

SENATE BILL NO. 61

February 05, 2025, Introduced by Senator HOITENGA and referred to Committee on Energy and Environment.

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending sections 3i and 3j (MCL 722.113i and 722.113j), section 3i as added by 2023 PA 173 and section 3j as added by 2023 PA 155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3i. (1) ~~Within 15 months after the effective date of the~~

~~amendatory act that added this section,~~ **Not later than January 24, 2025, and subject to section 3j(2),** each child care center shall develop a drinking water management plan and make the plan available to the department of licensing and regulatory affairs, child care center staff, and parents and guardians of children enrolled in the child care center on request. The plan must specify all of the following:

(a) Locations where water outlets will be maintained to deliver water for human consumption, whether as drinking water or a component of a food or beverage, using the following categories, if applicable:

(i) Locations where filtered bottle-filling stations will be maintained.

(ii) Locations where filtered faucets will be maintained.

(iii) Locations where filtered pitchers will be maintained.

(iv) Locations where unfiltered drinking fountains or unfiltered faucets will be maintained, subject to section ~~3j(a)-3j(1)(a)~~ **3j(1)(a)**.

(v) Locations where drinking water from a water delivery service will be maintained.

(b) Locations where water outlets will be maintained for purposes other than as described in subdivision (a).

(c) Locations where water outlets will be shut off or rendered permanently inoperable, if applicable.

(d) Regular replacement of the filter cartridge for each filtered bottle-filling station, filtered faucet, and filtered pitcher in compliance with manufacturer instructions or recommendations of the department of environment, Great Lakes, and energy.

1 (2) Each child care center shall review and update the
2 drinking water management plan created under subsection (1) at
3 least once every 5 years and make changes as directed by the
4 department of licensing and regulatory affairs or as needed to
5 comply with this section.

6 (3) ~~Water~~**Subject to section 3j(2), water** sampling and testing
7 must be conducted at each child care center at least once every 2
8 years and as otherwise required under this section. The child care
9 center shall collect the water for water sampling and testing. The
10 water must be drawn from all of the bubble fixtures of the filtered
11 bottle-filling stations and filtered faucets and must be collected
12 in 250-milliliter bottles after at least an 8-hour stagnation
13 period and before any water use occurs at the child care center.
14 ~~Upon~~**On** request, the department of licensing and regulatory affairs
15 shall provide the child care center with a sufficient number of
16 250-milliliter bottles. After the child care center collects the
17 water, the child care center shall deliver, through the mail or in
18 person, all of the 250-milliliter bottles for water testing. Water
19 testing described under this section must be conducted at a
20 laboratory certified for lead and copper testing for the approved
21 EPA method.

22 (4) If the water sampling and testing under subsection (3)
23 indicates the presence of lead at a concentration of 1 part per
24 billion or more but not more than 5 parts per billion, the child
25 care center shall do all of the following:

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

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

3 (c) Resample and retest the water.

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

8 (i) Send a copy of the test results and a document that lists
9 the make and model of the filtered bottle-filling station or
10 filtered faucet and filter cartridge to the department of licensing
11 and regulatory affairs and the department of environment, Great
12 Lakes, and energy.

13 (ii) Consult with the department of environment, Great Lakes,
14 and energy and the filtered bottle-filling station or filtered
15 faucet manufacturer.

16 (5) If the water sampling and testing under subsection (3) or
17 (4)(c) indicates the presence of lead at a concentration of more
18 than 5 parts per billion, the child care center shall do all of the
19 following:

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

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

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

28 (d) Resample and retest the water.

29 (e) If the water sampling and testing under subdivision (d)

1 indicates the presence of lead at a concentration of 1 part per
2 billion or more but not more than 5 parts per billion, return the
3 water outlet to service and comply with the requirements of
4 subsection (4)(b), (c), and (d).

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

8 (i) ~~Within~~ **Not later than** 30 days after receiving test results
9 under this subsection, send a copy of the test results to the
10 department of licensing and regulatory affairs, the department of
11 environment, Great Lakes, and energy, and each parent or guardian
12 of a child enrolled in the child care center.

13 (ii) Develop a remediation plan in consultation with the
14 department of licensing and regulatory affairs and the department
15 of environment, Great Lakes, and energy and incorporate the
16 remediation plan into the drinking water management plan under
17 subsection (1).

18 (6) A child care center that installs a filtered bottle-
19 filling station, filtered faucet, filtered pitcher, or other
20 filtered source shall install, operate, and maintain them in
21 accordance with manufacturer instructions or recommendations of the
22 department of environment, Great Lakes, and energy.

23 (7) A child care center shall retain the following documents,
24 **as applicable**, for 3 years or until after any water sampling and
25 testing occurs under this section, whichever is sooner, and make
26 the documents available to the department of licensing and
27 regulatory affairs on request:

28 (a) Original copies of the results of all water sampling and
29 testing conducted under this section, as applicable.

1 (b) Records of the dates when and locations where filters or
2 filter cartridges were installed or replaced.

3 (c) Installation instructions for each filter and filter
4 cartridge installed by the child care center.

5 (8) As used in this section:

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

9 (b) "EPA" means the United States Environmental Protection
10 Agency.

11 Sec. 3j. ~~(1) Within 2 years after the effective date of the~~
12 ~~amendatory act that added this section, Except as otherwise~~
13 **provided in subsection (2), not later than October 24, 2025,** each
14 child care center shall do all of the following in a manner
15 consistent with the drinking water management plan created under
16 section 3i:

17 (a) Post a conspicuous sign near each water outlet and
18 drinking fountain indicating whether or not the outlet is intended
19 to provide water for human consumption. If the water outlet or
20 drinking fountain is intended to provide water for human
21 consumption but is unfiltered, the sign must also state that the
22 water is unfiltered and could contain lead.

23 (b) Ensure that any water furnished to children for human
24 consumption by the child care center is from a filtered faucet or
25 other filtered source that is certified to meet NSF/ANSI standard
26 53 for lead reduction and NSF/ANSI standard 42 for particulate
27 removal, or from a water delivery service.

28 (c) Make available to the public and notify the parent or
29 guardian of each child enrolled in the child care center of the

1 availability of both of the following:

2 (i) The results of all water sampling and testing conducted
3 under section 3i.

4 (ii) All filter and filter cartridge replacement dates for each
5 filtered bottle-filling station, filtered faucet, filtered pitcher,
6 or other filtered source.

7 (2) If a child care center has conducted sampling and testing
8 to test for the presence of lead between January 24, 2022 and
9 January 24, 2025, and that sampling and testing does not indicate
10 the presence of lead, the child care center is not required to
11 develop a drinking water management plan under section 3i or
12 install any filtered bottle-filling stations, filtered faucets,
13 filtered pitchers, or other filtered sources by the timeline
14 specified in subsection (1), and may proceed with the sampling and
15 testing requirements specified under this subsection. If a child
16 care center has not conducted sampling and testing to test for the
17 presence of lead between January 24, 2022 and January 24, 2025, but
18 before developing a drinking water management plan under section
19 3i, a child care center may conduct water sampling and testing to
20 test for the presence of lead. The child care center shall collect
21 the water for water sampling and testing. The water must be drawn
22 from all of the water outlets and must be collected in 250-
23 milliliter bottles after at least an 8-hour stagnation period and
24 before any water use occurs at the child care center. On request,
25 the department of licensing and regulatory affairs shall provide
26 the child care center with a sufficient number of 250-milliliter
27 bottles. After the child care center collects the water, the child
28 care center shall deliver, through the mail or in person, all of
29 the 250-milliliter bottles for water testing. Water testing

1 described under this subsection must be conducted at a laboratory
2 certified for lead and copper testing for the approved EPA method.
3 If the water sampling and testing under this subsection does not
4 indicate the presence of lead, the child care center is exempt from
5 installing and providing water for human consumption from filtered
6 bottle-filling stations, filtered faucets, filtered pitchers, or
7 other filtered sources as described under this section and section
8 3i. Water sampling and testing conducted under this subsection must
9 be conducted at least once every 3 years. If at any time the water
10 sampling and testing under this subsection indicates the presence
11 of lead, not later than 15 months after the presence of lead is
12 indicated, the child care center must comply with the requirements
13 under this section and sections 3i, 3k, and 3l. As used in this
14 subsection, "EPA" means the United States Environmental Protection
15 Agency.