

SENATE BILL 992

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0lr3572
CF 0lr2142

By: **Senator McCray**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **School Buildings – Drinking Water Outlets – Elevated Level of Lead**
3 **(Safe School Drinking Water Act)**

4 FOR the purpose of altering the definition of “elevated level of lead” for purposes of certain
5 provisions of law requiring certain testing for the presence of lead in certain drinking
6 water outlets in certain occupied public and nonpublic school buildings; making
7 conforming changes; and generally relating to the presence of lead in drinking water
8 outlets in occupied public and nonpublic school buildings.

9 BY repealing and reenacting, without amendments,
10 Article – Environment
11 Section 6–1501(a) and (b)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Environment
16 Section 6–1501(c), 6–1502, and 6–1503(a)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2019 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Environment**

22 6–1501.

23 (a) In this subtitle the following words have the meanings indicated.

24 (b) (1) “Drinking water outlet” means a potable water fixture that is used for

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 drinking or food preparation.

2 (2) "Drinking water outlet" includes:

3 (i) A water fountain, faucet, or tap that is used or potentially used
4 for drinking or food preparation; and

5 (ii) Ice-making and hot drink machines.

6 (c) "Elevated level of lead" means a lead concentration in drinking water that
7 exceeds [the standard recommended by the U.S. Environmental Protection Agency in
8 technical guidance] **5 PARTS PER BILLION**.

9 6-1502.

10 (a) This section does not apply to a public or nonpublic school that is classified as
11 a public water system.

12 (b) (1) Subject to paragraph (2) of this subsection, the Department, in
13 consultation with the State Department of Education, the Department of General Services,
14 and Maryland Occupational Safety and Health, shall adopt regulations to require periodic
15 testing for the presence of lead in each drinking water outlet located in an occupied public
16 or nonpublic school building.

17 (2) Before adopting the regulations required under this section, the
18 Department shall gather information about the testing processes, protocols, and efforts
19 being undertaken by each county school system and private school to establish a safe and
20 lead-free environment, including whether the school system or school has a plan for testing
21 and, if appropriate, remedial measures.

22 (c) Regulations adopted under this section shall:

23 (1) Require initial testing to be conducted on or before July 1, 2018;

24 (2) Phase in the implementation of the required testing beginning with:

25 (i) School buildings constructed before 1988; and

26 (ii) School buildings serving students in a prekindergarten program
27 or any grade from kindergarten through grade 5;

28 (3) Establish a sampling method for the required testing that is consistent
29 with technical guidance;

30 (4) Establish the frequency for the required testing;

31 (5) Address best practices and cost-effective testing;

1 (6) Require test samples from drinking water outlets to be analyzed by an
2 entity approved by the Department; **AND**

3 (7) If an analysis of a test sample indicates an elevated level of lead in a
4 drinking water outlet, require that:

5 (i) The results of the analysis be reported to the Department, the
6 State Department of Education, the Maryland Department of Health, and the appropriate
7 local health department;

8 (ii) Access to the drinking water outlet be closed;

9 (iii) An adequate supply of safe drinking water be provided to school
10 occupants;

11 (iv) The school take appropriate remedial measures, including:

12 1. Permanently shutting or closing off access to the drinking
13 water outlet;

14 2. Manual or automatic flushing of the drinking water outlet;

15 3. Installing and maintaining a filter at the drinking water
16 outlet; or

17 4. Repairing or replacing the drinking water outlet,
18 plumbing, or service line contributing to the elevated level of lead;

19 (v) The school conduct follow-up testing; and

20 (vi) Notice of the elevated level of lead be:

21 1. Provided to the parent or legal guardian of each student
22 attending the school; and

23 2. Posted on the website of the school[]; and

24 (8) If an analysis of a test sample indicates a concentration of lead that is
25 more than 5 parts per billion but less than the standard for an elevated level of lead, require
26 that the results of the analysis be reported to the Department, the State Department of
27 Education, the Maryland Department of Health, and the appropriate local health
28 department].

29 (d) The Department, in consultation with the State Department of Education,
30 may grant a waiver from the testing required under this section if:

1 (1) (i) The drinking water outlets in the school building have been
2 tested for the presence of lead in a manner that substantially complies with regulations
3 issued under this section; and

4 (ii) The test results indicate no elevated levels of lead in any of the
5 drinking water outlets in the school building;

6 (2) (i) Students in the school building do not have access to any
7 drinking water outlet; and

8 (ii) Bottled water is the only source of water for drinking or food
9 preparation in the school building;

10 (3) A plan is in place for testing the drinking water outlets and addressing
11 any elevated level of lead in a drinking water outlet in the school building in a manner that
12 substantially complies with the regulations required under this section; or

13 (4) The local school system has:

14 (i) Completed comprehensive lead testing of the drinking water
15 from plumbing fixtures; and

16 (ii) A comprehensive monitoring program to ensure safe drinking
17 water in its schools.

18 (e) **[(1)]** On or before December 1, 2018, and on or before December 1 each year
19 thereafter, the Department and the State Department of Education jointly shall report to
20 the Governor and, in accordance with § 2-1257 of the State Government Article, the
21 General Assembly on the findings of the testing required under this section, including:

22 **[(i)] (1)** The name and address of each school found to have
23 elevated levels of lead in its drinking water; and

24 **[(ii)] (2)** The type, location in the building, and use of each drinking
25 water outlet with an elevated level of lead.

26 **[(2)** Beginning with the report due December 1, 2019, the report required
27 under this subsection shall include, in addition to the information required under
28 paragraph (1) of this subsection:

29 (i) The name and address of each school found to have a lead
30 concentration that is more than 5 parts per billion but less than the standard for an
31 elevated level of lead; and

32 (ii) The type, location in the building, and use of each drinking water
33 outlet with a lead concentration that is more than 5 parts per billion but less than the
34 standard for an elevated level of lead.]

1 6-1503.

2 (a) The Department, in consultation with the State Department of Education,
3 shall establish and administer a grant program to provide grants to local school systems to
4 assist with the costs associated with implementing remedial measures to:

5 (1) Address any findings of elevated levels of lead in drinking water outlets
6 in school buildings;

7 (2) [Address any findings of lead concentrations in drinking water outlets
8 in school buildings that exceed 5 parts per billion;

9 (3)] Install drinking water outlets in school buildings that do not have
10 functioning drinking water outlets due to the presence of lead; or

11 [(4)] (3) Repair, reconfigure, or replace the outlet plumbing or premises
12 plumbing contributing to the presence of lead in drinking water.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
14 1, 2020.