

117TH CONGRESS  
1ST SESSION

# H. R. 3511

To amend titles XIX and XXI of the Social Security Act to require a State child health plan to include coverage of screening blood lead tests, to codify such requirement under the Medicaid program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Mr. KATKO (for himself, Mr. CICILLINE, Mr. FITZPATRICK, Ms. MOORE of Wisconsin, Mr. MORELLE, and Mr. GOTTHEIMER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend titles XIX and XXI of the Social Security Act to require a State child health plan to include coverage of screening blood lead tests, to codify such requirement under the Medicaid program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Lead Poi-  
5 soning Act of 2021”.

1 **SEC. 2. REQUIRING A STATE CHILD HEALTH PLAN TO IN-**  
2 **CLUDE COVERAGE OF SCREENING BLOOD**  
3 **LEAD TESTS; CODIFICATION OF REQUIRE-**  
4 **MENT UNDER MEDICAID.**

5 (a) CHIP.—

6 (1) IN GENERAL.—Section 2103 of the Social  
7 Security Act (42 U.S.C. 1397cc) is amended—

8 (A) in subsection (a), in the matter pre-  
9 ceding paragraph (1), by striking “paragraphs  
10 (5), (6), (7) and (8)” and inserting “para-  
11 graphs (5) through (12)”; and

12 (B) in subsection (c), by adding at the end  
13 the following:

14 “(12) COVERAGE OF SCREENING BLOOD LEAD  
15 TESTS.—

16 “(A) IN GENERAL.—The child health as-  
17 sistance provided to a targeted low-income child  
18 shall include coverage of screening blood lead  
19 tests appropriate for age and risk factors and  
20 at the times and in the amounts specified in  
21 subparagraph (B).

22 “(B) SPECIFIED TIMES AND AMOUNTS.—  
23 The times and amounts specified in this sub-  
24 paragraph are, with respect to coverage of  
25 screening blood lead tests and a targeted low-  
26 income child, the following:

1 “(i) 1 screening blood lead test at the  
2 age of 12 months;

3 “(ii) 1 screening blood lead test at the  
4 age of 24 months;

5 “(iii) in the case of a targeted low-in-  
6 come child with no record of any screening  
7 blood lead test having been performed and  
8 who is between the ages of 24 months and  
9 72 months, 1 screening blood lead test;  
10 and

11 “(iv) in the case of any targeted low-  
12 income child, 1 or more screening blood  
13 lead tests at other such times as are rec-  
14 ommended by the child’s health care pro-  
15 vider.”.

16 (2) REPORTING REQUIREMENTS.—

17 (A) IN GENERAL.—Section 2108 of such  
18 Act (42 U.S.C. 1397hh) is amended—

19 (i) by redesignating the subsection (e)  
20 added by section 501(e)(2) of the Chil-  
21 dren’s Health Insurance Program Reau-  
22 thorization Act of 2009 (Public Law 111–  
23 3, 123 Stat. 87) as subsection (f); and

24 (ii) by adding at the end of the sub-  
25 section (e) added by section 402(a) of such

1 Act (Public Law 111–3, 123 Stat. 82), the  
2 following:

3 “(8)(A) The number of children provided a  
4 screening blood lead test appropriate for age and  
5 risk factors in accordance with paragraph (12) of  
6 section 2103(c), at the times and in the amounts  
7 specified in subparagraph (B) of such paragraph.

8 “(B) The number of screening blood lead tests  
9 conducted in the State in the fiscal year for all chil-  
10 dren eligible for child health assistance up to 72  
11 months of age, without regard to the payor or source  
12 of funding for such screening blood lead tests.”.

13 (B) TECHNICAL AMENDMENT.—Section  
14 4302(b)(1)(B) of Public Law 111–148 is  
15 amended by inserting “, as added by section  
16 402(a) of Public Law 111–3,” after “(42  
17 U.S.C. 1397hh(e))”.

18 (3) EFFECTIVE DATE.—

19 (A) IN GENERAL.—Subject to subpara-  
20 graphs (B) and (C), the amendments made by  
21 this subsection shall take effect with respect to  
22 child health assistance provided on or after the  
23 date that is 1 year after the date of the enact-  
24 ment of this Act.

1           (B) EXCEPTION FOR STATE LEGISLA-  
2 TION.—In the case of a State child health plan  
3 under title XXI of the Social Security Act (or  
4 a waiver of such plan), which the Secretary of  
5 Health and Human Services determines re-  
6 quires State legislation in order for the respec-  
7 tive plan (or waiver) to meet any requirement  
8 imposed by the amendments made by this sub-  
9 section, the respective plan (or waiver) shall not  
10 be regarded as failing to comply with the re-  
11 quirements of such title solely on the basis of  
12 its failure to meet such an additional require-  
13 ment before the 1st day of the 1st calendar  
14 quarter beginning after the close of the 1st reg-  
15 ular session of the State legislature that begins  
16 after the date of enactment of this section. For  
17 purposes of the previous sentence, in the case  
18 of a State that has a 2-year legislative session,  
19 each year of the session shall be considered to  
20 be a separate regular session of the State legis-  
21 lature.

22           (C) TECHNICAL AMENDMENT.—The  
23 amendment made by paragraph (2)(B) shall  
24 take effect as if included in the enactment of  
25 Public Law 111–148.

1 (b) MEDICAID.—

2 (1) SPECIFIED TIMES FOR SCREENING BLOOD  
3 LEAD TESTS.—Section 1905(r) of the Social Secu-  
4 rity Act (42 U.S.C. 1396d(r)) is amended—

5 (A) in paragraph (1)(B)(iv), by inserting  
6 “and at the times and in the amounts specified  
7 in paragraph (6)” after “factors”; and

8 (B) by inserting after paragraph (5) the  
9 following:

10 “(6) The times and amounts specified in this  
11 paragraph are, with respect to coverage of screening  
12 blood lead tests and an individual, the following:

13 “(A) 1 screening blood lead test at the age  
14 of 12 months;

15 “(B) 1 screening blood lead test at the age  
16 of 24 months;

17 “(C) in the case of an individual with no  
18 record of any screening blood lead test having  
19 been performed and who is between the ages of  
20 24 months and 72 months, 1 screening blood  
21 lead test; and

22 “(D) in the case of any individual who is  
23 eligible under the plan and is under the age of  
24 21, 1 or more screening blood lead tests at

1 other such times as are recommended by the in-  
2 dividual’s health care provider.”.

3 (2) REPORTING REQUIREMENTS.—Section  
4 1902(a)(43)(D) of such Act (42 U.S.C.  
5 1396a(a)(43)(D)) is amended—

6 (A) in clause (iii), by striking “section  
7 2108(e) and” and inserting “section 2108(e),”;

8 (B) in clause (iv), by striking the semi-  
9 colon and inserting “, and”; and

10 (C) by inserting after clause (iv) the fol-  
11 lowing:

12 “(v)(I) the number of children pro-  
13 vided a screening blood lead test appro-  
14 priate for age and risk factors in accord-  
15 ance with paragraph (1)(B)(iv) of section  
16 1905(r), at the times and in the amounts  
17 specified in paragraph (6) of such section,  
18 and

19 “(II) the number of screening blood  
20 lead tests conducted in the State in the fis-  
21 cal year for all children eligible for medical  
22 assistance up to 72 months of age, without  
23 regard to the payor or source of funding  
24 for such screening blood lead tests;”.

1 (c) CLARIFICATION.—None of the amendments made  
2 by this section shall be construed as prohibiting a State  
3 from providing coverage of screening blood lead tests  
4 under title XIX or XXI of the Social Security Act at a  
5 frequency that is greater than the frequency described in  
6 such amendments or to an individual outside of the ages  
7 described in such amendments.

8 **SEC. 3. GRANTS FOR LEAD POISONING RELATED ACTIVI-**  
9 **TIES.**

10 Section 317O of the Public Health Service Act (42  
11 U.S.C. 247b–16) is amended—

12 (1) by redesignating subsections (c) and (d) as  
13 subsections (e) and (f), respectively;

14 (2) by inserting after subsection (b) the fol-  
15 lowing:

16 “(c) GRANTS FOR PURPOSES OF STATE COORDINA-  
17 TION.—For purposes of supporting State coordination of  
18 operations and activities as described in subsection (b),  
19 the Secretary, acting through the Director of the Centers  
20 for Disease Control and Prevention, shall award additional  
21 grants to States receiving amounts under subsection (a)  
22 to support the following activities in such States:

23 “(1) Development or maintenance of a State-  
24 based registry of data related to blood lead testing  
25 of children up to 6 years of age, which includes data



1 on the number of children up to 72 months of age  
2 tested for lead, the prevalence of confirmed elevated  
3 blood lead levels in tested children less than 6 years  
4 of age, and the insurance status of children tested  
5 for lead at less than 6 years of age.

6 “(2) Development or maintenance of data-link-  
7 ing capabilities between the State health department  
8 and State Medicaid office with respect to blood lead  
9 testing for children up to 72 months of age.

10 “(3) Regular reporting, as defined by the Sec-  
11 retary, of blood lead testing data for children up to  
12 72 months of age regardless of the payor or source  
13 of funding for such blood lead testing.

14 “(d) BEST PRACTICES.—The Secretary, acting  
15 through the Director of the Centers for Disease Control  
16 and Prevention, shall publish best practices for data collec-  
17 tion standards related to childhood blood lead testing, with  
18 the aim of improving data standardization across relevant  
19 State agencies.”; and

20 (3) in subsection (f), as so redesignated, by  
21 striking “such sums as may be necessary for each of  
22 the fiscal years 2001 through 2005” and inserting  
23 “\$5,000,000 for each of fiscal years 2022 and  
24 2023”.

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