

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend Senate Bill No. 984, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

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

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

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

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

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

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

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

25 (4) "First draw", a two-hundred-fifty-milliliter  
26 sample immediately collected from a drinking water outlet

27 that has been turned on after a stagnation period of at  
28 least eight hours;

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

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

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

39 (8) "Public school", the same definition as in section  
40 160.011;

41 (9) "Remediation", decreasing the lead concentration  
42 in water from a drinking water outlet to less than one part  
43 per billion without relying solely on flushing practices, or  
44 using methods such as the replacement of lead-containing  
45 pipes, solder, fittings, or fixtures with lead-free  
46 components. Flushing as a stand alone action shall not be  
47 considered remediation;

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

51 3. Beginning in the 2023-2024 school year and for each  
52 subsequent school year, each school shall provide drinking  
53 water with a lead concentration level below the American  
54 Academy of Pediatrics' recommended maximum level for schools  
55 of one part per billion in sufficient amounts to meet the  
56 drinking water needs of all students and staff as provided  
57 in this section.

58 4. (1) Before January 1, 2024, each school shall:

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

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

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

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

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

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

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

91           (5) Within sixty days after filters are installed as  
92 required under paragraph (c) of subdivision (1) of this  
93 subsection and annually thereafter, each school shall  
94 conduct testing for lead by first-draw and follow-up flush  
95 samples of a random sampling of at least twenty-five percent  
96 of remediated drinking water outlets until all remediated  
97 sources have been tested as recommended by the 2018 version  
98 of the United States Environmental Protection Agency's  
99 "Training, Testing, and Taking Action" program. The testing  
100 shall be conducted and the results analyzed for both types  
101 of tests by an entity or entities approved by the department.

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

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

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

110           5. (1) If a first draw sample shows a lead  
111 concentration of one part per billion or greater, the  
112 affected school shall:

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

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

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

122       (2) If a pipe, solder, fitting, or fixture is replaced  
123 as part of remediation, the replacement shall be lead-free,  
124 as such term is defined in 40 CFR 143.12, as amended.

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

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

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

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

134       (4) If, in the ten years prior to the 2023-2024 school  
135 year a fixture tested above one part per billion for lead,  
136 such fixture does not need to be repeat tested for lead, but  
137 instead remediation shall begin on such fixture.

138       6. (1) In addition to the apportionments payable to a  
139 school district under chapter 163, the department of natural  
140 resources is hereby authorized to apportion to any school  
141 additional funding for the filtration, testing, and other  
142 remediation of drinking water systems required under this  
143 section, subject to appropriation.

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

151       (3) Disadvantaged school districts shall receive  
152 funding priority under this subsection.

153       7. The commission, in conjunction with the department  
154 of elementary and secondary education, shall publish a

155 report biennially based on the findings from the water  
156 testing conducted under this section. Such report shall be  
157 sent to the governor and the joint committee on education  
158 and shall be made available on the website of the commission.

159 8. The commission shall:

160 (1) On or before July 1, 2023, provide guidance to  
161 schools regarding the maintenance of filters and filtration  
162 systems and the development and implementation of flushing  
163 plans. Such guidance shall include recommendations for  
164 flushing after stagnant times including, but not limited to,  
165 the morning of each school day and after weekends, school  
166 holidays, and summer break. Flushing plans shall include  
167 details for flushing the incoming water line and the filter;  
168 and

169 (2) On or before July 1, 2023, create an online  
170 program to provide training for custodial staff on the  
171 maintenance of filters and filtration systems and on the  
172 implementation of flushing plans, emphasizing that proper  
173 maintenance is critical to improved drinking water quality  
174 and safety.

175 9. (1) For public schools, the commission shall  
176 ensure compliance with this section. Each school district  
177 shall be responsible for ensuring compliance within each  
178 school within the school district's jurisdiction.

179 (2) The commission shall have the authority to enter a  
180 school building governed by this section to determine  
181 compliance with this section.

182 10. No school building constructed after January 4,  
183 2014, as provided in the federal Reduction of Lead in  
184 Drinking Water Act (42 U.S.C. Section 300g-6), as amended,  
185 shall be required to install, maintain, or replace filters  
186 under paragraph (c) of subdivision (1) of subsection 4 of  
187 this section.

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

192           12. The commission may promulgate all necessary rules  
193 and regulations for the administration of this section. Any  
194 rule or portion of a rule, as that term is defined in  
195 section 536.010, that is created under the authority  
196 delegated in this section shall become effective only if it  
197 complies with and is subject to all of the provisions of  
198 chapter 536 and, if applicable, section 536.028. This  
199 section and chapter 536 are nonseverable, and if any of the  
200 powers vested with the general assembly pursuant to chapter  
201 536 to review, to delay the effective date, or to disapprove  
202 and annul a rule are subsequently held unconstitutional,  
203 then the grant of rulemaking authority and any rule proposed  
204 or adopted after August 28, 2022, shall be invalid and  
205 void."; and

206           Further amend the title and enacting clause accordingly.