

## CHAPTER 382

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 22-1358**

BY REPRESENTATIVE(S) Sirota, Amabile, Bacon, Bennett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Froelich, Gray, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McCormick, Michaelson Jenet, Snyder, Titone, Valdez A., Weissman, Young, Garnett, Benavidez, Exum, Gonzales-Gutierrez, McLachlan, Valdez D.;  
also SENATOR(S) Winter and Fields, Buckner, Danielson, Donovan, Gonzales, Hansen, Jaquez Lewis, Lee, Moreno, Pettersen, Story, Fenberg.

**AN ACT**

**CONCERNING MEASURES TO ELIMINATE THE PRESENCE OF LEAD IN THE DRINKING WATER OF CERTAIN FACILITIES WHERE CHILDREN ARE PRESENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article 8 of title 25 as follows:

**PART 9**  
**TESTING OF DRINKING WATER IN SCHOOLS, CHILD CARE**  
**CENTERS, AND FAMILY CHILD CARE HOMES**

**25-8-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHILD CARE CENTER" HAS THE MEANING SET FORTH IN SECTION 26-6-102 (5); EXCEPT THAT "CHILD CARE CENTER" DOES NOT INCLUDE:

- (a) A SUMMER CAMP; OR
- (b) A CHILDREN'S RESIDENT CAMP, AS DEFINED IN SECTION 26-6-102 (8).

(2) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(3) "DRINKING WATER SOURCE" MEANS ANY POTABLE WATER OUTLET OR FIXTURE THAT IS USED OR THAT MAY BE USED BY AN INDIVIDUAL TO ACQUIRE WATER FOR DRINKING OR COOKING.

(4) "ELIGIBLE SCHOOL" MEANS A SCHOOL THAT SERVES ANY OF GRADES PRESCHOOL THROUGH EIGHTH GRADE.

(5) "FAMILY CHILD CARE HOME" HAS THE MEANING SET FORTH IN SECTION 26-6-102 (13).

(6) "FILTERED BOTTLE-FILLING STATION" MEANS AN APPARATUS THAT:

(a) IS CONNECTED TO BUILDING PLUMBING;

(b) FILTERS WATER;

(c) IS CERTIFIED TO MEET NSF/ANSI STANDARD 53 FOR LEAD REDUCTION AND NSF/ANSI STANDARD 42 FOR PARTICULATE REMOVAL;

(d) HAS A LIGHT OR OTHER DEVICE TO INDICATE FILTER STATUS;

(e) IS DESIGNED TO FILL DRINKING BOTTLES OR OTHER CONTAINERS USED FOR PERSONAL WATER CONSUMPTION; AND

(f) INCLUDES A FEATURE THAT ALLOWS A USER TO DRINK DIRECTLY FROM A STREAM OF FLOWING WATER WITHOUT THE USE OF AN ACCESSORY.

(7) "FILTERED FAUCET" MEANS A FAUCET THAT, AT THE POINT OF USE, INCLUDES A FILTER THAT IS CERTIFIED TO MEET NSF/ANSI STANDARD 53 FOR LEAD REDUCTION AND NSF/ANSI STANDARD 42 FOR PARTICULATE REMOVAL;

(8) "FILTRATION SYSTEM" MEANS A FILTERED BOTTLE-FILLING STATION OR FILTERED FAUCET.

(9) "FUND" MEANS THE SCHOOL AND CHILD CARE CLEAN DRINKING WATER FUND CREATED IN SECTION 25-8-902.

(10) (a) "LEAD SERVICE LINE" MEANS:

(I) A WATER SERVICE LINE MADE OF LEAD; OR

(II) A LEAD PIGTAIL, LEAD GOOSENECK, OR OTHER LEAD FITTING THAT IS CONNECTED TO A WATER SERVICE LINE.

(b) "LEAD SERVICE LINE" INCLUDES ANY GALVANIZED SERVICE LINE THAT IS OR EVER WAS DOWNSTREAM OF ANY LEAD SERVICE LINE OR ANY SERVICE LINE OF UNKNOWN MATERIAL.

(c) A LEAD SERVICE LINE MAY BE OWNED BY A WATER SYSTEM, A PROPERTY OWNER, OR BOTH.

(11) "NSF/ANSI STANDARD 42" MEANS THE NSF INTERNATIONAL/AMERICAN NATIONAL STANDARDS INSTITUTE STANDARD 42-2020 FOR "DRINKING WATER TREATMENT UNITS, AESTHETIC EFFECTS", AS AMENDED.

(12) "NSF/ANSI STANDARD 53" MEANS THE NSF INTERNATIONAL/AMERICAN NATIONAL STANDARDS INSTITUTE STANDARD 53-2020 FOR "DRINKING WATER TREATMENT UNITS, HEALTH EFFECTS", AS AMENDED.

(13) "RELEVANT LANGUAGES" HAS THE MEANING SET FORTH IN SECTION 25-7-141 (2)(o).

(14) "SCHOOL" MEANS:

- (a) A SCHOOL OF A SCHOOL DISTRICT;
- (b) A DISTRICT CHARTER SCHOOL, AS DEFINED IN SECTION 22-11-103 (12);
- (c) AN INSTITUTE CHARTER SCHOOL, AS DEFINED IN SECTION 22-30.5-502 (6);
- (d) AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1); OR
- (e) A BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION 22-5-103 (2).

(15) "STATE-CERTIFIED LABORATORY" MEANS A LABORATORY THAT IS CERTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-203 (1)(d) FOR THE PURPOSE OF ENSURING COMPETENT TESTING OF DRINKING WATER.

(16) "WATER QUALITY CONTROL COMMISSION" OR "COMMISSION" MEANS THE WATER QUALITY CONTROL COMMISSION CREATED IN SECTION 25-8-201.

**25-8-902. School and child care clean drinking water fund - creation.**

(1) THE SCHOOL AND CHILD CARE CLEAN DRINKING WATER FUND IS CREATED IN THE DEPARTMENT.

(2) THE FUND INCLUDES ANY MONEY THAT IS TRANSFERRED TO THE FUND AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND.

(3) MONEY IN THE FUND AT THE END OF EACH STATE FISCAL YEAR REMAINS IN THE FUND AND DOES NOT REVERT TO THE GENERAL FUND; EXCEPT THAT ANY MONEY REMAINING IN THE FUND ON JUNE 29, 2026, REVERTS TO THE GENERAL FUND.

(4) THE DEPARTMENT IS THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

(5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND ONLY:

(a) TO HELP SCHOOLS, CHILD CARE CENTERS, AND FAMILY CHILD CARE HOMES COMPLY WITH THIS PART 9; AND

(b) TO REIMBURSE ELIGIBLE SCHOOLS, CHILD CARE CENTERS, AND FAMILY CHILD CARE HOMES AS NEEDED FOR COSTS ASSOCIATED WITH COMPLYING WITH THIS PART

9, IN THE FOLLOWING ORDER OF PRIORITY:

(I) CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES;

(II) ELIGIBLE SCHOOLS FOR WHICH TESTING RESULTS SHOW RELATIVELY HIGH LEVELS OF LEAD;

(III) ELIGIBLE SCHOOLS THAT ARE RECEIVING MONEY PURSUANT TO TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., AS AMENDED; AND

(IV) ON AND AFTER MARCH 15, 2024, SUBJECT TO AVAILABLE APPROPRIATIONS, ELIGIBLE SCHOOLS THAT SERVE STUDENTS IN SIXTH, SEVENTH, OR EIGHTH GRADE.

(6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT SHALL NOT EXPEND MONEY FROM THE FUND:

(a) TO REPLACE OR REPAIR ANY LEAD SERVICE LINE; OR

(b) TO REIMBURSE A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL FOR COSTS ASSOCIATED WITH COMPLYING WITH THIS PART 9 IF THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL HAS ALREADY RECEIVED MONEY FROM THE FUND TO REIMBURSE THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL FOR A TEST OF EACH DRINKING WATER SOURCE, AS DESCRIBED IN SECTION 25-8-903 (1), AND:

(I) NONE OF THE RESULTS OF SUCH TESTING SHOWED THE PRESENCE OF LEAD IN AN AMOUNT OF AT LEAST FIVE PARTS PER BILLION; OR

(II) IF THE RESULTS OF SUCH TESTING SHOWED THE PRESENCE OF LEAD IN AN AMOUNT OF AT LEAST FIVE PARTS PER BILLION, THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL HAS ALSO RECEIVED REIMBURSEMENT FOR:

(A) ANY REMEDIATION EFFORTS PERFORMED IN RESPONSE TO SUCH TESTING; AND

(B) A CONFIRMATION TEST OF EACH DRINKING WATER SOURCE AT THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL, AS DESCRIBED IN SECTION 25-8-903 (2)(c).

**25-8-903. Testing for the presence of lead in drinking water in child care centers, family child care homes, and eligible schools - remediation - maintenance of records - training - inspections - enforcement - reimbursement - technical assistance - exemptions - opt out by family child care home - reports.** (1) **Testing.** (a) (I) EXCEPT AS DESCRIBED IN SUBSECTION (1)(a)(II) OF THIS SECTION, ON OR BEFORE MAY 31, 2023, EACH CHILD CARE CENTER, FAMILY CHILD CARE HOME, AND ELIGIBLE SCHOOL SHALL TEST ITS DRINKING WATER SOURCES BY HAVING A STATE-CERTIFIED LABORATORY MEASURE THE LEAD CONTENT OF WATER DRAWN FROM EACH DRINKING WATER SOURCE. THE TESTING MUST BE DONE IN ACCORDANCE WITH THE LATEST FEDERAL GUIDANCE ON PROPER SAMPLING FOR TESTING FOR THE PRESENCE OF LEAD IN DRINKING WATER, INCLUDING THE "LEAD AND COPPER RULE" OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY,

40 CFR 141 ET SEQ., AS AMENDED.

(II) SUBJECT TO AVAILABLE APPROPRIATIONS, AS DESCRIBED IN SECTION 25-8-904 (2), AN ELIGIBLE SCHOOL THAT SERVES STUDENTS IN SIXTH, SEVENTH, OR EIGHTH GRADE SHALL SATISFY THE REQUIREMENT DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION ON OR BEFORE NOVEMBER 30, 2024.

(b) EXCEPT AS DESCRIBED IN SUBSECTION (2)(a)(V) OF THIS SECTION, WITHIN THIRTY DAYS AFTER RECEIVING THE RESULTS OF A TEST OF A DRINKING WATER SOURCE, A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL SHALL:

(I) MAKE THE RESULTS, AS WELL AS ANY ASSOCIATED LEAD REMEDIATION PLANS, PUBLICLY AVAILABLE ON THE CHILD CARE CENTER'S, FAMILY CHILD CARE HOME'S, OR ELIGIBLE SCHOOL'S WEBSITE, IF APPLICABLE; AND

(II) REPORT THE RESULTS TO THE WATER QUALITY CONTROL COMMISSION USING A STANDARD FORM THAT THE COMMISSION ESTABLISHES. THE COMMISSION SHALL POST THE RESULTS ON ITS PUBLIC WEBSITE WITHIN THIRTY DAYS AFTER RECEIVING THEM.

(c) EACH CHILD CARE CENTER, FAMILY CHILD CARE HOME, AND ELIGIBLE SCHOOL SHALL ESTABLISH A TESTING SCHEDULE FOR ITS DRINKING WATER SOURCES, PROVIDE THE SCHEDULE TO ITS EMPLOYEES AND TO PARENTS AND GUARDIANS OF CHILDREN THAT ATTEND THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL, AND MAKE THE SCHEDULE PUBLICLY AVAILABLE. ALL COMMUNICATIONS TO EMPLOYEES, PARENTS, AND GUARDIANS MUST BE PROVIDED IN RELEVANT LANGUAGES.

(d) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A TEMPLATE FOR CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS TO USE TO PROVIDE NOTIFICATIONS AND POST INFORMATION ONLINE AS DESCRIBED IN THIS SECTION.

(2) **Remediation.** (a) IF THE RESULTS OF A TEST OF A DRINKING WATER SOURCE SHOW THAT WATER FROM THE DRINKING WATER SOURCE CONTAINS LEAD IN AN AMOUNT OF FIVE PARTS PER BILLION OR MORE, A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL SHALL:

(I) SHUT OFF THE DRINKING WATER SOURCE AS SOON AS PRACTICABLY POSSIBLE;

(II) AFFIX A VISIBLE LABEL ON THE DRINKING WATER SOURCE, WHICH LABEL INDICATES THAT THE DRINKING WATER SOURCE IS UNDERGOING REMEDIATION FOR THE PRESENCE OF LEAD AND THAT WATER FROM THE DRINKING WATER SOURCE SHOULD NOT BE CONSUMED;

(III) DETERMINE REMEDIATION STEPS WITHIN THIRTY DAYS AFTER RECEIVING THE TEST RESULTS, WHICH REMEDIATION STEPS MUST BE DEMONSTRATED TO REDUCE LEAD TO BELOW FIVE PARTS PER BILLION AND MAY INCLUDE INSTALLATION OR REPLACEMENT OF A FILTRATION SYSTEM;

(IV) COMPLETE ALL NECESSARY REMEDIATION STEPS AS SOON AS POSSIBLE BUT NO LATER THAN NINETY DAYS AFTER RECEIVING THE TEST RESULTS; AND

(V) PROVIDE NOTICE OF THE TEST RESULTS TO ALL EMPLOYEES, PARENTS, AND GUARDIANS WITHIN TWO BUSINESS DAYS AFTER RECEIVING THE RESULTS, WHICH NOTICE MUST BE PROVIDED IN RELEVANT LANGUAGES AND INCLUDE A SUMMARY OF THE TEST RESULTS AND INFORMATION CONCERNING THE AVAILABILITY OF THE COMPLETE TEST RESULTS, A DESCRIPTION OF ANY REMEDIATION STEPS THAT WILL BE TAKEN, GENERAL INFORMATION CONCERNING THE HEALTH EFFECTS AND RISKS POSED BY LEAD IN DRINKING WATER AND OTHER SOURCES, AND INFORMATION REGARDING THE AVAILABILITY OF ADDITIONAL RESOURCES CONCERNING LEAD IN DRINKING WATER, INCLUDING HOW AND WHERE INDIVIDUALS MAY SEEK BLOOD-LEVEL TESTING IF THEY ARE CONCERNED.

(b) WHILE A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL IS IN THE PROCESS OF REMEDIATING A DRINKING WATER SOURCE, THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL SHALL ENSURE THAT:

(I) NO ONE USES THE DRINKING WATER SOURCE TO ACQUIRE WATER FOR DRINKING OR COOKING; AND

(II) ADEQUATE DRINKING WATER REMAINS AVAILABLE TO CHILDREN, EMPLOYEES, AND OTHER INDIVIDUALS WHO ARE PRESENT IN THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL.

(c) WITHIN NINETY DAYS AFTER A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL SUCCESSFULLY REMEDIATES A DRINKING WATER SOURCE, THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL SHALL PERFORM A CONFIRMATION TEST OF THE DRINKING WATER SOURCE FOR THE PRESENCE OF LEAD.

(d) THE DEPARTMENT MAY CONDUCT FURTHER REMEDIATION AS NECESSARY TO ADDRESS A DRINKING WATER SOURCE AT A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL.

(3) **Maintenance of records.** EACH CHILD CARE CENTER, FAMILY CHILD CARE HOME, AND ELIGIBLE SCHOOL SHALL CREATE AND MAINTAIN, FOR AT LEAST FIVE YEARS, RECORDS OF ITS FILTER REPLACEMENT ACTIVITIES, INCLUDING WHEN A FILTER IS REMOVED AND WHEN A NEW FILTER IS INSTALLED, AND ANY REMEDIATION EFFORTS, INCLUDING FAUCET REPLACEMENTS. EACH CHILD CARE CENTER, FAMILY CHILD CARE HOME, AND ELIGIBLE SCHOOL SHALL PROVIDE COPIES OF SUCH RECORDS TO THE DEPARTMENT AND ANY MEMBER OF THE PUBLIC UPON REQUEST.

(4) **Training.** NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS PART 9, THE DEPARTMENT SHALL PROVIDE TRAINING TO EACH CHILD CARE CENTER, FAMILY CHILD CARE HOME, AND ELIGIBLE SCHOOL REGARDING WATER FILTER MAINTENANCE, FLUSHING PROTOCOLS, TESTING FOR LEAD, REPORTING PROCESSES FOR SAMPLING REPORTS, AND OTHER ACTIVITIES RELEVANT TO COMPLIANCE WITH THIS PART 9. TRAINING MAY TAKE PLACE IN PERSON OR VIRTUALLY AND MUST INCLUDE THE INDIVIDUALS WHO WILL TAKE

WATER SAMPLES AT THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL FOR THE PURPOSES OF THIS PART 9. THE DEPARTMENT SHALL PROVIDE THE TRAINING IN RELEVANT LANGUAGES.

(5) **Inspections.** THE DEPARTMENT IS NOT REQUIRED TO PERFORM INSPECTIONS PURSUANT TO THIS PART 9.

(6) **Enforcement.** THE WATER QUALITY CONTROL COMMISSION MAY ENFORCE THIS PART 9 BY ISSUING ADMINISTRATIVE ORDERS AND ASSESSING PENALTIES BUT IS NOT REQUIRED TO DO SO.

(7) **Reimbursement.** (a) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT PROCEDURES:

(I) WHEREBY CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS CAN SATISFACTORILY DEMONSTRATE COSTS INCURRED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION AND APPLY TO THE DEPARTMENT FOR REIMBURSEMENT OF SUCH COSTS; AND

(II) WHEREBY THE DEPARTMENT, EXCEPT AS DESCRIBED IN SECTION 25-8-902(6), REIMBURSES CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS FOR COSTS INCURRED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION.

(b) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION, THE DEPARTMENT SHALL NOT REIMBURSE AN ELIGIBLE SCHOOL THAT SERVES STUDENTS IN SIXTH, SEVENTH, OR EIGHTH GRADE UNTIL MARCH 15, 2024, FOR COSTS INCURRED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION.

(8) **Technical assistance.** THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE AS NEEDED TO CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS IN RURAL AREAS TO HELP SUCH FACILITIES COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(9) **Exemptions.** NOT WITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY:

(a) A FAMILY CHILD CARE HOME ESTABLISHED BEFORE MARCH 31, 2023, MAY OPT OUT OF THE DUTY TO COMPLY WITH THIS SECTION SO LONG AS THE AUTHORIZED REPRESENTATIVE OF THE FAMILY CHILD CARE HOME PROVIDES WRITTEN NOTICE OF SUCH DECISION TO THE DEPARTMENT ON OR BEFORE MARCH 31, 2023. A FAMILY CHILD CARE HOME ESTABLISHED ON OR AFTER MARCH 31, 2023, MAY OPT OUT OF THE DUTY TO COMPLY WITH THIS SECTION SO LONG AS THE AUTHORIZED REPRESENTATIVE OF THE FAMILY CHILD CARE HOME PROVIDES WRITTEN NOTICE OF SUCH DECISION TO THE DEPARTMENT WITHIN SIX MONTHS AFTER THE DATE UPON WHICH THE FAMILY CHILD CARE HOME IS ESTABLISHED.

(b) A CHILD CARE CENTER OR ELIGIBLE SCHOOL IS NOT REQUIRED TO SATISFY THE REQUIREMENTS OF THIS SECTION IF THE CHILD CARE CENTER OR ELIGIBLE SCHOOL IS CLASSIFIED AS A PUBLIC WATER SYSTEM UNDER THE "LEAD AND COPPER RULE" OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY, 40 CFR 141 ET SEQ., AS AMENDED, AND THE CHILD CARE CENTER OR ELIGIBLE SCHOOL IS IN COMPLIANCE

WITH THE REQUIREMENTS OF THE FEDERAL RULE. HOWEVER, A CHILD CARE CENTER OR ELIGIBLE SCHOOL THAT UTILIZES THE EXEMPTION DESCRIBED IN THIS SUBSECTION (9)(b) SHALL, IN LIEU OF SATISFYING THE REPORTING REQUIREMENT DESCRIBED IN SUBSECTION (1)(b)(II) OF THIS SECTION, REPORT ANNUALLY TO THE WATER QUALITY CONTROL COMMISSION THE RESULTS OF THE CHILD CARE CENTER'S OR ELIGIBLE SCHOOL'S TESTING OF ITS DRINKING WATER SOURCES PURSUANT TO THE FEDERAL RULE.

**(10) Reports.** (a) ON OR BEFORE DECEMBER 1, 2023, AND ON OR BEFORE EACH DECEMBER 1 THEREAFTER, THE WATER QUALITY CONTROL COMMISSION SHALL SUBMIT A REPORT TO THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, WHICH REPORT:

(I) SUMMARIZES THE RESULTS OF THE TESTS PERFORMED BY CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS PURSUANT TO THIS SECTION; AND

(II) IDENTIFIES ANY NONCOMPLIANT CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS.

(b) THE WATER QUALITY CONTROL COMMISSION SHALL PRESENT TESTIMONY CONCERNING THE REPORT DESCRIBED IN SUBSECTION (10)(a) OF THIS SECTION TO THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, AT THE COMMITTEE'S REQUEST.

(c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN SUBSECTION (10)(a) OF THIS SECTION CONTINUES INDEFINITELY.

**25-8-904. Report and recommendation regarding expansion required - legislative declaration.** (1) IT IS THE GENERAL ASSEMBLY'S INTENT THAT, SUBJECT TO THE AVAILABILITY OF FUTURE APPROPRIATIONS, THE REQUIREMENTS DESCRIBED IN THIS PART 9 CONCERNING THE TESTING AND REMEDIATION OF DRINKING WATER SOURCES IN ELIGIBLE SCHOOLS SHOULD BE EXPANDED TO APPLY TO SCHOOLS OTHER THAN THOSE SCHOOLS THAT ARE ELIGIBLE SCHOOLS, AND SUCH SCHOOLS SHOULD ALSO BE MADE ELIGIBLE TO RECEIVE REIMBURSEMENT FOR COSTS INCURRED IN COMPLYING WITH SUCH REQUIREMENTS. TO THIS END, THE DEPARTMENT IS REQUIRED TO ADVISE THE GENERAL ASSEMBLY IN THE FORM OF THE REPORT DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

(2) ON OR BEFORE FEBRUARY 28, 2024, THE DEPARTMENT SHALL REPORT TO THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, CONCERNING THE DEPARTMENT'S ACTIVITIES UNDER THIS PART 9. SPECIFICALLY, THE DEPARTMENT SHALL INCLUDE IN THE REPORT THE AMOUNT OF MONEY, IF ANY, THAT REMAINS IN THE FUND ON THE DATE OF THE REPORT. IF THE DEPARTMENT DETERMINES THAT SUFFICIENT MONEY REMAINS IN THE FUND, THEN ELIGIBLE SCHOOLS THAT SERVE ANY OF GRADES SIX



THROUGH EIGHT SHALL COMPLY WITH THE TESTING REQUIREMENT DESCRIBED IN SECTION 25-8-903 (1)(a)(I) ON OR BEFORE NOVEMBER 30, 2024. THE DEPARTMENT SHALL POST NOTICE OF ITS DETERMINATION ON ITS PUBLIC WEBSITE AS SOON AS PRACTICABLE.

**25-8-905. Repeal of part.** THIS PART 9 IS REPEALED, EFFECTIVE JUNE 30, 2026.

**SECTION 2.** In Colorado Revised Statutes, **add 22-32-151** as follows:

**22-32-151. Testing for the presence of lead in drinking water in eligible schools - compliance with public health requirements - repeal.** (1) EACH ELIGIBLE SCHOOL, AS DEFINED IN SECTION 25-8-901 (4), AND EACH CHARTER SCHOOL OF A SCHOOL DISTRICT THAT IS AN ELIGIBLE SCHOOL SHALL COMPLY WITH THE REQUIREMENTS OF PART 9 OF ARTICLE 8 OF TITLE 25 CONCERNING TESTING OF WATER IN CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS.

(2) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2026.

**SECTION 3.** In Colorado Revised Statutes, **add 22-30.5-530** as follows:

**22-30.5-530. Testing for the presence of lead in drinking water in eligible schools - compliance with public health requirements - repeal.** (1) EACH INSTITUTE CHARTER SCHOOL THAT IS AN ELIGIBLE SCHOOL, AS DEFINED IN SECTION 25-8-901 (4), SHALL COMPLY WITH THE REQUIREMENTS OF PART 9 OF ARTICLE 8 OF TITLE 25 CONCERNING TESTING OF WATER IN CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS.

(2) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2026.

**SECTION 4.** In Colorado Revised Statutes, **add 26-6-123** as follows:

**26-6-123. Testing for the presence of lead in drinking water in child care centers and family child care homes - compliance with public health requirements - repeal.** (1) EACH CHILD CARE CENTER AND, UNLESS IT HAS OPTED OUT PURSUANT TO SECTION 25-8-903 (1)(a), EACH FAMILY CHILD CARE HOME SHALL COMPLY WITH THE REQUIREMENTS OF PART 9 OF ARTICLE 8 OF TITLE 25 CONCERNING TESTING OF WATER IN CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS.

(2) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2026.

**SECTION 5. Appropriation.** (1) For the 2022-23 state fiscal year, \$2,648,019 is appropriated to the department of public health and environment. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$673,286 for use by the drinking water program for personal services, which amount is based on an assumption that the program will require an additional 8.4 FTE;

(b) \$1,469,235 for use by the drinking water program for operating expenses; and

(c) \$505,498 for the purchase of information technology services.

(2) For the 2022-23 state fiscal year, \$505,498 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of public health and environment under subsection (1)(c) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of public health and environment.

**SECTION 6. Appropriation.** (1) For the 2022-23 state fiscal year, \$21,000,000 is appropriated to the school and child care clean drinking water cash fund created in section 25-8-902, C.R.S. This appropriation is from the general fund. The department of public health and environment is responsible for the accounting related to this appropriation.

(2) For the 2022-23 state fiscal year, \$21,000,000 is appropriated to the department of public health and environment for use by the drinking water program. This appropriation is from reappropriated funds in the school and child care clean drinking water cash fund under subsection (1) of this section. To implement this act, the program may use the appropriation for operating expenses.

**SECTION 7. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 7, 2022