

HOUSE BILL No. 1138

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-21.2.

Synopsis: Preschool and child care facility drinking water. Requires the individual or entity having authority over a child care facility or preschool to test the drinking water in the child care facility or preschool before January 1, 2025, to determine whether lead is present in the drinking water. Identifies exceptions to testing before January 1, 2025. Requires action to reduce lead concentration that equals or exceeds the action level for lead.

Effective: July 1, 2023.

Jackson, Aylesworth

January 10, 2023, read first time and referred to Committee on Environmental Affairs.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1138

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-41-21.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]:

4 **Chapter 21.2. Water in Child Care Facilities and Preschools**

5 **Sec. 1. As used in this chapter, "action level for lead" means the**
6 **concentration of lead in water of one (1) part per billion, or one**
7 **one-thousandths (0.001) milligram of lead per liter of water.**

8 **Sec. 2. As used in this chapter, "child care facility" means any**
9 **of the following:**

10 (1) A child care center (as defined in IC 12-7-2-28.4).

11 (2) A child care home (as defined in IC 12-7-2-28.6).

12 (3) A child care ministry (as defined in IC 12-7-2-28.8) that is
13 licensed by or registered with the division of family resources
14 under IC 12-17.2-6.

15 **Sec. 3. As used in this chapter, "preschool" has the meaning set**
16 **forth in IC 12-7-2-143.5.**

17 **Sec. 4. (a) Except as provided in subsection (c), the individual or**



1 entity having authority over a child care facility or preschool shall
2 test the drinking water in the child care facility or preschool before
3 January 1, 2025, to determine whether lead is present in the
4 drinking water in a concentration that equals or exceeds the action
5 level for lead.

6 (b) Drinking water testing required by this section must be
7 performed in accordance with the lead sampling program for
8 school buildings and child care facilities conducted by the Indiana
9 finance authority.

10 (c) If the drinking water in a child care facility or preschool was
11 tested through the lead sampling program for school buildings and
12 child care facilities conducted by the Indiana finance authority in
13 2019 and 2020, the drinking water of the child care facility or
14 preschool is not required to be tested before January 1, 2025, as
15 described in subsection (a).

16 (d) If any testing of drinking water in a child care facility or
17 preschool under subsection (a) or (c) indicates that the presence of
18 lead in the drinking water equals or exceeds the action level for
19 lead, the individual or entity having authority over the child care
20 facility or preschool shall take action to reduce the concentration
21 of lead in the drinking water to below the action level for lead.

