

# SENATE BILL NO. 184

February 25, 2021, Introduced by Senators VANDERWALL, ANANICH, HOLLIER, WOJNO, CHANG, BAYER, POLEHANKI, GEISS, BRINKS and SCHMIDT and referred to the Committee on Environmental Quality.

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 shall be known and may be cited as the "clean  
**2** drinking water 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  
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) "Low-income geographic area" means a census tract where  
4 the median household income is at or below 100% of the federal  
5 poverty guidelines published annually in the Federal Register by  
6 the United States Department of Health and Human Services under its  
7 authority to revise the poverty line under 42 USC 9902.

8 (i) "Plan" means a drinking water safety plan created under  
9 section 5.

10 (j) "School" means a public school or nonpublic school as  
11 those terms are defined in section 5 of the revised school code,  
12 1976 PA 451, MCL 380.5.

13 Sec. 5. (1) By August 1, 2022, each school shall develop a  
14 drinking water safety plan. The school shall make the plan  
15 available to the department, school staff, parents and guardians,  
16 and the general public on request. The plan must do all of the  
17 following:

18 (a) Specify the location of each water outlet using 1 of the  
19 following categories:

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

24 (A) The location where a filtered bottle-filling station will  
25 be maintained. The plan must provide for the maintenance of at  
26 least 1 filtered bottle-filling station for every 100 occupants of  
27 the school, not including visitors or individuals attending special  
28 events.

29 (B) The location where a filtered faucet will be maintained.

1 Filtered faucets may be maintained only when the installation of a  
2 filtered bottle-filling station is not feasible but a water outlet  
3 for human consumption is necessary, including, but not limited to,  
4 kitchens, nurses' stations, preschool classrooms, and teachers'  
5 lounges.

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

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

10 (b) Establish a schedule for when each of the following will  
11 occur:

12 (i) Annual water sampling and testing of the filtered water at  
13 each filtered bottle-filling station and filtered faucet in the  
14 school to ensure that the filters are properly installed and  
15 provide water with a lead concentration of less than 1 part per  
16 billion.

17 (ii) Regular replacement of the filter for each filtered  
18 bottle-filling station and filtered faucet in compliance with the  
19 manufacturer instructions or recommendations of the department.

20 (2) Each school shall review and update its plan every 5 years  
21 and make changes as directed by the department or as needed to  
22 comply with this section.

23 (3) A school shall comply with the schedules under subsection  
24 (1) (b).

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

29 (a) Immediately check the status of the filter or filters at

1 the filtered bottle-filling station or filtered faucet and replace  
2 the filter or filters if the status light indicates that  
3 replacement is or will soon be required.

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

6 (c) Resample and retest the filtered water.

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

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

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

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

19 (a) Immediately shut off or otherwise render inoperable the  
20 water outlet.

21 (b) Post a conspicuous sign near the water outlet stating that  
22 the water outlet is inoperable because of contamination and  
23 maintain the sign until the water outlet is returned to service  
24 under subdivision (e).

25 (c) Replace the filter in the filtered bottle-filling station  
26 or filtered faucet.

27 (d) Resample and retest the filtered water.

28 (e) Return the water outlet to service if the testing under  
29 subdivision (d) indicates the presence of lead at a concentration

1 of not more than 5 parts per billion.

2 (f) If the testing under subdivision (d) indicates the  
3 presence of lead at a concentration of 1 part per billion or more  
4 but less than 5 parts per billion, comply with subsection (4) (a) to  
5 (c).

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

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

15 (ii) Develop a remediation plan in consultation with the  
16 department and water supplier.

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

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

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

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

28 (2) 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. (1) The department shall assist each school in  
5 maintaining compliance with this act. The department shall do all  
6 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 filters.

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

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

19 (2) A school shall not install a drinking fountain after  
20 August 1, 2022, unless the drinking fountain is a filtered bottle-  
21 filling station.

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

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

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

29 (4) The department is the administrator of the fund for

1 auditing purposes.

2 (5) The department shall expend money from the fund, upon  
3 appropriation, only to create and operate a program to assist child  
4 care centers in low-income geographic areas and schools with all of  
5 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 filters, in compliance with the  
11 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, or filters.

19 Sec. 13. Filtered water collected for sampling and resampling  
20 under this act must be drawn from the bubbler of a filtered bottle-  
21 filling station or filtered faucet. The filtered water must be  
22 collected in a 250 milliliter bottle on a Monday morning before any  
23 water use occurs at the school.