

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2532
101ST GENERAL ASSEMBLY

5276H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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:

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

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

**4 (1) "Commission", the safe drinking water commission established under
5 section 640.105;**

**6 (2) "Disadvantaged school district", any school district that serves students from
7 a county in which at least twenty-five percent of the households in such county are below
8 the federal poverty guidelines updated periodically in the Federal Register by the U.S.
9 Department of Health and Human Services under the authority of 42 U.S.C. Section
10 9902(2), as amended, or any school district in which more than seventy percent of
11 students in the district qualify for a free or reduced price lunch under the federal
12 Richard B. Russell National School Lunch Act, 42 U.S.C. Section 1751 et seq.;**

**13 (3) "Drinking water outlet", a potable water fixture that is used for drinking or
14 food preparation. "Drinking water outlet" includes, but is not limited to:**

**15 (a) A water fountain, faucet, or tap that is used or potentially used for drinking
16 or food preparation; and**

17 (b) Ice-making and hot drink machines;

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.

18 (4) "First draw", a two-hundred-fifty-milliliter sample immediately collected
19 from a drinking water outlet that has been turned on after a stagnation period of at least
20 eight hours;

21 (5) "NSF/ANSI 53-2017", the standard for drinking water treatment systems
22 that are designed to reduce specific health-related contaminants in water supplies that is
23 published by NSF International/ANSI with the title "Drinking Water Treatment Units -
24 Health Effects", or any more stringent subsequent standard;

25 (6) "Parent", a parent, guardian, or other person having control or custody of a
26 child;

27 (7) "Private school", the same definition as in section 166.700;

28 (8) "Public school", the same definition as in section 160.011;

29 (9) "Remediation", decreasing the lead concentration in water from a drinking
30 water outlet to less than one part per billion without relying solely on flushing practices,
31 or using methods such as the replacement of lead-containing pipes, solder, fittings, or
32 fixtures with lead-free components;

33 (10) "School", any public school, private school, or provider of an early
34 childhood education program that receives state funding.

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

40 4. (1) Before January 1, 2024, each school shall:

41 (a) Conduct an inventory of all drinking water outlets and nonpotable water
42 fixtures in each of the school's buildings;

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

46 (c) Install a filter that reduces lead in drinking water on each drinking water
47 outlet, maintain such filters to ensure that lead concentration levels are below one part
48 per billion, and replace such filters at least as frequently as provided for in the
49 manufacturer's instructions. This paragraph shall apply only to schools with drinking
50 water determined to have a lead concentration level above the American Academy of
51 Pediatrics' recommended maximum level for schools of one part per billion; and

52 (d) Upon request, provide general information on the health effects of lead
53 contamination and additional informational resources for employees and parents of
54 children at each school.

55 (2) Each school shall make buildings housing early childhood education
56 programs, kindergartens, and elementary schools the priority when complying with
57 paragraphs (a) to (c) of subdivision (1) of this subsection.

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

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

64 (5) Within sixty days after filters are installed as required under paragraph (c)
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 a random sampling of at
67 least twenty-five percent of remediated drinking water outlets until all remediated
68 sources have been tested as recommended by the 2018 version of the United States
69 Environmental Protection Agency's "Training, Testing, and Taking Action" program.
70 The testing shall be conducted and the results analyzed for both types of tests by an
71 entity or entities approved by the department.

72 (6) Within two weeks after receiving test results, each school shall make all
73 testing results and any lead remediation plans available on the school's website.

74 (7) School districts shall submit such annual testing results to the commission.

75 (8) This subsection shall not be construed to prevent a school from conducting
76 more frequent testing than required under this section.

77 5. (1) If a first draw sample shows a lead concentration of one part per billion or
78 greater, the affected school shall:

79 (a) Within one business day after receiving the test result, shut off the drinking
80 water outlet;

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

83 (c) Within thirty days after receiving the test result, determine interim
84 remediation steps to implement to address the elevated lead concentration level. Such
85 steps shall be posted to the school website.

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

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

- 92 **(a) The test results and a summary that explains such results;**
93 **(b) A description of any remedial steps taken; and**
94 **(c) A description of general health effects of lead contamination and community**
95 **specific resources.**

96 **6. (1) In addition to the apportionments payable to a school district under**
97 **chapter 163, the department of natural resources is hereby authorized to apportion to**
98 **any school additional funding for the filtration, testing, and other remediation of**
99 **drinking water systems required under this section, subject to appropriation.**

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

105 **(3) Disadvantaged school districts shall receive funding priority under this**
106 **subsection.**

107 **7. The commission, in conjunction with the department of elementary and**
108 **secondary education, shall publish a report biennially based on the findings from the**
109 **water testing conducted under this section. Such report shall be sent to the governor**
110 **and the joint committee on education and shall be made available on the website of the**
111 **commission.**

112 **8. The commission shall:**

113 **(1) On or before July 1, 2023, provide guidance to schools regarding the**
114 **maintenance of filters and filtration systems and the development and implementation**
115 **of flushing plans. Such guidance shall include recommendations for flushing after**
116 **stagnant times including, but not limited to, the morning of each school day and after**
117 **weekends, school holidays, and summer break. Flushing plans shall include details for**
118 **flushing the incoming water line and the filter; and**

119 **(2) On or before July 1, 2023, create an online program to provide training for**
120 **custodial staff on the maintenance of filters and filtration systems and on the**
121 **implementation of flushing plans, emphasizing that proper maintenance is critical to**
122 **improved drinking water quality and safety.**

123 **9. (1) For public schools, the commission shall ensure compliance with this**
124 **section. Each school district shall be responsible for ensuring compliance within each**
125 **school within the school district's jurisdiction.**

126 **(2) The commission shall have the authority to enter a school building governed**
127 **by this section to determine compliance with this section.**

128 **10. No school building constructed after January 4, 2014, as provided in the**
129 **federal Reduction of Lead in Drinking Water Act (42 U.S.C. Section 300g-6), as**
130 **amended, shall be required to install, maintain, or replace filters under paragraph (c) of**
131 **subdivision (1) of subsection 4 of this section.**

132 **11. A school that tests and does not find a drinking water source with a lead**
133 **concentration above the acceptable level as defined in subsection 3 of this section shall**
134 **be required to test only every five years.**

135 **12. The commission may promulgate all necessary rules and regulations for the**
136 **administration of this section. Any rule or portion of a rule, as that term is defined in**
137 **section 536.010, that is created under the authority delegated in this section shall**
138 **become effective only if it complies with and is subject to all of the provisions of chapter**
139 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable,**
140 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
141 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
142 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
143 **adopted after August 28, 2022, shall be invalid and void.**

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