

# VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

## CHAPTER 1085

*An Act to amend the Code of Virginia by adding a section numbered 63.2-1705.1, relating to child day programs; potable water; lead testing.*

[S 393]

Approved April 10, 2020

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 63.2-1705.1 as follows:**

***§ 63.2-1705.1. Child day and certain other programs; potable water; lead testing.***

*A. Each child day program that is licensed pursuant to this chapter and any program described in subdivision A 4, B 1, or B 5 of § 63.2-1715 that serves preschool-age children shall develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority, including bubbler-style and cooler-style drinking fountains, kitchen taps, classroom combination sinks and drinking fountains, home economics room sinks, teacher's lounge sinks, nurse's office sinks, classroom sinks in special education classrooms, and sinks known to be or visibly used for consumption.*

*B. The plan established pursuant to subsection A and the results of each test conducted pursuant to such plan shall be submitted to and reviewed by the Commissioner and the Department of Health's Office of Drinking Water.*

*C. If the results of any test conducted in accordance with the plan established pursuant to subsection A indicate a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion and confirm such remediation by retesting the water. The results of the retests shall be submitted to and reviewed by the Commissioner and the Department of Health's Office of Drinking Water.*

*D. Notwithstanding the provisions of subsection A or C, a child day program that is licensed pursuant to this chapter and any program described in subdivision A 4, B 1, or B 5 of § 63.2-1715 may, in lieu of developing and implementing a plan to test potable water or of remediation, use for human consumption, as defined by § 32.1-167, bottled water, water coolers, or other similar water source that meets the U.S. Food and Drug Administration standards for bottled water. Any program that chooses this option shall notify the Commissioner and the Department of Health's Office of Drinking Water and the parent of each child in the program of such choice.*