

SECOND REGULAR SESSION

SENATE BILL NO. 885

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time January 15, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4850S.011

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

10 **2. The department shall develop guidance for schools in
11 collecting and testing first-draw samples of potable water. The
12 department shall develop and make publicly available a list of
13 approved laboratories for lead analysis.**

14 **3. If any of the samples taken in the building exceed five parts
15 per billion of lead, the school district shall promptly provide individual
16 notification of the sampling results, by written or electronic
17 communication, to the parents or legal guardians of all enrolled
18 students and include the following information: the corresponding
19 sampling location within the building and the U.S. Environmental
20 Protection Agency's website for information about lead in drinking
21 water. If any of the samples taken in the building are at or below five**

22 parts per billion, notification may be made as provided in this
23 subsection or by posting on the school's website.

24 4. The department may promulgate rules and regulations
25 necessary to implement the provisions of this section. Any rule or
26 portion of a rule, as that term is defined in section 536.010 that is
27 created under the authority delegated in this section shall become
28 effective only if it complies with and is subject to all of the provisions
29 of chapter 536 and, if applicable, section 536.028. This section and
30 chapter 536 are nonseverable and if any of the powers vested with the
31 general assembly pursuant to chapter 536 to review, to delay the
32 effective date, or to disapprove and annul a rule are subsequently held
33 unconstitutional, then the grant of rulemaking authority and any rule
34 proposed or adopted after August 28, 2020, shall be invalid and void.

35 5. As used in this section, the term "source of potable water" shall
36 mean the point at which nonbottled water that may be ingested by
37 children or used for food preparation exits any tap, faucet, drinking
38 fountain, wash basin in a classroom occupied by children or students
39 under first grade, or similar point of use; provided, that all bathroom
40 sinks and wash basins used by janitorial staff are excluded from this
41 definition.

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