



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1128/P3
SWB:cjs

DOA:.....Bollhorst, BB0175 - Lead poisoning definition

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Defining lead poisoning or lead exposure

This bill modifies the definition of lead poisoning or lead exposure from a level of lead in the blood of five or more micrograms per 100 milliliters of blood to 3.5 or more micrograms per 100 milliliters of blood. The bill also changes the circumstances under which DHS is required to conduct, or ensure there is conducted, a lead investigation of a dwelling or premises. Under current law, DHS is required to conduct, or ensure there is conducted, a lead investigation of a dwelling or premises when DHS is notified that an occupant of the dwelling or premises who is under the age of six has an elevated blood lead level, which current law defines as a level of lead in the blood that is either 1) 20 or more micrograms per 100 milliliters of blood, as confirmed by one venous blood test; or 2) 15 or more micrograms per 100 milliliters of blood, as confirmed by two venous blood tests that are performed at least 90 days apart. Under the bill, DHS is required to conduct, or ensure there is conducted, a lead investigation of a dwelling or premises when DHS is notified that an occupant of the dwelling or premises who is under the age of six has lead poisoning or lead exposure. The bill also requires that when DHS receives such a notification, DHS must present official credentials to the owner or occupant of the dwelling or

premises or a representative of the owner and request admission to conduct a lead investigation of the dwelling or premises. As under current law, if an owner or occupant refuses to grant admission, DHS may seek a warrant to investigate the dwelling or premises.

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

SECTION 1. 254.11 (5m) of the statutes is repealed.

SECTION 2. 254.11 (9) of the statutes is amended to read:

254.11 (9) “Lead poisoning or lead exposure” means a level of lead in the blood of ~~5~~ 3.5 or more micrograms per 100 milliliters of blood.

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

254.166 (1) The department ~~may~~ shall, after being notified that an occupant of a dwelling or premises who is under 6 years of age has blood lead poisoning or lead exposure, present official credentials to the owner or occupant of the dwelling or premises, or to a representative of the owner, and request admission to conduct a lead investigation of the dwelling or premises. If the department is notified that an occupant of a dwelling or premises who is a child under 6 years of age has ~~an elevated blood lead level~~ blood lead poisoning or lead exposure, the department shall conduct a lead investigation of the dwelling or premises or ensure that a lead investigation of the dwelling or premises is conducted. The lead investigation shall be conducted during business hours, unless the owner or occupant of the dwelling or premises consents to an investigation during nonbusiness hours or unless the department determines that the dwelling or premises presents an imminent lead hazard. The department shall use reasonable efforts to provide prior notice of the lead investigation to the owner of the dwelling or premises. The department may remove samples or objects necessary for laboratory analysis to determine the presence of a

lead hazard in the dwelling or premises. The department shall prepare and file written reports of all lead investigations conducted under this section and shall make the contents of these reports available for inspection by the public, except for medical information, which may be disclosed only to the extent that patient health care records may be disclosed under ss. 146.82 to 146.835. If the owner or occupant refuses admission, the department may seek a warrant to investigate the dwelling or premises. The warrant shall advise the owner or occupant of the scope of the lead investigation.

(END)