and two-year olds.	No	Yes	No	No	No

State	Citation	Testing Requirement		Age for Testing	Waivers				Require for Daycare/School Enrollment
		Universal	Targeted		Religious	General Parental Objection	Low-Risk Waiver	Medical	
NJ	N.J. ADMIN. CODE § 8:51A-2.2 ^{xx} N.J. ADMIN. CODE § 8:51A-2.3 N.J. ADMIN. CODE § 8:51A-2.1	Yes	Yes	Universal testing around 1 and 2 years. Additional testing between 6 and 72 months for children at high risk for exposure.	No	Yes	No	No	No
NM	N/A	No	No	No	No	No	No	No	No
NV	N/A	No	No	No	No	No	No	No	No
NY	N.Y. PUB. HEALTH LAW §1370-d NY COMP. CODES R. & REGS. TIT. 10, § 67-1.2	Yes	Yes	Universal testing at or around 1 and 2 years. Additional testing for children between 6 and 72 months found to be at high risk for exposure.	No	No	No	No	Required for children under 6 years for initial enrollment in childcare, nursery school, and pre-school programs licensed or certified by state/local government.

REFERENCES

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- ⁱ Carolyn Beans, *Has My Child Been Exposed to Lead? When and How to Test*, National Public Radio, August 4, 2016 available at <https://www.npr.org/sections/health-shots/2016/08/04/488579315/has-my-child-been-exposed-to-lead-when-and-how-to-test>.
- ⁱⁱ [CONN. GEN. STAT. § 19a-111g.](#)
- ⁱⁱⁱ [MO. CODE REGS. ANN. TIT. 19, § 20-8.030.](#)
- ^{iv} *Id.*
- ^v [NY COMP. CODES R. & REGS. TIT. 10, § 67-1.2.](#)
- ^{vi} *Id.*
- ^{vii} *Detection of Lead Poisoning*, American Academy of Pediatrics, available at <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/lead-exposure/Pages/Detection-of-Lead-Poisoning.aspx>.
- ^{viii} *Id.*
- ^{ix} [IOWA ADMIN CODE r. 641-67.2.](#)
- ^x [ME. REV. STAT. TIT. 22, § 1317-D.](#)
- ^{xi} [CAL CODE REGS. TIT. 17, §§ 37020, 37100.](#)
- ^{xii} Iowa links lead testing to school enrollment.
- ^{xiii} The Iowa Department of Public Health can grant a student an exemption from the lead testing requirement if their parent/guardian provides evidence that the student is at “very low risk” for lead poisoning.
- ^{xiv} Louisiana has not provided a publicly available electronic copy of this regulation.
- ^{xv} Louisiana has deemed all parishes in the state as high-risk for lead poisoning, which creates the universal testing requirement. However, the State evaluates this high-risk status annually.
- ^{xvi} Massachusetts does not provide a religious waiver to the general testing requirement. However, when the Department of Public Health learns of a child lead poisoning case, it is required to test the other children in the household. In this case, the state allows parents to object to additional testing on religious grounds (MASS. GEN. LAWS CH. 111 § 193).
- ^{xvii} The primary health care provider can grant a child a testing waiver if in their professional judgement, in conjunction with the use of the lead poisoning risk assessment tool, the child's level of risk does not warrant a lead level test.
- ^{xviii} Maryland requires testing for children in areas designated at risk for lead poisoning. Currently, the entire state is designated at risk for lead poisoning under Maryland's Targeting Plan for Areas at Risk for Childhood Lead Poisoning.
- ^{xix} The MI WIC Policy Manual states, “[h]aving a blood lead test performed is not a requirement for participation in the WIC Program or for receiving food benefits.” This may create a basis for a general objection waiver provision to Michigan's lead poisoning test.
- ^{xx} There are not publicly available copies of these NJ regulations that can be linked to this document.

SUPPORTERS



Robert Wood Johnson Foundation

This document was developed by Mathew R. Swinburne, J.D., Associate Director, Network for Public Health Law – Eastern Region Office. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document do not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.