

**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.