

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 26-1391

BY REPRESENTATIVE(S) Brown and Sirota, Taggart, Bacon, Boesenecker, Camacho, Carter, Clifford, Duran, English, Espenosa, Gilchrist, Hamrick, Joseph, Lieder, Lindsay, Marshall, Martinez, Nguyen, Ricks, Smith, Stewart K., Story, Titone, Valdez, Velasco, Willford, Zokaie; also SENATOR(S) Amabile and Kirkmeyer, Bridges, Benavidez, Cutter, Danielson, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Wallace, Weissman, Coleman.

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

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

**SECTION 1.** In Colorado Revised Statutes, 25-8-901, **amend** (4)

*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.*

as follows:

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

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

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

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

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

(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~~ JUNE 29, 2029, reverts to the general fund.

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

(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:

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

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

**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)~~ SUBSECTIONS (1)(a)(II) AND (1)(a)(III) 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.

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

#### **(4) Training.**

(a) EXCEPT AS DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION, not later than one hundred eighty days after August 10, 2022, 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.

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

#### **(7) Reimbursement.**

~~(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 June 1, 2023, for costs incurred for the purpose of complying with this section.~~

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

**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.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) ON OR BEFORE JULY 1, 2027, THE DEPARTMENT SHALL ADOPT RULES ESTABLISHING HOW A CHILD CARE CENTER SHALL DEMONSTRATE COMPLIANCE WITH THE REQUIREMENTS CONCERNING THE TESTING FOR THE PRESENCE OF LEAD IN DRINKING WATER DESCRIBED IN PART 9 OF ARTICLE 8 OF TITLE 25.

**SECTION 10. Appropriation.** For the 2026-27 state fiscal year, \$8,700,000 is appropriated to the department of public health and environment for use by the water quality control division. This

appropriation is from the school and child care clean drinking water fund created in section 25-8-902 (1), C.R.S., and is based on an assumption that the division will require an additional 7.0 FTE. To implement this act, the division may use this appropriation for school and child care clean drinking water program costs. Any money appropriated in this section not expended prior to July 1, 2027, is further appropriated to the department through the 2028-29 state fiscal year for the same purpose.

**SECTION 11. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

---

Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

---

Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

---

Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

---

Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO