

SENATE BILL 546

M3, F1
HB 1475/20 – ENT & W&M

11r2522
CF HB 636

By: **Senator McCray**

Introduced and read first time: January 26, 2021

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; requiring a
7 school to take certain measures to remediate a certain drinking water outlet on or
8 before a certain date; making conforming changes; and generally relating to the
9 presence of lead in drinking water outlets in occupied public and nonpublic school
10 buildings.

11 BY repealing and reenacting, without amendments,
12 Article – Environment
13 Section 6–1501(a) and (b)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2020 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Environment
18 Section 6–1501(c), 6–1502, and 6–1503(a)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2020 Supplement)

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

23 **Article – Environment**

24 6–1501.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) “Drinking water outlet” means a potable water fixture that is used for
2 drinking or food preparation.

3 (2) “Drinking water outlet” includes:

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

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

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

10 6–1502.

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

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

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

23 (c) Regulations adopted under this section shall:

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

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

26 (i) School buildings constructed before 1988; and

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

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

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

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

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

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

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

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

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

12 (iv) **[The] SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE**
13 school take appropriate remedial measures, including:

14 1. Permanently shutting or closing off access to the drinking
15 water outlet;

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

17 3. Installing and maintaining a filter at the drinking water
18 outlet; or

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

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

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

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

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

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

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

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

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

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

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

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

15 (4) The local school system has:

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

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

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

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

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

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

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

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

4 (F) (1) THIS SUBSECTION APPLIES ONLY TO A DRINKING WATER OUTLET
5 FOR WHICH A TEST SAMPLE ANALYZED ON OR BEFORE JUNE 1, 2021, INDICATED A
6 CONCENTRATION OF LEAD THAT WAS MORE THAN 5 PARTS PER BILLION BUT LESS
7 THAN 20 PARTS PER BILLION.

8 (2) ON OR BEFORE AUGUST 1, 2022, A SCHOOL SHALL TAKE
9 APPROPRIATE MEASURES IN ACCORDANCE WITH SUBSECTION (C)(7)(IV) OF THIS
10 SECTION TO REMEDIATE AN OUTLET DESCRIBED IN PARAGRAPH (1) OF THIS
11 SUBSECTION.

12 6–1503.

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

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

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

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

22 [(4)] (3) Repair, reconfigure, or replace the outlet plumbing or premises
23 plumbing contributing to the presence of lead in drinking water.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
25 1, 2021.