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 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.

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

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

PART 9

LEAD-FREE WATER IN SCHOOLS,

CHILD CARE CENTERS, AND FAMILY CHILD CARE HOMES

25-8-901. Definitions. As used in this part 9, unless the context otherwise requires:

(1) "CHILD CARE CENTER" HAS THE MEANING SET FORTH IN SECTION 26-6-102 (5).

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

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

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

(5) "FILTERED BOTTLE-FILLING STATION" MEANS AN APPARATUS THAT:

(a) IS CONNECTED TO BUILDING PLUMBING;

(b) FILTERS WATER;

(c) IS CERTIFIED TO MEET NSF/ANSI STANDARD 53 FOR LEAD REDUCTION AND NSF/ANSI STANDARD 42 FOR PARTICULATE REMOVAL;

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

(e) IS DESIGNED TO FILL DRINKING BOTTLES OR OTHER CONTAINERS USED FOR PERSONAL WATER CONSUMPTION; AND

(f) INCLUDES A FEATURE THAT ALLOWS A USER TO DRINK DIRECTLY FROM A STREAM OF FLOWING WATER WITHOUT THE USE OF AN ACCESSORY.

(6) "FILTERED FAUCET" MEANS A FAUCET THAT, AT THE POINT OF USE, INCLUDES A FILTER THAT IS CERTIFIED TO MEET NSF/ANSI STANDARD 53 FOR LEAD REDUCTION AND NSF/ANSI STANDARD 42 FOR PARTICULATE REMOVAL;

(7) "FILTRATION SYSTEM" MEANS A FILTERED BOTTLE-FILLING STATION OR FILTERED FAUCET.

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

(9) (a) "LEAD SERVICE LINE" MEANS:
(I) A water service line made of lead; or

(II) A lead pigtail, lead gooseneck, or other lead fitting that is connected to a water service line.

(b) "Lead service line" includes any galvanized service line that is or ever was downstream of any lead service line or any service line of unknown material.

(c) A lead service line may be owned by a water system, a property owner, or both.

(10) "NSF/ANSI Standard 42" means the NSF International/American National Standards Institute standard 42-2020 for "drinking water treatment units, aesthetic effects", as amended.


(12) "Relevant languages" has the meaning set forth in section 25-7-141 (2)(o).

(13) "School" means:

(a) A school of a school district;

(b) A district charter school, as defined in section 22-11-103 (12);

(c) An institute charter school, as defined in section 22-30.5-502 (6);

(d) An approved facility school, as defined in section 22-2-402 (1); or

(e) A board of cooperative services, as defined in section
"STATE-CERTIFIED LABORATORY" MEANS A LABORATORY THAT IS CERTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-203 (1)(d) FOR THE PURPOSE OF ENSURING COMPETENT TESTING OF DRINKING WATER.

"WATER QUALITY CONTROL COMMISSION" OR "COMMISSION" MEANS THE WATER QUALITY CONTROL COMMISSION CREATED IN SECTION 25-8-201.

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

(2) THE DEPARTMENT MAY RECEIVE MONEY FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

(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.

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

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

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

(b) TO REIMBURSE SCHOOLS, CHILD CARE CENTERS, AND FAMILY CHILD CARE HOMES AS NEEDED FOR COSTS ASSOCIATED WITH COMPLYING WITH THIS PART 9.

25-8-903. Clean water in schools, child care centers, and family child care homes - filtration systems required. (1) WITHIN ONE
HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS PART 9, EACH
SCHOOL, CHILD CARE CENTER, AND FAMILY CHILD CARE HOME SHALL:

(a) Ensure that:

(I) A filtration system is installed on every drinking
water source in the school, child care center, and family child
care home; and

(II) Each of its water filters:

(A) Complies with NSF/ANSI Standard 53 for lead
reduction and NSF/ANSI Standard 42 for particulate removal;
and

(B) Is replaced at least as frequently as required by the
manufacturer's instructions; and

(b) Have at least one filtered bottle-filling station for
every one hundred students or children.

(2) For the purpose of facilitating compliance with this
section, the department shall develop and maintain a list of
approved filtration systems and filters that satisfy the
requirements described in this section. The department shall
make the list available on its public website.

25-8-904. Clean water in schools, child care centers, and
family child care homes - maintenance plans required - inventories
- testing - remediation - training - enforcement - reports.

(1) Maintenance plan required. Each school and each child care
center shall develop and implement a plan for the maintenance
of its water filters and filtration systems, which plan must
satisfy the requirements described in this section.

(2) Inventories. (a) Within sixty days after the effective
DATE OF THIS PART 9, EACH SCHOOL AND EACH CHILD CARE CENTER SHALL CREATE AN INVENTORY OF ALL OF ITS WATER SOURCES, WHICH INVENTORY DISTINGUISHES DRINKING WATER SOURCES FROM OTHER WATER SOURCES AND INCLUDES A FLOOR PLAN THAT INDICATES THE LOCATION OF EACH WATER SOURCE.

(b) When a school or child care center distinguishes a drinking water source pursuant to subsection (2)(a) of this section, the school or child care center shall indicate in the inventory whether the drinking water source is a filtered bottle-filling station or a filtered faucet.

(c) When a school or child care center distinguishes a nondrinking water source pursuant to subsection (2)(a) of this section, the school or child care center shall post a visible sign on or near the water source, which sign warns readers that water from the water source is not drinkable and should not be consumed or used for cooking. All signs posted pursuant to this subsection (2)(c) must be posted in relevant languages.

(d) For the purposes of this subsection (2), a school or child care center shall identify as a nondrinking water source any water source that the school or child care center used as a drinking water source before the date occurring one hundred eighty days after the effective date of this Part 9 but which does not satisfy the requirements of this Part 9.

(3) Testing. (a) Within sixty days after a school satisfies the requirements described in section 25-8-903 (1), the 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 AT LEAST ONCE ANNUALLY, THE TIMING OF WHICH TESTING THE DEPARTMENT SHALL DETERMINE IN ACCORDANCE WITH THE "3 TS FOR REDUCING LEAD IN DRINKING WATER" MANUAL OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY.

(b) ON AND AFTER THE EFFECTIVE DATE OF THIS PART 9, EACH CHILD CARE CENTER AND FAMILY CHILD CARE HOME SHALL TEST ITS DRINKING WATER SOURCES BY HAVING A STATE-CERTIFIED LABORATORY MEASURE THE LEAD CONTENT OF WATER DRAWN FROM EACH DRINKING WATER SOURCE AT LEAST ONCE ANNUALLY.

(c) WITHIN TWO WEEKS AFTER RECEIVING THE RESULTS OF A TEST OF A DRINKING WATER SOURCE, AS DESCRIBED IN SUBSECTIONS (3)(a) OR (3)(b) OF THIS SECTION, A SCHOOL, CHILD CARE CENTER, OR FAMILY CHILD CARE HOME SHALL:

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

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

(d) EACH SCHOOL, CHILD CARE CENTER, AND FAMILY CHILD CARE HOME SHALL ESTABLISH A TESTING SCHEDULE FOR ITS DRINKING WATER SOURCES, PROVIDE THE SCHEDULE TO EMPLOYEES AND TO PARENTS AND GUARDIANS OF CHILDREN ANNUALLY, AND MAKE THE SCHEDULE PUBLICLY AVAILABLE. ALL COMMUNICATIONS TO EMPLOYEES, PARENTS, AND GUARDIANS MUST BE PROVIDED IN RELEVANT LANGUAGES.

(4) Remediation. (a) IF THE RESULTS OF A TEST OF A DRINKING
WATER SOURCE SHOW THAT WATER FROM THE DRINKING WATER SOURCE CONTAINS LEAD IN AN AMOUNT OF ONE PART PER BILLION OR MORE:

(I) A SCHOOL OR CHILD CARE CENTER SHALL:

(A) SHUT OFF THE DRINKING WATER SOURCE AS SOON AS POSSIBLE;

(B) AFFIX A VISIBLE LABEL ON THE DRINKING WATER SOURCE, WHICH LABEL INDICATES THAT WATER FROM THE DRINKING WATER SOURCE CONTAINS LEAD AND IS NOT SAFE FOR CONSUMPTION;

(C) DETERMINE REMEDIATION STEPS WITHIN THIRTY DAYS AFTER RECEIVING THE TEST RESULTS AND COMPLETE SAID REMEDIATION STEPS AS SOON AS POSSIBLE BUT NO LATER THAN NINETY DAYS AFTER RECEIVING THE TEST RESULTS;

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

(E) IMPLEMENT A REMEDIATION PLAN, AS DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION; AND

(II) A FAMILY CHILD CARE HOME SHALL:

(A) EITHER SHUT OFF THE DRINKING WATER SOURCE AS SOON AS
POSSIBLE OR STOP USING THE DRINKING WATER SOURCE FOR CHILD CARE PURPOSES; AND

(B) SATISFY THE REMEDIATION REQUIREMENTS DESCRIBED IN SUBSECTIONS (4)(a)(I)(C) TO (4)(a)(I)(E) OF THIS SECTION.

(b) A SCHOOL’S, CHILD CARE CENTER’S, OR FAMILY CHILD CARE HOME’S REMEDIATION PLAN TO ADDRESS LEAD CONTENT IN WATER FROM A DRINKING WATER SOURCE MUST INCLUDE MEASURES TO:

(I) IMMEDIATELY CHECK THE STATUS OF THE FILTER OR FILTERS AT THE DRINKING WATER SOURCE AND REPLACE THE FILTER OR FILTERS IF THE STATUS LIGHT OR OTHER STATUS INDICATOR INDICATES THAT REPLACEMENT IS, OR WILL SOON BE, REQUIRED;

(II) ENSURE THAT EACH FILTERED BOTTLE-FILLING STATION AND FILTERED FAUCET IN THE SCHOOL, CHILD CARE CENTER, OR FAMILY CHILD CARE HOME IS INSTALLED PROPERLY;

(III) RESAMPLE AND RETEST FILTERED WATER USING A STATE-CERTIFIED LABORATORY, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION;

(IV) DECREASE THE LEAD CONCENTRATION IN THE WATER TO LESS THAN ONE PART PER BILLION WITHOUT RELYING SOLELY ON FLUSHING PRACTICES;

(V) ENSURE THAT ONLY LEAD-FREE FITTINGS ARE USED AS REPLACEMENT FITTINGS;

(VI) PREVENT PEOPLE FROM CONSUMING OR COOKING WITH WATER FROM THE DRINKING WATER SOURCE; AND

(VII) ENSURE THAT AN ADEQUATE SUPPLY OF FREE, SAFE DRINKING WATER REMAINS AVAILABLE TO THE EMPLOYEES, CHILDREN, ADULTS, AND VISITORS OF THE SCHOOL, CHILD CARE CENTER, OR FAMILY
CHILD CARE HOME.

(c) If a school, child care center, or family child care home becomes aware that a service line to the school, child care center, or family child care home is a lead service line, the school, child care center, or family child care home shall promptly notify the local water utility and request that the utility properly remove the lead service line. A utility that receives such a request shall properly remove the lead service line as soon as possible.

(5) Maintenance of records. Each school, child care center, and family child care home shall create and maintain records of its filter replacement activities, including when a filter is removed and when a new filter is installed, and maintain such records for at least five years. Each school, child care center, and family child care home shall provide copies of such records to the department and any member of the public upon request.

(6) Training. Not later than one hundred eighty days after the effective date of this part 9, the department shall 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 this part 9. Training may take place in person or virtually and must include the individuals who will take water samples at the school, child care center, or family child care home for the purposes of this part 9. The department shall provide the training in relevant languages.
(7) **Inspections.** The department is not required to perform inspections pursuant to this Part 9.

(8) **Enforcement.** The Water Quality Control Commission may enforce this Part 9 by issuing administrative orders and assessing penalties but is not required to do so.

(9) **Reports.** (a) On or before December 1, 2023, and on or before each December 1 thereafter, the Water Quality Control Commission shall submit a 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, which report:

(I) summarizes the results of the tests performed by schools, child care centers, and family child care homes pursuant to subsection (3) of this section; and

(II) identifies any noncompliant schools, child care centers, and family child care homes.

(b) Notwithstanding the requirement in section 24-1-136(11)(a)(I), the requirement to submit the report described in subsection (9)(a) of this section continues indefinitely.

**25-8-905. Clean water in schools, child care centers, and family child care homes - labor requirements.** (1) With regard to mechanical, electrical, or plumbing work that is necessary for a school, child care center, or family child care home to complete in order to satisfy the requirements described in section 25-8-903 or 25-8-904, a school, child care center, or family child care home shall contract only with qualified contractors that:
PARTICIPATE IN APPRENTICESHIP PROGRAMS THAT ARE REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION OR WITH A STATE APPRENTICESHIP COUNCIL RECOGNIZED BY THE UNITED STATES DEPARTMENT OF LABOR; AND

(b) SATISFY THE GRADUATION STANDARDS SPECIFIED IN SECTION 24-92-115 (1)(a)(II).

(2) TO PROMOTE COST SAVINGS THROUGH THE BULK PURCHASE OF SERVICES, LOCAL SCHOOL DISTRICT BOARDS OF EDUCATION, TO THE EXTENT PRACTICABLE, SHALL CONTRACT MECHANICAL, ELECTRICAL, AND PLUMBING SERVICES THAT ARE REQUIRED PURSUANT TO THIS PART 9 DISTRICT-WIDE FOR ALL SCHOOL DISTRICT FACILITIES.

(3) A SCHOOL, CHILD CARE CENTER, OR FAMILY CHILD CARE HOME MAY ALLOW AN EMPLOYEE TO PERFORM WORK REQUIRED PURSUANT TO THIS PART 9 SO LONG AS THE WORK BEING PERFORMED DOES NOT REQUIRE A LICENSED ELECTRICIAN OR PLUMBER BY LAW.

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

22-32-150. Lead-free water in schools - compliance with public health requirements. Each school and each charter school of a school district shall comply with the requirements of Part 9 of Article 8 of Title 25 concerning lead-free water in schools, child care centers, and family child care homes.

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

22-30.5-529. Lead-free water in schools - compliance with public health requirements. Each institute charter school shall
COMPLY WITH THE REQUIREMENTS OF PART 9 OF ARTICLE 8 OF TITLE 25
CONCERNING LEAD-FREE WATER IN SCHOOLS, CHILD CARE CENTERS, AND
FAMILY CHILD CARE HOMES.

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

26-6-123. Lead-free water in child care centers and family
child care homes - compliance with public health requirements. EACH
CHILD CARE CENTER AND FAMILY CHILD CARE HOME SHALL COMPLY WITH
THE REQUIREMENTS OF PART 9 OF ARTICLE 8 OF TITLE 25 CONCERNING
LEAD-FREE WATER IN SCHOOLS, CHILD CARE CENTERS, AND FAMILY CHILD
CARE HOMES.

SECTION 5. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly; except
that, if a referendum petition is filed pursuant to section 1 (3) of article V
of the state constitution against this act or an item, section, or part of this
act within such period, then the act, item, section, or part will not take
effect unless approved by the people at the general election to be held in
November 2022 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.