



2019 SENATE BILL 424

September 17, 2019 - Introduced by Senators COWLES, JOHNSON, PETROWSKI, MILLER, CARPENTER, FEYEN, LARSON, OLSEN, RISSER, SMITH, L. TAYLOR, TESTIN and WIRCH, cosponsored by Representatives THIESFELDT, C. TAYLOR, KITCHENS, OHNSTAD, ANDERSON, BALLWEG, BILLINGS, BOWEN, BROSTOFF, EMERSON, FIELDS, GRUSZYNSKI, HAYWOOD, KOLSTE, KULP, MILROY, MURSAU, L. MYERS, NEUBAUER, NOVAK, SARGENT, SHANKLAND, SINICKI, SPREITZER, STEFFEN, STUBBS, SUBECK, SUMMERFIELD, VINING, VRUWINK, ZAMARRIPA and SKOWRONSKI. Referred to Committee on Natural Resources and Energy.

- 1 **AN ACT to create** 48.651 (1d) (am), 48.67 (6), 48.675 and 97.67 (8) of the statutes;
2 **relating to:** testing for lead in drinking water in facilities used for recreational
3 and educational camps and child care.

Analysis by the Legislative Reference Bureau

This bill requires child care centers, child care providers, and recreational and educational camps to test for lead in drinking water and to provide potable water if lead contamination is found in order to obtain, renew, or continue a camp or child care center license or child care provider certification.

Under current law, no person may for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day unless that person obtains a license to operate a child care center from the Department of Children and Families. To be licensed, current law requires a person to meet the minimum requirements established by DCF. Under current law, a child care center license is valid until revoked or suspended, but must be reviewed every two years.

Current law also requires a person, other than a licensed child care center, to be certified by DCF in order to be eligible to receive payment for providing child care services for an individual who is determined eligible for a Wisconsin Shares child care subsidy. To be certified, current law requires a child care provider to meet minimum requirements established by DCF. Under current rules promulgated by DCF, a child care provider certification is valid for two years unless revoked or suspended, and must be renewed if the provider continues to comply with certification standards.

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Current law also requires the Department of Agriculture, Trade and Consumer Protection or a local health department granted agent status to issue licenses to and regulate recreational and educational camps. Under current law, such licenses expire annually on June 30.

This bill adds as a minimum requirement for a recreational and education camp license, a group home license, a child care center license, and a child care provider certification that an applicant for an initial, continued, or renewed license or certification (applicant) test drinking water for lead contamination in facilities used or to be used for child care, a camp, or a group home within six months before submitting the application. The bill provides that lead contamination is a concentration of lead that is greater than a concentration considered safe for drinking under the federal Safe Drinking Water Act.

Under the bill, if a test shows lead contamination, the applicant must establish and carry out a plan for remediating the lead contamination, continue testing the water until a test shows no lead contamination, provide safe drinking water to the facility until the contamination is remediated, and provide proof in its application that the applicant has complied with these requirements. At six-month intervals following the issuance, renewal, or continuation of the license or certification, the applicant must demonstrate to the appropriate licensing or certifying authority that it remains in compliance with these requirements until a test result shows no lead contamination. Under the bill, if an applicant submits with an application for an initial, renewal, or continuation license a drinking water test showing lead levels are not higher than one part per billion, the applicant need not submit further tests with future applications to renew or continue the license.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.651 (1d) (am) of the statutes is created to read:

2 48.651 (1d) (am) In establishing the requirements for certification of a child
3 care provider under par. (a), the department shall include a requirement that all
4 child care providers certified under s. 48.651 comply with s. 48.675.

5 **SECTION 2.** 48.67 (6) of the statutes is created to read:

6 48.67 (6) That all child care centers licensed under s. 48.65 and all group homes
7 licensed under s. 48.625 comply with s. 48.675.

8 **SECTION 3.** 48.675 of the statutes is created to read:

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1 **48.675 Testing for lead in drinking water.** (1) In this section, “lead
2 contamination” means a concentration of lead that is greater than a concentration
3 considered safe for drinking under the Safe Drinking Water Act, 42 USC 300f et seq.

4 (2) Except as provided under sub. (5), each applicant for an initial or continued
5 license to operate a group home under s. 48.625 or a child care center under s. 48.65
6 or for an initial or renewed certification under s. 48.651 shall, no sooner than 6
7 months prior to submitting the application, test the drinking water at the building
8 used or to be used for child care or as a group home to monitor for lead contamination.
9 The applicant shall submit the test results to the appropriate licensing or certifying
10 authority along with the application.

11 (3) Except as provided under sub. (5), an applicant for an initial or continued
12 license under s. 48.625 or 48.65 or for an initial or renewed certification under s.
13 48.651 shall ensure that the testing required under sub. (2) is done by the State
14 Laboratory of Hygiene or a laboratory certified under ch. NR 149, Wis. Adm. Code,
15 and that samples are collected in accordance with instructions provided by the
16 laboratory that will do the testing.

17 (4) If a test under sub. (2) shows that there is lead contamination in the
18 drinking water at a building used or to be used for child care or as a group home, the
19 applicant for an initial or continued license under s. 48.625 or 48.65 or for an initial
20 or renewed certification under s. 48.651 shall do all of the following:

21 (a) Establish and carry out a plan for remediating the lead contamination.

22 (b) Continue having the drinking water tested as prescribed under sub. (3) at
23 intervals of not more than 6 months until the test results show no lead
24 contamination.

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1 (c) Until testing required under par. (b) shows no lead contamination, provide
2 the facility with an adequate supply of potable water or, for an applicant for an initial
3 license under s. 48.625 or 48.65 or an initial certification under s. 48.651,
4 demonstrate a plan to provide the facility with an adequate supply of potable water
5 if licensed or certified.

6 (d) Submit along with its application the most recent test results under par. (b)
7 and other proof, such as photographs, receipts, or other applicable documentation,
8 that it is compliant with pars. (a) to (c).

9 (e) At 6-month intervals following the date the license or certification is
10 granted, continued, or renewed, demonstrate to the appropriate licensing or
11 certifying authority continued compliance with pars. (a) to (c), including the most
12 recent test results under par. (b). No further demonstration under this paragraph
13 is required following submittal of a test result showing no lead contamination.

14 (5) The testing and application requirements under this section do not apply
15 to an applicant for a continued license under s. 48.625 or 48.65 or a renewed
16 certification under s. 48.651 if the last drinking water test results the applicant
17 submitted along with an application for an initial, continued, or renewed license or
18 certification showed lead levels not higher than one part per billion.

19 **SECTION 4.** 97.67 (8) of the statutes is created to read:

20 97.67 (8) (a) In this subsection, “lead contamination” means a concentration
21 of lead that is greater than a concentration considered safe for drinking under the
22 Safe Drinking Water Act, 42 USC 300f et seq.

23 (b) Except as provided under par. (e), each applicant for an initial or renewed
24 license to operate a recreational or educational camp under this section shall, no
25 sooner than 6 months prior to submitting the application, test the drinking water

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1 supplied to facilities used or to be used as the camp to monitor for lead contamination.
2 The applicant shall submit the test results to the appropriate licensing authority
3 along with the application.

4 (c) Except as provided under par. (e), an applicant for an initial or renewed
5 license to operate a recreational or educational camp under this section shall ensure
6 that the testing required under par. (b) is done by the State Laboratory of Hygiene
7 or a laboratory certified under ch. NR 149, Wis. Adm. Code, and that samples are
8 collected in accordance with instructions provided by the laboratory that will do the
9 testing.

10 (d) If a test under par. (b) shows that there is lead contamination in the drinking
11 water supplied to facilities used or to be used as a recreational or educational camp,
12 the applicant for an initial or renewed license under this section shall do all of the
13 following:

- 14 1. Establish and carry out a plan for remediating the lead contamination.
- 15 2. Continue having the drinking water tested as prescribed under par. (c) at
16 intervals of not more than 6 months until the test results show no lead
17 contamination.
- 18 3. Until testing required under subd. 2. shows no lead contamination, provide
19 the recreational or educational camp with an adequate supply of potable water or,
20 for an applicant for an initial license under this section, demonstrate a plan to
21 provide the camp with an adequate supply of potable water if licensed.
- 22 4. Submit along with its application the most recent test results under subd.
23 2. and other proof, such as photographs, receipts, or other applicable documentation,
24 that it is compliant with subds. 1. to 3.

