

**Representative Stephen G. Handy** proposes the following substitute bill:

# **SCHOOL WATER TESTING REQUIREMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

Senate Sponsor: \_\_\_\_\_

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## **LONG TITLE**

### **General Description:**

This bill addresses water quality for schools.

### **Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ addresses testing drinking water for lead at schools;
- ▶ requires action if lead test results are above a certain level; ~~H→~~ **[and]** ~~←H~~
- ▶ requires records to be kept and made public ~~H→~~ **[; and]**
- ▶ **requires annual reporting by the Division of Drinking Water.** ~~←H~~

### **Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2021:

- ▶ to the State Board of Education - State Administrative Office, as a one-time appropriation:
  - from the Education Fund, One-time, \$2,000,000.

### **Other Special Clauses:**

None

### **Utah Code Sections Affected:**

ENACTS:

**53G-9-210**, Utah Code Annotated 1953



*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53G-9-210** is enacted to read:

**53G-9-210. Drinking water quality in schools.**

(1) As used in this section:

(a) "Action level" means a lead concentration equal to 10 parts per billion.

(b) "Certified laboratory" means the State of Utah primacy laboratory or a laboratory certified by the Utah State Health Laboratory.

(c) "Consumable tap" means a sink or fountain used for consumption of water or food preparation.

(d) "Private school" means a private:

(i) elementary school or secondary school;

(ii) preschool; or

(iii) kindergarten.

(e) "Public school" means a public:

(i) elementary school or secondary school;

(ii) preschool; or

(iii) kindergarten.

(2) (a) A public school shall test each consumable tap at the public school for lead:

(i) by no later than December 31, 2023; and

(ii) every five years after the initial test of the consumable tap under Subsection (2)(a).

(b) A private school may test a consumable tap at the private school under this section.

(3) (a) In conducting a test under Subsection (2), a public or private school shall:

(i) comply with the current state testing guidelines for reducing lead in drinking water in schools; and

(ii) submit the samples to a certified laboratory.

(b) If a private school tests a consumable tap under this section, the private school may be eligible for reimbursement of costs associated with the testing at a certified laboratory if the private school requests reimbursement from the Department of Environmental Quality.

(c) If the Department of Environmental Quality determines that a public school has tested the public school's consumable taps as required by Subsection (2)(a), a public school

may request reimbursement from the state board of the costs associated with testing under this section. Subject to appropriations, the state board shall reimburse the costs of testing in the order that the requests for reimbursement are made with the state board. The state board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Procedure Act, for applying for reimbursement of the costs associated with testing under this section.

(4) If a test result of a consumable tap under Subsection (2) results in a lead level above the action level, the public or private school shall take steps to stop the use of the consumable tap or reduce the lead level below the action level.

(5) A public or private school shall:

(a) for at least five years from the day on which test results are received by the public or private school, keep a record of:

(i) the test results for a test taken under Subsection (2); and

(ii) the steps taken as required under Subsection (4); and

(b) make a record described in Subsection (5)(a) available to the public upon request.

**→ (6) The Division of Drinking Water shall annually report regarding schools' compliance with this section to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the November interim meeting of the committee. ←**

## Section 2. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2020 and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

### ITEM 1

To State Board of Education – State Administrative Office

From Education Fund, One-time

\$2,000,000

Schedule of Programs:

Financial Operations

\$2,000,000

The Legislature intends that the appropriation under this item be used to reimburse public schools for testing for lead in consumable taps as described in Section [53G-9-210](#) enacted in this bill.