



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 17, 2007

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 158, an Act relating to a requirement that children receive a blood lead test by age six or prior to enrollment in an elementary school.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 158

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


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

299.4 REPORTS AS TO PRIVATE INSTRUCTION.

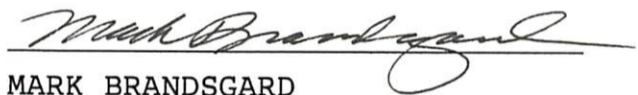
The parent, guardian, or legal custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under either section 299A.2 or 299A.3, not in an accredited school or a home school assistance program operated by a public or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, to the district by the earliest starting date specified in section 279.10, subsection 1. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal custodian of a child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139A.8, and, if the child is elementary school age, a blood lead test in accordance with section 135.105D. The term "outline of course of study" shall include subjects covered, lesson plans, and time spent on the areas of study.

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

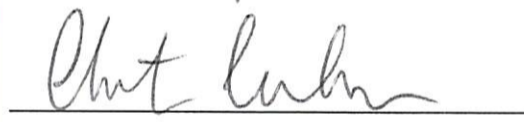

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

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


MARK BRANDSGARD
Chief Clerk of the House

Approved April 17th, 2007


CHESTER J. CULVER
Governor