

# HOUSE BILL No. 1433

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-41-21.1.

**Synopsis:** Drinking water testing in schools and child care facilities. Requires that the drinking water in every child care center, child care home, child care ministry site, child care program site, child caring institution, and school building be tested before January 1, 2022, for compliance with the national primary drinking water regulations for lead and copper. Provides, however, that the testing requirement is satisfied if the drinking water of the child care facility or school building has already been tested for compliance with the national primary drinking water regulations at least once since 2016. Provides that if a test of the drinking water of a child care facility or school building indicates the presence of lead in the water equal to or greater than the federal lead action level of 15 parts per billion, the person or entity having authority over the child care facility or school building is required to take action to reduce the lead levels in the drinking water to less than 15 parts per billion.

**Effective:** July 1, 2019.

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January 15, 2019, read first time and referred to Committee on Environmental Affairs.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1433

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 16-41-21.1-1, AS ADDED BY P.L.127-2016,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 1. (a) ~~As used~~ **The definitions set forth** in this  
4 **section apply throughout this** chapter.  
5 (b) **"Child care center" has the meaning set forth in**  
6 **IC 12-7-2-28.4.**  
7 (c) **"Child care home" has the meaning set forth in**  
8 **IC 12-7-2-28.6.**  
9 (d) **"Child care ministry site" means the physical facility in**  
10 **which a child care ministry, as defined in IC 12-7-2-28.8, is**  
11 **operated.**  
12 (e) **"Child care program site" means the physical facility in**  
13 **which a child care program, as defined in IC 12-17.2-3.5-1.2, is**  
14 **operated.**  
15 (f) **"Child caring institution" has the meaning set forth in**  
16 **IC 12-7-2-29.**  
17 (g) **"School building" means any building used by a public school**



1 (as defined in IC 20-18-2-15), including a charter school (as defined in  
 2 IC 20-18-2-2.5), for the classroom instruction of students in any grade  
 3 from kindergarten through grade 12.

4 SECTION 2. IC 16-41-21.1-3 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2019]: **Sec. 3. (a) Except as provided in**  
 7 **subsection (b) or (c), the drinking water in every:**

- 8 (1) child care center;  
 9 (2) child care home;  
 10 (3) child care ministry site;  
 11 (4) child care program site;  
 12 (5) child caring institution; and  
 13 (6) school building;

14 shall be tested before January 1, 2022, to determine whether the  
 15 drinking water meets the standards of 40 CFR 141, Subpart I, the  
 16 national primary drinking water regulations for lead and copper.

17 (b) The requirement of subsection (a) is satisfied with respect to  
 18 a school building if the drinking water in the school building:

- 19 (1) was tested during the lead sampling program for school  
 20 buildings conducted by the Indiana finance authority in 2017  
 21 and 2018; or  
 22 (2) has otherwise been tested for compliance with the  
 23 standards of 40 CFR 141, Subpart I, at least once since 2016.

24 (c) The requirement of subsection (a) is satisfied with respect to  
 25 a:

- 26 (1) child care center;  
 27 (2) child care home;  
 28 (3) child care ministry site;  
 29 (4) child care program site; or  
 30 (5) child caring institution;

31 if the drinking water in the physical facility of the entity referred  
 32 to in subdivisions (1) through (5) has been tested for compliance  
 33 with the standards of 40 CFR 141, Subpart I, at least once since  
 34 2016.

35 (d) If any testing of drinking water conducted under this section  
 36 indicates that the presence of lead in the drinking water is equal to  
 37 or greater than the lead action level of fifteen (15) parts per billion  
 38 established by 40 CFR 141, Subpart I, the person or entity having  
 39 authority over the:

- 40 (1) child care center;  
 41 (2) child care home;  
 42 (3) child care ministry site;



1           **(4) child care program site;**  
2           **(5) child caring institution; or**  
3           **(6) school building;**  
4           **from which the water was taken for testing shall take action to**  
5           **reduce the lead levels in the drinking water to less than fifteen (15)**  
6           **parts per billion.**

