

By: Collier

H.B. No. 997

A BILL TO BE ENTITLED

AN ACT

relating to testing for lead contamination in public school drinking water.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 341, Health and Safety Code, is amended by adding Sections 341.0317 and 341.0318 to read as follows:

Sec. 341.0317. REQUIRED TESTING FOR LEAD CONTAMINATION IN PUBLIC SCHOOL DRINKING WATER. (a) In this section:

(1) "First-draw tap test" means a water sample collected and tested in the manner prescribed by the federal monitoring requirements for lead and copper in tap water under 40 C.F.R. Section 141.86(b).

(2) "Open-enrollment charter school" means a school that has been granted a charter under Subchapter D, Chapter 12, Education Code.

(3) "Safe Drinking Water Act" means the federal Safe Drinking Water Act (42 U.S.C. Section 300f et seq.).

(4) "School district" means an independent school district.

(b) In addition to any water test required by the Safe Drinking Water Act, each school district and open-enrollment charter school shall conduct first-draw tap tests of potable water outlets every five years, before the start of the school year, to

1 monitor the amount of lead in the water in each occupied school
2 building under the jurisdiction of the school district or
3 open-enrollment charter school. The school district or
4 open-enrollment charter school shall perform the first-draw tap
5 test as required by this section by using existing qualified
6 personnel or through a third party.

7 (c) If a person conducting a first-draw tap test determines
8 that the amount of lead in a potable water outlet of a school
9 building exceeds the level of lead considered safe for human
10 consumption as established by rules adopted under Subsection (f),
11 the affected school district or open-enrollment charter school
12 shall prevent the use of the potable water outlet until:

13 (1) the school district or open-enrollment charter
14 school implements a lead remediation plan designed to lower the
15 level of lead in the potable water outlet; and

16 (2) tests confirm the water in the potable water
17 outlet is safe for human consumption.

18 (d) A school district or open-enrollment charter school is
19 not required to conduct a first-draw tap test on a water outlet
20 under this section if the outlet is located in a school building
21 that is lead free, as defined by the Safe Drinking Water Act (42
22 U.S.C. Section 300g-6).

23 (e) A school district or open-enrollment charter school is
24 not required to conduct the first-draw tap tests under this section
25 if the school district or open-enrollment charter school has fewer
26 than 1,000 students and the school district or open-enrollment
27 charter school is unable to secure funding for the tests from grants

1 or donations.

2 (f) The commission, in consultation with the commissioner
3 of education, shall adopt rules to implement this section,
4 including rules to establish the level of lead in drinking water
5 that is considered safe for human consumption. The rules adopted
6 under this section must be consistent with the requirements for
7 school districts or open-enrollment charter schools that are
8 classified as a public water system under the Safe Drinking Water
9 Act.

10 Sec. 341.0318. RESULTS OF TESTING FOR LEAD CONTAMINATION IN
11 PUBLIC SCHOOL DRINKING WATER; REPORT. (a) In this section,
12 "first-draw tap test," "open-enrollment charter school," and
13 "school district" have the meanings assigned by Section 341.0317.

14 (b) Each school district and open-enrollment charter school
15 that conducts lead testing under Section 341.0317 shall make the
16 test results and any lead remediation plan available to the public
17 by:

18 (1) posting the information on the Internet website of
19 the school district or open-enrollment charter school; or

20 (2) any other method the school district or
21 open-enrollment charter school considers appropriate.

22 (c) Each school district and open-enrollment charter school
23 shall:

24 (1) submit the information described by Subsection
25 (b), in a format approved by the commission, to each local health
26 authority with jurisdiction in the municipality or county in which
27 the school district or open-enrollment charter school is located;

1 and

2 (2) maintain a record of the information submitted
3 under Subdivision (1) for a period not less than 12 years from the
4 date the information was submitted.

5 SECTION 2. (a) Except as provided by Subsection (b) of this
6 section, this Act applies beginning with the 2020-2021 school year.

7 (b) A school district or open-enrollment charter school
8 that has completed first-draw tap tests of potable water outlets
9 during the 36-month period preceding the effective date of this Act
10 shall comply with this Act beginning with the 2022-2023 school
11 year.

12 SECTION 3. This Act takes effect December 1, 2019.