

117TH CONGRESS
1ST SESSION

S. 1826

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.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2021

Mr. MENENDEZ (for himself, Mr. PORTMAN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Finance

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 72 months of age test-
2 ed 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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