

HOUSE BILL No. 1265

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-21.1.

Synopsis: Drinking water testing in Lake County. Requires that the drinking water in every child care center, child care home, child care ministry site, child care program site, child caring institution, and school building be tested before January 1, 2023, for compliance with the national primary drinking water regulations for lead and copper. Provides, however, that the testing requirement is satisfied if the drinking water of the child care facility or school building has already been tested for compliance with the national primary drinking water regulations at least once since 2016. Provides that if a test of the drinking water of a child care facility or school building indicates the presence of lead in the water equal to or greater than the federal lead action level of 15 parts per billion, the person or entity having authority over the child care facility or school building is required to take action to reduce the lead levels in the drinking water to less than 15 parts per billion.

Effective: July 1, 2020.

Jackson

January 13, 2020, read first time and referred to Committee on Environmental Affairs.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

- 1 SECTION 1. IC 16-41-21.1-1, AS ADDED BY P.L.127-2016,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 1. (a) ~~As used~~ **The definitions set forth** in this
- 4 **section apply throughout this** chapter.
- 5 (b) **"Child care center" has the meaning set forth in**
- 6 **IC 12-7-2-28.4.**
- 7 (c) **"Child care home" has the meaning set forth in**
- 8 **IC 12-7-2-28.6.**
- 9 (d) **"Child care ministry site" means the physical facility in**
- 10 **which a child care ministry, as defined in IC 12-7-2-28.8, is**
- 11 **operated.**
- 12 (e) **"Child care program site" means the physical facility in**
- 13 **which a child care program, as defined in IC 12-17.2-3.5-1.2, is**
- 14 **operated.**
- 15 (f) **"Child caring institution" has the meaning set forth in**
- 16 **IC 12-7-2-29.**
- 17 (g) **"School building" means any building used by a public school**



1 (as defined in IC 20-18-2-15), including a charter school (as defined in
2 IC 20-18-2-2.5), for the classroom instruction of students in any grade
3 from kindergarten through grade 12.

4 SECTION 2. IC 16-41-21.1-3 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2020]: **Sec. 3. (a) Except as provided in
7 subsection (b) or (c), the drinking water in every:**

- 8 (1) child care center;
9 (2) child care home;
10 (3) child care ministry site;
11 (4) child care program site;
12 (5) child caring institution; and
13 (6) school building;

14 located in Lake County shall be tested before January 1, 2023, to
15 determine whether the drinking water meets the standards of 40
16 CFR 141, Subpart I, the national primary drinking water
17 regulations for lead and copper.

18 (b) The requirement of subsection (a) is satisfied with respect to
19 a school building if the drinking water in the school building:

- 20 (1) was tested during the lead sampling program for school
21 buildings conducted by the Indiana finance authority in 2017
22 and 2018;
23 (2) is tested in the lead sampling program for school buildings
24 and child care facilities conducted by the Indiana finance
25 authority in 2019 and 2020; or
26 (3) has otherwise been tested for compliance with the
27 standards of 40 CFR 141, Subpart I, at least once since 2016.

28 (c) The requirement of subsection (a) is satisfied with respect to
29 a:

- 30 (1) child care center;
31 (2) child care home;
32 (3) child care ministry site;
33 (4) child care program site; or
34 (5) child caring institution;

35 if the drinking water in the physical facility of an entity referred to
36 in subdivisions (1) through (5) is tested in the lead sampling
37 program for school buildings and child care facilities conducted by
38 the Indiana finance authority in 2019 and 2020 or has been tested
39 for compliance with the standards of 40 CFR 141, Subpart I, at
40 least once since 2016.

41 (d) If any testing of drinking water conducted under this section
42 indicates that the presence of lead in the drinking water is equal to



1 or greater than the lead action level of fifteen (15) parts per billion
 2 established by 40 CFR 141, Subpart I, the person or entity having
 3 authority over the:
 4 (1) child care center;
 5 (2) child care home;
 6 (3) child care ministry site;
 7 (4) child care program site;
 8 (5) child caring institution; or
 9 (6) school building;
 10 from which the water was taken for testing shall take action to
 11 reduce the lead levels in the drinking water to less than fifteen (15)
 12 parts per billion.
 13 SECTION 3. [EFFECTIVE JULY 1, 2020] (a) The general
 14 assembly finds:
 15 (1) that:
 16 (A) the historic prevalence in Lake County of heavy
 17 industry and of the environmental problems associated
 18 with heavy industry, including lead contamination; and
 19 (B) concerns arising from the fact that lead accumulates in
 20 the human body, so that the risk of lead poisoning
 21 increases with repeated exposures to lead;
 22 create a special need to protect the children of Lake County
 23 against exposure to lead through the drinking water in school
 24 buildings and child care facilities; and
 25 (2) that, for purposes of Article 4, Section 23 of the
 26 Constitution of the State of Indiana, the case of IC 16-41-21.1,
 27 as amended by this act, is one in which a general law cannot
 28 be made applicable.
 29 (b) This SECTION expires July 1, 2021.

