CLEAN DRINKING WATER ACCESS ACT

Act 154 of 2023

AN ACT 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.

History: 2023, Act 154, Eff. Oct. 24, 2023

The People of the State of Michigan enact:

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380.1901 Short title.

Sec. 1.

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

History: 2023, Act 154, Eff. Oct. 24, 2023

380.1903 Definitions.

Sec. 3.

As used in this act:

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

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

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

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

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

(i) Is connected to customer site piping.

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

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

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

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

(vi) Includes a drinking fountain.

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

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

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

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

History: 2023, Act 154, Eff. Oct. 24, 2023

380.1905 Drinking water management plan; requirements; mandatory review and update; presence of lead; duties.

Sec. 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Resample and retest the filtered water.

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

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

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

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

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

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

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

(d) Resample and retest the water.

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

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

(i) Within 30 days after receiving the test results, send a copy of the test results to the department and send a notice to school staff and each parent or guardian of a student enrolled in the school, in a manner determined by the school district. The notice must state the amount of lead found in the water and information provided by the department on the health effects of lead exposure and ways to reduce childhood lead exposure.

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

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

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380.1907 Installation of filtered bottle-filling stations and faucets; certification of compliance; subject to appropriation.

Sec. 7.

(1) By the end of the 2025-2026 school year, each school shall do all of the following:

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

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

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

(2) At the end of the 2025-2026 school year and annually thereafter, each school shall submit to the department documentation, on a form and in a manner prescribed by the department, that certifies that the school has complied with the requirements of this act.

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

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

History: 2023, Act 154, Eff. Oct. 24, 2023

380.1909 Compliance with act; departmental duties; guidance documents.

Sec. 9.

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

(a) Provide a template for the plan.

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

(c) Provide guidance on all of the following:

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

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

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

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

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

History: 2023, Act 154, Eff. Oct. 24, 2023

380.1911 School and child care center clean drinking water fund.

Sec. 11.

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

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

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

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

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

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

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

(c) Costs associated with water sampling and testing.

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

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

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