

Representative Stephen G. Handy proposes the following substitute bill:

SCHOOL AND CHILD CARE CENTER WATER TESTING

REQUIREMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: Jani Iwamoto

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~§~~ → [—requires] addresses ← ~~§~~ certain testing of water for lead at schools and child care centers;
- ▶ addresses funding for testing and certain actions;
- ▶ requires action if lead test results equals or exceeds a certain level;
- ▶ addresses rulemaking authority;
- ▶ addresses records that the division shall post;
- ▶ imposes sunset dates; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

1st Sub. H.B. 21



26 AMENDS:

27 **63I-1-219**, as last amended by Laws of Utah 2021, Chapter 69

28 **63I-1-226**, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234,
29 and 417

30 **63I-1-253**, as last amended by Laws of Utah 2021, Chapters 14, 64, 106, 233, and 307

31 ENACTS:

32 **19-4-115**, Utah Code Annotated 1953

33 **26-39-405**, Utah Code Annotated 1953

34 **53G-9-212**, Utah Code Annotated 1953



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

37 Section 1. Section **19-4-115** is enacted to read:

38 **19-4-115. Drinking water quality in schools and child care centers.**

39 (1) As used in this section:

40 (a) "Action level" means a lead concentration equal to five parts per billion.

41 (b) "Certified laboratory" means a laboratory certified by the Department of Health that
42 analyzes drinking water for lead.

43 (c) "Child care center" means:

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

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

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

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

49 (i) elementary school or secondary school;

50 (ii) preschool; or

51 (iii) kindergarten.

52 (2) (a) A school ~~§~~ **[or] shall, and a ~~§~~ child care center ~~§~~ **[shall] may ~~§~~ test the****
52a school's or child care center's

53 consumable taps for lead by no later than December 31, 2023.

54 (b) In conducting a test under this Subsection (2), a school or child care center shall:

55 (i) comply with current state testing guidelines for reducing lead in drinking water in
56 schools and child care centers; and

88 described in Subsection (5).

89 (c) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
90 Administrative Rulemaking Act, to establish the time period to take steps to reduce the lead
91 level below the action level as described in Subsection (5).

92 (5) If a test result of a consumable tap under Subsection (2) results in a lead level that
93 equals or exceeds the action level, the school or child care center shall:

94 (a) within the time period established under Subsection (4)(c) take steps to stop the use
95 of the consumable tap or to reduce the lead level below the action level; and

96 (b) report the steps taken under Subsection (5)(a) to the division within 30 days after
97 taking the steps.

98 (6) After the time period established under Subsection (4)(c) has ended, the division
99 shall post on a public website for at least five years from the day on which the division receives
100 the information:

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

102 (b) the steps taken as required under Subsection (5).

103 Section 2. Section **26-39-405** is enacted to read:

104 **26-39-405. Drinking water quality in child care centers.**

105 A child care center, as defined in Section 19-4-115, ~~§~~→ [shall] may ←~~§~~ comply with
105a Section
106 19-4-115.

107 Section 3. Section **53G-9-212** is enacted to read:

108 **53G-9-212. Drinking water quality in schools.**

109 A school, as defined in Section 19-4-115, shall comply with Section 19-4-115.

110 Section 4. Section **63I-1-219** is amended to read:

111 **63I-1-219. Repeal dates, Title 19.**

112 (1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.

113 (2) Section 19-2a-102 is repealed July 1, 2026.

114 (3) Section 19-2a-104 is repealed July 1, 2022.

115 (4) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.

116 (b) Notwithstanding Subsection (4)(a), Section 19-4-115, Drinking water quality in
117 schools and child care centers, is repealed July 1, 2027.

118 (5) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.