

# HB0021S01 compared with HB0021

~~{deleted text}~~ shows text that was in HB0021 but was deleted in HB0021S01.

inserted text shows text that was not in HB0021 but was inserted into HB0021S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

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### LONG TITLE

#### ~~{Committee Note:~~

~~———— The Legislative Water Development Commission recommended this bill.~~

~~———— Membership: ——— 13 legislators — 11 non-legislators~~

~~———— Total Vote: ——— 7 voting for — 1 voting against ——— 5 absent~~

~~———— Legislative Vote: 7 voting for — 1 voting against ——— 5 absent~~

#### ~~{~~General Description:

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

#### Highlighted Provisions:

This bill:

- ▶ defines terms;

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- ▶ requires 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:

~~{This bill appropriates in fiscal year 2023:~~

~~→ to the Department of Environmental Quality -- Drinking Water, as a one-time appropriation:~~

~~• from Federal Funds - American Rescue Plan, \$3,500,000.}~~ None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

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

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

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

#### ENACTS:

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

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

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

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

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

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

(1) As used in this section:

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

(b) "Certified laboratory" means a laboratory certified by the Department of Health that

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analyzes drinking water for lead.

(c) "Child care center" means:

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

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

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

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

(i) elementary school or secondary school;

(ii) preschool; or

(iii) kindergarten.

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

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

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

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

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

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

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

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

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

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

(3) (a) The division shall enter into a memorandum of understanding with one or more certified laboratories under which the division pays the costs of testing a sample submitted by a

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school or child care center in accordance with Subsection (2).

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

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

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

(ii) the division.

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

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

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

(ii) for what constitutes steps to reduce the lead level below the action level as described in Subsection (5).

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

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

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

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

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

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

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

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

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

A child care center, as defined in Section 19-4-115, shall comply with Section 19-4-115.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed

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July 1, 2025.

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

(4) Section 26-1-40 is repealed July 1, 2022.

(5) Section 26-1-41 is repealed July 1, 2026.

(6) Section 26-7-10 is repealed July 1, 2025.

(7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1, 2028.

(8) Section 26-7-14 is repealed December 31, 2027.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in custody, are repealed July 1, 2027.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

~~{ Section 7. **Appropriation:**~~

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

~~ITEM 1~~

~~— To Department of Environmental Quality -- Drinking Water~~

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

~~— Schedule of Programs:~~

~~— System Assistance \$3,500,000~~

~~— The Legislature intends that the appropriations under this item be used to pay costs for testing and issuing grants to schools and child care centers as described in Section 19-4-115 enacted in this bill. The money appropriated under this item is nonlapsing.~~

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