

FIRST REGULAR SESSION

# SENATE BILL NO. 245

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time January 14, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0748S.01I

## AN ACT

To amend chapter 701, RSMo, by adding thereto one new section relating to lead testing in certain elementary school buildings.

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

Section A. Chapter 701, RSMo, is amended by adding thereto one new  
2 section, to be known as section 701.200, to read as follows:

**701.200. 1. Each school district, as such term is defined in  
2 section 160.011, shall test each source of potable water in a public  
3 school building in that district serving students under first grade and  
4 constructed before 1996 for lead contamination in accordance with  
5 guidance provided by the department of health and senior  
6 services. The school district shall submit the samples to a department-  
7 approved laboratory for analysis for lead and provide the written  
8 sampling results to the department within seven days of  
9 receipt. Sampling and analysis under this subsection shall be  
10 completed by December 31, 2020.**

**2. The department shall develop guidance for schools in  
12 collecting and testing first-draw samples of potable water in  
13 accordance with the procedures set forth in 10 CSR 60-15.070(2). The  
14 department shall develop and make publicly available a list of  
15 approved laboratories for lead analysis.**

**3. If any of the samples taken in the building exceed five parts  
17 per billion, the school district shall promptly provide individual  
18 notification of the sampling results, by written or electronic  
19 communication, to the parents or legal guardians of all enrolled  
20 students and include the following information: the corresponding  
21 sampling location within the building and the U.S. Environmental**

22 Protection Agency's website for information about lead in drinking  
23 water. If any of the samples taken in the building are at or below five  
24 parts per billion, notification may be made as provided in this  
25 subsection or by posting on the school's website.

26 4. A school district may seek a waiver of the requirements of this  
27 section from the department if the district collected a sample of water  
28 from each source of potable water in accordance with the procedures  
29 set forth in 10 CSR 60-15.070(2) or comparable procedures, a  
30 department-approved laboratory analyzed the samples, test results  
31 were obtained prior to August 28, 2019, and test results are submitted  
32 to the department by December 31, 2019.

33 5. The department may promulgate rules and regulations  
34 necessary to implement the provisions of this section. Any rule or  
35 portion of a rule, as that term is defined in section 536.010 that is  
36 created under the authority delegated in this section shall become  
37 effective only if it complies with and is subject to all of the provisions  
38 of chapter 536, and, if applicable, section 536.028. This section and  
39 chapter 536 are nonseverable and if any of the powers vested with the  
40 general assembly pursuant to chapter 536, to review, to delay the  
41 effective date, or to disapprove and annul a rule are subsequently held  
42 unconstitutional, then the grant of rulemaking authority and any rule  
43 proposed or adopted after August 28, 2019, shall be invalid and void.

44 6. As used in this section, the term "source of potable water" shall  
45 mean the point at which nonbottled water that may be ingested by  
46 children or used for food preparation exits any tap, faucet, drinking  
47 fountain, wash basin in a classroom occupied by children or students  
48 under first grade, or similar point of use; provided, that all bathroom  
49 sinks and wash basins used by janitorial staff are excluded from this  
50 definition.

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