

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

2nd REREVISED

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 22-0371.01 Richard Sweetman x4333

HOUSE BILL 22-1358

HOUSE SPONSORSHIP

**Sirota**, Amabile, Bacon, Bennett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Froelich, Garnett, Gray, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McCormick, Michaelson Jenet, Snyder, Titone, Valdez A., Weissman, Young

SENATE SPONSORSHIP

**Winter and Fields**, Buckner, Danielson, Donovan, Fenberg, Gonzales, Hansen, Jaquez Lewis, Lee, Moreno, Pettersen, Story

House Committees

Public & Behavioral Health & Human Services  
Appropriations

Senate Committees

Appropriations

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.

SENATE  
Amended 3rd Reading  
May 10, 2022

SENATE  
Recall 3rd Reading  
May 10, 2022

SENATE  
3rd Reading Unamended  
May 9, 2022

SENATE  
Amended 2nd Reading  
May 6, 2022

HOUSE  
3rd Reading Unamended  
May 4, 2022

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.

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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 EIGHTH 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; ==

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; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (d) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A  
27           TEMPLATE FOR CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND



1 ELIGIBLE SCHOOLS TO USE TO PROVIDE NOTIFICATIONS AND POST  
2 INFORMATION ONLINE AS DESCRIBED IN THIS SECTION.

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

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

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

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

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

21 (V) PROVIDE NOTICE OF THE TEST RESULTS TO ALL EMPLOYEES,  
22 PARENTS, AND GUARDIANS WITHIN TWO BUSINESS DAYS AFTER RECEIVING  
23 THE RESULTS, WHICH NOTICE MUST BE PROVIDED IN RELEVANT  
24 LANGUAGES AND INCLUDE A SUMMARY OF THE TEST RESULTS AND  
25 INFORMATION CONCERNING THE AVAILABILITY OF THE COMPLETE TEST  
26 RESULTS, A DESCRIPTION OF ANY REMEDIATION STEPS THAT WILL BE  
27 TAKEN, GENERAL INFORMATION CONCERNING THE HEALTH EFFECTS AND

1 RISKS POSED BY LEAD IN DRINKING WATER AND OTHER SOURCES, AND  
2 INFORMATION REGARDING THE AVAILABILITY OF ADDITIONAL RESOURCES  
3 CONCERNING LEAD IN DRINKING WATER, INCLUDING HOW AND WHERE  
4 INDIVIDUALS MAY SEEK BLOOD-LEVEL TESTING IF THEY ARE CONCERNED.

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

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

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

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

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

22 (3) **Maintenance of records.** EACH CHILD CARE CENTER, FAMILY  
23 CHILD CARE HOME, AND ELIGIBLE SCHOOL SHALL CREATE AND MAINTAIN,  
24 FOR AT LEAST FIVE YEARS, RECORDS OF ITS FILTER REPLACEMENT  
25 ACTIVITIES, INCLUDING WHEN A FILTER IS REMOVED AND WHEN A NEW  
26 FILTER IS INSTALLED, AND ANY REMEDIATION EFFORTS, INCLUDING FAUCET  
27 REPLACEMENTS. EACH CHILD CARE CENTER, FAMILY CHILD CARE HOME,

1 AND ELIGIBLE SCHOOL SHALL PROVIDE COPIES OF SUCH RECORDS TO THE  
2 DEPARTMENT AND ANY MEMBER OF THE PUBLIC UPON REQUEST.

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

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

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

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

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

25 (II) WHEREBY THE DEPARTMENT, EXCEPT AS DESCRIBED IN  
26 SECTION 25-8-902 (6), REIMBURSES CHILD CARE CENTERS, FAMILY CHILD  
27 CARE HOMES, AND ELIGIBLE SCHOOLS FOR COSTS INCURRED FOR THE

1 PURPOSE OF COMPLYING WITH THIS SECTION.

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

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

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

13 (a) A FAMILY CHILD CARE HOME ESTABLISHED BEFORE MARCH 31,  
14 2023, MAY OPT OUT OF THE DUTY TO COMPLY WITH THIS SECTION SO LONG  
15 AS THE AUTHORIZED REPRESENTATIVE OF THE FAMILY CHILD CARE HOME  
16 PROVIDES WRITTEN NOTICE OF SUCH DECISION TO THE DEPARTMENT ON OR  
17 BEFORE MARCH 31, 2023. A FAMILY CHILD CARE HOME ESTABLISHED ON  
18 OR AFTER MARCH 31, 2023, MAY OPT OUT OF THE DUTY TO COMPLY WITH  
19 THIS SECTION SO LONG AS THE AUTHORIZED REPRESENTATIVE OF THE  
20 FAMILY CHILD CARE HOME PROVIDES WRITTEN NOTICE OF SUCH DECISION  
21 TO THE DEPARTMENT WITHIN SIX MONTHS AFTER THE DATE UPON WHICH  
22 THE FAMILY CHILD CARE HOME IS ESTABLISHED.

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

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

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

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

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

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

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

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

12           (2) ON OR BEFORE FEBRUARY 28, 2024, THE DEPARTMENT SHALL  
13 REPORT TO THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES  
14 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND  
15 HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR  
16 COMMITTEES, CONCERNING THE DEPARTMENT'S ACTIVITIES UNDER THIS  
17 PART 9. SPECIFICALLY, THE DEPARTMENT SHALL INCLUDE IN THE REPORT  
18 THE AMOUNT OF MONEY, IF ANY, THAT REMAINS IN THE FUND ON THE DATE  
19 OF THE REPORT. IF THE DEPARTMENT DETERMINES THAT SUFFICIENT  
20 MONEY REMAINS IN THE FUND, THEN ELIGIBLE SCHOOLS THAT SERVE ANY  
21 OF GRADES SIX THROUGH EIGHT SHALL COMPLY WITH THE TESTING  
22 REQUIREMENT DESCRIBED IN SECTION 25-8-903 (1)(a)(I) ON OR BEFORE  
23 NOVEMBER 30, 2024. THE DEPARTMENT SHALL POST NOTICE OF ITS  
24 DETERMINATION ON ITS PUBLIC WEBSITE AS SOON AS PRACTICABLE.

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

27           **SECTION 2.** In Colorado Revised Statutes, add 22-32-150 as

1 follows:

2 **22-32-150. Testing for the presence of lead in drinking water**

3 **in eligible schools - compliance with public health requirements -**

4 **repeal.** (1) EACH ELIGIBLE SCHOOL, AS DEFINED IN SECTION 25-8-901 (4),

5 AND EACH CHARTER SCHOOL OF A SCHOOL DISTRICT THAT IS AN ELIGIBLE

6 SCHOOL SHALL COMPLY WITH THE REQUIREMENTS OF PART 9 OF ARTICLE

7 8 OF TITLE 25 CONCERNING TESTING OF WATER IN CHILD CARE CENTERS,

8 FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS.

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

10 **SECTION 3.** In Colorado Revised Statutes, add 22-30.5-529 as

11 follows:

12 **22-30.5-529. Testing for the presence of lead in drinking water**

13 **in eligible schools - compliance with public health requirements -**

14 **repeal.** (1) EACH INSTITUTE CHARTER SCHOOL THAT IS AN ELIGIBLE

15 SCHOOL, AS DEFINED IN SECTION 25-8-901 (4), SHALL COMPLY WITH THE

16 REQUIREMENTS OF PART 9 OF ARTICLE 8 OF TITLE 25 CONCERNING TESTING

17 OF WATER IN CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND

18 ELIGIBLE SCHOOLS.

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

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

21 follows:

22 **26-6-123. Testing for the presence of lead in drinking water in**

23 **child care centers and family child care homes - compliance with**

24 **public health requirements - repeal.** (1) EACH CHILD CARE CENTER

25 AND, UNLESS IT HAS OPTED OUT PURSUANT TO SECTION 25-8-903 (1)(a),

26 EACH FAMILY CHILD CARE HOME SHALL COMPLY WITH THE REQUIREMENTS

27 OF PART 9 OF ARTICLE 8 OF TITLE 25 CONCERNING TESTING OF WATER IN

1 CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE  
2 SCHOOLS.

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

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

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

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

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

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

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

27 (2) For the 2022-23 state fiscal year, \$21,000,000 is appropriated



1 to the department of public health and environment for use by the  
2 drinking water program. This appropriation is from reappropriated funds  
3 in the school and child care clean drinking water cash fund under  
4 subsection (1) of this section. To implement this act, the program may use  
5 the appropriation for operating expenses.

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