

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

2                                   **REQUIREMENTS**

3   2021 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:         10 voting for   0 voting against     3 absent

13           Legislative Vote:  10 voting for   0 voting against     3 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 testing of drinking water for lead at schools and child care centers;
- 20           ▶ addresses funding;
- 21           ▶ requires action if lead test results are above a certain level;
- 22           ▶ addresses records to be kept; and
- 23           ▶ imposes sunset dates.

24 **Money Appropriated in this Bill:**

25           This bill appropriates in fiscal year 2022:

- 26           ▶ to the State Board of Education - State Administrative Office, as a one-time
- 27 appropriation:



28 • from the Education Fund, One-time, \$2,000,000.

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63I-1-226**, as last amended by Laws of Utah 2020, Chapters 19, 154, 172, 181, 221,  
34 232, 303, 347, and 429

35 **63I-1-253**, as last amended by Laws of Utah 2020, Chapters 154, 174, 214, 234, 242,  
36 269, 335, and 354

37 ENACTS:

38 **26-39-405**, Utah Code Annotated 1953

39 **53G-9-210**, Utah Code Annotated 1953



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

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

43 **26-39-405. Drinking water quality in child care centers.**

44 A child care center, as defined in Section **53G-9-210**, shall comply with Section  
45 **53G-9-210**.

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

47 **53G-9-210. Drinking water quality in schools and child care centers.**

48 (1) As used in this section:

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

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

52 (c) "Child care center" means:

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

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

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

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

58 (i) elementary school or secondary school;

59 (ii) preschool; or

60 (iii) kindergarten.

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

62 (a) at least 20% of the school's or child care's consumable taps for lead by no later than

63 December 31, 2024; and

64 (b) at least 20% of the school's or child care's consumable taps for lead each

65 subsequent calendar year until all consumable taps are tested.

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

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

68 in schools and child care centers; and

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

70 (4) (a) If a private school or child care center tests a consumable tap under this section,

71 the private school or child care center may be eligible for reimbursement of costs associated

72 with the testing at a certified laboratory if the private school or child care center requests

73 reimbursement from the Department of Environmental Quality.

74 (b) (i) A public school may request reimbursement from the state board of the costs

75 associated with testing under this section.

76 (ii) Subject to appropriations, the state board shall reimburse the costs of testing in the

77 order that the requests for reimbursement are made with the state board.

78 (iii) The state board may make rules, in accordance with Title 63G, Chapter 3, Utah

79 Administrative Rulemaking Act, for applying for reimbursement of the costs associated with

80 testing under this section.

81 (c) If after reimbursing the costs of testing of public schools under Subsection (4)(b)

82 there remains money appropriated to the state board for the testing of public schools, the state

83 board may use that money to provide public schools located within a third, fourth, fifth, or

84 sixth class county money to be used by the public school for costs associated with taking action

85 under Subsection (5).

86 (5) If a test result of a consumable tap under Subsection (2) results in a lead level

87 above the action level, the school or child care center shall take steps to stop the use of the

88 consumable tap or reduce the lead level below the action level.

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

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

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

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

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

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

96 **63I-1-226. Repeal dates, Title 26.**

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

99 (2) Subsection **26-1-7(1)(h)**, related to the Primary Care Grant Committee, is repealed  
100 July 1, 2025.

101 (3) Section **26-1-7.5**, which creates the Utah Health Advisory Council, is repealed July  
102 1, 2025.

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

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

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

106 (7) Subsection **26-7-11(5)**, regarding reports to the Legislature, is repealed July 1,  
107 2028.

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

109 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July  
110 1, 2025.

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

113 (11) Section **26-10-11** is repealed July 1, 2025.

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

116 (13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,  
117 2027.

118 (14) Subsection **26-18-417(3)** relating to a report to the Health and Human services  
119 Interim Committee is repealed July 1, 2020.

120 (15) Subsection **26-18-418(2)**, the language that states "and the Behavioral Health

- 121 Crisis Response Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.
- 122 (16) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant Coordinating  
123 Committee, is repealed July 1, 2021.
- 124 (17) Section [26-33a-117](#) is repealed on December 31, 2023.
- 125 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 126 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,  
127 2024.
- 128 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed  
129 July 1, 2024.
- 130 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 131 (22) Section [26-39-201](#), which creates the Residential Child Care Licensing Advisory  
132 Committee, is repealed July 1, 2024.
- 133 (23) Section [26-39-405](#) is repealed July 1, 2026.
- 134 [~~(23)~~] (24) Section [26-40-104](#), which creates the Utah Children's Health Insurance  
135 Program Advisory Council, is repealed July 1, 2025.
- 136 [~~(24)~~] (25) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory  
137 Committee, is repealed July 1, 2025.
- 138 [~~(25)~~] (26) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
139 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 140 [~~(26)~~] (27) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is  
141 repealed July 1, 2026.
- 142 [~~(27)~~] (28) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed  
143 July 1, 2026.
- 144 Section 4. Section **63I-1-253** is amended to read:
- 145 **63I-1-253. Repeal dates, Titles 53 through 53G.**
- 146 (1) Section [53-2a-105](#), which creates the Emergency Management Administration  
147 Council, is repealed July 1, 2021.
- 148 (2) Sections [53-2a-1103](#) and [53-2a-1104](#), which create the Search and Rescue Advisory  
149 Board, are repealed July 1, 2022.
- 150 (3) Section [53-5-703](#), which creates the Concealed Firearm Review Board, is repealed  
151 July 1, 2023.

- 152 (4) Subsection [53-6-203\(1\)\(b\)\(ii\)](#), regarding being 19 years old at certification, is  
153 repealed July 1, 2027.
- 154 (5) Subsection [53-13-104\(6\)\(a\)](#), regarding being 19 years old at certification, is  
155 repealed July 1, 2027.
- 156 (6) Section [53B-6-105.5](#), which creates the Technology Initiative Advisory Board, is  
157 repealed July 1, 2024.
- 158 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 159 (8) Section [53B-17-1203](#), which creates the SafeUT and School Safety Commission, is  
160 repealed January 1, 2025.
- 161 (9) Section [53B-18-1501](#) is repealed July 1, 2021.
- 162 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 163 (11) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July  
164 1, 2025.
- 165 (12) Subsection [53C-3-203\(4\)\(b\)\(vii\)](#), which provides for the distribution of money  
166 from the Land Exchange Distribution Account to the Geological Survey for test wells and other  
167 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 168 (13) Section [53E-3-515](#) is repealed January 1, 2023.
- 169 (14) In relation to a standards review committee, on January 1, 2023:
- 170 (a) in Subsection [53E-4-202\(8\)](#), the language "by a standards review committee and the  
171 recommendations of a standards review committee established under Section [53E-4-203](#)" is  
172 repealed; and
- 173 (b) Section [53E-4-203](#) is repealed.
- 174 (15) Subsections [53E-3-503\(5\)](#) and (6), which create coordinating councils for youth in  
175 custody, are repealed July 1, 2027.
- 176 (16) Section [53E-4-402](#), which creates the State Instructional Materials Commission, is  
177 repealed July 1, 2022.
- 178 (17) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is  
179 repealed July 1, 2023.
- 180 (18) Subsection [53E-8-204\(4\)](#), which creates the advisory council for the Utah Schools  
181 for the Deaf and the Blind, is repealed July 1, 2021.
- 182 (19) Section [53F-2-514](#) is repealed July 1, 2020.

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

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

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

186 (23) Section 53F-5-214, in relation to a grant for professional learning, is repealed July  
187 1, 2025.

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

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

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

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

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

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

198 Section 5. **Appropriation.**

199 The following sums of money are appropriated for the fiscal year beginning July 1,  
200 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for  
201 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
202 Act, the Legislature appropriates the following sums of money from the funds or accounts  
203 indicated for the use and support of the government of the state of Utah.

204 ITEM 1

205 To State Board of Education - State Administrative Office

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

207 Schedule of Programs:

208 Financial Operations \$2,000,000

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