

FIRST REGULAR SESSION

SENATE BILL NO. 245

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time January 14, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0748S.01I

AN ACT

To amend chapter 701, RSMo, by adding thereto one new section relating to lead testing in certain elementary school buildings.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 701, RSMo, is amended by adding thereto one new
2 section, to be known as section 701.200, to read as follows:

**701.200. 1. Each school district, as such term is defined in
2 section 160.011, shall test each source of potable water in a public
3 school building in that district serving students under first grade and
4 constructed before 1996 for lead contamination in accordance with
5 guidance provided by the department of health and senior
6 services. The school district shall submit the samples to a department-
7 approved laboratory for analysis for lead and provide the written
8 sampling results to the department within seven days of
9 receipt. Sampling and analysis under this subsection shall be
10 completed by December 31, 2020.**

**2. The department shall develop guidance for schools in
12 collecting and testing first-draw samples of potable water in
13 accordance with the procedures set forth in 10 CSR 60-15.070(2). The
14 department shall develop and make publicly available a list of
15 approved laboratories for lead analysis.**

**3. If any of the samples taken in the building exceed five parts
17 per billion, the school district shall promptly provide individual
18 notification of the sampling results, by written or electronic
19 communication, to the parents or legal guardians of all enrolled
20 students and include the following information: the corresponding
21 sampling location within the building and the U.S. Environmental**

22 Protection Agency's website for information about lead in drinking
23 water. If any of the samples taken in the building are at or below five
24 parts per billion, notification may be made as provided in this
25 subsection or by posting on the school's website.

26 4. A school district may seek a waiver of the requirements of this
27 section from the department if the district collected a sample of water
28 from each source of potable water in accordance with the procedures
29 set forth in 10 CSR 60-15.070(2) or comparable procedures, a
30 department-approved laboratory analyzed the samples, test results
31 were obtained prior to August 28, 2019, and test results are submitted
32 to the department by December 31, 2019.

33 5. The department may promulgate rules and regulations
34 necessary to implement the provisions of this section. Any rule or
35 portion of a rule, as that term is defined in section 536.010 that is
36 created under the authority delegated in this section shall become
37 effective only if it complies with and is subject to all of the provisions
38 of chapter 536, and, if applicable, section 536.028. This section and
39 chapter 536 are nonseverable and if any of the powers vested with the
40 general assembly pursuant to chapter 536, to review, to delay the
41 effective date, or to disapprove and annul a rule are subsequently held
42 unconstitutional, then the grant of rulemaking authority and any rule
43 proposed or adopted after August 28, 2019, shall be invalid and void.

44 6. As used in this section, the term "source of potable water" shall
45 mean the point at which nonbottled water that may be ingested by
46 children or used for food preparation exits any tap, faucet, drinking
47 fountain, wash basin in a classroom occupied by children or students
48 under first grade, or similar point of use; provided, that all bathroom
49 sinks and wash basins used by janitorial staff are excluded from this
50 definition.

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