

By: Collier

H.B. No. 303

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 A, Chapter 38, Education Code, is amended by adding Section 38.037 to read as follows:

Sec. 38.037. 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) "Safe Drinking Water Act" means the federal Safe Drinking Water Act (42 U.S.C. Section 300f et seq.).

(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 monitor the amount of lead in the water in each occupied school building under the jurisdiction of the district or school. The district or school shall perform the first-draw tap test as required by this section by using existing qualified personnel or through a third party.

(c) If a person conducting a first-draw tap test determines

1 that the amount of lead in a potable water outlet of a school  
2 building exceeds the level of lead considered safe for human  
3 consumption as established by rules adopted under Subsection (h),  
4 the affected school district or open-enrollment charter school  
5 shall prevent the use of the potable water outlet until:

6 (1) the district or school implements a lead  
7 remediation plan designed to lower the level of lead in the potable  
8 water outlet; and

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

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

16 (e) A school district or open-enrollment charter school is  
17 not required to conduct the first-draw tap tests under this section  
18 if the district or school has fewer than 1,000 students and is  
19 unable to secure funding for the tests from grants or donations.

20 (f) Each school district and open-enrollment charter school  
21 that conducts lead testing under this section shall make the test  
22 results and any lead remediation plan available to the public by:

23 (1) posting the information on the district's or  
24 school's Internet website; or

25 (2) any other method the district or school considers  
26 appropriate.

27 (g) Each school district and open-enrollment charter school

1 shall:

2 (1) submit the information described by Subsection  
3 (f), in a format approved by the agency, to each local health  
4 authority with jurisdiction in the municipality or county in which  
5 the district or school is located; and

6 (2) maintain a record of the information submitted  
7 under Subdivision (1) for not less than 12 years from the date the  
8 information was submitted.

9 (h) The commissioner, in consultation with the Texas  
10 Commission on Environmental Quality, shall adopt rules to implement  
11 this section, including rules to establish the level of lead in  
12 drinking water that is considered safe for human consumption. The  
13 rules adopted under this section must be consistent with the  
14 requirements for school districts or open-enrollment charter  
15 schools that are classified as a public water system under the Safe  
16 Drinking Water Act.

17 SECTION 2. (a) Except as provided by Subsection (b) of  
18 this section, this Act applies beginning with the 2022-2023 school  
19 year.

20 (b) A school district or open-enrollment charter school  
21 that has completed first-draw tap tests of potable water outlets  
22 during the 36-month period preceding the effective date of this Act  
23 shall comply with this Act beginning with the 2024-2025 school  
24 year.

25 SECTION 3. This Act takes effect September 1, 2021.