

SUBSTITUTE FOR  
HOUSE BILL NO. 5120

A bill to amend 1976 PA 399, entitled  
"Safe drinking water act,"  
by amending section 19 (MCL 325.1019).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 19. (1) If water delivered by or the operation of a  
2 public water supply is found not to be in compliance with the state  
3 drinking water standards, the department shall require the supplier  
4 of water to notify its users of the extent and nature of the  
5 noncompliance. Notification of users ~~shall~~ **MUST** be in a form and  
6 manner prescribed or otherwise approved by the department.

7       **(2) IN ADDITION TO THE NOTIFICATION UNDER SUBSECTION (1), IF**  
8 **PUBLIC EDUCATION REGARDING LEAD IS REQUIRED UNDER R 325.10410 OF**  
9 **THE MICHIGAN ADMINISTRATIVE CODE, A SUPPLIER OF WATER SHALL ISSUE A**

1 PUBLIC ADVISORY WITHIN 3 BUSINESS DAYS AFTER THE DEPARTMENT  
2 NOTIFIES THE SUPPLIER OF WATER THAT AN EXCEEDANCE OF THE LEAD  
3 ACTION LEVEL OCCURRED. ADDITIONAL PUBLIC EDUCATION TASKS MUST BE  
4 CONDUCTED AS REQUIRED UNDER R 325.10410 OF THE MICHIGAN  
5 ADMINISTRATIVE CODE. A SUPPLIER OF WATER SHALL PROVIDE THE PUBLIC  
6 ADVISORY UNDER THIS SUBSECTION IN A FORM AND MANNER DESIGNED TO FIT  
7 THE SPECIFIC SITUATION AND THE PUBLIC ADVISORY MUST BE REASONABLY  
8 CALCULATED TO REACH ALL PERSONS SERVED BY THE PUBLIC WATER SUPPLY.  
9 TO REACH ALL PERSONS SERVED BY THE PUBLIC WATER SUPPLY, A SUPPLIER  
10 OF WATER SHALL USE, AT A MINIMUM, 1 OR MORE OF THE FOLLOWING FORMS  
11 OF COMMUNICATING THE PUBLIC ADVISORY:

12 (A) APPROPRIATE BROADCAST MEDIA, SUCH AS RADIO AND TELEVISION.

13 (B) POSTING OF THE PUBLIC ADVISORY IN CONSPICUOUS LOCATIONS  
14 THROUGHOUT THE AREA SERVED BY THE PUBLIC WATER SUPPLY.

15 (C) HAND DELIVERING THE PUBLIC ADVISORY TO PERSONS SERVED BY  
16 THE PUBLIC WATER SUPPLY.

17 (D) A COMMUNICATION METHOD OTHER THAN ONE LISTED IN  
18 SUBDIVISIONS (A) TO (C) AS APPROVED, IN WRITING, BY THE DEPARTMENT.

19 (3) ~~(2) Notification~~ A NOTIFICATION OR PUBLIC ADVISORY  
20 received pursuant to this section or information obtained from the  
21 notification ~~may~~ OR PUBLIC ADVISORY SHALL not be used against a  
22 person in a litigation, except a prosecution for perjury or for  
23 giving a false statement.