

**SUBSTITUTE FOR  
SENATE BILL NO. 89**

A bill to create a program to assist certain child care centers and schools with the acquisition, installation, and maintenance of certain filtered water stations and faucets; to provide for the sampling and testing of water from certain water outlets; to create certain funds; and to provide for the duties of certain state departments and officers.

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

1           Sec. 1. This act may be cited as the "clean drinking water  
2 access act".

3           Sec. 3. As used in this act:

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

1 (b) "Child care center" means that term as defined in section  
2 1 of 1973 PA 116, MCL 722.111.

3 (c) "Department" means the department of environment, Great  
4 Lakes, and energy or its authorized agent or representative.

5 (d) "Drinking fountain" means a plumbing fixture that is  
6 connected to the potable water distribution system and drainage  
7 system that allows a user to obtain a drink directly from a stream  
8 of flowing water without the use of any accessory.

9 (e) "Filtered bottle-filling station" or "station" means an  
10 apparatus that meets all of the following requirements:

11 (i) Is connected to customer site piping.

12 (ii) Filters water and is certified to meet NSF/ANSI standard  
13 53 for lead reduction and NSF/ANSI standard 42 for particulate  
14 removal.

15 (iii) The flow rate through the station is paired to the  
16 specified flow rate of the filter cartridge.

17 (iv) Has a light or other device to indicate filter cartridge  
18 replacement status.

19 (v) Is designed to fill drinking bottles or other containers  
20 for personal water consumption.

21 (vi) Includes a drinking fountain.

22 (f) "Filtered faucet" means a faucet that at the point of use  
23 includes a filter that is certified to meet NSF/ANSI standard 53  
24 for lead reduction and NSF/ANSI standard 42 for particulate  
25 removal.

26 (g) "Fund" means the school and child care center clean  
27 drinking water fund created in section 11.

28 (h) "Plan" means a drinking water management plan created  
29 under section 5.

1 (i) "School" means a public school or nonpublic school as  
2 those terms are defined in section 5 of the revised school code,  
3 1976 PA 451, MCL 380.5.

4 Sec. 5. (1) Within 15 months after the effective date of this  
5 act, each school shall develop a drinking water management plan,  
6 and make the plan available to the department, school staff,  
7 parents and guardians of children enrolled in the school, and the  
8 general public on request. The plan must do all of the following:

9 (a) Specify the location of each water outlet using 1 of the  
10 following categories:

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

15 (A) The location where a filtered bottle-filling station will  
16 be maintained. The plan must provide for the maintenance of at  
17 least 1 filtered bottle-filling station for every 100 occupants of  
18 the school, not including visitors or individuals attending special  
19 events.

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

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

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

1 (b) Establish a schedule for when each of the following will  
2 occur:

3 (i) Annual water sampling and testing of the filtered water at  
4 each filtered bottle-filling station and filtered faucet in the  
5 school to ensure that the filters are properly installed and  
6 provide water with a lead concentration of not more than 5 parts  
7 per billion.

8 (ii) Regular replacement of the filter cartridge for each  
9 filtered bottle-filling station and filtered faucet in compliance  
10 with the manufacturer instructions or recommendations of the  
11 department.

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

15 (3) A school shall comply with the schedules under subsection  
16 (1) (b) .

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

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

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

27 (c) Resample and retest the filtered water.

28 (d) If water sampling and testing under subdivision (c)  
29 indicates the presence of lead at a concentration of 1 part per

1 billion or more but not more than 5 parts per billion, do both of  
2 the following:

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

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

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

11 (a) Immediately shut off or otherwise render inoperable the  
12 water outlet.

13 (b) Post a conspicuous sign near the water outlet stating that  
14 the water outlet is inoperable because of high lead concentration  
15 and maintain the sign until the water outlet is returned to service  
16 under subdivision (e).

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

19 (d) Resample and retest the water.

20 (e) If water sampling and testing under subdivision (d)  
21 indicates the presence of lead at a concentration of 1 part per  
22 billion or more but not more than 5 parts per billion, return the  
23 water outlet to service and comply with the requirement under  
24 subsection (4)(b), (c), and (d).

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

28 (i) Within 30 days after receiving the test results, send a  
29 copy of the test results to the department and each parent or

1 guardian of a student enrolled in the school. The copy of the test  
2 results must contain a notice that includes information provided by  
3 the department on the health effects of lead exposure and ways to  
4 reduce childhood lead exposure.

5 (ii) Develop a remediation plan in consultation with the  
6 department and incorporate the remediation plan into the plan under  
7 subsection (1).

8 (6) The school shall collect the water for the water sampling  
9 and testing conducted under this section. The water must be drawn  
10 from all of the bubbler fixtures of the filtered bottle-filling  
11 stations and filtered faucets and must be collected in 250-  
12 milliliter bottles after at least an 8-hour stagnation period and  
13 before any water use occurs at the school. After the school  
14 collects the water, the department shall collect all of the 250-  
15 milliliter bottles and conduct the water testing. Water testing  
16 described under this section must be conducted at a laboratory  
17 certified for lead and copper testing for the approved EPA method.  
18 As used in this subsection, "EPA" means the United States  
19 Environmental Protection Agency.

20 Sec. 7. (1) By the end of the 2024-2025 school year, each  
21 school shall do all of the following:

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

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

27 (c) Post a conspicuous sign near each water outlet indicating  
28 whether or not the outlet is intended to provide water for human  
29 consumption.

1           (2) At the end of the 2024-2025 school year and annually  
2 thereafter, each school shall submit to the department  
3 documentation, on a form and in a manner prescribed by the  
4 department, that certifies that the school has complied with the  
5 requirements of this act.

6           (3) Beginning 15 months after the effective date of this act,  
7 a school shall not install a drinking fountain, unless the drinking  
8 fountain is a filtered bottle-filling station.

9           (4) The legislature shall annually appropriate to the  
10 department an amount sufficient to administer and comply with this  
11 act. Schools are not required to comply with this act unless the  
12 legislature has appropriated sufficient funds under this  
13 subsection.

14           Sec. 9. (1) The department shall assist each school in  
15 maintaining compliance with this act. Within 6 months after the  
16 effective date of this act, the department shall do all of the  
17 following:

18           (a) Provide a template for the plan.

19           (b) Make available annual training for school staff and school  
20 officials regarding the sampling and testing protocol, reporting  
21 process for test results, and other activities relevant to  
22 compliance with this act.

23           (c) Provide guidance on all of the following:

24           (i) Factors that a school should consider when selecting  
25 filtered bottle-filling stations, filtered faucets, and filter  
26 cartridges.

27           (ii) How to shut off or render permanently inoperable a water  
28 outlet under section 7(1)(b).

29           (iii) How to flush a building's cold water plumbing before

1 installing new filtered bottle-filling stations and filtered  
2 faucets.

3 (iv) Common filtered bottle-filling station or filtered faucet  
4 installation and operation errors and how to avoid them.

5 (2) The department shall provide and make available the  
6 guidance documents required under subsection (1)(c) not later than  
7 6 months after the effective date of this act. Before the  
8 department provides the guidance documents, the department shall  
9 issue the guidance documents as proposed guidance documents on its  
10 website and allow for a 30-day public comment period.

11 Sec. 11. (1) The school and child care center clean drinking  
12 water fund is created within the state treasury.

13 (2) The state treasurer may receive money or other assets from  
14 any source for deposit into the fund. The state treasurer shall  
15 credit to the fund interest and earnings from fund investments.

16 (3) Money in the fund at the close of the fiscal year remains  
17 in the fund and does not lapse into the general fund.

18 (4) The department is the administrator of the fund for  
19 auditing purposes.

20 (5) The department shall expend money from the fund, upon  
21 appropriation, only to create and operate a program to assist child  
22 care centers and schools with all of the following:

23 (a) The 1-time acquisition and installation of filtered  
24 bottle-filling stations and filtered faucets, in compliance with  
25 the plan.

26 (b) Maintenance of filtered bottle-filling stations and  
27 filtered faucets and replacement of filter cartridges, in  
28 compliance with the plan.

29 (c) Costs associated with water sampling and testing.



1           (6) The department may award grants to operate the program  
2 under subsection (5). If it will achieve cost savings over  
3 independent purchases, the department may, for the purposes of  
4 subsection (5)(a), purchase and provide to program beneficiaries  
5 filtered bottle-filling stations, filtered faucets, point-of-use  
6 filters, or filter cartridges.