

SECOND REGULAR SESSION

HOUSE BILL NO. 2643

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

6702H.011

D. ADAM CRUMBLISS, Chief Clerk

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 section, to be known as section 701.200, to read as follows:

701.200. 1. Each school district, as such term is defined in section 160.011, shall test each source of potable water in a public school building in that district serving students under first grade and constructed before 1996 for lead contamination in accordance with guidance provided by the department of health and senior services. The school district shall submit the samples to a department-approved laboratory for analysis for lead and provide the written sampling results to the department within seven days of receipt. Sampling and analysis under this subsection shall be completed by December 31, 2019.

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

3. If any of the samples taken in the building exceed fifteen parts per billion, the school district shall promptly provide individual notification of the sampling results, by written or electronic communication, to the parents or legal guardians of all enrolled students and include the following information: the corresponding sampling location within the building and the U.S. Environmental Protection Agency's website for information about lead in drinking water. If any of the samples taken in the building are

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 at or below fifteen parts per billion, notification may be made as provided in this
19 subsection or by posting on the school's website.

20 4. A school district may seek a waiver of the requirements of this section from the
21 department if the district collected a sample of water from each source of potable water in
22 accordance with the procedures set forth in 10 CSR 60-15.070(2) or comparable
23 procedures, a department-approved laboratory analyzed the samples, the test results were
24 obtained prior to August 28, 2018, and the test results are submitted to the department by
25 December 31, 2018.

26 5. The department may promulgate rules and regulations necessary to implement
27 the provisions of this section. Any rule or portion of a rule, as that term is defined in
28 section 536.010, that is created under the authority delegated in this section shall become
29 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
30 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
31 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
32 the effective date, or to disapprove and annul a rule are subsequently held
33 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
34 after August 28, 2018, shall be invalid and void.

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

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