









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.

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. 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. 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. 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. 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.

Eight jurisdictions have universal testing requirements, seven states have targeted testing requirements, and five have hybrid policies.

Universal	Targeted	Hybrid
Connecticut District of Columbia Iowa Louisiana Maine New Hampshire Rhode Island Vermont	California Illinois Michigan Missouri Ohio Virginia West Virginia	Delaware Massachusetts Maryland New Jersey New York

The contours of each of the policies differ based on several important variables. The variables included in this survey are the age range for testing, the existence of waivers from the testing requirement, and testing requirements linked to enrollment in daycare or school. Concerning the testing schedule, the American Academy of Pediatrics (AAP) recommends a lead risk assessment at the following well-child visits: 6 months, 9 months, 12 months, 18 months, 24 months, and at 3, 4, 5, and 6 years of age. The AAP recommends that blood tests only be conducted if the risk assessment comes back positive.

In regard to waivers, there are four general types: religious waivers, general parental objection, low-risk waivers, and medical risk waivers. Low-risk waivers allow the health department^{ix} or the primary care provider^x to exempt a covered child from testing if they deem the child to be at low risk for lead poisoning. Only California has an explicit medical risk waiver that exempts a child from the testing requirement if "the risk of screening is a greater risk to the child's health than the risk of lead poisoning."^{xi}

The accompanying survey chart evaluates each state policy based on these variables. It also provides links to the statutes and regulations of each jurisdiction, when they are publicly available in electronic format.

		Testing R	equirement			Waiv	ers		
State	Citation	Universal	Targeted	Age for Testing	Religious	General Parental Objection	Low-Risk Waiver	Medical	Require for Daycare/School Enrollment
AK	N/A	No	No	No	No	No	No	No	No
AL	N/A	No	No	No	No	No	No	No	No
AR	N/A	No	No	No	No	No	No	No	No
AZ	N/A	No	No	No	No	No	No	No	No

		Testing R	equirement						
State	Citation	Universal	Targeted	Age for Testing	Religious	General Parental Objection	Low-Risk Waiver	Medical	Require for Daycare/School Enrollment
CA	CAL CODE REGS. TIT. 17, §§ 37020, 37100	No	Yes	Children receiving services from a publicly funded program for low- income children tested at 12 and 24 months. If these tests are missed, then the child should be tested anytime between 12-24 months and 24-72 months.	No	Yes	No	Yes	No
СО	N/A	No	No	No	No	No	No	No	No
СТ	CONN. GEN. STAT. § 19a-111g	Yes	No	Annually for children 9-35 months of age.	Yes	No	No	No	No
DC	D.C. Mun. Regs. TIT. 22-B, § 7301 D.C. CODE § 38- 602	Yes	No	At 6-14 months and again at 22-26 months. If not tested by 26 months must conduct 2 tests before the age of 6 years and the tests must be at least 12 months apart.	No	Yes	No	No	Required for students under 6 years of age upon entry to licensed day care center, Head Start or similar early childhood program, pre-kindergarten, kindergarten or first grade in a public or private school.
DE	16 DEL. ADMIN. CODE §§ 2602, 2603	Yes	Yes	Universal testing at 12 months and targeted testing of high risk children at 24 months.	Yes	No No	No No	No No	Required for any child 12 months or older in order to attend childcare facilities and public and private nursery schools, preschools and kindergartens. Parents can present a religious waiver.

		Testing R	equirement			Waiv			
State	Citation	Universal	Targeted	Age for Testing	Religious	General Parental Objection	Low-Risk Waiver	Medical	Require for Daycare/School Enrollment
GA	N/A	No	No	No	No	No	No	No	No
HI	N/A	No	No	No	No	No	No	No	No
IA	IOWA CODE § 135.105D	Yes ^{xii}	No	In order to attend public or private school, children must be tested by the age of six.	Yes	No	Yes ^{xiii}	No	Public or private schools require lead testing by age of six.
ID	CODE r. 641-67.6 N/A	No	No	No	No	No	No	No	No
IL	410 ILL. COMP. STAT. 45/6.2 ILL. ADM. CODE TIT. 77 § 845.55 Illinois Department of Public Health: Preventing and Screening for Childhood Lead Poisoning (Physicians Guide)	No	Yes	Targeted testing between 6 months and 6 years for children in high-risk areas. Tests required at 12 months and 24 months. If a child misses these then a test is required between the ages of 3 and 6 years. Children living in low-risk areas should be screened using the state's Lead Risk Assessment Questionnaire at 1 and 2 years of age to determine if testing is needed.	Yes	No	No	No	For children between the ages of 1 and 7, it is required for day care, preschool, nursery school, kindergarten, or other childcare facility, licensed or approved by the State.
IN	N/A	No	No	No	No	No	No	No	No
KS	N/A	No	No	No	No	No	No	No	No
KY	N/A	No	No	No	No	No	No	No	No

		Testing Requirement							
State	Citation	Universal	Targeted	Age for Testing	Religious	General Parental Objection	Low-Risk Waiver	Medical	Require for Daycare/School Enrollment
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.

		Testing R	equirement			Waiv			
State	Citation	Universal	Targeted	Age for Testing	Religious	General Parental Objection	Low-Risk Waiver	Medical	Require for Daycare/School Enrollment
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
МО	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

		Testing Requirement				Waiv	vers .		
State	Citation	Universal	Targeted	Age for Testing	Religious	General Parental Objection	Low-Risk Waiver	Medical	Require for Daycare/School Enrollment
NJ	N.J. ADMIN. CODE § 8:51A-2.2** 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 preschool programs licensed or certified by state/local government.

		Testing R	equirement			Waiv			
State	Citation	Universal	Targeted	Age for Testing	Religious	General Parental Objection	Low-Risk Waiver	Medical	Require for Daycare/School Enrollment
ОН	OHIO REV. CODE ANN. § 3742.30 OHIO ADMIN. CODE 3701-30- 02 OHIO ADMIN. CODE 3701-30- 04 OHIO ADMIN. CODE 3701-30- 01	No	Yes	Test at-risk children between 9 and 72 months.	Yes	No	No	No	No
ОК	N/A	No	No	No	No	No	No	No	No
OR	N/A	No	No	No	No	No	No	No	No
PA	N/A	No	No	No	No	No	No	No	No
RI	R.I. GEN. LAWS § 23-24.6-8 216-50 R.I. CODE R. § 3.4.1 216-50 R.I. CODE R. § 3.2.1	Yes	No	Test all children for lead poisoning at least twice, at least 12 months apart, and before the age of 36 months.	Yes	No	No	No	Required for children 9 months to 6 years in order to attend licensed childcare. Required for enrollment in nursery schools and Kindergarten.
SC	N/A	No	No	No	No	No	No	No	No
SD	N/A	No	No	No	No	No	No	No	No
TN	N/A	No	No	No	No	No	No	No	No
TX	N/A	No	No	No	No	No	No	No	No
UT	N/A	No	No	No	No	No	No	No	No

		Testing Requirement							
State	Citation	Universal	Targeted	Age for Testing	Religious	General Parental Objection	Low-Risk Waiver	Medical	Require for Daycare/School Enrollment
VA	VA. CODE ANN. § 32.1-46.2 12 VA. ADMIN. CODE § 5-90-215	No	Yes	Test at-risk children at 12 and 24 months. Test at-risk children between 25 and 72 months if not previously tested or change in circumstances puts them at risk.	Yes	No	No	No	No
VT	VT. STAT. ANN. TIT 18, § 1755 12-5 VT. CODE R. § 46:II Vermont Pediatric Blood Lead Testing & Case Management Guidelines	Yes	No	Test all children at 12 and 24 months. Test all children ages 36 to 72 months who have not previously been tested.	No	Yes	No	No	No
WA	N/A	No	No	No	No	No	No	No	No
WI	N/A	No	No	No	No	No	No	No	No
WV	W. VA. CODE § 16-35-4A W. VA. CODE R. § 64-42-4	No	Yes	Screen all children for risk of lead poisoning at 1 year and 2 years of age. Screen children 36 months to 72 months if not previously screened. Testing is only required for children whose screening results indicated they are at risk for lead poisoning.	Yes	No	No	No	No
WY	N/A	No	No	No	No	No	No	No	No

REFERENCES

viii Id.

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.

[&]quot; 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.

ix <u>IOWA ADMIN CODE r. 641-67.2.</u>

^{*} ME. REV. STAT. TIT. 22, § 1317-D.

xi CAL CODE REGS. TIT. 17, §§ 37020, 37100.

xii lowa 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).

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.

^{**} There are not publicly available copies of these NJ regulations that can be linked to this document.

SUPPORTERS



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.