

**SUBSTITUTE FOR
SENATE BILL NO. 184**

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" means an apparatus that
10 meets all of the following requirements:

11 (i) Is connected to building plumbing.

12 (ii) Filters water.

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

15 (iv) Has a light or other device to indicate filter cartridge
16 performance.

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

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

22 (f) "Filtered faucet" means a faucet that includes at the
23 point of use a filter that is certified to meet NSF/ANSI standard
24 53 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 of the effective date of this
 5 act, each school shall develop a drinking water management plan.
 6 The school shall make the plan available to the department, school
 7 staff, parents and guardians, and the general public on request.
 8 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 a
 13 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 its plan every 5 years
13 and make changes as directed by the department or as needed to
14 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 the testing under subdivision (c) indicates the
29 presence of lead at a concentration of 1 part per billion or more



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

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

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

7 (5) If a test performed on a sample of filtered water from a
8 filtered bottle-filling station or filtered faucet indicates the
9 presence of lead at a concentration of more than 5 parts per
10 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 filtered water.

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

23 (f) If the testing under subdivision (d) indicates the
24 presence of lead at a concentration of 1 part per billion or more
25 but less than 5 parts per billion, comply with subsection (4) (b)
26 and (c).

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



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

7 (ii) Develop a remediation plan in consultation with the
8 department.

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

11 (a) Install all filtered bottle-filling stations and filtered
12 faucets as indicated in the plan under section 5 and not already in
13 existence.

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

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

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

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

28 (4) The legislature shall annually appropriate to the
29 department an amount sufficient to administer and comply with this



1 act. Schools are not required to comply with this act unless the
2 legislature has appropriated sufficient funds under this
3 subsection.

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

7 (a) Provide a template for the plan.

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

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

13 (i) Factors that a school should consider when selecting
14 filtered bottle-filling stations, filtered faucets, and filter
15 cartridges.

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

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

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

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

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

27 (4) The department is the administrator of the fund for
28 auditing purposes.

29 (5) The department shall expend money from the fund, upon



1 appropriation, only to create and operate a program to assist child
2 care centers and schools with all of the following:

3 (a) The 1-time acquisition and installation of filtered
4 bottle-filling stations and filtered faucets, in compliance with
5 the plan.

6 (b) Maintenance of filtered bottle-filling stations and
7 filtered faucets and replacement of filter cartridges, in
8 compliance with the plan.

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

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

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

