

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 ~~shall~~ **or shall, and a** child care center ~~may~~ **shall** 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

57 (ii) submit a sample to a certified laboratory that has entered into a memorandum of
58 understanding with the division as described in Subsection (3).

59 (c) Notwithstanding Subsection (2)(a), if a school or child care center has conducted a
60 test for lead in drinking water in a consumable tap of the school or child care center on or after
61 January 1, 2016, but before May 4, 2022, the school or child care center:

62 (i) is not required to conduct a test under Subsection (2)(a) on the previously sampled
63 consumable tap;

64 (ii) if the test described in this Subsection (2)(c) finds a lead level for a consumable tap
65 equals or exceeds the action level, shall take steps to stop the use of the consumable tap or to
66 reduce the lead level below the action level as described in Subsection (5); and

67 (iii) by no later than the end of the time period established under Subsection (4)(c),
68 shall report to the division:

69 (A) the findings of the test described in this Subsection (2)(c); and

70 (B) any steps taken under Subsection (2)(c)(ii).

71 (3) (a) The division shall enter into a memorandum of understanding with one or more
72 certified laboratories under which the division pays the costs of testing a sample submitted by a
73 school or child care center in accordance with Subsection (2).

74 (b) Subject to appropriations, the division shall pay the costs of testing in the order that
75 a sample is submitted to the certified laboratory.

76 (c) A certified laboratory shall report test results for a sample submitted in accordance
77 with Subsection (2) to:

78 (i) the school or child care center that submitted the sample; and

79 (ii) the division.

80 (4) (a) If after paying the costs of testing under Subsection (3) there remains money
81 appropriated under this section, the division may issue grants to schools and child care centers
82 for costs associated with taking action under Subsection (5).

83 (b) The board may make rules, in accordance with Title 63G, Chapter 3, Utah
84 Administrative Rulemaking Act:

85 (i) to establish a procedure for a school or child care center applying for a grant under
86 Subsection (4)(a); and

87 (ii) for what constitutes steps to reduce the lead level below the action level as

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.

119 (6) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,
120 2029.

121 (7) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July
122 1, 2030.

123 (8) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1,
124 2028.

125 (9) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.

126 (10) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2029.

127 (11) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2030.

128 (12) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1,
129 2027.

130 Section 5. Section **63I-1-226** is amended to read:

131 **63I-1-226. Repeal dates, Title 26.**

132 (1) Subsection [26-1-7\(1\)\(f\)](#), related to the Residential Child Care Licensing Advisory
133 Committee, is repealed July 1, 2024.

134 (2) Subsection [26-1-7\(1\)\(h\)](#), related to the Primary Care Grant Committee, is repealed
135 July 1, 2025.

136 (3) Section [26-1-7.5](#), which creates the Utah Health Advisory Council, is repealed July
137 1, 2025.

138 (4) Section [26-1-40](#) is repealed July 1, 2022.

139 (5) Section [26-1-41](#) is repealed July 1, 2026.

140 (6) Section [26-7-10](#) is repealed July 1, 2025.

141 (7) Subsection [26-7-11\(5\)](#), regarding reports to the Legislature, is repealed July 1,
142 2028.

143 (8) Section [26-7-14](#) is repealed December 31, 2027.

144 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
145 1, 2025.

146 (10) Subsection [26-10-6\(5\)](#), which creates the Newborn Hearing Screening Committee,
147 is repealed July 1, 2026.

148 (11) Section [26-10b-106](#), which creates the Primary Care Grant Committee, is repealed
149 July 1, 2025.

- 150 (12) Subsection [26-15c-104\(3\)](#), relating to a limitation on the number of
151 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.
- 152 (13) Subsection [26-18-2.6\(9\)](#), which addresses reimbursement for dental hygienists, is
153 repealed July 1, 2028.
- 154 (14) Section [26-18-27](#) is repealed July 1, 2025.
- 155 (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
156 2027.
- 157 (16) Subsection [26-18-418\(2\)](#), the language that states "and the Behavioral Health
158 Crisis Response Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.
- 159 (17) Section [26-33a-117](#) is repealed on December 31, 2023.
- 160 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 161 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
162 2024.
- 163 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
164 July 1, 2024.
- 165 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 166 (22) Section [26-39-201](#), which creates the Residential Child Care Licensing Advisory
167 Committee, is repealed July 1, 2024.
- 168 (23) Section [26-39-405](#), Drinking water quality in child care centers, is repealed July 1,
169 2027.
- 170 [~~23~~] (24) Section [26-40-104](#), which creates the Utah Children's Health Insurance
171 Program Advisory Council, is repealed July 1, 2025.
- 172 [~~24~~] (25) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory
173 Committee, is repealed July 1, 2025.
- 174 [~~25~~] (26) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
175 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 176 [~~26~~] (27) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is
177 repealed July 1, 2026.
- 178 [~~27~~] (28) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
179 July 1, 2026.
- 180 [~~28~~] (29) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July

181 1, 2024.

182 Section 6. Section **63I-1-253** is amended to read:

183 **63I-1-253. Repeal dates, Titles 53 through 53G.**

184 (1) Section **53-2a-105**, which creates the Emergency Management Administration
185 Council, is repealed July 1, 2022.

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

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

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

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

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

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

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

199 (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

200 (10) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July
201 1, 2025.

202 (11) Subsection **53C-3-203(4)(b)(vii)**, which provides for the distribution of money
203 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
204 hydrologic studies in the West Desert, is repealed July 1, 2030.

205 (12) Section **53E-3-515** is repealed January 1, 2023.

206 (13) In relation to a standards review committee, on January 1, 2023:

207 (a) in Subsection **53E-4-202(8)**, the language "by a standards review committee and the
208 recommendations of a standards review committee established under Section **53E-4-203**" is
209 repealed; and

210 (b) Section **53E-4-203** is repealed.

211 (14) Subsections **53E-3-503(5)** and (6), which create coordinating councils for youth in

212 custody, are repealed July 1, 2027.

213 (15) Section [53E-4-402](#), which creates the State Instructional Materials Commission, is
214 repealed July 1, 2022.

215 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
216 repealed July 1, 2023.

217 (17) Subsection [53E-8-204\(4\)](#), which creates the advisory council for the Utah Schools
218 for the Deaf and the Blind, is repealed July 1, 2021.

219 (18) Section [53F-2-420](#), which creates the Intensive Services Special Education Pilot
220 Program, is repealed July 1, 2024.

221 (19) Section [53F-5-203](#) is repealed July 1, 2024.

222 (20) Section [53F-5-212](#) is repealed July 1, 2024.

223 (21) Section [53F-5-213](#) is repealed July 1, 2023.

224 (22) Section [53F-5-214](#), in relation to a grant for professional learning, is repealed July
225 1, 2025.

226 (23) Section [53F-5-215](#), in relation to an elementary teacher preparation grant, is
227 repealed July 1, 2025.

228 (24) Subsection [53F-9-203\(7\)](#), which creates the Charter School Revolving Account
229 Committee, is repealed July 1, 2024.

230 (25) Section [53F-9-501](#) is repealed January 1, 2023.

231 (26) Subsections [53G-4-608\(2\)\(b\)](#) and [\(4\)\(b\)](#), related to the Utah Seismic Safety
232 Commission, are repealed January 1, 2025.

233 (27) Subsection [53G-8-211\(5\)](#), regarding referrals of a minor to court for a class C
234 misdemeanor, is repealed July 1, 2022.

235 (28) Section [53G-9-212](#), Drinking water quality in schools, is repealed July 1, 2027.