

1 **SCHOOL AND CHILD CARE CENTER WATER TESTING**

2 **REQUIREMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5

6 **LONG TITLE**

7 **General Description:**

8 This bill addresses water quality for schools and child care centers.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ defines terms;
- 12 ▶ requires testing of drinking water for lead at schools and child care centers;
- 13 ▶ addresses funding;
- 14 ▶ requires action if lead test results are above a certain level;
- 15 ▶ addresses records to be kept; and
- 16 ▶ imposes sunset dates.

17 **Money Appropriated in this Bill:**

18 This bill appropriates in fiscal year 2022:

- 19 ▶ to the State Board of Education - State Administrative Office, as a one-time
- 20 appropriation:
- 21 • from the Education Fund, One-time, \$2,000,000.

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **63I-1-226**, as last amended by Laws of Utah 2020, Chapters 19, 154, 172, 181, 221,
27 232, 303, 347, and 429

28 **63I-1-253**, as last amended by Laws of Utah 2020, Chapters 154, 174, 214, 234, 242,
29 269, 335, and 354

30 ENACTS:

31 **26-39-405**, Utah Code Annotated 1953

32 **53G-9-210**, Utah Code Annotated 1953

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **26-39-405** is enacted to read:

36 **26-39-405. Drinking water quality in child care centers.**

37 A child care center, as defined in Section 53G-9-210, shall comply with Section
38 53G-9-210.

39 Section 2. Section **53G-9-210** is enacted to read:

40 **53G-9-210. Drinking water quality in schools and child care centers.**

41 (1) As used in this section:

42 (a) "Action level" means a lead concentration equal to 10 parts per billion.

43 (b) "Certified laboratory" means a laboratory approved by the Utah Division of
44 Drinking Water as certified to perform analytical analysis of drinking water.

45 (c) "Child care center" means:

46 (i) a center based child care, as defined in Section 26-39-102; or

47 (ii) an exempt provider, as defined in Section 26-39-102.

48 (d) "Consumable tap" means a sink or fountain used for consumption of water or food
49 preparation.

50 (e) "School" means a public or private:

51 (i) elementary school or secondary school;

52 (ii) preschool; or

53 (iii) kindergarten.

54 (2) A school or child care center shall test:

55 (a) at least 20% of the school's or child care's consumable taps for lead by no later than
56 December 31, 2024;

57 (b) at least 20% of the school's or child care's consumable taps for lead each
58 subsequent calendar year until all consumable taps are tested; and

59 (c) every five years after the initial test of a consumable tap under Subsection (2)(a) or
60 (b).

61 (3) In conducting a test under Subsection (2), the school or child care center shall:

62 (a) comply with the current state testing guidelines for reducing lead in drinking water

63 in schools and child care centers; and

64 (b) submit the samples to a certified laboratory.

65 (4) (a) If a private school or child care center tests a consumable tap under this section,
66 the private school or child care center may be eligible for reimbursement of costs associated
67 with the testing at a certified laboratory if the private school or child care center requests
68 reimbursement from the Department of Environmental Quality.

69 (b) (i) A public school may request reimbursement from the state board of the costs
70 associated with testing under this section.

71 (ii) Subject to appropriations, the state board shall reimburse the costs of testing in the
72 order that the requests for reimbursement are made with the state board.

73 (iii) The state board may make rules, in accordance with Title 63G, Chapter 3, Utah
74 Administrative Rulemaking Act, for applying for reimbursement of the costs associated with
75 testing under this section.

76 (c) If after reimbursing the costs of testing of public schools under Subsection (4)(b)
77 there remains money appropriated to the state board for the testing of public schools, the state
78 board may use that money to provide public schools located within a third, fourth, fifth, or
79 sixth class county money to be used by the public school for costs associated with taking action
80 under Subsection (5).

81 (5) If a test result of a consumable tap under Subsection (2) results in a lead level
82 above the action level, the school or child care center shall take steps to stop the use of the
83 consumable tap or reduce the lead level below the action level.

84 (6) A school or child care center shall:

85 (a) for at least five years from the day on which test results are received by the school
86 or child care center, keep a record of:

87 (i) the test results for a test taken under Subsection (2); and

88 (ii) the steps taken as required under Subsection (5); and

89 (b) make a record described in Subsection (6)(a) available upon request.

90 Section 3. Section **63I-1-226** is amended to read:

91 **63I-1-226. Repeal dates, Title 26.**

92 (1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory
93 Committee, is repealed July 1, 2024.

- 94 (2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed
95 July 1, 2025.
- 96 (3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July
97 1, 2025.
- 98 (4) Section 26-1-40 is repealed July 1, 2022.
- 99 (5) Section 26-1-41 is repealed July 1, 2026.
- 100 (6) Section 26-7-10 is repealed July 1, 2025.
- 101 (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
102 2028.
- 103 (8) Section 26-7-14 is repealed December 31, 2027.
- 104 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
105 1, 2025.
- 106 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,
107 is repealed July 1, 2026.
- 108 (11) Section 26-10-11 is repealed July 1, 2025.
- 109 (12) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed
110 July 1, 2025.
- 111 (13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
112 2027.
- 113 (14) Subsection 26-18-417(3) relating to a report to the Health and Human services
114 Interim Committee is repealed July 1, 2020.
- 115 (15) Subsection 26-18-418(2), the language that states "and the Behavioral Health
116 Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 117 (16) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant Coordinating
118 Committee, is repealed July 1, 2021.
- 119 (17) Section 26-33a-117 is repealed on December 31, 2023.
- 120 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 121 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
122 2024.
- 123 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
124 July 1, 2024.

125 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

126 (22) Section 26-39-201, which creates the Residential Child Care Licensing Advisory
127 Committee, is repealed July 1, 2024.

128 (23) Section 26-39-405 is repealed July 1, 2026.

129 ~~[(23)]~~ (24) Section 26-40-104, which creates the Utah Children's Health Insurance
130 Program Advisory Council, is repealed July 1, 2025.

131 ~~[(24)]~~ (25) Section 26-50-202, which creates the Traumatic Brain Injury Advisory
132 Committee, is repealed July 1, 2025.

133 ~~[(25)]~~ (26) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
134 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

135 ~~[(26)]~~ (27) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is
136 repealed July 1, 2026.

137 ~~[(27)]~~ (28) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
138 July 1, 2026.

139 Section 4. Section **63I-1-253** is amended to read:

140 **63I-1-253. Repeal dates, Titles 53 through 53G.**

141 (1) Section 53-2a-105, which creates the Emergency Management Administration
142 Council, is repealed July 1, 2021.

143 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
144 Board, are repealed July 1, 2022.

145 (3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
146 July 1, 2023.

147 (4) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is
148 repealed July 1, 2027.

149 (5) Subsection 53-13-104(6)(a), regarding being 19 years old at certification, is
150 repealed July 1, 2027.

151 (6) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
152 repealed July 1, 2024.

153 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

154 (8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
155 repealed January 1, 2025.

- 156 (9) Section 53B-18-1501 is repealed July 1, 2021.
- 157 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 158 (11) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July
159 1, 2025.
- 160 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
161 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
162 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 163 (13) Section 53E-3-515 is repealed January 1, 2023.
- 164 (14) In relation to a standards review committee, on January 1, 2023:
- 165 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
166 recommendations of a standards review committee established under Section 53E-4-203" is
167 repealed; and
- 168 (b) Section 53E-4-203 is repealed.
- 169 (15) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
170 custody, are repealed July 1, 2027.
- 171 (16) Section 53E-4-402, which creates the State Instructional Materials Commission, is
172 repealed July 1, 2022.
- 173 (17) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
174 repealed July 1, 2023.
- 175 (18) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools
176 for the Deaf and the Blind, is repealed July 1, 2021.
- 177 (19) Section 53F-2-514 is repealed July 1, 2020.
- 178 (20) Section 53F-5-203 is repealed July 1, 2024.
- 179 (21) Section 53F-5-212 is repealed July 1, 2024.
- 180 (22) Section 53F-5-213 is repealed July 1, 2023.
- 181 (23) Section 53F-5-214, in relation to a grant for professional learning, is repealed July
182 1, 2025.
- 183 (24) Section 53F-5-215, in relation to an elementary teacher preparation grant is
184 repealed July 1, 2025.
- 185 (25) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
186 Committee, is repealed July 1, 2024.

187 (26) Section 53F-9-501 is repealed January 1, 2023.

188 (27) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
189 Commission, are repealed January 1, 2025.

190 (28) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class C
191 misdemeanor, is repealed July 1, 2022.

192 (29) Section 53G-9-210 is repealed July 1, 2026.

193 Section 5. **Appropriation.**

194 The following sums of money are appropriated for the fiscal year beginning July 1,
195 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for
196 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
197 Act, the Legislature appropriates the following sums of money from the funds or accounts
198 indicated for the use and support of the government of the state of Utah.

199 ITEM 1

200 To State Board of Education - State Administrative Office

201 From Education Fund, One-time \$2,000,000

202 Schedule of Programs:

203 Financial Operations \$2,000,000

204 The Legislature intends that the appropriation under this item be used to reimburse
205 public schools as described in Section 53G-9-210 enacted in this bill. The money appropriated
206 under this item is nonlapsing.