

SECOND REGULAR SESSION

SENATE BILL NO. 1148

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS DOUGHERTY, BRAY, GOODE AND GIBBONS.

Read 1st time January 26, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

2885S.04I

AN ACT

To amend chapter 192, RSMo, by adding thereto three new sections relating to the children's environmental health and protection advisory council.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 192, RSMo, is amended by adding thereto three new sections, to be known as sections 192.990, 192.992, and 192.994, to read as follows:

192.990. 1. The general assembly finds that:

(1) Children in the state face an array of preventable exposures to environmental hazards in their schools, homes, and communities;

(2) In certain cases children are at greater risk than adults for exposure to a possible illness from environmental hazards because children:

(a) Have a decreased ability to detoxify certain substances;

(b) Have a greater sensitivity to environmental hazards during the stages of development and growth as a result of their immature body organs and tissues and immature immune systems;

(c) Have different exposure behavior patterns, such as hand-to-mouth behavior, spending a greater amount of time outdoors near hazards, and spending more time on the floor and on the ground where contaminants can concentrate; and

(d) Take in a greater amount of contaminants due to their eating proportionately more food, breathing proportionately more air, and drinking proportionately more fluids than adults;

(3) Higher rates of poverty are one of the factors that place children of ethnic and minority communities at disproportionate risk for environmental exposures, due to inadequate housing, poor nutrition, and limited access to health care;

(4) Solutions to complex environmental health problems require the ongoing

communication, collaboration, and cooperation of affected communities and many disciplines including science, medicine, public health, economics, law, and policy; and

(5) It is necessary to assess the impacts of state policies, programs, and activities on affected communities and the children that live in these affected communities.

2. There is hereby established within the department of health and senior services the "Children's Environmental Health and Protection Advisory Council". The council shall consist of eighteen members that are residents of this state. The members of the council shall include:

(1) Two members of the senate, one from each of the major political parties, appointed by the president pro tempore of the senate;

(2) Two members of the house of representatives, one from each of the major political parties, appointed by the speaker of the house of representatives;

(3) The director of the department of health and senior services, or the director's designee, who shall serve as chairperson;

(4) The director of the department of social services, or the director's designee;

(5) The director of the department of agriculture, or the director's designee;

(6) The director of the department of natural resources, or the director's designee;

(7) The commissioner of the department of elementary and secondary education, or the commissioner's designee;

(8) Two licensed pediatric health care providers with expertise in the field of children's environmental health, appointed by the governor, with the advice and consent of the senate;

(9) One member of the children's services commission;

(10) One parent or guardian whose child has been clinically diagnosed as having been exposed to environmental health hazards including lead paint or pesticides, appointed by the governor, with the advice and consent of the senate;

(11) One environmental epidemiologist with expertise in children's environmental health, appointed by the governor, with the advice and consent of the senate;

(12) One economist skilled in measuring the economic costs of illness and the benefits of prevention, appointed by the governor, with the advice and consent of the senate;

(13) One environmental toxicologist with expertise in issues of importance to children's environmental health, appointed by the governor, with the advice and

consent of senate;

(14) One individual from private industry representing the regulated community with expertise in industrial processes, appointed by the governor, with the advice and consent of the senate; and

(15) One individual from private industry representing the regulated community with expertise in agricultural processes, with the advice and consent of the senate.

3. Members of the council shall be appointed by February 1, 2005. Of the members first appointed to the council, nine members shall serve a term of two years, and nine members shall serve a term of one year, and thereafter, members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the council shall be filled in the same manner as the original appointment.

192.992. 1. Members shall serve without compensation but shall, subject to appropriations, be reimbursed for reasonable and necessary expenses actually incurred in the performance of the member's official duties.

2. The department of health and senior services shall provide administrative support and current staff as necessary for the effective operation of the council.

3. Subject to appropriation, the advisory council may employ consultants.

4. The advisory council may contract for an analysis of the current state organizational structure regarding children's environmental health and protection.

192.994. 1. Meetings shall be held at least six times a year, or at the call of the chairperson or of nine members of the advisory council.

2. The advisory council shall:

(1) Hold public hearings pursuant to chapter 536, RSMo, to gather information from the general public on issues pertaining to children's environmental health and protection;

(2) Analyze statutes to determine if any statutes have an adverse impact on children's health;

(3) Review and comment on existing rules, regulations, and standards to ensure that the rules, regulations, and standards adequately protect the health of children from environmental hazards by taking into account the special vulnerability of children because of their developing physiology, and because their exposures, behaviors, and diets can differ greatly from those of adults;

(4) Review proposed regulations submitted to the advisory council to determine if the proposed regulation:

(a) Adequately protects the health of children from environmental hazards by taking into account the special vulnerability of children because of their

developing physiology, and because their exposures, behaviors, and diets can differ greatly from those of adults; and

(b) Is consistent and uniform with the children's environmental health policies, rules, regulations and standard of other state agencies;

(5) Recommend measures that would avoid or minimize any negative impact that the proposed regulation may have on the health of children;

(6) Recommend uniform guidelines for state agencies to follow to help reduce and eliminate children's exposure to environmental hazards, especially in areas reasonably accessible to children;

(7) Gather and disseminate information to the public including the research and medical communities, community-based organizations, schools, and state agencies, on how to reduce, treat, and eliminate children's exposures to environmental hazards and to further the public's understanding of the environmental hazards that may potentially affect children;

(8) Create and promote education programs, in partnership with health and environmental professionals, for parents, guardians, and caregivers of children that include information on:

(a) The potential health effects of environmental hazards;

(b) Practical suggestions on how to reduce children's exposure to environmental hazards; and

(c) Any existing scientific research regarding the reactions of children to environmental contaminants;

(9) Provide input to the general assembly on legislation that may impact environmental hazards that affect the health of children; and

(10) Provide an annual report on the activities of the council to the members of the general assembly, and the governor by February first of every year. Such report shall include, but not be limited to the following:

(a) Issues and recommendations developed by the council;

(b) Information regarding the impact and effectiveness of prior recommendations, if any, that have been implemented; and

(c) Review of current policies regarding the exposure of environmental hazards to children.

3. The department of health and senior services may accept on behalf of the council any federal funds, gifts, and donations from individuals, private organizations, and foundations, and any other funds that may become available.