

SECOND REGULAR SESSION

HOUSE BILL NO. 1466

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (70).

3916H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 160, RSMo, by adding thereto one new section relating to drinking water in schools, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 160, RSMo, is amended by adding thereto one new section, to be
2 known as section 160.077, to read as follows:

3 **160.077. 1. This section shall be known and may be cited as the "Get the Lead**
4 **Out of School Drinking Water Act".**

5 **2. As used in this section, the following terms mean:**

6 **(1) "Department", the department of health and senior services;**

7 **(2) "Disadvantaged school district", any school district that serves students from**
8 **a county in which at least twenty-five percent of the households in such county are below**
9 **the federal poverty guidelines updated periodically in the Federal Register by the U.S.**
10 **Department of Health and Human Services under the authority of 42 U.S.C. Section**
11 **9902(2), as amended, or any school district in which more than seventy percent of**

12 **students in the district qualify for a free or reduced price lunch under the federal**
13 **Richard B. Russell National School Lunch Act, 42 U.S.C. Section 1751 et seq.;**
14 **(3) "First draw", a two-hundred-fifty-milliliter sample immediately collected**
15 **from a water source that has been turned on after a stagnation period of at least eight**
16 **but no more than eighteen hours;**

17 **(4) "NSF/ANSI 53-2017", the standard for drinking water treatment systems**
18 **that are designed to reduce specific health-related contaminants in water supplies that is**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 published by NSF International/ANSI with the title "Drinking Water Treatment Units -
18 Health Effects", or any more stringent subsequent standard;

19 (5) "Parent", a parent, guardian, or other person having control or custody of a
20 child;

21 (6) "Private school", the same definition as in section 166.700;

22 (7) "Public school", the same definition as in section 160.011;

23 (8) "Remediation", decreasing the lead concentration in a drinking water source
24 to less than one part per billion without relying solely on flushing practices, or using
25 methods such as the replacement of lead-containing pipes, solder, fittings, or fixtures
26 with lead-free components;

27 (9) "School", any public school, private school, or provider of an early childhood
28 education program.

29 3. Beginning in the 2023-24 school year and for each subsequent school year,
30 each school shall provide drinking water with a lead concentration level below the
31 American Academy of Pediatrics' recommended maximum level for schools of one part
32 per billion in sufficient amounts to meet the drinking water needs of all students and
33 staff as provided in this section.

34 4. (1) Before January 1, 2023, each school shall:

35 (a) Conduct an inventory of all drinking and nondrinking water sources in each
36 of the school's buildings;

37 (b) Mark each water source on a floor plan;

38 (c) Assign a unique bar code to each water source;

39 (d) Remove any drinking watercoolers that the United States Environmental
40 Protection Agency has determined are not lead-free under the federal Lead
41 Contamination Control Act of 1988, as amended;

42 (e) Install a filter that reduces lead in drinking water on each drinking water
43 source, maintain such filters to ensure that lead concentration levels are below one part
44 per billion, and replace such filters at least as frequently as provided for in the
45 manufacturer's instructions;

46 (f) Post a warning sign at each water outlet that is not to be used for cooking or
47 drinking water purposes stating that the water outlet shall not be used for cooking or
48 drinking water purposes;

49 (g) Provide an annual schedule for testing of drinking water sources at each
50 school for distribution to employees and parents of children at each school; and

51 (h) Provide general information on the health effects of lead contamination and
52 additional informational resources for employees and parents of children at each school.

53 (2) Each school shall make each building housing early childhood education
54 programs, kindergartens, and elementary schools the priority when complying with
55 paragraphs (a) to (e) of subdivision (1) of this subsection.

56 (3) Filters described in paragraph (e) of subdivision (1) of this subsection and
57 any replacement filters shall be certified as compliant with NSF/ANSI 53-2017 and shall
58 incorporate an integral performance indication device as specified in section 6.1 of NSF/
59 ANSI 53-2017.

60 (4) Each school shall provide sufficient filtered water to meet the drinking water
61 needs of all students and staff.

62 (5) Each school shall provide at least one filtered drinking station per one
63 hundred students in each school building.

64 (6) Within sixty days after filters are installed as required under paragraph (e)
65 of subdivision (1) of this subsection and annually thereafter, each school shall conduct
66 testing for lead by first-draw and follow-up flush samples of all drinking water sources
67 as recommended by the 2018 version of the United States Environmental Protection
68 Agency's "Training, Testing, and Taking Action" program. The testing shall be
69 conducted and the results analyzed for both types of tests by an entity or entities
70 approved by the department.

71 (7) Within two weeks after receiving test results, each school shall make all
72 testing results and any interim or permanent lead remediation plans available on the
73 school's website and offer parents an opportunity for a public meeting to discuss the
74 results.

75 (8) School districts shall submit such annual testing results to the department.
76 The department shall post the results of the annual testing for all schools with an
77 indication that no test result exists for any school that fails to submit a testing result by
78 the required date of submission.

79 (9) This subsection shall not be construed to prevent a school from conducting
80 more frequent testing than required under this section.

81 5. (1) If a first draw sample shows a lead concentration of one part per billion or
82 greater, the affected school shall:

83 (a) Within one business day after receiving the test result, shut off the drinking
84 water source and label it with a warning stating that it contains lead and should not be
85 used for human consumption;

86 (b) Provide bottled water if there is not enough water to meet the drinking water
87 needs of the students, teachers, and staff;

88 (c) Within thirty days after receiving the test result, determine interim
89 remediation steps to implement to address the elevated lead concentration level. Such
90 steps shall be posted to the school website; and

91 (d) Within ninety days after receiving the test result, develop a written plan for
92 permanent remediation. Such plan shall be posted to the school's website.

93 (2) If a pipe, solder, fitting, or fixture is replaced as part of permanent
94 remediation under paragraph (d) of subdivision (1) of this subsection, the replacements
95 shall be lead-free as such term is defined in 40 CFR 143.12, as amended.

96 (3) If a test result exceeds one part per billion, the affected school shall contact
97 parents and staff via written notification within seven business days after receiving the
98 test result. The notification shall include at least:

99 (a) The test results and a summary that explains such results;

100 (b) A description of any remedial steps taken; and

101 (c) A description of general health effects of lead contamination and community
102 specific resources.

103 6. (1) In addition to the apportionments payable to a school district under
104 chapter 163, the department of elementary and secondary education is hereby
105 authorized to apportion to any school additional funding for the filtration, testing,
106 and other remediation of drinking water systems required under this section.

107 (2) To the extent permitted by federal law, a school district may seek
108 reimbursement or other funds for compliance incurred under this section under any
109 applicable federal law including, but not limited to, America's Water Infrastructure Act
110 of 2018 and the Water Infrastructure Finance and Innovation Act of 2014, 33 U.S.C.
111 Section 3901 et seq.

112 (3) To the extent permitted by federal law, a school district may seek
113 reimbursement or other funds for compliance incurred under this section:

114 (a) From a tax-exempt hospital as a community benefit or community building
115 activity under the federal Patient Protection and Affordable Care Act;

116 (b) As allowable expenses in the federal School Breakfast Program, 7 CFR 220.8
117 (a)(1); and

118 (c) As allowable expenses under the federal National School Lunch Program, 7
119 CFR 210.10(a)(1).

120 (4) Disadvantaged school districts shall receive funding priority under this
121 subsection.

122 (5) School districts that serve students in the following counties shall receive
123 priority in funding:

124 **(a) A county with more than sixty thousand but fewer than seventy thousand**
125 **inhabitants;**

126 **(b) A county with more than twenty-two thousand but fewer than twenty-five**
127 **thousand inhabitants and with a county seat with more than one thousand four hundred**
128 **but fewer than one thousand nine hundred inhabitants;**

129 **(c) A county with more than fourteen thousand but fewer than fifteen thousand**
130 **seven hundred inhabitants and with a county seat with more than four thousand five**
131 **hundred fifty but fewer than four thousand nine hundred inhabitants;**

132 **(d) A county with more than eight thousand nine hundred but fewer than nine**
133 **thousand nine hundred inhabitants and with a county seat with more than one thousand**
134 **but fewer than two thousand inhabitants;**

135 **(e) A county with more than twelve thousand five hundred but fewer than**
136 **fourteen thousand inhabitants and with a county seat with more than four thousand but**
137 **fewer than five thousand inhabitants;**

138 **(f) A county with more than six thousand but fewer than seven thousand**
139 **inhabitants and with a county seat with fewer than three hundred inhabitants; and**

140 **(g) A county with more than twenty-two thousand but fewer than twenty-five**
141 **thousand inhabitants and with a county seat with more than two thousand three**
142 **hundred but fewer than four thousand inhabitants.**

143 **7. The safe drinking water commission, in conjunction with the department and**
144 **the department of elementary and secondary education, shall publish a report biennially**
145 **based on the findings from the water testing conducted under this section. Such report**
146 **shall be sent to the governor and shall be made available on the websites of the**
147 **department and the department of elementary and secondary education.**

148 **8. (1) The safe drinking water commission shall:**

149 **(a) Within one hundred ninety days after August 28, 2022, provide guidance to**
150 **schools regarding the maintenance of filters and filtration systems and the development**
151 **and implementation of flushing plans. Such guidance shall include recommendations**
152 **for flushing after stagnant times including, but not limited to, the morning of each**
153 **school day and after weekends, school holidays, and summer break. Flushing plans**
154 **shall include details for flushing the incoming water line and the filter; and**

155 **(b) Within two hundred ten days after August 28, 2022, create an online**
156 **program to provide training for custodial staff on the maintenance of filters and**
157 **filtration systems and on the implementation of flushing plans, emphasizing that proper**
158 **maintenance is critical to improved drinking water quality and safety.**

159 **(2) Within three hundred days after August 28, 2022, each school shall develop**
160 **and implement a plan for maintenance of filters and filtration systems and for flushing**
161 **based on the guidance and trainings issued by the safe drinking water commission.**

162 **9. (1) For public schools, the safe drinking water commission shall ensure**
163 **compliance with this section. Each school district shall be responsible for ensuring**
164 **compliance within each school within the school district's jurisdiction.**

165 **(2) The state or local health department and the safe drinking water commission**
166 **shall have the authority to enter a school building governed by this section to determine**
167 **compliance with this section. The commission shall take enforcement action authorized**
168 **by law including, but not limited to, issuing administrative orders and the assessment of**
169 **penalties in accordance with sections 640.100 to 640.140.**

170 **10. The safe drinking water commission may promulgate all necessary rules and**
171 **regulations for the administration of this section. Any rule or portion of a rule, as that**
172 **term is defined in section 536.010, that is created under the authority delegated in this**
173 **section shall become effective only if it complies with and is subject to all of the**
174 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
175 **536 are nonseverable, and if any of the powers vested with the general assembly**
176 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
177 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
178 **and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

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