

**SUBSTITUTE FOR
HOUSE BILL NO. 4341**

A bill to create a program to assist certain child care centers and schools with the acquisition, installation, and maintenance of certain filtered water stations and faucets; to provide for the sampling and testing of water from certain water outlets; to create certain funds; and to provide for the duties of certain state departments and officers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "clean drinking water
2 access act".

3 Sec. 3. As used in this act:

4 (a) "Bubbler fixture" means a fixture on a drinking water
5 fountain through which water is forced up in a small arc from a
6 nozzle that allows an individual to drink from the arc directly.



1 (b) "Child care center" means that term as defined in section
2 1 of 1973 PA 116, MCL 722.111.

3 (c) "Department" means the department of environment, Great
4 Lakes, and energy or its authorized agent or representative.

5 (d) "Drinking fountain" means a plumbing fixture that is
6 connected to the potable water distribution system and drainage
7 system that allows a user to obtain a drink directly from a stream
8 of flowing water without the use of any accessory.

9 (e) "Filtered bottle-filling station" or "station" means an
10 apparatus that meets all of the following requirements:

11 (i) Is connected to customer site piping.

12 (ii) Filters water and is certified to meet NSF/ANSI standard
13 53 for lead reduction and NSF/ANSI standard 42 for particulate
14 removal.

15 (iii) The flow rate through the station is paired to the
16 specified flow rate of the filter cartridge.

17 (iv) Has a light or other device to indicate filter cartridge
18 replacement status.

19 (v) Is designed to fill drinking bottles or other containers
20 for personal water consumption.

21 (vi) Includes a drinking fountain.

22 (f) "Filtered faucet" means a faucet that at the point of use
23 includes a filter that is certified to meet NSF/ANSI standard 53
24 for lead reduction and NSF/ANSI standard 42 for particulate
25 removal.

26 (g) "Fund" means the school and child care center clean
27 drinking water fund created in section 11.

28 (h) "Plan" means a drinking water management plan created
29 under section 5.



1 (i) "School" means a public school or nonpublic school as
 2 those terms are defined in section 5 of the revised school code,
 3 1976 PA 451, MCL 380.5.

4 Sec. 5. (1) Within 15 months after the effective date of this
 5 act, each school shall develop a drinking water management plan,
 6 and make the plan available to the department, school staff,
 7 parents and guardians of children enrolled in the school, and the
 8 general public on request. The plan must do all of the following:

9 (a) Specify the location of each water outlet using 1 of the
 10 following categories:

11 (i) The location where a water outlet will be maintained to
 12 deliver water for human consumption, whether as drinking water or
 13 as a component of a food or beverage, using 1 of the following
 14 categories:

15 (A) The location where a filtered bottle-filling station will
 16 be maintained. The plan must provide for the maintenance of at
 17 least 1 filtered bottle-filling station for every 100 occupants of
 18 the school, not including visitors or individuals attending special
 19 events.

20 (B) The location where a filtered faucet will be maintained.
 21 Filtered faucets may be maintained only when the installation of a
 22 filtered bottle-filling station is not feasible but a water outlet
 23 for human consumption is necessary, including, but not limited to,
 24 kitchens, nurses' stations, preschool classrooms, and teachers'
 25 lounges.

26 (ii) The location where a water outlet will be maintained for
 27 purposes other than as described in subparagraph (i).

28 (iii) The location where a water outlet will be shut off or
 29 rendered permanently inoperable.



1 (b) Establish a schedule for when each of the following will
2 occur:

3 (i) Annual water sampling and testing of the filtered water at
4 each filtered bottle-filling station and filtered faucet in the
5 school to ensure that the filters are properly installed and
6 provide water with a lead concentration of not more than 5 parts
7 per billion.

8 (ii) Regular replacement of the filter cartridge for each
9 filtered bottle-filling station and filtered faucet in compliance
10 with the manufacturer instructions or recommendations of the
11 department.

12 (2) Each school shall review and update the plan at least once
13 every 5 years and make changes as directed by the department or as
14 needed to comply with this section.

15 (3) A school shall comply with the schedules under subsection
16 (1) (b) .

17 (4) If the water sampling and testing under subsection
18 (1) (b) (i) indicates the presence of lead at a concentration of 1
19 part per billion or more but not more than 5 parts per billion, the
20 school shall do all of the following:

21 (a) Immediately check the status of the filter or filters at
22 the filtered bottle-filling station or filtered faucet and replace
23 the filter cartridge if the status light indicates that replacement
24 is or will soon be required.

25 (b) Ensure the filtered bottle-filling station or filtered
26 faucet is properly installed.

27 (c) Resample and retest the filtered water.

28 (d) If water sampling and testing under subdivision (c)
29 indicates the presence of lead at a concentration of 1 part per



1 billion or more but not more than 5 parts per billion, do both of
2 the following:

3 (i) Send a copy of the test results and a document that lists
4 the make and model of the filtered bottle-filling station or
5 filtered faucet and filter cartridge to the department.

6 (ii) Consult with the department and filtered bottle-filling
7 station or filtered faucet manufacturer.

8 (5) If water sampling and testing under subsection (1)(b)(i) or
9 (4)(c) indicates the presence of lead at a concentration of more
10 than 5 parts per billion, the school shall do all of the following:

11 (a) Immediately shut off or otherwise render inoperable the
12 water outlet.

13 (b) Post a conspicuous sign near the water outlet stating that
14 the water outlet is inoperable because of high lead concentration
15 and maintain the sign until the water outlet is returned to service
16 under subdivision (e).

17 (c) Replace the filter cartridge in the filtered bottle-
18 filling station or filtered faucet.

19 (d) Resample and retest the water.

20 (e) If water sampling and testing under subdivision (d)
21 indicates the presence of lead at a concentration of 1 part per
22 billion or more but not more than 5 parts per billion, return the
23 water outlet to service and comply with the requirement under
24 subsection (4)(b), (c), and (d).

25 (f) If water sampling and testing under subdivision (d)
26 indicates the presence of lead at concentration of more than 5
27 parts per billion, do both of the following:

28 (i) Within 30 days after receiving the test results, send a
29 copy of the test results to the department and send a notice to



1 school staff and each parent or guardian of a student enrolled in
 2 the school, in a manner determined by the school district. The
 3 notice must state the amount of lead found in the water and
 4 information provided by the department on the health effects of
 5 lead exposure and ways to reduce childhood lead exposure.

6 (ii) Develop a remediation plan in consultation with the
 7 department and incorporate the remediation plan into the plan under
 8 subsection (1).

9 (6) The school shall collect the water for the water sampling
 10 and testing conducted under this section. The water must be drawn
 11 from all of the bubbler fixtures of the filtered bottle-filling
 12 stations and filtered faucets and must be collected in 250-
 13 milliliter bottles after at least an 8-hour stagnation period and
 14 before any water use occurs at the school. After the school
 15 collects the water, the department shall collect all of the 250-
 16 milliliter bottles and conduct the water testing. Water testing
 17 described under this section must be conducted at a laboratory
 18 certified for lead and copper testing for the approved EPA method.
 19 As used in this subsection, "EPA" means the United States
 20 Environmental Protection Agency.

21 Sec. 7. (1) By the end of the 2024-2025 school year, each
 22 school shall do all of the following:

23 (a) Install all filtered bottle-filling stations and filtered
 24 faucets as indicated in the plan and not already in existence.

25 (b) Shut off or render permanently inoperable any water outlet
 26 providing water for human consumption that is not a filtered
 27 bottle-filling station or filtered faucet.

28 (c) Post a conspicuous sign near each water outlet indicating
 29 whether or not the outlet is intended to provide water for human



1 consumption.

2 (2) At the end of the 2024-2025 school year and annually
3 thereafter, each school shall submit to the department
4 documentation, on a form and in a manner prescribed by the
5 department, that certifies that the school has complied with the
6 requirements of this act.

7 (3) Beginning 15 months after the effective date of this act,
8 a school shall not install a drinking fountain, unless the drinking
9 fountain is a filtered bottle-filling station.

10 (4) The legislature shall annually appropriate to the
11 department an amount sufficient to administer and comply with this
12 act. Schools are not required to comply with this act unless the
13 legislature has appropriated sufficient funds under this
14 subsection.

15 Sec. 9. (1) The department shall assist each school in
16 maintaining compliance with this act. Within 6 months after the
17 effective date of this act, the department shall do all of the
18 following:

19 (a) Provide a template for the plan.

20 (b) Make available annual training for school staff and school
21 officials regarding the sampling and testing protocol, reporting
22 process for test results, and other activities relevant to
23 compliance with this act.

24 (c) Provide guidance on all of the following:

25 (i) Factors that a school should consider when selecting
26 filtered bottle-filling stations, filtered faucets, and filter
27 cartridges.

28 (ii) How to shut off or render permanently inoperable a water
29 outlet under section 7(1) (b).



1 (iii) How to flush a building's cold water plumbing before
2 installing new filtered bottle-filling stations and filtered
3 faucets.

4 (iv) Common filtered bottle-filling station or filtered faucet
5 installation and operation errors and how to avoid them.

6 (2) The department shall provide and make available the
7 guidance documents required under subsection (1)(c) not later than
8 6 months after the effective date of this act. Before the
9 department provides the guidance documents, the department shall
10 issue the guidance documents as proposed guidance documents on its
11 website and allow for a 30-day public comment period.

12 Sec. 11. (1) The school and child care center clean drinking
13 water fund is created within the state treasury.

14 (2) The state treasurer may receive money or other assets from
15 any source for deposit into the fund. The state treasurer shall
16 credit to the fund interest and earnings from fund investments.

17 (3) Money in the fund at the close of the fiscal year remains
18 in the fund and does not lapse into the general fund.

19 (4) The department is the administrator of the fund for
20 auditing purposes.

21 (5) The department shall expend money from the fund, upon
22 appropriation, only to create and operate a program to assist child
23 care centers and schools with all of the following:

24 (a) The 1-time acquisition and installation of filtered
25 bottle-filling stations and filtered faucets, in compliance with
26 the plan.

27 (b) Maintenance of filtered bottle-filling stations and
28 filtered faucets and replacement of filter cartridges, in
29 compliance with the plan.



1 (c) Costs associated with water sampling and testing.

2 (d) Costs associated with mailing or delivering any water
3 collected for water sampling and testing.

4 (6) The department may award grants to operate the program
5 under subsection (5). If it will achieve cost savings over
6 independent purchases, the department may, for the purposes of
7 subsection (5) (a), purchase and provide to program beneficiaries
8 filtered bottle-filling stations, filtered faucets, point-of-use
9 filters, or filter cartridges.

10 Enacting section 1. This act does not take effect unless all
11 of the following bills of the 102nd Legislature are enacted into
12 law:

13 (a) Senate Bill No. 88.

14 (b) House Bill No. 4342.

