

House File 158 - Enrolled

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HOUSE FILE 158

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AN ACT
RELATING TO A REQUIREMENT THAT CHILDREN RECEIVE A BLOOD
LEAD TEST BY AGE SIX OR PRIOR TO ENROLLMENT IN AN
ELEMENTARY SCHOOL.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 135.102, Code 2007, is amended by
adding the following new subsection:
NEW SUBSECTION. 7. Implementation of a requirement that
children receive a blood lead test prior to the age of six and
before enrolling in any elementary school in Iowa in
accordance with section 135.105D.
Sec. 2. Section 135.105D, Code 2007, is amended by adding
the following new subsections:
NEW SUBSECTION. 1A. a. A parent or guardian of a child
under the age of two is strongly encouraged to have the child
tested for elevated blood lead levels by the age of two.
Except as provided in paragraph "b" and subsection 1C, a
parent or guardian shall provide evidence to the school
district elementary attendance center or the accredited
nonpublic elementary school in which the parent's or
guardian's child is enrolled that the child was tested for
elevated blood lead levels by the age of six according to
recommendations provided by the department.
b. A child of compulsory attendance age may be
provisionally enrolled in an elementary school if the child's
parent or guardian consents to have the child receive a blood
lead test as rapidly as is feasible but not later than sixty
days after the school calendar commences. The department
shall adopt rules relating to the provisional enrollment of
children to an elementary school in accordance with this
paragraph.
c. The board of directors of each school district and the
authorities in charge of each nonpublic school shall give
notice of the blood lead test requirement to parents of
students enrolled or to be enrolled in the school at least
ninety days before the start of the school year in the manner
prescribed by the department.
NEW SUBSECTION. 1B. The board of directors of each school
district and the authorities in charge of each nonpublic
school shall furnish the department, within sixty days after
the first official day of school, evidence that each child
enrolled in any elementary school has either been tested as
required in subsection 1A or received a waiver under
subsection 1C.
NEW SUBSECTION. 1C. The department may waive the
requirements of subsection 1A if the department determines
that a child is of very low risk for elevated blood lead
levels, or if the child's parent or legal guardian submits an
affidavit, signed by the parent or legal guardian, stating
that the blood lead testing conflicts with a genuine and
sincere religious belief.
NEW SUBSECTION. 1D. The department shall provide rules
adopted pursuant to section 135.102, subsection 7, to local
school boards and the authorities in charge of nonpublic
schools.
Sec. 3. Section 135.105D, subsection 3, Code 2007, is
amended to read as follows:
3. The department shall implement blood lead testing for
children under six years of age who are not eligible for the
testing services to be paid by a third-party source. The
department shall contract with one or more public health
laboratories to provide blood lead analysis for such children.
The department shall establish by rule the procedures for
health care providers to submit samples to the contracted
public health laboratories for analysis. The department shall
also establish by rule a method to reimburse health care
providers for drawing blood samples from such children and the
dollar amount that the department will reimburse health care
providers for the service. The department shall also

3 4 establish by rule a method to reimburse health care providers
3 5 for analyzing blood lead samples using a portable blood lead
3 6 testing instrument and the dollar amount that the department
3 7 will reimburse health care providers for the service. Payment
3 8 for blood lead analysis and drawing blood samples shall be
3 9 limited to the amount appropriated for the program in a fiscal
3 10 year.

3 11 Sec. 4. Section 299.4, Code 2007, is amended to read as
3 12 follows:

3 13 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

3 14 The parent, guardian, or legal custodian of a child who is
3 15 of compulsory attendance age, who places the child under
3 16 competent private instruction under either section 299A.2 or
3 17 299A.3, not in an accredited school or a home school
3 18 assistance program operated by a public or accredited
3 19 nonpublic school, shall furnish a report in duplicate on forms
3 20 provided by the public school district, to the district by the
3 21 earliest starting date specified in section 279.10, subsection
3 22 1. The secretary shall retain and file one copy and forward
3 23 the other copy to the district's area education agency. The
3 24 report shall state the name and age of the child, the period
3 25 of time during which the child has been or will be under
3 26 competent private instruction for the year, an outline of the
3 27 course of study, texts used, and the name and address of the
3 28 instructor. The parent, guardian, or legal custodian of a
3 29 child, who is placing the child under competent private
3 30 instruction for the first time, shall also provide the
3 31 district with evidence that the child has had the
3 32 immunizations required under section 139A.8, and, if the child
3 33 is elementary school age, a blood lead test in accordance with

3 34 section 135.105D. The term "outline of course of study" shall
3 35 include subjects covered, lesson plans, and time spent on the
4 1 areas of study.

4 2 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 3 3, shall not apply to this Act.

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PATRICK J. MURPHY
Speaker of the House

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JOHN P. KIBBIE
President of the Senate

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4 15 I hereby certify that this bill originated in the House and
4 16 is known as House File 158, Eighty=second General Assembly.

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MARK BRANDSGARD
Chief Clerk of the House

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4 22 Approved _____, 2007

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4 26 CHESTER J. CULVER
4 27 Governor