
HOUSE BILL No. 1138

AM113801 has been incorporated into introduced printing.

Synopsis: Preschool and child care facility drinking water.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

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HOUSE BILL No. 1138

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
- 2 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2023]:
- 4 **Chapter 21.2. Water in Child Care Facilities and Preschools**
- 5 **Sec. 1. As used in this chapter, "action level for lead" means**
- 6 **the concentration of lead in water of fifteen (15) part per billion, or**
- 7 **fifteen-thousandths (0.015) milligrams of lead per liter of water.**
- 8 **Sec. 2. As used in this chapter, "child care facility" means any**
- 9 **of the following:**
- 10 **(1) A child care center (as defined in IC 12-7-2-28.4).**
- 11 **(2) A child care home (as defined in IC 12-7-2-28.6).**
- 12 **(3) A child care ministry (as defined in IC 12-7-2-28.8) that**
- 13 **is licensed by or registered with the division of family**
- 14 **resources under IC 12-17.2-6.**
- 15 **Sec. 3. As used in this chapter, "preschool" has the meaning**



1 set forth in IC 12-7-2-143.5.

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

8 (b) Drinking water testing required by this section must be
9 performed in accordance with the lead sampling program for
10 school buildings and child care facilities conducted by the Indiana
11 finance authority.

12 (c) If the drinking water in a child care facility or preschool
13 was tested through the lead sampling program for school buildings
14 and child care facilities conducted by the Indiana finance authority
15 in 2019 and 2020, the drinking water of the child care facility or
16 preschool is not required to be tested before January 1, 2025, as
17 described in subsection (a).

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

24 (e) The environmental rules board shall, under IC 4-22-2 and
25 IC 13-14-9, adopt rules, including emergency rules adopted in the
26 manner provided by IC 4-22-2-37.1, concerning the lead action
27 level. Rules adopted by the environmental rules board shall
28 conform with the forthcoming Lead and Copper Rule
29 Improvements (LCRI) being promulgated by the United States
30 Environmental Protection Agency. Notwithstanding
31 IC 4-22-2-37.1(g), the emergency rules that are adopted under this
32 subsection and in the manner provided by IC 4-22-2-37.1 expire on
33 the date on which rules that supersede the emergency rules are
34 adopted by the board under this subsection and IC 4-22-2-24
35 through IC 4-22-2-36.

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