



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4694/1
SWB:amn

2015 ASSEMBLY BILL 957

February 26, 2016 - Introduced by Representatives C. TAYLOR, JOHNSON, BARNES, SARGENT, BERCEAU, POPE, KAHL, ZEPNICK, SUBECK, SHANKLAND, MASON, GOYKE, WACHS and SPREITZER, cosponsored by Senators RINGHAND, C. LARSON, LASSA and RISSER. Referred to Committee on Housing and Real Estate.

1 **AN ACT** *to amend* 254.151 (2) and 254.166 (1); and *to create* 254.151 (2m) of the
2 statutes; **relating to:** testing for lead in homes of certain children and making
3 an appropriation.

Analysis by the Legislative Reference Bureau

This bill reduces the blood lead level at which the Department of Health Services is required to conduct a lead investigation. Under the bill, DHS must conduct a lead investigation, including water testing and testing for lead-based paint hazards, when the department is notified that an occupant of a dwelling or premises who is under six years of age has a level of lead in the blood of five or more micrograms per 100 milliliters of blood. Current law allows DHS to request admission to a dwelling or premises to conduct a lead investigation when the department is notified that an occupant of a dwelling or premises who is under six years of age has a level of lead in the blood of ten or more micrograms per 1000 milliliters of blood, and requires DHS to conduct a lead investigation if the level of lead is either 20 or more micrograms per 100 milliliters of blood, as confirmed by one venous blood test, or 15 or more micrograms per 100 milliliters of blood, as confirmed by two venous blood tests that are performed at least 90 days apart.

This bill also provides funding to pay for the cost of the testing required by the bill.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 254.151 (2) of the statutes is amended to read:

2 254.151 (2) To fund lead poisoning or lead exposure screening, care
3 coordination and follow-up services, ~~including lead investigations,~~ to children under
4 age 6 who are not covered by a 3rd-party payer.

5 **SECTION 2.** 254.151 (2m) of the statutes is created to read:

6 254.151 (2m) To fund lead investigations under s. 254.166 (1).

7 **SECTION 3.** 254.166 (1) of the statutes is amended to read:

8 254.166 (1) ~~The department may, after~~ Notwithstanding ss. 254.11 (intro.) and
9 (9) and 254.156, for purposes of this subsection, “lead poisoning or lead exposure”
10 means a level of lead in the blood of 5 or more micrograms per 100 milliliters of blood.
11 After being notified that an occupant of a dwelling or premises who is under 6 years
12 of age has blood lead poisoning or lead exposure, ~~present official credentials to the~~
13 ~~owner or occupant of the dwelling or premises, or to a representative of the owner,~~
14 ~~and request admission to conduct a lead investigation of the dwelling or premises.~~
15 ~~If the department is notified that an occupant of a dwelling or premises who is a child~~
16 ~~under 6 years of age has an elevated blood lead level, the department shall conduct~~
17 ~~a lead investigation of the dwelling or premises or ensure that a lead investigation~~
18 ~~of the dwelling or premises is conducted, including water testing and testing for any~~
19 ~~lead-based paint hazard.~~ The lead investigation shall be conducted during business
20 hours, unless the owner or occupant of the dwelling or premises consents to an
21 investigation during nonbusiness hours or unless the department determines that

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1 the dwelling or premises presents an imminent lead hazard. The department shall
2 use reasonable efforts to provide prior notice of the lead investigation to the owner
3 of the dwelling or premises. The department may remove samples or objects
4 necessary for laboratory analysis to determine the presence of a lead hazard in the
5 dwelling or premises. The department shall prepare and file written reports of all
6 lead investigations conducted under this section and shall make the contents of these
7 reports available for inspection by the public, except for medical information, which
8 may be disclosed only to the extent that patient health care records may be disclosed
9 under ss. 146.82 to 146.835. If the owner or occupant refuses admission, the
10 department may seek a warrant to investigate the dwelling or premises. The
11 warrant shall advise the owner or occupant of the scope of the lead investigation.

SECTION 4. Fiscal changes.

12
13 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
14 to the department of health services under section 20.435 (1) (ef) of the statutes, as
15 affected by the acts of 2015, the dollar amount for fiscal year 2016-17 is increased
16 by \$500,000 to pay for lead investigations required under s. 254.166 (1).

17 (END)