

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0906.01 Richard Sweetman x4333

HOUSE BILL 26-1391

HOUSE SPONSORSHIP

Brown and Sirota, Taggart

SENATE SPONSORSHIP

Amabile and Kirkmeyer, Bridges

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CLEAN DRINKING WATER IN PLACES WHERE CHILDREN
102 ARE PRESENT, AND, IN CONNECTION THEREWITH, EXTENDING
103 THE SCHOOL AND CHILD CARE CLEAN DRINKING WATER FUND
104 THROUGH THE **2028-29** STATE FISCAL YEAR, ADDING HIGH
105 SCHOOLS TO THE SCOPE OF POTENTIAL RECIPIENTS OF GRANTS
106 FROM THE SCHOOL AND CHILD CARE CLEAN DRINKING WATER
107 FUND, PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND
108 ENVIRONMENT FROM ISSUING A LICENSE TO A CHILD CARE
109 CENTER UNLESS THE CHILD CARE CENTER IS IN COMPLIANCE
110 WITH LAWS CONCERNING THE TESTING OF DRINKING WATER,
111 AND MAKING AN APPROPRIATION.

Bill Summary

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

(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/>.)

Joint Budget Committee. In 2022, the general assembly enacted, and the governor subsequently signed into law, House Bill 22-1358, which required child care centers, family child care homes, and each public school that serves any of grades preschool through eighth grade to:

- Test its drinking water sources by having a state-certified laboratory measure the lead content of water drawn from each drinking water source; and
- Satisfy other requirements concerning the provision of safe drinking water.

House Bill 22-1358 also created the school and child care clean drinking water fund (fund) to help schools, child care centers, and family child care homes comply with House Bill 22-1358.

House Bill 22-1358 included a repeal date of June 30, 2026, for its provisions. The bill extends the provisions, with amendments, until June 30, 2029. The bill also adds high schools (i.e., schools that serve grades 9 to 12) to the scope of House Bill 22-1358, which means that high schools may receive grants from the fund and must satisfy certain requirements on or before dates specified in the bill.

The bill prohibits the department of public health and environment from issuing or renewing a license for a child care center unless the child care center is in compliance with the requirements of House Bill 22-1358 concerning testing for the presence of lead in drinking water.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-901, **amend** (4)
3 as follows:

4 **25-8-901. Definitions.**

5 As used in this part 9, unless the context otherwise requires:

6 (4) "Eligible school" means a school that serves any of grades
7 preschool through ~~eighth~~ TWELFTH grade.

8 **SECTION 2.** In Colorado Revised Statutes, 25-8-902, **amend** (3)
9 and (5)(b)(IV) as follows:

1 **25-8-902. School and child care clean drinking water fund -**
2 **creation.**

3 (3) Money in the fund at the end of each state fiscal year remains
4 in the fund and does not revert to the general fund; except that any money
5 remaining in the fund on ~~June 29, 2026~~ JUNE 29, 2029, reverts to the
6 general fund.

7 (5) The department shall expend money from the fund only:

8 (b) To reimburse eligible schools, child care centers, and family
9 child care homes as needed for costs associated with complying with this
10 part 9, in the following order of priority:

11 (IV) On and after June 1, 2023, subject to available
12 appropriations, eligible schools that serve students in ~~sixth, seventh, or~~
13 ~~eighth grade~~ GRADES SIX THROUGH TWELVE.

14 **SECTION 3.** In Colorado Revised Statutes, 25-8-903, **amend**
15 (1)(a) and (4); and **repeal** (7)(b) as follows:

16 **25-8-903. Testing for the presence of lead in drinking water in**
17 **child care centers, family child care homes, and eligible schools -**
18 **remediation - maintenance of records - training - inspections -**
19 **enforcement - reimbursement - technical assistance - exemptions - opt**
20 **out by family child care home - reports.**

21 (1) **Testing.**

22 (a) (I) Except as described in ~~subsection (1)(a)(II)~~ SUBSECTIONS
23 (1)(a)(II) AND (1)(a)(III) of this section, on or before May 31, 2023, each
24 child care center, family child care home, and eligible school shall test its
25 drinking water sources by having a state-certified laboratory measure the
26 lead content of water drawn from each drinking water source. The testing
27 must be done in accordance with the latest federal guidance on proper

1 sampling for testing for the presence of lead in drinking water, including
2 the "Lead and Copper Rule" of the federal environmental protection
3 agency, 40 CFR 141 et seq., as amended.

4 (II) Subject to available appropriations, ~~as described in section~~
5 ~~25-8-904 (2)~~, an eligible school that serves students in sixth, seventh, or
6 eighth grade shall satisfy the requirement described in subsection (1)(a)(I)
7 of this section on or before November 30, 2024.

8 (III) SUBJECT TO AVAILABLE APPROPRIATIONS, AN ELIGIBLE
9 SCHOOL THAT SERVES STUDENTS IN NINTH, TENTH, ELEVENTH, OR
10 TWELFTH GRADE SHALL SATISFY THE REQUIREMENT DESCRIBED IN
11 SUBSECTION (1)(a)(I) OF THIS SECTION ON OR BEFORE MAY 31, 2027.

12 (4) **Training.**

13 (a) EXCEPT AS DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION,
14 not later than one hundred eighty days after August 10, 2022, the
15 department shall provide training to each child care center, family child
16 care home, and eligible school regarding water filter maintenance,
17 flushing protocols, testing for lead, reporting processes for sampling
18 reports, and other activities relevant to compliance with this part 9.
19 Training may take place in person or virtually and must include the
20 individuals who will take water samples at the child care center, family
21 child care home, or eligible school for the purposes of this part 9. The
22 department shall provide the training in relevant languages.

23 (b) NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE
24 EFFECTIVE DATE OF THIS SUBSECTION (4)(b), THE DEPARTMENT SHALL
25 PROVIDE THE TRAINING DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION
26 TO EACH ELIGIBLE SCHOOL THAT SERVES STUDENTS IN NINTH, TENTH,
27 ELEVENTH, OR TWELFTH GRADE.

1 (7) **Reimbursement.**

2 (b) ~~Notwithstanding subsection (7)(a) of this section, the~~
3 ~~department shall not reimburse an eligible school that serves students in~~
4 ~~sixth, seventh, or eighth grade until June 1, 2023, for costs incurred for~~
5 ~~the purpose of complying with this section.~~

6 **SECTION 4.** In Colorado Revised Statutes, **repeal** 25-8-904 as
7 follows:

8 **25-8-904. Report and recommendation regarding expansion**
9 **required - legislative declaration.**

10 ~~(1) It is the general assembly's intent that, subject to the~~
11 ~~availability of future appropriations, the requirements described in this~~
12 ~~part 9 concerning the testing and remediation of drinking water sources~~
13 ~~in eligible schools should be expanded to apply to schools other than~~
14 ~~those schools that are eligible schools, and such schools should also be~~
15 ~~made eligible to receive reimbursement for costs incurred in complying~~
16 ~~with such requirements. To this end, the department is required to advise~~
17 ~~the general assembly in the form of the report described in subsection (2)~~
18 ~~of this section.~~

19 ~~(2) On or before February 28, 2024, the department shall report~~
20 ~~to the public and behavioral health and human services committee of the~~
21 ~~house of representatives and the health and human services committee of~~
22 ~~the senate, or to any successor committees, concerning the department's~~
23 ~~activities under this part 9. Specifically, the department shall include in~~
24 ~~the report the amount of money, if any, that remains in the fund on the~~
25 ~~date of the report. If the department determines that sufficient money~~
26 ~~remains in the fund, then eligible schools that serve any of grades six~~
27 ~~through eight shall comply with the testing requirement described in~~

1 ~~section 25-8-903 (1)(a)(I) on or before November 30, 2024. The~~
2 ~~department shall post notice of its determination on its public website as~~
3 ~~soon as practicable.~~

4 **SECTION 5.** In Colorado Revised Statutes, **amend** 25-8-905 as
5 follows:

6 **25-8-905. Repeal of part.**

7 This part 9 is repealed, effective ~~June 30, 2026~~ JUNE 30, 2029.

8 **SECTION 6.** In Colorado Revised Statutes, 22-30.5-530, **amend**
9 (2) as follows:

10 **22-30.5-530. Testing for the presence of lead in drinking water**
11 **in eligible schools - compliance with public health requirements -**
12 **repeal.**

13 (2) This section is repealed, effective ~~June 30, 2026~~ JUNE 30,
14 2029.

15 **SECTION 7.** In Colorado Revised Statutes, 22-32-151, **amend**
16 (2) as follows:

17 **22-32-151. Testing for the presence of lead in drinking water**
18 **in eligible schools - compliance with public health requirements -**
19 **repeal.**

20 (2) This section is repealed, effective ~~June 30, 2026~~ JUNE 30,
21 2029.

22 **SECTION 8.** In Colorado Revised Statutes, 26.5-5-329, **amend**
23 (2) as follows:

24 **26.5-5-329. Testing for the presence of lead in drinking water**
25 **in child care centers and family child care homes - compliance with**
26 **public health requirements - repeal.**

27 (2) This section is repealed, effective ~~June 30, 2026~~ JUNE 30,

1 2029.

2 **SECTION 9.** In Colorado Revised Statutes, 26.5-5-309, **add** (8)
3 as follows:

4 **26.5-5-309. Licenses - rules - definition - appropriation -**
5 **repeal.**

6 (8) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (8),
7 THE DEPARTMENT SHALL NOT ISSUE OR RENEW A LICENSE FOR A CHILD
8 CARE CENTER UNLESS THE CHILD CARE CENTER IS IN COMPLIANCE WITH
9 THE REQUIREMENTS OF PART 9 OF ARTICLE 8 OF TITLE 25 CONCERNING
10 TESTING FOR THE PRESENCE OF LEAD IN DRINKING WATER.

11 **SECTION 10. Appropriation.** For the 2026-27 state fiscal year,
12 \$8,700,000 is appropriated to the department of public health and
13 environment for use by the water quality control division. This
14 appropriation is from the school and child care clean drinking water fund
15 created in section 25-8-902 (1), C.R.S., and is based on an assumption
16 that the division will require an additional 7.0 FTE. To implement this
17 act, the division may use this appropriation for school and child care clean
18 drinking water program costs. Any money appropriated in this section not
19 expended prior to July 1, 2027, is further appropriated to the department
20 through the 2028-29 state fiscal year for the same purpose.

21 **SECTION 11. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.