

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 986 Session of 2023

INTRODUCED BY ROBINSON, KANE, HAYWOOD, DILLON, TARTAGLIONE,  
CULVER, SANTARSIERO, COMMITTA, BOSCOLA, KEARNEY, COSTA,  
SCHWANK, BREWSTER, PENNYCUICK, BAKER AND BARTOLOTTA,  
NOVEMBER 15, 2023

REFERRED TO EDUCATION, NOVEMBER 15, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in grounds and buildings, providing  
6 for certified point-of-use filter required; establishing the  
7 Safe Schools Drinking Water Fund; and making an interfund  
8 transfer.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
12 as the Public School Code of 1949, is amended by adding a  
13 section to read:

14 Section 743. Certified Point-of-Use Filter Required.--(a)  
15 By January 1, 2026, each school entity shall:

16 (1) Ensure that all drinking water outlets in each school  
17 building within the school entity are equipped with certified  
18 point-of-use filters.

19 (2) Remove and replace existing drinking water fountains  
20 without certified point-of-use filters with bottle-filling

1 stations or drinking fountains equipped with certified point-of-  
2 use filters at the rate of at least one (1) per one hundred  
3 (100) students and staff.

4 (3) Set up a filter maintenance and oversight schedule for  
5 all certified point-of-use filters installed under this  
6 subsection. The school entity shall follow the manufacturer's  
7 recommended maintenance and replacement protocols for all  
8 equipment and certified point-of-use filters installed under  
9 this subsection.

10 (4) Ensure that all new drinking water outlets purchased for  
11 installation at a school building do not leach more than one (1)  
12 microgram of lead for test statistic Q or R, when normalized for  
13 a first draw sample up to or equal to one (1) liter in volume,  
14 as calculated in accordance with 2020 NSF International Standard  
15 61, which became effective in 2020, and certified by an American  
16 National Standards Institute-accredited third party.

17 (b) To comply with the provisions of subsection (a), a  
18 school entity may:

19 (1) Seek the assistance of a local board of health or a  
20 public water system.

21 (2) Apply for a grant under subsection (c).

22 (c) The department shall develop a grant program for  
23 eligible school entities as provided under this subsection. The  
24 following shall apply:

25 (1) A grant award shall be used for:

26 (i) The installation of certified point-of-use filters on  
27 drinking water outlets.

28 (ii) The replacement of drinking water fountains with  
29 bottle-filling stations or drinking fountains equipped with  
30 certified point-of-use filters.

1 (2) Within three (3) months of the effective date of this  
2 paragraph, the department shall issue guidelines on the grant  
3 program under this subsection and develop and make available an  
4 application for grant funding on the department's publicly  
5 accessible Internet website.

6 (3) The following shall receive preference for a grant  
7 under this subsection:

8 (i) School buildings built before 2014.

9 (ii) School buildings that include students in  
10 prekindergarten.

11 (4) Each school entity:

12 (i) Applying for a grant under this subsection shall submit  
13 the following information with the application:

14 (A) The number of existing drinking water outlets with lead-  
15 filtering systems within each respective school building for  
16 which the school entity is applying for funding.

17 (B) The number of drinking water outlets without lead-  
18 filtering systems within each respective school building for  
19 which the school entity is applying for funding.

20 (C) The number of students and staff enrolled or employed in  
21 each respective school building for which the school entity is  
22 applying for funding at the time of application.

23 (ii) Awarded a grant under this subsection shall maintain  
24 and post the information submitted to the department under  
25 subparagraph (i) on the school entity's publicly accessible  
26 Internet website.

27 (iii) Shall:

28 (A) Designate an employe to serve as the contact person for  
29 communications with the department and the public regarding the  
30 certified point-of-use filter installation and shall post the

1 contact information of the designated employe on the school  
2 entity's publicly accessible Internet website.

3 (B) Post on the school entity's publicly accessible Internet  
4 website information on the public health effects and risks posed  
5 by lead in drinking water and information on the availability of  
6 additional resources concerning lead in drinking water, as  
7 outlined in the technical guidance under subsection (f).

8 (C) Publish at each drinking water outlet the maintenance  
9 schedule and log for installed certified point-of-use filters at  
10 that drinking water outlet.

11 (D) Post at every nondrinking water outlet "not for  
12 drinking."

13 (5) The following shall apply to school entities:

14 (i) A school entity that receives a grant under this  
15 subsection shall report back to the Department of Education and  
16 Department of Environmental Protection within 18 months that the  
17 work has been completed, which the Department of Education shall  
18 post on the department's publicly accessible Internet website.

19 (ii) By August 1, 2024, each school entity shall submit a  
20 report containing the school entity's plan to comply with this  
21 section to the Department of Education and the Department of  
22 Environmental Protection, which will post the report on their  
23 respective publicly accessible Internet websites within 60 days  
24 of receiving the report.

25 (d) The department may award up to ten million dollars  
26 (\$10,000,000) in grants each fiscal year for the three (3)  
27 fiscal years following the effective date of this section.

28 (e) The Safe Schools Drinking Water Fund is established as a  
29 separate fund in the State Treasury. Money in the fund shall be  
30 appropriated to the department on a continuing basis for the

1 purpose of awarding grants under this section.

2 (f) The department shall develop technical guidance for  
3 standards and regular maintenance of bottle-filling stations or  
4 drinking fountains with certified point-of-use filters.

5 (g) The department, in consultation with the Department of  
6 Education and the Department of Health, shall promulgate rules  
7 and regulations necessary to implement this section.

8 (h) The department, the Department of Education and the  
9 Department of Health shall share information, databases and  
10 analyses and use risk assessment tools, data, mapping and any  
11 other information that is available to the departments to ensure  
12 that funding is targeted to school entities in this Commonwealth  
13 with the most need to eliminate lead from school drinking water.

14 (i) Nothing in this section shall be construed to place  
15 additional requirements on a school entity that, prior to the  
16 effective date of this subsection, has already taken measures  
17 which, in the judgment of the department, permanently eliminate  
18 the risk of elevated lead levels in the school entity's water at  
19 all drinking water outlets.

20 (j) For purposes of this section:

21 "Certified point-of-use filter" means a filter that includes  
22 a light or other device to indicate filter replacement status  
23 installed at the point where water is dispensed from an outlet  
24 and is certified to the NSF/ANSI 53 standard for lead reduction  
25 and NSF/ANSI 42 standard for particulate reduction (Class I) in  
26 effect on the effective date of this section. The certification  
27 body shall be accredited by the American National Standards  
28 Institute National Accreditation Board.

29 "Department" means the Department of Environmental Protection  
30 of the Commonwealth.

1 "Drinking water outlet" means a drinking fountain, faucet,  
2 tap or other end point for delivery of water used for drinking  
3 or food preparation, including ice-making and hot drink  
4 machines.

5 "Elevated lead level" means lead concentration levels in  
6 drinking water that exceed one part per billion.

7 "Nondrinking water outlet" means a faucet, tap or other end  
8 point for delivery of water used for any purpose other than  
9 drinking or food preparation.

10 "School building" shall mean a building owned by or under the  
11 control of a school entity where classes are taught or  
12 extracurricular activities are conducted on a regular basis.

13 "School entity" shall mean a school district, charter school,  
14 cyber charter school, regional charter school, intermediate  
15 unit, area career and technical school, private school or  
16 nonpublic school.

17 Section 2. The sum of \$30,000,000 is transferred from the  
18 General Fund to the Safe Schools Drinking Water Fund.

19 Section 3. This act shall take effect in 60 days.