

# SENATE BILL NO. 62

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

A bill to amend 2023 PA 154, entitled  
"Clean drinking water access act,"  
by amending sections 5 and 7 (MCL 380.1905 and 380.1907).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5. (1) ~~Within 15 months after the effective date of this~~  
2 ~~act,~~ **Not later than January 24, 2025, and subject to section 7(4),**  
3 each school shall develop a drinking water management plan, and  
4 make the plan available to the department, school staff, parents  
5 and guardians of children enrolled in the school, and the general

1 public on request. The plan must do all of the following:

2 (a) Specify the location of each water outlet using 1 of the  
3 following categories:

4 (i) The location where a water outlet will be maintained to  
5 deliver water for human consumption, whether as drinking water or  
6 as a component of a food or beverage, using 1 of the following  
7 categories:

8 (A) The location where a filtered bottle-filling station will  
9 be maintained. The plan must provide for the maintenance of at  
10 least 1 filtered bottle-filling station for every 100 occupants of  
11 the school, not including visitors or individuals attending special  
12 events.

13 (B) The location where a filtered faucet will be maintained.  
14 Filtered faucets may be maintained only when the installation of a  
15 filtered bottle-filling station is not feasible but a water outlet  
16 for human consumption is necessary, including, but not limited to,  
17 kitchens, nurses' stations, preschool classrooms, and teachers'  
18 lounges.

19 (ii) The location where a water outlet will be maintained for  
20 purposes other than as described in subparagraph (i).

21 (iii) The location where a water outlet will be shut off or  
22 rendered permanently inoperable.

23 (b) Establish a schedule for when each of the following will  
24 occur:

25 (i) Annual water sampling and testing of the filtered water ~~at~~  
26 **from** each filtered bottle-filling station and filtered faucet in  
27 the school to ensure that the filters are properly installed and  
28 provide water with a lead concentration of not more than 5 parts  
29 per billion.

1           (ii) Regular replacement of the filter cartridge for each  
2 filtered bottle-filling station and filtered faucet in compliance  
3 with the manufacturer instructions or recommendations of the  
4 department.

5           (2) Each school shall review and update the plan at least once  
6 every 5 years and make changes as directed by the department or as  
7 needed to comply with this section.

8           (3) ~~A-Subject to section 7(4),~~ a school shall comply with the  
9 schedules under subsection (1) (b).

10           (4) If the water sampling and testing under subsection  
11 (1) (b) (i) indicates the presence of lead at a concentration of 1  
12 part per billion or more but not more than 5 parts per billion, the  
13 school shall do all of the following:

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

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

20           (c) Resample and retest the filtered water.

21           (d) If water sampling and testing under subdivision (c)  
22 indicates the presence of lead at a concentration of 1 part per  
23 billion or more but not more than 5 parts per billion, do both of  
24 the following:

25           (i) Send a copy of the test results and a document that lists  
26 the make and model of the filtered bottle-filling station or  
27 filtered faucet and filter cartridge to the department.

28           (ii) Consult with the department and filtered bottle-filling  
29 station or filtered faucet manufacturer.

1 (5) If water sampling and testing under subsection (1) (b) (i) or  
2 (4) (c) indicates the presence of lead at a concentration of more  
3 than 5 parts per billion, the school shall do all of the following:

4 (a) Immediately shut off or otherwise render inoperable the  
5 water outlet.

6 (b) Post a conspicuous sign near the water outlet stating that  
7 the water outlet is inoperable because of high lead concentration  
8 and maintain the sign until the water outlet is returned to service  
9 under subdivision (e).

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

12 (d) Resample and retest the water.

13 (e) If water sampling and testing under subdivision (d)  
14 indicates the presence of lead at a concentration of 1 part per  
15 billion or more but not more than 5 parts per billion, return the  
16 water outlet to service and comply with the ~~requirement~~  
17 **requirements** under subsection (4) (b), (c), and (d).

18 (f) If water sampling and testing under subdivision (d)  
19 indicates the presence of lead at concentration of more than 5  
20 parts per billion, do both of the following:

21 (i) ~~Within~~ **Not later than** 30 days after receiving the test  
22 results, send a copy of the test results to the department and send  
23 a notice to school staff and each parent or guardian of a student  
24 enrolled in the school, in a manner determined by the school  
25 district. The notice must state the amount of lead found in the  
26 water and information provided by the department on the health  
27 effects of lead exposure and ways to reduce childhood lead  
28 exposure.

29 (ii) Develop a remediation plan in consultation with the

1 department and incorporate the remediation plan into the plan under  
2 subsection (1).

3 (6) ~~The~~ **Subject to section 7(4), the** school shall collect the  
4 water for the water sampling and testing conducted under this  
5 section. The water must be drawn from all of the bubbler fixtures  
6 of the filtered bottle-filling stations and filtered faucets and  
7 must be collected in 250-milliliter bottles after at least an 8-  
8 hour stagnation period and before any water use occurs at the  
9 school. Water testing described under this section must be  
10 conducted at a laboratory certified for lead and copper testing for  
11 the approved EPA method. As used in this subsection, "EPA" means  
12 the United States Environmental Protection Agency.

13 Sec. 7. (1) ~~By~~ **Except as otherwise provided in subsection (4),**  
14 **by** the end of the 2025-2026 school year, ~~each~~ a school shall do all  
15 of the following:

16 (a) Install all filtered bottle-filling stations and filtered  
17 faucets as indicated in the plan and not already in existence.

18 (b) Shut off or render permanently inoperable any water outlet  
19 providing water for human consumption that is not a filtered  
20 bottle-filling station or filtered faucet.

21 (c) Post a conspicuous sign near each water outlet indicating  
22 whether ~~or not~~ the outlet is intended to provide water for human  
23 consumption.

24 (2) At the end of the 2025-2026 school year and annually  
25 thereafter, **as applicable,** each school shall submit to the  
26 department documentation, on a form and in a manner prescribed by  
27 the department, that certifies that the school has complied with  
28 the requirements of this act.

29 (3) ~~Beginning 15 months after the effective date of this act,~~

1 Not later than January 24, 2025, and except as otherwise provided  
2 in subsection (4), a school shall not install a drinking fountain,  
3 unless the drinking fountain is a filtered bottle-filling station.

4 (4) If a school has conducted sampling and testing to test for  
5 the presence of lead between January 24, 2022 and January 24, 2025,  
6 and that sampling and testing does not indicate the presence of  
7 lead, the school is not required to develop a plan or install any  
8 filtered bottle-filling stations, filtered faucets, filtered  
9 pitchers, or other filtered sources by the timeline specified in  
10 subsection (1), and may proceed with the sampling and testing  
11 requirements specified under this subsection. If a school has not  
12 conducted sampling and testing to test for the presence of lead  
13 between January 24, 2022 and January 24, 2025, but before  
14 developing a plan, a school may conduct water sampling and testing  
15 to test for the presence of lead. The school shall collect the  
16 water for water sampling and testing. The water must be drawn from  
17 all of the water outlets and must be collected in 250-milliliter  
18 bottles after at least an 8-hour stagnation period and before any  
19 water use occurs at the school. After the school collects the  
20 water, the school shall deliver, through the mail or in person, all  
21 of the 250-milliliter bottles for water testing. Water testing  
22 described under this subsection must be conducted at a laboratory  
23 certified for lead and copper testing for the approved EPA method.  
24 If the water sampling and testing under this subsection does not  
25 indicate the presence of lead, the school is exempt from installing  
26 and providing water for human consumption from filtered bottle-  
27 filling stations, filtered faucets, or other filtered sources as  
28 described under this act. Water sampling and testing conducted  
29 under this subsection must be conducted at least once every 3

1 years. If the water sampling and testing under this subsection  
2 indicates the presence of lead, not later than 15 months after the  
3 presence of lead is indicated, the school must comply with the  
4 requirements under this act. As used in this subsection, "EPA"  
5 means the United States Environmental Protection Agency.

6 (5) ~~(4)~~—The legislature shall annually appropriate to the  
7 department an amount sufficient to administer and comply with this  
8 act. Schools are not required to comply with this act unless the  
9 legislature has appropriated sufficient funds under this  
10 subsection.