

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0371.01 Richard Sweetman x4333

HOUSE BILL 22-1358

HOUSE SPONSORSHIP

Sirota,

SENATE SPONSORSHIP

Winter and Fields,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires each public K-12 school (school), child care center, and family child care home to ensure that a filter is installed on every drinking water source and that each water filter complies with

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
May 3, 2022

national standards and is replaced at least as frequently as required by the manufacturer's instructions. The bill also requires:

- Each school and child care center to develop and implement a plan for the maintenance of its water filters and filtration systems, which plan includes the creation of an inventory of water sources, regular testing of drinking water, and remediation efforts;
- Family child care homes to regularly test drinking water and take certain remediation efforts; and
- The department of public health and environment (department) to provide training to each school, child care center, and family child care home regarding water filter maintenance, flushing protocols, testing for lead, reporting processes for sampling reports, and other activities relevant to compliance with the bill's new requirements.

The bill creates the school and child care clean drinking water fund in the department and requires the department to expend money from the fund only to help schools, child care centers, and family child care homes pay for the costs of complying with the bill's new requirements.

The water quality control commission (commission) may enforce the new provisions by issuing administrative orders and assessing penalties but is not required to do so. On or before each December 1, starting in 2023, the commission is required to submit a report to legislative committees of reference with jurisdiction over public health matters, which report summarizes the results of the tests performed by schools, child care centers, and family child care homes and identifies noncompliant schools, child care centers, and family child care homes.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article
3 8 of title 25 as follows:

4 **PART 9**

5 **TESTING OF DRINKING WATER IN SCHOOLS, CHILD CARE**
6 **CENTERS, AND FAMILY CHILD CARE HOMES**

7 **25-8-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

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

1 INCLUDE:

2 (a) A SUMMER CAMP; OR

3 (b) A CHILDREN'S RESIDENT CAMP, AS DEFINED IN SECTION

4 26-6-102 (8).

5 (2) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF PUBLIC

6 HEALTH AND ENVIRONMENT.

7 (3) "DRINKING WATER SOURCE" MEANS ANY POTABLE WATER

8 OUTLET OR FIXTURE THAT IS USED OR THAT MAY BE USED BY AN

9 INDIVIDUAL TO ACQUIRE WATER FOR DRINKING OR COOKING.

10 (4) "ELIGIBLE SCHOOL" MEANS A SCHOOL THAT SERVES ANY OF

11 GRADES PRESCHOOL THROUGH FIFTH GRADE.

12 (5) "FAMILY CHILD CARE HOME" HAS THE MEANING SET FORTH IN

13 SECTION 26-6-102 (13).

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

15 THAT:

16 (a) IS CONNECTED TO BUILDING PLUMBING;

17 (b) FILTERS WATER;

18 (c) IS CERTIFIED TO MEET NSF/ANSI STANDARD 53 FOR LEAD

19 REDUCTION AND NSF/ANSI STANDARD 42 FOR PARTICULATE REMOVAL;

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

21 (e) IS DESIGNED TO FILL DRINKING BOTTLES OR OTHER CONTAINERS

22 USED FOR PERSONAL WATER CONSUMPTION; AND

23 (f) INCLUDES A FEATURE THAT ALLOWS A USER TO DRINK

24 DIRECTLY FROM A STREAM OF FLOWING WATER WITHOUT THE USE OF AN

25 ACCESSORY.

26 (7) "FILTERED FAUCET" MEANS A FAUCET THAT, AT THE POINT OF

27 USE, INCLUDES A FILTER THAT IS CERTIFIED TO MEET NSF/ANSI

1 STANDARD 53 FOR LEAD REDUCTION AND NSF/ANSI STANDARD 42 FOR
2 PARTICULATE REMOVAL;

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

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

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

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

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

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

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

16 (11) "NSF/ANSI STANDARD 42" MEANS THE NSF
17 INTERNATIONAL/AMERICAN NATIONAL STANDARDS INSTITUTE STANDARD
18 42-2020 FOR "DRINKING WATER TREATMENT UNITS, AESTHETIC EFFECTS",
19 AS AMENDED.

20 (12) "NSF/ANSI STANDARD 53" MEANS THE NSF
21 INTERNATIONAL/AMERICAN NATIONAL STANDARDS INSTITUTE STANDARD
22 53-2020 FOR "DRINKING WATER TREATMENT UNITS, HEALTH EFFECTS", AS
23 AMENDED.

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

26 (14) "SCHOOL" MEANS:

27 (a) A SCHOOL OF A SCHOOL DISTRICT;

1 (b) A DISTRICT CHARTER SCHOOL, AS DEFINED IN SECTION
2 22-11-103 (12);

3 (c) AN INSTITUTE CHARTER SCHOOL, AS DEFINED IN SECTION
4 22-30.5-502 (6);

5 (d) AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION
6 22-2-402 (1); OR

7 (e) A BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION
8 22-5-103 (2).

9 (15) "STATE-CERTIFIED LABORATORY" MEANS A LABORATORY
10 THAT IS CERTIFIED BY THE DEPARTMENT PURSUANT TO SECTION
11 25-1.5-203 (1)(d) FOR THE PURPOSE OF ENSURING COMPETENT TESTING OF
12 DRINKING WATER.

13 (16) "WATER QUALITY CONTROL COMMISSION" OR "COMMISSION"
14 MEANS THE WATER QUALITY CONTROL COMMISSION CREATED IN SECTION
15 25-8-201.

16 **25-8-902. School and child care clean drinking water fund -**
17 **creation.** (1) THE SCHOOL AND CHILD CARE CLEAN DRINKING WATER
18 FUND IS CREATED IN THE DEPARTMENT.

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

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

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

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

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

5 (b) TO REIMBURSE ELIGIBLE SCHOOLS, CHILD CARE CENTERS, AND
6 FAMILY CHILD CARE HOMES AS NEEDED FOR COSTS ASSOCIATED WITH
7 COMPLYING WITH THIS PART 9, IN THE FOLLOWING ORDER OF PRIORITY:

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

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

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

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

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

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

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

27 OR

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

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

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

10 **25-8-903. Testing for the presence of lead in drinking water in**
11 **child care centers, family child care homes, and eligible schools -**
12 **remediation - maintenance of records - training - inspections -**
13 **enforcement - reimbursement - technical assistance - exemptions - opt**
14 **out by family child care home - reports. (1) Testing. (a) ON OR**
15 **BEFORE MAY 31, 2023, EACH CHILD CARE CENTER, FAMILY CHILD CARE**
16 **HOME, AND ELIGIBLE SCHOOL SHALL TEST ITS DRINKING WATER SOURCES**
17 **BY HAVING A STATE-CERTIFIED LABORATORY MEASURE THE LEAD**
18 **CONTENT OF WATER DRAWN FROM EACH DRINKING WATER SOURCE. THE**
19 **TESTING MUST BE DONE IN ACCORDANCE WITH THE LATEST FEDERAL**
20 **GUIDANCE ON PROPER SAMPLING FOR TESTING FOR THE PRESENCE OF LEAD**
21 **IN DRINKING WATER, INCLUDING THE "LEAD AND COPPER RULE" OF THE**
22 **FEDERAL ENVIRONMENTAL PROTECTION AGENCY, 40 CFR 141 ET SEQ., AS**
23 **AMENDED.**

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

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

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

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

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

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

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

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

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

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

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

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

27 (I) NO ONE USES THE DRINKING WATER SOURCE TO ACQUIRE

1 WATER FOR DRINKING OR COOKING; AND

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

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

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

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

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

1 AND MUST INCLUDE THE INDIVIDUALS WHO WILL TAKE WATER SAMPLES AT
2 THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE SCHOOL
3 FOR THE PURPOSES OF THIS PART 9. THE DEPARTMENT SHALL PROVIDE THE
4 TRAINING IN RELEVANT LANGUAGES.

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

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

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

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

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

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

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

26 (a) A FAMILY CHILD CARE HOME ESTABLISHED BEFORE MARCH 31,
27 2023, MAY OPT OUT OF THE DUTY TO COMPLY WITH THIS SECTION SO LONG

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

9 (b) A CHILD CARE CENTER OR ELIGIBLE SCHOOL IS NOT REQUIRED
10 TO SATISFY THE REQUIREMENTS OF THIS SECTION IF THE CHILD CARE
11 CENTER OR ELIGIBLE SCHOOL IS CLASSIFIED AS A PUBLIC WATER SYSTEM
12 UNDER THE "LEAD AND COPPER RULE" OF THE FEDERAL ENVIRONMENTAL
13 PROTECTION AGENCY, 40 CFR 141 ET SEQ., AS AMENDED, AND THE CHILD
14 CARE CENTER OR ELIGIBLE SCHOOL IS IN COMPLIANCE WITH THE
15 REQUIREMENTS OF THE FEDERAL RULE. HOWEVER, A CHILD CARE CENTER
16 OR ELIGIBLE SCHOOL THAT UTILIZES THE EXEMPTION DESCRIBED IN THIS
17 SUBSECTION (9)(b) SHALL, IN LIEU OF SATISFYING THE REPORTING
18 REQUIREMENT DESCRIBED IN SUBSECTION (1)(b)(II) OF THIS SECTION,
19 REPORT ANNUALLY TO THE WATER QUALITY CONTROL COMMISSION THE
20 RESULTS OF THE CHILD CARE CENTER'S OR ELIGIBLE SCHOOL'S TESTING OF
21 ITS DRINKING WATER SOURCES PURSUANT TO THE FEDERAL RULE.

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

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

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

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

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

14 **25-8-904. Report and recommendation regarding expansion**
15 **required - legislative declaration.** (1) IT IS THE GENERAL ASSEMBLY'S
16 INTENT THAT, SUBJECT TO THE AVAILABILITY OF FUTURE APPROPRIATIONS,
17 THE REQUIREMENTS DESCRIBED IN THIS PART 9 CONCERNING THE TESTING
18 AND REMEDIATION OF DRINKING WATER SOURCES IN ELIGIBLE SCHOOLS
19 SHOULD BE EXPANDED TO APPLY TO SCHOOLS OTHER THAN THOSE
20 SCHOOLS THAT ARE ELIGIBLE SCHOOLS, AND SUCH SCHOOLS SHOULD ALSO
21 BE MADE ELIGIBLE TO RECEIVE REIMBURSEMENT FOR COSTS INCURRED IN
22 COMPLYING WITH SUCH REQUIREMENTS. TO THIS END, THE DEPARTMENT
23 IS REQUIRED TO ADVISE THE GENERAL ASSEMBLY IN THE FORM OF THE
24 REPORT DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

25 (2) ON OR BEFORE JANUARY 1, 2026, THE DEPARTMENT SHALL
26 REPORT TO THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES
27 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND

1 HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR
2 COMMITTEES, CONCERNING THE DEPARTMENT'S ACTIVITIES UNDER THIS
3 PART 9. SPECIFICALLY, THE DEPARTMENT SHALL INCLUDE IN THE REPORT:

4 (a) THE REMAINING BALANCE IN THE FUND AS OF THE DATE OF THE
5 REPORT;

6 (b) AN ESTIMATE OF THE COST OF APPLYING THE REQUIREMENTS
7 OF THIS PART 9 TO, AND MAKING ELIGIBLE FOR REIMBURSEMENT FROM THE
8 FUND FOR COSTS INCURRED IN COMPLYING WITH SUCH REQUIREMENTS,
9 SCHOOLS THAT SERVE ANY OF GRADES SIX THROUGH EIGHT AND THAT ARE
10 NOT ELIGIBLE SCHOOLS; AND

11 (c) AN ESTIMATE OF THE COST OF APPLYING THE REQUIREMENTS
12 OF THIS PART 9 TO, AND MAKING ELIGIBLE FOR REIMBURSEMENT FROM THE
13 FUND FOR COSTS INCURRED IN COMPLYING WITH SUCH REQUIREMENTS,
14 SCHOOLS THAT SERVE ANY OF GRADES NINE THROUGH TWELVE AND THAT
15 ARE NOT ELIGIBLE SCHOOLS.

16 **25-8-905. Repeal of part.** THIS PART 9 IS REPEALED, EFFECTIVE
17 JUNE 30, 2026.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 22-32-150 as
19 follows:

20 **22-32-150. Testing for the presence of lead in drinking water**
21 **in eligible schools - compliance with public health requirements -**
22 **repeal.** (1) EACH ELIGIBLE SCHOOL, AS DEFINED IN SECTION 25-8-901 (4),
23 AND EACH CHARTER SCHOOL OF A SCHOOL DISTRICT THAT IS AN ELIGIBLE
24 SCHOOL SHALL COMPLY WITH THE REQUIREMENTS OF PART 9 OF ARTICLE
25 8 OF TITLE 25 CONCERNING TESTING OF WATER IN CHILD CARE CENTERS,
26 FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS.

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

1 **SECTION 3.** In Colorado Revised Statutes, **add 22-30.5-529** as
2 follows:

3 **22-30.5-529. Testing for the presence of lead in drinking water**
4 **in eligible schools - compliance with public health requirements -**
5 **repeal.** (1) EACH INSTITUTE CHARTER SCHOOL THAT IS AN ELIGIBLE
6 SCHOOL, AS DEFINED IN SECTION 25-8-901 (4), SHALL COMPLY WITH THE
7 REQUIREMENTS OF PART 9 OF ARTICLE 8 OF TITLE 25 CONCERNING TESTING
8 OF WATER IN CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND
9 ELIGIBLE SCHOOLS.

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

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

13 **26-6-123. Testing for the presence of lead in drinking water in**
14 **child care centers and family child care homes - compliance with**
15 **public health requirements - repeal.** (1) EACH CHILD CARE CENTER
16 AND, UNLESS IT HAS OPTED OUT PURSUANT TO SECTION 25-8-903 (1)(a),
17 EACH FAMILY CHILD CARE HOME SHALL COMPLY WITH THE REQUIREMENTS
18 OF PART 9 OF ARTICLE 8 OF TITLE 25 CONCERNING TESTING OF WATER IN
19 CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE
20 SCHOOLS.

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

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

26 (a) \$673,286 for use by the drinking water program for personal
27 services, which amount is based on an assumption that the program will

1 require an additional 8.4 FTE;
2 (b) \$1,469,235 for use by the drinking water program for
3 operating expenses; and
4 (c) \$505,498 for the purchase of information technology services.
5 (2) For the 2022-23 state fiscal year, \$505,498 is appropriated to
6 the office of the governor for use by the office of information technology.
7 This appropriation is from reappropriated funds received from the
8 department of public health and environment under subsection (1)(c) of
9 this section. To implement this act, the office may use this appropriation
10 to provide information technology services for the department of public
11 health and environment.

12 **SECTION 6. Appropriation.** (1) For the 2022-23 state fiscal
13 year, \$18,000,000 is appropriated to the school and child care clean
14 drinking water cash fund created in section 25-8-902, C.R.S. This
15 appropriation is from the general fund. The department of public health
16 and environment is responsible for the accounting related to this
17 appropriation.

18 (2) For the 2022-23 state fiscal year, \$18,000,000 is appropriated
19 to the department of public health and environment for use by the
20 drinking water program. This appropriation is from reappropriated funds
21 in the school and child care clean drinking water cash fund under
22 subsection (1) of this section. To implement this act, the program may use
23 the appropriation for operating expenses.

24 **SECTION 7. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2022 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.