



NEW YORK STATE SENATOR

Gustavo Rivera

## STATE SENATOR GUSTAVO RIVERA INTRODUCES DAKOTA'S LAW TO PROTECT CHILDREN IN NEW YORK STATE FROM LEAD POISONING

GUSTAVO RIVERA July 9, 2018

| ISSUE: **LEAD PAINT, LEAD TESTING, HOUSING, HEALTH, NYCHA**

*Senator Rivera Partnered with NYCHA Resident and Leader Tiesha Jones To Create This Bill After Jones' Daughter, Dakota, Suffered Permanent Developmental Challenges from Extended Lead Exposure*

(Bronx, NY) - State Senator Gustavo Rivera (D-Bronx) introduced 'Dakota's Law' in the State Senate - a bill that will establish a comprehensive system of preventive measures to address elevated blood lead levels and lead poisoning in all children in New York State. Whether in public or private housing, this bill will expand screening and testing to all children in New York State under 18 years old, prompt adequate action by healthcare providers to report elevated blood lead levels to their local health officers, and trigger proactive action to mitigate the source of lead exposure. Further, this bill will enhance protocols for parents, guardians, healthcare providers, state and local health officers, private property owners, and public housing officials to take proactive action to prevent lead poisoning in children.

If enacted, Dakota's Law would:

- Lower the definition of elevated blood lead levels from 10 micrograms to 5 as recommended by the Center for Disease Control and Prevention (CDC). Triggering action at 5 micrograms allows time to address exposure before it causes permanent damage.
- Raise the age of children who are protected and screened under state law from 6 years of age to up to 18 years old.
- Require physicians to report elevated blood lead levels of 5 micrograms or more found in screening and testing of any child under 18 years old to the local or state health department.
- Create a hotline for physicians to report elevated blood lead levels that would activate health officers across the state to conduct investigations in private or public housing units.
- Require that the state assist any local health office with investigations if need be.
- Mandate private insurers and Medicaid to cover screening and testing.
- Include lead exposure testing and elevated blood lead levels on the statewide immunization information system.

Add questions to a lead exposure risk assessment to check if children were screened and tested at 12 and 24 months old so parents and physicians can assess potential risk or need for additional screening and testing.

The introduction of this bill comes due to mounting concerns about the presence of lead in public housing units in New York City, which had not been adequately inspected for years. The bill was drafted with the input and support of Senator Rivera's constituent, Tiesha Jones, President of the NYCHA Bailey Houses Residents' Council, whose daughter, Dakota, suffered permanent developmental challenges due to a prolonged exposure to lead at her

public housing unit during her early childhood years. Despite Jones' efforts to secure medical attention for her daughter and asking for the appropriate lead testing each year, steps were not taken to eliminate the sources of exposure inside her home before the poisoning had reached levels that irreversibly endangered Dakota's overall development.

"Tiesha Jones' leadership in our community consistently inspires me, but her fight to prevent lead poisoning and exposure in children across New York after what happened to her daughter, is truly remarkable," said State Senator Gustavo Rivera. "Our partnership in writing Dakota's Law will create stronger requirements to protect all New York children from lead poisoning and to address lead exposure in homes across our State. We must do everything in our power to find tangible solutions to end lead poisoning in New York State and ensure our children live in safe and healthy environments."

"We would like you to review your updated quote in particular: "Dakota's Law gives parents a sense of hope for their children's well being and for a healthier future free of lead poisoning and its terrible effects," said Tiesha Jones, Dakota's Mother and President of the NYCHA Bailey Houses Residents' Council. "My ultimate goal is to ensure that all children in New York State, whether in public housing or in a private home, are tested more frequently for elevated blood lead levels during their childhood and that all doctors report them to their local health agencies to quickly determine the source of lead exposure. I don't want child in our State to go through what Dakota did and this law will prevent precisely that."

Recent reports revealed disparities in the number of children reported to have elevated blood lead levels in New York City. According to the NYC Department of Health and Mental Hygiene, there were 820 children six years old and younger living in public housing who had blood lead levels of 5 micrograms or more between 2012 and 2016, while there were 4,928 children across the City with this kind of exposure in 2016 alone. This bill aims to address the

critical need for a lower microgram level and to enhance protocols to protect children both in private and public residences. Although the CDC recommends to consider blood lead levels elevated at 5 micrograms, the legal requirement in New York State is to act when those levels are at 10 micrograms. Dakota's Law will codify the CDC's recommendation since children with 10 micrograms are already highly susceptible to developmental damage. In addition, currently only children 6 years and younger activate the investigative requirements in New York State. Under Dakota's Law, children up to 18 years old will be included in these enhanced protections.

This comprehensive bill seeks to provide a mechanism to connect key stakeholders in the fight to end lead exposure and poisoning in New York State. Parents, guardians, and family caretakers will have more resources to help children in their care. Physicians and other authorized practitioners will become instrumental in the process of evaluating lead levels in children and will expand their mandatory reporting requirements to prompt appropriate action. State and local health officers will be responsible for addressing reports of elevated blood lead levels in children and will receive more information about where children are potentially being exposed to lead. Public housing officials will have a legal mandate to take actions to address signs of lead poisoning in all children proactively. School Administrators will be able to access information about elevated blood lead levels in their students' immunization record in order to appropriately address any special education needs a child may have resulting from developmental delays from lead exposure.

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#### RELATED LEGISLATION

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## 2017-S9131

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Establishes Dakota's law relating to elevated lead levels in children

July 09, 2018

In Senate Committee [Rules](#)

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Do you support this bill?