

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 160, Page 4, Section  
2 160.015, Line 53, by inserting after all of said section and line the following:

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

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

7 (1) "Department", the Missouri department of health and senior services;

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

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

17 (a) A water fountain, faucet, or tap that is used or potentially used for drinking or food  
18 preparation or for cleaning cooking or eating utensils; and

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

20 (4) "First draw", a two hundred fifty-milliliter sample immediately collected from a drinking  
21 water outlet that has been turned on after a stagnation period of at least eight hours;

22 (5) "Parent", a parent, guardian, or other person having control or custody of a child;

23 (6) "Private school", the same definition as in section 166.700;

24 (7) "Public school", the same definition as in section 160.011;

25 (8) "Remediation", decreasing the lead concentration in water from a drinking water outlet  
26 to less than five parts per billion ~~[without relying solely on flushing practices, or]~~ using methods  
27 such as the replacement of lead-containing pipes, solder, fittings, or fixtures with lead-free  
28 components or filtering when the water supply is the source of contamination. Flushing ~~[as a stand~~  
29 ~~alone action]~~ shall not be considered remediation;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 (9) "School", any public school, private school, or provider of an early childhood education  
2 program that receives state funding.

3 3. Beginning in the 2023-24 school year and for each subsequent school year, each school  
4 shall provide drinking water with a lead concentration level below five parts per billion in sufficient  
5 amounts to meet the drinking water needs of all students and staff as provided in this section.

6 4. (1) On or before January 1, 2024, each school shall:

7 (a) Conduct an inventory of all drinking water outlets ~~[and all outlets that are used for~~  
8 ~~dispensing water for cooking or for cleaning cooking and eating utensils]~~ in each of the school's  
9 buildings;

10 (b) Develop a plan for testing each outlet inventoried under paragraph (a) of this subdivision  
11 and make such plan available to the public; and

12 (c) Upon request, provide general information on the health effects of lead contamination  
13 and additional informational resources for employees and parents of children at each school.

14 (2) Each school shall make buildings housing early childhood education programs,  
15 kindergartens, and elementary schools the priority when complying with paragraphs (a) and (b) of  
16 subdivision (1) of this subsection.

17 (3) Before August 1, 2024, or the first day on which students will be present in the building,  
18 whichever is later, each school shall:

19 (a) Perform all testing as required by subsection 5 of this section and within two weeks after  
20 receiving test results, make all testing results and any lead remediation plans available on the  
21 school's website;

22 (b) Remove and replace any drinking water coolers or drinking water outlets that the United  
23 States Environmental Protection Agency has determined are not lead-free under the federal Lead  
24 Contamination Control Act of 1988, as amended; except the school shall not be required to replace  
25 those drinking water outlets or water coolers that tested under the requirements of this section and  
26 have been determined to be dispensing drinking water with a lead concentration less than five part  
27 per billion; however, such drinking water outlet or water cooler shall be subject to all testing  
28 requirements and shall not be excluded from testing under subdivision (3) of subsection [40] 5 of  
29 this section.

30 (4) If testing indicates that the water source is causing the contamination and until such time  
31 that the source of the contamination has been remediated, the school shall:

32 (a) Install a filter that reduces lead in drinking water at each point at which the water supply  
33 enters the building in accordance with any relevant requirements set forth by the department of  
34 natural resources to ensure lead concentrations are below the standard set in subsection 3 of this  
35 section;

36 (b) Install a filter that reduces lead in drinking water on each water outlet inventoried under  
37 paragraph (a) of subdivision (1) of this subsection to ensure lead concentrations are below five parts  
38 per billion; or

(c) Provide purified water at each water outlet inventoried under paragraph (a) of subdivision (1) of this subsection.

(5) If testing indicates that the internal building piping is causing the contamination and until such time that the source of the contamination has been remediated, the school shall:

(a) Install a filter that reduces lead in drinking water on each water outlet inventoried under paragraph (a) of subdivision (1) of this subsection to ensure lead concentrations are below five parts per billion; ~~or~~

(b) Provide purified water at each water outlet inventoried under paragraph (a) of subdivision (1) of this subsection; or

(c) Remove the outlet from service.

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

(7) If a test result exceeds five parts per billion, the affected school shall:

(a) Contact parents and staff via written notification within seven business days after receiving the test result. The notification shall include at least:

a. The test results and a summary that explains such results;

b. A description of any remedial steps taken; and

c. A description of general health effects of lead contamination and community specific resources; and

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

(8) School districts shall submit such annual testing results to the department.

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

5. (1) Before August 1, 2024, or the first day on which students will be present in the building, whichever is later, and annually thereafter, each school shall conduct testing for lead by first-draw and follow-up flush samples of a random sampling of at least twenty-five percent of remediated drinking water outlets until all remediated sources have been tested as recommended by the 2018 version of the United States Environmental Protection Agency's Training, Testing, and Taking Action program. The testing shall be conducted and the results analyzed for both types of tests by an entity or entities approved by the department. All drinking water outlets with test results of less than five parts per billion for lead shall be retested at intervals described in subdivision (3) of this subsection.

(2) If, in the ten years prior to the 2023-24 school year, a fixture tested above five parts per billion for lead, such fixture does not need to be repeat tested for lead, but instead remediation shall begin on such fixture.

(3) A school that tests and does not find a drinking water outlet with a lead concentration above the standard described in subsection 3 of this section shall be required to test only every five

1 years. This subdivision shall not be construed to prevent a school from conducting more frequent  
 2 testing than required under this subsection.

3 6. (1) In addition to the apportionments payable to a school district under chapter 163, the  
 4 department of natural resources, with support from the department of elementary and secondary  
 5 education and the department of health and senior services, is hereby authorized to apportion to any  
 6 school additional funding for the filtration, testing, and other remediation of drinking water systems  
 7 required under this section, subject to appropriation.

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

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

13 7. The department, in conjunction with the department of elementary and secondary  
 14 education, shall publish a report biennially based on the findings from the water testing conducted  
 15 under this section. Such report shall be published on the department of natural resources website.

16 8. For public schools, the department shall ensure compliance with this section. Each  
 17 school district shall be responsible for ensuring compliance within each school within the school  
 18 district's jurisdiction.

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

23 ~~10. A school that tests and does not find a drinking water source with a lead concentration~~  
 24 ~~above the acceptable level as described in subsection 3 of this section shall be required to test only~~  
 25 ~~every five years.~~

26 ~~11.]~~ The department may promulgate all necessary rules and regulations for the  
 27 administration of this section. Any rule or portion of a rule, as that term is defined in section  
 28 536.010, that is created under the authority delegated in this section shall become effective only if it  
 29 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
 30 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
 31 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
 32 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any  
 33 rule proposed or adopted after August 28, 2022, shall be invalid and void."; and

34  
 35 Further amend said bill, Page 13, Section 178.787, Line 48, by inserting after all of said section and  
 36 line the following:

37  
 38 ~~[701.200. 1. Subject to appropriations, each school district, as such term~~  
 39 ~~is defined in section 160.011, may test a sample of a source of potable water in a~~  
 40 ~~public school building in that district serving students under first grade and~~

1 constructed before 1996 for lead contamination in accordance with guidance  
2 provided by the department of health and senior services. The school district may  
3 submit the samples to a department-approved laboratory for analysis for lead and  
4 provide the written sampling results to the department within seven days of  
5 receipt.

6 2. The department shall develop guidance for schools in collecting and  
7 testing first-draw samples of potable water. The department shall develop and  
8 make publicly available a list of approved laboratories for lead analysis.

9 3. If any of the samples taken in the building exceed current standards for  
10 parts-per-billion of lead established by the United States Environmental Protection  
11 Agency, the school district shall promptly provide individual notification of the  
12 sampling results, by written or electronic communication, to the parents or legal  
13 guardians of all enrolled students and include the following information: the  
14 corresponding sampling location within the building and the U.S. Environmental  
15 Protection Agency's website for information about lead in drinking water. If any  
16 of the samples taken in the building are at or below five parts-per-billion,  
17 notification may be made as provided in this subsection or by posting on the  
18 school's website.

19 4. The department may promulgate rules and regulations necessary to  
20 implement the provisions of this section. Any rule or portion of a rule, as that  
21 term is defined in section 536.010, that is created under the authority delegated in  
22 this section shall become effective only if it complies with and is subject to all of  
23 the provisions of chapter 536 and, if applicable, section 536.028. This section and  
24 chapter 536 are nonseverable and if any of the powers vested with the general  
25 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
26 disapprove and annul a rule are subsequently held unconstitutional, then the grant  
27 of rulemaking authority and any rule proposed or adopted after August 28, 2020,  
28 shall be invalid and void.

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

35  
36 Further amend said bill by amending the title, enacting clause, and intersectional references  
37 accordingly.