

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2120

100TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 5, 2020, with recommendation that the Senate Committee Substitute do pass.

4879S.07C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapters 640 and 701, RSMo, by adding thereto five new sections relating to water safety and security.

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

Section A. Chapters 640 and 701 are amended, by adding thereto five new sections, to be known as sections 640.141, 640.142, 640.144, 640.145, and 701.200, to read as follows:

640.141. Sections 640.141 to 640.145 shall be known as the "Water Safety and Security Act". For the purposes of these sections, the term "community water system" shall mean a public water system as defined in section 640.102 that serves at least fifteen service connections and is operated on a year-round basis or regularly serves at least twenty-five residents on a year-round basis.

640.142. 1. Within twelve months of the effective date of this section, each community water system shall create a plan that establishes policies and procedures for identifying and mitigating cyber risk. The plan shall include risk assessments and implementation of appropriate controls to mitigate identified cyber risks.

2. Community water systems that do not use an internet-connected control system are exempt from the provisions of this section.

3. The provisions of this section shall not apply to any state parks, cities with a population of more than thirty thousand inhabitants, a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand

13 inhabitants, a county with a charter form of government and with more
14 than nine hundred fifty thousand inhabitants, or a public service
15 commission regulated utility with more than thirty thousand
16 customers.

640.144. 1. All community water systems shall be required to
2 create a valve inspection program that includes:

- 3 (1) Inspection of all valves every ten years;
- 4 (2) Scheduled repair or replacement of broken valves; and
- 5 (3) Within five years of the effective date of this section,
6 identification of each shut off valve location using a geographic
7 information system or an alternative physical mapping system that
8 accurately identifies the location of each valve.

9 2. All community water systems shall be required to create a
10 hydrant inspection program that includes:

- 11 (1) Annual testing of every hydrant in the community water
12 system;
- 13 (2) Scheduled repair or replacement of broken hydrants;
- 14 (3) A plan to flush every hydrant and dead-end main;
- 15 (4) Maintenance of records of inspections, tests, and flushings for
16 six years; and
- 17 (5) Within five years of the effective date of this section,
18 identification of each hydrant location using a geographic information
19 system or an alternative physical mapping system that accurately
20 identifies the location of each hydrant.

21 3. The provisions of this section shall not apply to any state
22 parks, cities with a population of more than thirty thousand
23 inhabitants, a county with a charter form of government and with more
24 than six hundred thousand but fewer than seven hundred thousand
25 inhabitants, a county with a charter form of government and with more
26 than nine hundred fifty thousand inhabitants, or a public service
27 commission regulated utility with more than thirty thousand
28 customers.

640.145. 1. Community water systems shall submit a report upon
2 request of the department of natural resources that shall certify
3 compliance with all regulations regarding:

- 4 (1) Water quality sampling, testing, and reporting;
- 5 (2) Hydrant and valve inspections under section 640.144; and

6 **(3) Cyber security plans and policies, if required under section**
7 **640.142.**

8 **2. The provisions of this section shall not apply to any state**
9 **parks, cities with a population of more than thirty thousand**
10 **inhabitants, a county with a charter form of government and with more**
11 **than six hundred thousand but fewer than seven hundred thousand**
12 **inhabitants, a county with a charter form of government and with more**
13 **than nine hundred fifty thousand inhabitants, or a public service**
14 **commission regulated utility with more than thirty thousand**
15 **customers.**

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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Bill

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