

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
Date

May 3, 2022

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

HB22-1358 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Strike the Public and Behavioral Health and Human Services Committee  
2 Report, dated April 12, 2022, and substitute:

3 "Amend printed bill, strike everything below the enacting clause and  
4 substitute:

5 "SECTION 1. In Colorado Revised Statutes, **add** part 9 to article  
6 8 of title 25 as follows:

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

10 **25-8-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE  
11 CONTEXT OTHERWISE REQUIRES:

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

15 (a) A SUMMER CAMP; OR  
16 (b) A CHILDREN'S RESIDENT CAMP, AS DEFINED IN SECTION  
17 26-6-102 (8).

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

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

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

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

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

1 THAT:

2 (a) IS CONNECTED TO BUILDING PLUMBING;

3 (b) FILTERS WATER;

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

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

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

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

8 USED FOR PERSONAL WATER CONSUMPTION; AND

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

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

11 ACCESSORY.

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

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

14 STANDARD 53 FOR LEAD REDUCTION AND NSF/ANSI STANDARD 42 FOR

15 PARTICULATE REMOVAL;

16 (8) "FILTRATION SYSTEM" MEANS A FILTERED BOTTLE-FILLING

17 STATION OR FILTERED FAUCET.

18 (9) "FUND" MEANS THE SCHOOL AND CHILD CARE CLEAN DRINKING

19 WATER FUND CREATED IN SECTION 25-8-902.

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

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

22 (II) A LEAD PIGTAIL, LEAD GOOSENECK, OR OTHER LEAD FITTING

23 THAT IS CONNECTED TO A WATER SERVICE LINE.

24 (b) "LEAD SERVICE LINE" INCLUDES ANY GALVANIZED SERVICE

25 LINE THAT IS OR EVER WAS DOWNSTREAM OF ANY LEAD SERVICE LINE OR

26 ANY SERVICE LINE OF UNKNOWN MATERIAL.

27 (c) A LEAD SERVICE LINE MAY BE OWNED BY A WATER SYSTEM, A

28 PROPERTY OWNER, OR BOTH.

29 (11) "NSF/ANSI STANDARD 42" MEANS THE NSF

30 INTERNATIONAL/AMERICAN NATIONAL STANDARDS INSTITUTE STANDARD

31 42-2020 FOR "DRINKING WATER TREATMENT UNITS, AESTHETIC EFFECTS",

32 AS AMENDED.

33 (12) "NSF/ANSI STANDARD 53" MEANS THE NSF

34 INTERNATIONAL/AMERICAN NATIONAL STANDARDS INSTITUTE STANDARD

35 53-2020 FOR "DRINKING WATER TREATMENT UNITS, HEALTH EFFECTS", AS

36 AMENDED.

37 (13) "RELEVANT LANGUAGES" HAS THE MEANING SET FORTH IN

38 SECTION 25-7-141 (2)(o).

39 (14) "SCHOOL" MEANS:

40 (a) A SCHOOL OF A SCHOOL DISTRICT;

41 (b) A DISTRICT CHARTER SCHOOL, AS DEFINED IN SECTION

42 22-11-103 (12);

43 (c) AN INSTITUTE CHARTER SCHOOL, AS DEFINED IN SECTION

1 22-30.5-502 (6);

2 (d) AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION  
3 22-2-402 (1); OR

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

6 (15) "STATE-CERTIFIED LABORATORY" MEANS A LABORATORY  
7 THAT IS CERTIFIED BY THE DEPARTMENT PURSUANT TO SECTION  
8 25-1.5-203 (1)(d) FOR THE PURPOSE OF ENSURING COMPETENT TESTING OF  
9 DRINKING WATER.

10 (16) "WATER QUALITY CONTROL COMMISSION" OR "COMMISSION"  
11 MEANS THE WATER QUALITY CONTROL COMMISSION CREATED IN SECTION  
12 25-8-201.

13 **25-8-902. School and child care clean drinking water fund -**  
14 **creation.** (1) THE SCHOOL AND CHILD CARE CLEAN DRINKING WATER  
15 FUND IS CREATED IN THE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

42 (b) TO REIMBURSE A CHILD CARE CENTER, FAMILY CHILD CARE  
43 HOME, OR ELIGIBLE SCHOOL FOR COSTS ASSOCIATED WITH COMPLYING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (b) WHILE A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR  
43 ELIGIBLE SCHOOL IS IN THE PROCESS OF REMEDIATING A DRINKING WATER

1 SOURCE, THE CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ELIGIBLE  
2 SCHOOL SHALL ENSURE THAT:

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

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

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

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

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

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

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

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

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

42 (a) WHEREBY CHILD CARE CENTERS, FAMILY CHILD CARE HOMES,  
43 AND ELIGIBLE SCHOOLS CAN SATISFACTORILY DEMONSTRATE COSTS

1 INCURRED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION AND  
2 APPLY TO THE DEPARTMENT FOR REIMBURSEMENT OF SUCH COSTS; AND

3 (b) WHEREBY THE DEPARTMENT, EXCEPT AS DESCRIBED IN  
4 SECTION 25-8-902 (6), REIMBURSES CHILD CARE CENTERS, FAMILY CHILD  
5 CARE HOMES, AND ELIGIBLE SCHOOLS FOR COSTS INCURRED FOR THE  
6 PURPOSE OF COMPLYING WITH THIS 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  
28 CARE CENTER OR ELIGIBLE SCHOOL IS IN COMPLIANCE WITH THE  
29 REQUIREMENTS OF THE FEDERAL RULE. HOWEVER, A CHILD CARE CENTER  
30 OR ELIGIBLE SCHOOL THAT UTILIZES THE EXEMPTION DESCRIBED IN THIS  
31 SUBSECTION (9)(b) SHALL, IN LIEU OF SATISFYING THE REPORTING  
32 REQUIREMENT DESCRIBED IN SUBSECTION (1)(b)(II) OF THIS SECTION,  
33 REPORT ANNUALLY TO THE WATER QUALITY CONTROL COMMISSION THE  
34 RESULTS OF THE CHILD CARE CENTER'S OR ELIGIBLE SCHOOL'S TESTING OF  
35 ITS DRINKING WATER SOURCES PURSUANT TO THE FEDERAL RULE.

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

42 (I) SUMMARIZES THE RESULTS OF THE TESTS PERFORMED BY CHILD  
43 CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE SCHOOLS

1 PURSUANT TO THIS SECTION; AND  
2 (II) IDENTIFIES ANY NONCOMPLIANT CHILD CARE CENTERS, FAMILY  
3 CHILD CARE HOMES, AND ELIGIBLE SCHOOLS.  
4 (b) THE WATER QUALITY CONTROL COMMISSION SHALL PRESENT  
5 TESTIMONY CONCERNING THE REPORT DESCRIBED IN SUBSECTION (10)(a)  
6 OF THIS SECTION TO THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN  
7 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY  
8 SUCCESSOR COMMITTEE, AT THE COMMITTEE'S REQUEST.  
9 (c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136  
10 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN  
11 SUBSECTION (10)(a) OF THIS SECTION CONTINUES INDEFINITELY.  
12 **25-8-904. Report and recommendation regarding expansion**  
13 **required - legislative declaration.** (1) IT IS THE GENERAL ASSEMBLY'S  
14 INTENT THAT, SUBJECT TO THE AVAILABILITY OF FUTURE APPROPRIATIONS,  
15 THE REQUIREMENTS DESCRIBED IN THIS PART 9 CONCERNING THE TESTING  
16 AND REMEDIATION OF DRINKING WATER SOURCES IN ELIGIBLE SCHOOLS  
17 SHOULD BE EXPANDED TO APPLY TO SCHOOLS OTHER THAN THOSE  
18 SCHOOLS THAT ARE ELIGIBLE SCHOOLS, AND SUCH SCHOOLS SHOULD ALSO  
19 BE MADE ELIGIBLE TO RECEIVE REIMBURSEMENT FOR COSTS INCURRED IN  
20 COMPLYING WITH SUCH REQUIREMENTS. TO THIS END, THE DEPARTMENT  
21 IS REQUIRED TO ADVISE THE GENERAL ASSEMBLY IN THE FORM OF THE  
22 REPORT DESCRIBED IN SUBSECTION (2) OF THIS SECTION.  
23 (2) ON OR BEFORE JANUARY 1, 2026, THE DEPARTMENT SHALL  
24 REPORT TO THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES  
25 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND  
26 HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR  
27 COMMITTEES, CONCERNING THE DEPARTMENT'S ACTIVITIES UNDER THIS  
28 PART 9. SPECIFICALLY, THE DEPARTMENT SHALL INCLUDE IN THE REPORT:  
29 (a) THE REMAINING BALANCE IN THE FUND AS OF THE DATE OF THE  
30 REPORT;  
31 (b) AN ESTIMATE OF THE COST OF APPLYING THE REQUIREMENTS  
32 OF THIS PART 9 TO, AND MAKING ELIGIBLE FOR REIMBURSEMENT FROM THE  
33 FUND FOR COSTS INCURRED IN COMPLYING WITH SUCH REQUIREMENTS,  
34 SCHOOLS THAT SERVE ANY OF GRADES SIX THROUGH EIGHT AND THAT ARE  
35 NOT ELIGIBLE SCHOOLS; AND  
36 (c) AN ESTIMATE OF THE COST OF APPLYING THE REQUIREMENTS  
37 OF THIS PART 9 TO, AND MAKING ELIGIBLE FOR REIMBURSEMENT FROM THE  
38 FUND FOR COSTS INCURRED IN COMPLYING WITH SUCH REQUIREMENTS,  
39 SCHOOLS THAT SERVE ANY OF GRADES NINE THROUGH TWELVE AND THAT  
40 ARE NOT ELIGIBLE SCHOOLS.  
41 **25-8-905. Repeal of part.** THIS PART 9 IS REPEALED, EFFECTIVE  
42 JUNE 30, 2026.  
43 **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  
28 CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND ELIGIBLE  
29 SCHOOLS.

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

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

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

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

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

41 (2) For the 2022-23 state fiscal year, \$505,498 is appropriated to  
42 the office of the governor for use by the office of information technology.  
43 This appropriation is from reappropriated funds received from the

1 department of public health and environment under subsection (1)(c) of  
2 this section. To implement this act, the office may use this appropriation  
3 to provide information technology services for the department of public  
4 health and environment.

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

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

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

26 Page 1 of the bill, line 103, strike "**PRESENT.**" and substitute "**PRESENT,**  
27 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

\*\* \*\*\* \*\* \*\*\* \*\*