

SENATE BILL NO. 89

February 21, 2023, Introduced by Senators CHERRY, SANTANA, GEISS, CHANG, SHINK, WOJNO, BAYER, MCMORROW, POLEHANKI, OUTMAN, MCDONALD RIVET, VICTORY, BELLINO, CAMILLERI, CAVANAGH, WEBBER and DALEY and referred to the Committee on Energy and Environment.

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".

1 Sec. 3. As used in this act:

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

5 (b) "Child care center" means that term as defined in section
6 1 of 1973 PA 116, MCL 722.111.

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

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

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

15 (i) Is connected to building plumbing.

16 (ii) Filters water.

17 (iii) Is certified to meet NSF/ANSI standard 53 for lead
18 reduction and NSF/ANSI standard 42 for particulate removal.

19 (iv) Has a light or other device to indicate filter cartridge
20 performance.

21 (v) Is designed to fill drinking bottles or other containers
22 used for personal water consumption.

23 (vi) Has a bubbler fixture that allows the user to drink
24 directly from a stream of flowing water without the use of any
25 accessory.

26 (f) "Filtered faucet" means a faucet that includes at the
27 point of use a filter that is certified to meet NSF/ANSI standard
28 53 for lead reduction and NSF/ANSI standard 42 for particulate
29 removal.

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

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

5 (i) "School" means a public school or nonpublic school as
6 those terms are defined in section 5 of the revised school code,
7 1976 PA 451, MCL 380.5.

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

13 (a) Specify the location of each water outlet using 1 of the
14 following categories:

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

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

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

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

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

5 (b) Establish a schedule for when each of the following will
6 occur:

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

12 (ii) Regular replacement of the filter cartridge for each
13 filtered bottle-filling station and filtered faucet in compliance
14 with the manufacturer instructions or recommendations of the
15 department.

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

19 (3) A school shall comply with the schedules under subsection
20 (1) (b).

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

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

29 (b) Ensure the filtered bottle-filling station or filtered

1 faucet is properly installed.

2 (c) Resample and retest the filtered water.

3 (d) If the testing under subdivision (c) indicates the
4 presence of lead at a concentration of 1 part per billion or more
5 but not more than 5 parts per billion do both of the following:

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

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

11 (5) If a test performed on a sample of filtered water from a
12 filtered bottle-filling station or filtered faucet indicates the
13 presence of lead at a concentration of more than 5 parts per
14 billion, the school shall do all of the following:

15 (a) Immediately shut off or otherwise render inoperable the
16 water outlet.

17 (b) Post a conspicuous sign near the water outlet stating that
18 the water outlet is inoperable because of high lead concentration
19 and maintain the sign until the water outlet is returned to service
20 under subdivision (e).

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

23 (d) Resample and retest the filtered water.

24 (e) Return the water outlet to service if the testing under
25 subdivision (d) indicates the presence of lead at a concentration
26 of not more than 5 parts per billion.

27 (f) If the testing under subdivision (d) indicates the
28 presence of lead at a concentration of 1 part per billion or more
29 but less than 5 parts per billion, comply with subsection (4) (b)

1 and (c).

2 (g) If testing under subdivision (d) indicates the presence of
3 lead at concentration of more than 5 parts per billion, do both of
4 the following:

5 (i) Within 30 days after receiving the test results, send a
6 copy of the test results to the department and the parent or
7 guardian of each student enrolled in the school. The copy of the
8 test results must contain a notice that includes information
9 provided by the department on the health effects of lead exposure
10 and ways to reduce childhood lead exposure.

11 (ii) Develop a remediation plan in consultation with the
12 department.

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

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

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

20 (c) Post a conspicuous sign near each water outlet indicating
21 whether or not the outlet is intended to provide water for human
22 consumption.

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

28 (3) Beginning 15 months after the effective date of this act,
29 a school shall not install a drinking fountain, unless the drinking

1 fountain is a filtered bottle-filling station.

2 (4) The legislature shall annually appropriate to the
3 department an amount sufficient to administer and comply with this
4 act. Schools are not required to comply with this act unless the
5 legislature has appropriated sufficient funds under this
6 subsection.

7 Sec. 9. The department shall assist each school in maintaining
8 compliance with this act. Within 6 months after the effective date
9 of this act, the department shall do all of the following:

10 (a) Provide a template for the plan.

11 (b) Make available annual training for school staff and school
12 officials regarding the sampling and testing protocol, reporting
13 process for sampling and testing results, and other activities
14 relevant to compliance with this act.

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

16 (i) Factors that a school should consider when selecting
17 filtered bottle-filling stations, filtered faucets, and filter
18 cartridges.

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

21 (iii) How to sample and test water from a filtered bottle-
22 filling station or filtered faucet for lead.

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

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

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

1 (4) The department is the administrator of the fund for
2 auditing purposes.

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

6 (a) The 1-time acquisition and installation of filtered
7 bottle-filling stations and filtered faucets, in compliance with
8 the plan.

9 (b) Maintenance of filtered bottle-filling stations and
10 filtered faucets and replacement of filter cartridges, in
11 compliance with the plan.

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

13 (6) The department may award grants to operate the program
14 under subsection (5). The department may require matching
15 contributions for the program. If it will achieve cost savings over
16 independent purchases, the department may, for the purposes of
17 subsection (5) (a), purchase and provide to program beneficiaries
18 filtered bottle-filling stations, filtered faucets, point-of-use
19 filters, or filter cartridges.

20 Sec. 13. Filtered water collected for sampling and resampling
21 under this act must be drawn from the bubbler of a filtered bottle-
22 filling station or the outlet of a filtered faucet. The filtered
23 water must be collected in a 250 milliliter wide-mouth bottle after
24 at least an 8-hour stagnation period and before any water use
25 occurs at the school.