

# HOUSE BILL NO. 2610

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BROWN (70).

5464H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

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

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*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 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 Out of School Drinking Water Act".**

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

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

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

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

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

**(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 but no more than eighteen 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;

52           (d) Post a warning sign at each nonpotable water fixture that is not to be used  
53 for cooking or drinking water purposes stating that the nonpotable water fixture shall  
54 not be used for cooking or drinking water purposes;

55 (e) Provide an annual schedule for testing of drinking water outlets at each  
56 school for distribution to employees and parents of children at each school upon  
57 request; and

58 (f) Upon request, provide general information on the health effects of lead  
59 contamination and additional informational resources for employees and parents of  
60 children at each school.

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

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

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

70 (5) Within sixty days after filters are installed as required under paragraph (c)  
71 of subdivision (1) of this subsection and annually thereafter, each school shall conduct  
72 testing for lead by first-draw and follow-up flush samples of a random sampling of  
73 drinking water outlets as recommended by the 2018 version of the United States  
74 Environmental Protection Agency's "Training, Testing, and Taking Action" program.  
75 The testing shall be conducted and the results analyzed for both types of tests by an  
76 entity or entities approved by the department.

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

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

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

84 5. (1) If a first draw sample shows a lead concentration of one part per billion or  
85 greater, the affected school shall:

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

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

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

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

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

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

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

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

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

106 6. (1) In addition to the apportionments payable to a school district under  
107 chapter 163, the department of natural resources is hereby authorized to apportion to  
108 any school additional funding for the filtration, testing, and other remediation of  
109 drinking water systems required under this section, subject to appropriation.

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

115 (3) Disadvantaged school districts shall receive funding priority under this  
116 subsection.

117 7. The commission, in conjunction with the department of elementary and  
118 secondary education, shall publish a report biennially based on the findings from the  
119 water testing conducted under this section. Such report shall be sent to the governor  
120 and the joint committee on education and shall be made available on the website of the  
121 commission.

122 8. (1) The commission shall:

123 (a) Within one hundred ninety days after August 28, 2022, provide guidance to  
124 schools regarding the maintenance of filters and filtration systems and the development  
125 and implementation of flushing plans. Such guidance shall include recommendations  
126 for flushing after stagnant times including, but not limited to, the morning of each

127 school day and after weekends, school holidays, and summer break. Flushing plans  
128 shall include details for flushing the incoming water line and the filter; and

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

133 (2) Within three hundred days after August 28, 2022, each school shall develop  
134 and implement a plan for maintenance of filters and filtration systems and for flushing  
135 based on the guidance and trainings issued by the commission.

136 9. (1) For public schools, the commission shall ensure compliance with this  
137 section. Each school district shall be responsible for ensuring compliance within each  
138 school within the school district's jurisdiction.

139 (2) The commission shall have the authority to enter a school building governed  
140 by this section to determine compliance with this section. The commission shall take  
141 enforcement action authorized by law including, but not limited to, issuing  
142 administrative orders and assessing penalties in accordance with sections 640.100 to  
143 640.140.

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

148 11. A school that undertakes remediation efforts may use the method of  
149 remediation that is the most cost-effective.

150 12. The commission may promulgate all necessary rules and regulations for the  
151 administration of this section. Any rule or portion of a rule, as that term is defined in  
152 section 536.010, that is created under the authority delegated in this section shall  
153 become effective only if it complies with and is subject to all of the provisions of chapter  
154 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable,  
155 and if any of the powers vested with the general assembly pursuant to chapter 536 to  
156 review, to delay the effective date, or to disapprove and annul a rule are subsequently  
157 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
158 adopted after August 28, 2022, shall be invalid and void.

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