

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

2                                   **REQUIREMENTS**

3                                           2022 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   **General Description:**

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

11   **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ addresses certain testing of water for lead at schools and child care centers;
- 15           ▶ addresses funding for testing and certain actions;
- 16           ▶ requires action if lead test results equals or exceeds a certain level;
- 17           ▶ addresses rulemaking authority;
- 18           ▶ addresses records that the division shall post;
- 19           ▶ imposes sunset dates; and
- 20           ▶ makes technical changes.

21   **Money Appropriated in this Bill:**

22           None

23   **Other Special Clauses:**

24           None

25   **Utah Code Sections Affected:**

26   AMENDS:

27           **63I-1-219**, as last amended by Laws of Utah 2021, Chapter 69

28           **63I-1-226**, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234,  
29   and 417

30 **63I-1-253**, as last amended by Laws of Utah 2021, Chapters 14, 64, 106, 233, and 307

31 ENACTS:

32 **19-4-115**, Utah Code Annotated 1953

33 **26-39-405**, Utah Code Annotated 1953

34 **53G-9-212**, Utah Code Annotated 1953

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

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

38 **19-4-115. Drinking water quality in schools and child care centers.**

39 (1) As used in this section:

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

41 (b) "Certified laboratory" means a laboratory certified by the Department of Health that  
42 analyzes drinking water for lead.

43 (c) "Child care center" means:

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

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

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

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

49 (i) elementary school or secondary school;

50 (ii) preschool; or

51 (iii) kindergarten.

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

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

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

57 (ii) submit a sample to a certified laboratory that has entered into a memorandum of

58 understanding with the division as described in Subsection (3).

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

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

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

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

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

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

71 (3) (a) The division shall enter into a memorandum of understanding with one or more  
72 certified laboratories under which the division pays the costs of testing a sample submitted by a  
73 school or child care center in accordance with Subsection (2).

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

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

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

79 (ii) the division.

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

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

85 (i) to establish a procedure for a school or child care center applying for a grant under

86 Subsection (4)(a); and

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

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

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

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

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

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

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

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

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

104 **26-39-405. Drinking water quality in child care centers.**

105 A child care center, as defined in Section [19-4-115](#), may comply with Section [19-4-115](#).

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

107 **53G-9-212. Drinking water quality in schools.**

108 A school, as defined in Section [19-4-115](#), shall comply with Section [19-4-115](#).

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

110 **63I-1-219. Repeal dates, Title 19.**

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

112 (2) Section [19-2a-102](#) is repealed July 1, 2026.

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

- 114 (4) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.
- 115 (b) Notwithstanding Subsection (4)(a), Section 19-4-115, Drinking water quality in
- 116 schools and child care centers, is repealed July 1, 2027.
- 117 (5) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.
- 118 (6) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,
- 119 2029.
- 120 (7) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July
- 121 1, 2030.
- 122 (8) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1,
- 123 2028.
- 124 (9) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.
- 125 (10) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2029.
- 126 (11) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2030.
- 127 (12) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1,
- 128 2027.
- 129 Section 5. Section **63I-1-226** is amended to read:
- 130 **63I-1-226. Repeal dates, Title 26.**
- 131 (1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory
- 132 Committee, is repealed July 1, 2024.
- 133 (2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed
- 134 July 1, 2025.
- 135 (3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July
- 136 1, 2025.
- 137 (4) Section 26-1-40 is repealed July 1, 2022.
- 138 (5) Section 26-1-41 is repealed July 1, 2026.
- 139 (6) Section 26-7-10 is repealed July 1, 2025.
- 140 (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
- 141 2028.

- 142 (8) Section [26-7-14](#) is repealed December 31, 2027.
- 143 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July  
144 1, 2025.
- 145 (10) Subsection [26-10-6\(5\)](#), which creates the Newborn Hearing Screening Committee,  
146 is repealed July 1, 2026.
- 147 (11) Section [26-10b-106](#), which creates the Primary Care Grant Committee, is repealed  
148 July 1, 2025.
- 149 (12) Subsection [26-15c-104\(3\)](#), relating to a limitation on the number of  
150 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.
- 151 (13) Subsection [26-18-2.6\(9\)](#), which addresses reimbursement for dental hygienists, is  
152 repealed July 1, 2028.
- 153 (14) Section [26-18-27](#) is repealed July 1, 2025.
- 154 (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,  
155 2027.
- 156 (16) Subsection [26-18-418\(2\)](#), the language that states "and the Behavioral Health  
157 Crisis Response Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.
- 158 (17) Section [26-33a-117](#) is repealed on December 31, 2023.
- 159 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 160 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,  
161 2024.
- 162 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed  
163 July 1, 2024.
- 164 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 165 (22) Section [26-39-201](#), which creates the Residential Child Care Licensing Advisory  
166 Committee, is repealed July 1, 2024.
- 167 (23) Section [26-39-405](#), Drinking water quality in child care centers, is repealed July 1,  
168 2027.
- 169 [~~(23)~~] (24) Section [26-40-104](#), which creates the Utah Children's Health Insurance

170 Program Advisory Council, is repealed July 1, 2025.

171 [~~(24)~~] (25) Section 26-50-202, which creates the Traumatic Brain Injury Advisory  
172 Committee, is repealed July 1, 2025.

173 [~~(25)~~] (26) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
174 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

175 [~~(26)~~] (27) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is  
176 repealed July 1, 2026.

177 [~~(27)~~] (28) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed  
178 July 1, 2026.

179 [~~(28)~~] (29) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July  
180 1, 2024.

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

182 **63I-1-253. Repeal dates, Titles 53 through 53G.**

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

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

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

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

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

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

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

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

- 198 (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 199 (10) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July  
200 1, 2025.
- 201 (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money  
202 from the Land Exchange Distribution Account to the Geological Survey for test wells and other  
203 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 204 (12) Section 53E-3-515 is repealed January 1, 2023.
- 205 (13) In relation to a standards review committee, on January 1, 2023:
- 206 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the  
207 recommendations of a standards review committee established under Section 53E-4-203" is  
208 repealed; and
- 209 (b) Section 53E-4-203 is repealed.
- 210 (14) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in  
211 custody, are repealed July 1, 2027.
- 212 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is  
213 repealed July 1, 2022.
- 214 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is  
215 repealed July 1, 2023.
- 216 (17) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools  
217 for the Deaf and the Blind, is repealed July 1, 2021.
- 218 (18) Section 53F-2-420, which creates the Intensive Services Special Education Pilot  
219 Program, is repealed July 1, 2024.
- 220 (19) Section 53F-5-203 is repealed July 1, 2024.
- 221 (20) Section 53F-5-212 is repealed July 1, 2024.
- 222 (21) Section 53F-5-213 is repealed July 1, 2023.
- 223 (22) Section 53F-5-214, in relation to a grant for professional learning, is repealed July  
224 1, 2025.
- 225 (23) Section 53F-5-215, in relation to an elementary teacher preparation grant, is



226 repealed July 1, 2025.

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

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

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

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

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