

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

2                                   **REQUIREMENTS**

3   2022 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Stephen G. Handy**

6   Senate Sponsor: Jani Iwamoto

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8 **LONG TITLE**

9 **Committee Note:**

10               The Legislative Water Development Commission recommended this bill.

11               Membership:     13 legislators   11 non-legislators

12               Total Vote:           7 voting for   1 voting against     5 absent

13               Legislative Vote: 7 voting for   1 voting against     5 absent

14 **General Description:**

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

16 **Highlighted Provisions:**

17               This bill:

- 18               ▶ defines terms;
- 19               ▶ requires certain testing of water for lead at schools and child care centers;
- 20               ▶ addresses funding for testing and certain actions;
- 21               ▶ requires action if lead test results equals or exceeds a certain level;
- 22               ▶ addresses rulemaking authority;
- 23               ▶ addresses records that the division shall post;
- 24               ▶ imposes sunset dates; and
- 25               ▶ makes technical changes.

26 **Money Appropriated in this Bill:**

27               This bill appropriates in fiscal year 2023:



28           ▶ to the Department of Environmental Quality -- Drinking Water, as a one-time  
29 appropriation:

- 30           • from Federal Funds - American Rescue Plan, \$3,500,000.

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **63I-1-219**, as last amended by Laws of Utah 2021, Chapter 69

36           **63I-1-226**, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234,  
37 and 417

38           **63I-1-253**, as last amended by Laws of Utah 2021, Chapters 14, 64, 106, 233, and 307

39 ENACTS:

40           **19-4-115**, Utah Code Annotated 1953

41           **26-39-405**, Utah Code Annotated 1953

42           **53G-9-212**, Utah Code Annotated 1953



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

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

46           **19-4-115. Drinking water quality in schools and child care centers.**

47           (1) As used in this section:

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

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

51           (c) "Child care center" means:

52           (i) a center based child care, as defined in Section [26-39-102](#); or

53           (ii) an exempt provider, as defined in Section [26-39-102](#).

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

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

57           (i) elementary school or secondary school;

58           (ii) preschool; or

59 (iii) kindergarten.

60 (2) (a) A school or child care center shall test the school's or child care center's  
61 consumable taps for lead by no later than December 31, 2023.

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

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

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

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

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

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

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

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

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

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

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

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

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

87 (ii) the division.

88 (4) (a) If after paying the costs of testing under Subsection (3) there remains money  
89 appropriated under this section, the division may issue grants to schools and child care centers

90 for costs associated with taking action under Subsection (5).

91 (b) The board may make rules, in accordance with Title 63G, Chapter 3, Utah

92 Administrative Rulemaking Act:

93 (i) to establish a procedure for a school or child care center applying for a grant under

94 Subsection (4)(a); and

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

96 described in Subsection (5).

97 (c) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah

98 Administrative Rulemaking Act, to establish the time period to take steps to reduce the lead

99 level below the action level as described in Subsection (5).

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

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

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

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

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

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

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

112 **26-39-405. Drinking water quality in child care centers.**

113 A child care center, as defined in Section [19-4-115](#), shall comply with Section  
114 [19-4-115](#).

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

116 **53G-9-212. Drinking water quality in schools.**

117 A school, as defined in Section [19-4-115](#), shall comply with Section [19-4-115](#).

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

119 **63I-1-219. Repeal dates, Title 19.**

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

- 121 (2) Section [19-2a-102](#) is repealed July 1, 2026.
- 122 (3) Section [19-2a-104](#) is repealed July 1, 2022.
- 123 (4) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.
- 124 (b) Notwithstanding Subsection (4)(a), Section [19-4-115](#), Drinking water quality in
- 125 schools and child care centers, is repealed July 1, 2027.
- 126 (5) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.
- 127 (6) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,
- 128 2029.
- 129 (7) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July
- 130 1, 2030.
- 131 (8) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1,
- 132 2028.
- 133 (9) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.
- 134 (10) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2029.
- 135 (11) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2030.
- 136 (12) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1,
- 137 2027.
- 138 Section 5. Section **63I-1-226** is amended to read:
- 139 **63I-1-226. Repeal dates, Title 26.**
- 140 (1) Subsection [26-1-7\(1\)\(f\)](#), related to the Residential Child Care Licensing Advisory
- 141 Committee, is repealed July 1, 2024.
- 142 (2) Subsection [26-1-7\(1\)\(h\)](#), related to the Primary Care Grant Committee, is repealed
- 143 July 1, 2025.
- 144 (3) Section [26-1-7.5](#), which creates the Utah Health Advisory Council, is repealed July
- 145 1, 2025.
- 146 (4) Section [26-1-40](#) is repealed July 1, 2022.
- 147 (5) Section [26-1-41](#) is repealed July 1, 2026.
- 148 (6) Section [26-7-10](#) is repealed July 1, 2025.
- 149 (7) Subsection [26-7-11\(5\)](#), regarding reports to the Legislature, is repealed July 1,
- 150 2028.
- 151 (8) Section [26-7-14](#) is repealed December 31, 2027.

152 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July  
153 1, 2025.

154 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,  
155 is repealed July 1, 2026.

156 (11) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed  
157 July 1, 2025.

158 (12) Subsection 26-15c-104(3), relating to a limitation on the number of  
159 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.

160 (13) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is  
161 repealed July 1, 2028.

162 (14) Section 26-18-27 is repealed July 1, 2025.

163 (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,  
164 2027.

165 (16) Subsection 26-18-418(2), the language that states "and the Behavioral Health  
166 Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.

167 (17) Section 26-33a-117 is repealed on December 31, 2023.

168 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

169 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,  
170 2024.

171 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed  
172 July 1, 2024.

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

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

176 (23) Section 26-39-405, Drinking water quality in child care centers, is repealed July 1,  
177 2027.

178 [~~(23)~~] (24) Section 26-40-104, which creates the Utah Children's Health Insurance  
179 Program Advisory Council, is repealed July 1, 2025.

180 [~~(24)~~] (25) Section 26-50-202, which creates the Traumatic Brain Injury Advisory  
181 Committee, is repealed July 1, 2025.

182 [~~(25)~~] (26) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and

183 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

184 ~~[(26)]~~ (27) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is  
185 repealed July 1, 2026.

186 ~~[(27)]~~ (28) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed  
187 July 1, 2026.

188 ~~[(28)]~~ (29) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July  
189 1, 2024.

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

191 **63I-1-253. Repeal dates, Titles 53 through 53G.**

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

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

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

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

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

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

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

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

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

208 (10) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July  
209 1, 2025.

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

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

- 214 (13) In relation to a standards review committee, on January 1, 2023:
- 215 (a) in Subsection [53E-4-202](#)(8), the language "by a standards review committee and the
- 216 recommendations of a standards review committee established under Section [53E-4-203](#)" is
- 217 repealed; and
- 218 (b) Section [53E-4-203](#) is repealed.
- 219 (14) Subsections [53E-3-503](#)(5) and (6), which create coordinating councils for youth in
- 220 custody, are repealed July 1, 2027.
- 221 (15) Section [53E-4-402](#), which creates the State Instructional Materials Commission, is
- 222 repealed July 1, 2022.
- 223 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
- 224 repealed July 1, 2023.
- 225 (17) Subsection [53E-8-204](#)(4), which creates the advisory council for the Utah Schools
- 226 for the Deaf and the Blind, is repealed July 1, 2021.
- 227 (18) Section [53F-2-420](#), which creates the Intensive Services Special Education Pilot
- 228 Program, is repealed July 1, 2024.
- 229 (19) Section [53F-5-203](#) is repealed July 1, 2024.
- 230 (20) Section [53F-5-212](#) is repealed July 1, 2024.
- 231 (21) Section [53F-5-213](#) is repealed July 1, 2023.
- 232 (22) Section [53F-5-214](#), in relation to a grant for professional learning, is repealed July
- 233 1, 2025.
- 234 (23) Section [53F-5-215](#), in relation to an elementary teacher preparation grant, is
- 235 repealed July 1, 2025.
- 236 (24) Subsection [53F-9-203](#)(7), which creates the Charter School Revolving Account
- 237 Committee, is repealed July 1, 2024.
- 238 (25) Section [53F-9-501](#) is repealed January 1, 2023.
- 239 (26) Subsections [53G-4-608](#)(2)(b) and (4)(b), related to the Utah Seismic Safety
- 240 Commission, are repealed January 1, 2025.
- 241 (27) Subsection [53G-8-211](#)(5), regarding referrals of a minor to court for a class C
- 242 misdemeanor, is repealed July 1, 2022.
- 243 (28) Section [53G-9-212](#), Drinking water quality in schools, is repealed July 1, 2027.
- 244 **Section 7. Appropriation.**



245 The following sums of money are appropriated for the fiscal year beginning July 1,  
246 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
247 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
248 Act, the Legislature appropriates the following sums of money from the funds or accounts  
249 indicated for the use and support of the government of the state of Utah.

250 ITEM 1

251 To Department of Environmental Quality -- Drinking Water

252 From Federal Funds - American Rescue Plan, One-time \$3,500,000

253 Schedule of Programs:

254 System Assistance \$3,500,000

255 The Legislature intends that the appropriations under this item be used to pay costs for  
256 testing and issuing grants to schools and child care centers as described in Section [19-4-115](#)  
257 enacted in this bill. The money appropriated under this item is nonlapsing.