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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE No. 419**

February 2, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act  
1.2 relating to health; modifying the Lead Poisoning Prevention Act; amending  
1.3 Minnesota Statutes 2008, sections 144.9501, subdivision 9; 144.9503,  
1.4 subdivision 2.

1.5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.6 Section 1. Minnesota Statutes 2008, section 144.9501, subdivision 9, is amended to  
1.7 read:

1.8 Subd. 9. **Elevated blood lead level.** "Elevated blood lead level" means a diagnostic  
1.9 blood lead test with a result that is equal to or greater than ~~ten~~ five micrograms of lead  
1.10 per deciliter of whole blood in any person, unless the commissioner finds that a lower  
1.11 concentration is necessary to protect public health.

1.12 Sec. 2. Minnesota Statutes 2008, section 144.9503, subdivision 2, is amended to read:

1.13 Subd. 2. **Priorities for primary prevention.** (a) The commissioner of health and  
1.14 boards of health serving cities of the first class shall determine areas at high risk for toxic  
1.15 lead exposure.

1.16 (b) A board of health serving a city of the first class shall rank order census tracts  
1.17 by awarding points as specified in this paragraph. The priority for primary prevention in  
1.18 census tracts at high risk for toxic lead exposure shall be based on the cumulative points  
1.19 awarded to each census tract. A greater number of points means a higher priority.

1.20 (1) One point may be awarded to a census tract for each ten percent of children who  
1.21 were under six years old at the time they were screened for lead in blood and whose blood  
1.22 lead level exceeds ~~ten~~ five micrograms of lead per deciliter of whole blood, provided the

2.1 commissioner has determined that the data used to award the points are comprehensive  
2.2 and representative.

2.3 (2) One point may be awarded for every five percent of housing that is defined as  
2.4 dilapidated or deteriorated by the planning department or similar agency of the city in  
2.5 which the housing is located. Where data is available by neighborhood or section within a  
2.6 city, the percent of dilapidated or deteriorated housing shall apply equally to each census  
2.7 tract within the neighborhood or section.

2.8 (3) One point may be awarded for every 100 parts per million of lead in soil, based  
2.9 on the median soil lead values of foundation soil samples, calculated on 100 parts per  
2.10 million intervals, or fraction thereof. A board of health shall use data from its own soil  
2.11 survey conducted according to rules adopted under section 144.9508, except that a board  
2.12 of health serving Minneapolis or St. Paul that has not conducted its own soil survey  
2.13 shall use the June 1988 census tract version of the houseside map titled "Distribution of  
2.14 Houseside Lead Content of Soil-Dust in the Twin Cities," prepared by the Center for  
2.15 Urban and Regional Affairs, Humphrey Institute, University of Minnesota, Publication  
2.16 1989, Center for Urban and Regional Affairs 89-4. Where the map displays a census  
2.17 tract that is crossed by two or more intervals, the board of health shall make a reasoned  
2.18 determination of the median foundation soil lead value for that census tract.

2.19 (4) A board of health may award one point to each census tract for each of the  
2.20 following factors based on cutoff criteria to be determined by the board of health:

- 2.21 (i) percent of minority population;
- 2.22 (ii) number of children less than six years of age;
- 2.23 (iii) percent of housing built before 1950; and
- 2.24 (iv) percent of population living in poverty.

2.25 (c) The commissioner may determine areas at high risk for toxic lead exposure at  
2.26 the county level or within a county outside a city of the first class using one or more  
2.27 of the following criteria:

2.28 (1) blood lead levels greater than ~~ten~~ five micrograms per deciliter of whole blood in  
2.29 children under six years of age;

2.30 (2) percent of dilapidated or deteriorated housing;

2.31 (3) soil lead levels in excess of 100 parts per million;

2.32 (4) percent of minority population;

2.33 (5) percent of housing built before 1950;

2.34 (6) percent of children living in poverty; or

2.35 (7) other factors appropriate in preventing lead exposure, as determined by a federal  
2.36 agency including the United States Centers for Disease Control and Prevention, the United

- 3.1 States Environmental Protection Agency, or the United States Department of Housing
- 3.2 and Urban Development.