

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1265

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-41-21.1-3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3. (a) Except as provided in subsection (b), each person or entity having authority over a school building shall test the drinking water in the school building before January 1, 2023, to determine whether the drinking water equals or exceeds the action level for lead of fifteen (15) parts per billion, or fifteen one thousandths (0.015) milligram of lead per liter of water, established by 40 CFR 141.80 as in effect on January 1, 2020.**

(b) A person or entity having authority over a school building that is subject to testing under subsection (a) satisfies the requirement of subsection (a) with respect to a school building if the drinking water in the school building:

- (1) was tested during the lead sampling program for school buildings conducted by the Indiana finance authority in 2017 and 2018;**
- (2) is tested in the lead sampling program for school buildings and child care facilities conducted by the Indiana finance authority in 2019 and 2020; or**
- (3) has otherwise been tested for compliance with the standards set forth in subsection (a) at least once since 2016.**

HEA 1265 — Concur



(c) After calendar year 2022, the drinking water in every school building located in Lake County shall be tested at least one (1) time in each period of two (2) calendar years to determine whether the drinking water equals or exceeds the action level for lead of fifteen (15) parts per billion, or fifteen one thousandths (0.015) milligram of lead per liter of water.

(d) If any testing of drinking water conducted under this section indicates that the presence of lead in the drinking water is equal to or greater than the lead action level of fifteen (15) parts per billion established by 40 CFR 141, Subpart I, as in effect on January 1, 2020, the person or entity having authority over the school building from which the water was taken for testing shall take action to reduce the lead levels in the drinking water to less than fifteen (15) parts per billion.

(e) Each person or entity having authority over a school building that is subject to testing under this section shall seek any state and federal grant money available for lead sampling or testing, including any money available under the lead sampling program for school buildings and child care facilities conducted by the Indiana finance authority.

SECTION 2. [EFFECTIVE JULY 1, 2020] (a) The general assembly finds:

(1) that:

(A) the historic prevalence in Lake County of heavy industry and of the environmental problems associated with heavy industry, including lead contamination; and

(B) concerns arising from the fact that lead accumulates in the human body, so that the risk of lead poisoning increases with repeated exposures to lead;

create a special need to protect the children of Lake County against exposure to lead through the drinking water in school buildings; and

(2) that, for purposes of Article 4, Section 23 of the Constitution of the State of Indiana, the case of IC 16-41-21.1-3(c), as added by this act, is one in which a general law cannot be made applicable.

(b) This SECTION expires July 1, 2021.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1265 — Concur

