M3, F1 0lr2142 CF SB 992

By: Delegates Solomon, Acevero, Attar, Barve, Boyce, Bridges, Cain, Carr, Charkoudian, D.M. Davis, Fraser-Hidalgo, Gilchrist, Guyton, Healey, Holmes, Korman, Lehman, R. Lewis, Lierman, Lopez, Love, Moon, Palakovich Carr, Queen, Shetty, Stein, Stewart, Terrasa, Wells, and K. Young

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation and Ways and Means

A BILL ENTITLED

1	AN ACT concerning				
2 3	School Buildings – Drinking Water Outlets – Elevated Level of Lead (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	5 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				

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

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6-1501.



- 1 (a) In this subtitle the following words have the meanings indicated. "Drinking water outlet" means a potable water fixture that is used for 2 (b) (1) drinking or food preparation. 3 "Drinking water outlet" includes: 4 (2) 5 A water fountain, faucet, or tap that is used or potentially used 6 for drinking or food preparation; and 7 (ii) Ice—making and hot drink machines. 8 (c) "Elevated level of lead" means a lead concentration in drinking water that exceeds [the standard recommended by the U.S. Environmental Protection Agency in 9 technical guidance 5 PARTS PER BILLION. 10 6-1502.11 12 This section does not apply to a public or nonpublic school that is classified as 13 a public water system. 14 Subject to paragraph (2) of this subsection, the Department, in (b) (1)consultation with the State Department of Education, the Department of General Services, 15 16 and Maryland Occupational Safety and Health, shall adopt regulations to require periodic 17 testing for the presence of lead in each drinking water outlet located in an occupied public or nonpublic school building. 18 19 (2)Before adopting the regulations required under this section, the 20 Department shall gather information about the testing processes, protocols, and efforts 21being undertaken by each county school system and private school to establish a safe and 22lead-free environment, including whether the school system or school has a plan for testing 23 and, if appropriate, remedial measures. 24Regulations adopted under this section shall: (c) 25 (1) Require initial testing to be conducted on or before July 1, 2018; 26 (2) Phase in the implementation of the required testing beginning with: 27 (i) School buildings constructed before 1988; and 28 (ii) School buildings serving students in a prekindergarten program 29 or any grade from kindergarten through grade 5;
- 30 (3) Establish a sampling method for the required testing that is consistent 31 with technical guidance;

1	(4)	(4) Establish the frequency for the required testing;				
2	(5)	(5) Address best practices and cost–effective testing;				
3 4	(6) entity approved by	Require test samples from drinking water outlets to be analyzed by an by the Department; AND				
5 6	(7) drinking water our) If an analysis of a test sample indicates an elevated level of lead in a outlet, require that:				
7 8 9	(i) The results of the analysis be reported to the Department, the State Department of Education, the Maryland Department of Health, and the appropriate local health department;					
10		(ii)	Acces	s to the drinking water outlet be closed;		
11 12	occupants;	(iii)	An ad	lequate supply of safe drinking water be provided to school		
13		(iv)	The se	chool take appropriate remedial measures, including:		
14 15	water outlet;		1.	Permanently shutting or closing off access to the drinking		
16			2.	Manual or automatic flushing of the drinking water outlet;		
17 18	outlet; or		3.	Installing and maintaining a filter at the drinking water		
19 20	plumbing, or servi	ce line	4. contrib	Repairing or replacing the drinking water outlet, outing to the elevated level of lead;		
21		(v)	The se	chool conduct follow–up testing; and		
22		(vi)	Notice	e of the elevated level of lead be:		
23 24	attending the scho	ol; and	1. l	Provided to the parent or legal guardian of each student		
25			2.	Posted on the website of the school[; and		
26 27 28 29	(8) If an analysis of a test sample indicates a concentration of lead that is more than 5 parts per billion but less than the standard for an elevated level of lead, require that the results of the analysis be reported to the Department, the State Department of Education, the Maryland Department of Health, and the appropriate local health					

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 $department {\red}{\class{1.5}{$]}}.$

- 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 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.
- (e) [(1)] On or before December 1, 2018, and on or before December 1 each year thereafter, the Department and the State Department of Education jointly shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the findings of the testing required under this section, including:
- [(i)] (1) The name and address of each school found to have elevated levels of lead in its drinking water; and
- [(ii)] (2) The type, location in the building, and use of each drinking water outlet with an elevated level of lead.
- [(2) Beginning with the report due December 1, 2019, the report required under this subsection shall include, in addition to the information required under 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 6–1503.
- 5 (a) The Department, in consultation with the State Department of Education, 6 shall establish and administer a grant program to provide grants to local school systems to 7 assist with the costs associated with implementing remedial measures to:
- 8 (1) Address any findings of elevated levels of lead in drinking water outlets 9 in school buildings;
- 10 (2) [Address any findings of lead concentrations in drinking water outlets 11 in school buildings that exceed 5 parts per billion;
- 12 (3)] Install drinking water outlets in school buildings that do not have 13 functioning drinking water outlets due to the presence of lead; or
- 14 **[**(4)**] (3)** Repair, reconfigure, or replace the outlet plumbing or premises plumbing contributing to the presence of lead in drinking water.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.