

# HOUSE BILL No. 1378

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-41-21.2.

**Synopsis:** Preschool and child care facility drinking water. Requires the person or entity having authority over a child care facility or preschool to test the drinking water in the child care facility or preschool before January 1, 2025, to determine whether lead is present in the drinking water in a concentration equal to or exceeding 15 parts per billion. Excepts a child care facility or preschool from this testing requirement if its drinking water: (1) was tested through the Lead Sampling Program for Schools and Child Care Facilities conducted by the Indiana finance authority in 2019 and 2020; or (2) has otherwise been tested for lead at least once after 2017. Provides that, if testing indicates that lead in the drinking water of a child care facility or preschool equals or exceeds 15 parts per billion, the person or entity having authority over the child care facility or preschool is required to take action to reduce the concentration of lead to below 15 parts per billion.

**Effective:** July 1, 2022.

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## Jackson, Aylesworth, Bauer M

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January 11, 2022, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# HOUSE BILL No. 1378

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 16-41-21.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]:

4 **Chapter 21.2. Drinking Water Testing in Preschools and Day**  
5 **Care Facilities**

6 **Sec. 1. As used in this chapter, "action level for lead" means the**  
7 **concentration of lead in water of fifteen (15) parts per billion, or**  
8 **fifteen one thousandths (0.015) milligram of lead per liter of water,**  
9 **as determined according to 40 CFR 141.80 as in effect on January**  
10 **1, 2021.**

11 **Sec. 2. As used in this chapter, "child care facility" means any**  
12 **of the following:**

- 13 (1) A child care center, as defined in IC 12-7-2-28.4.
- 14 (2) A child care home, as defined in IC 12-7-2-28.6.
- 15 (3) A child care ministry, as defined in IC 12-7-2-28.8, that is
- 16 licensed by or registered with the division of family resources
- 17 under IC 12-17.2-6.



1           **Sec. 3. As used in this chapter, "preschool" has the meaning set**  
2 **forth in IC 12-7-2-143.5.**

3           **Sec. 4. (a) Except as provided in subsection (b), the person or**  
4 **entity having authority over a child care facility or preschool shall**  
5 **test the drinking water in the child care facility or preschool before**  
6 **January 1, 2025, to determine whether lead is present in the**  
7 **drinking water in a concentration that equals or exceeds the action**  
8 **level for lead.**

9           **(b) Testing the drinking water in a child care facility or**  
10 **preschool before January 1, 2025, under subsection (a) is not**  
11 **required if the drinking water in the child care facility or**  
12 **preschool:**

13           **(1) was tested through the Lead Sampling Program for**  
14 **Schools and Child Care Facilities conducted by the Indiana**  
15 **finance authority in 2019 and 2020; or**

16           **(2) has otherwise been tested to determine whether the**  
17 **concentration of lead in the drinking water equals or exceeds**  
18 **the action level for lead at least once after 2017.**

19           **(c) If any testing of drinking water in a child care facility or**  
20 **preschool under subsection (a) or (b) indicates that the presence of**  
21 **lead in the drinking water equals or exceeds the action level for**  
22 **lead, the person or entity having authority over the child care**  
23 **facility or preschool shall take action to reduce the concentration**  
24 **of lead in the drinking water to below the action level for lead.**

