

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 2181

03/06/2017 Authored by Dehn, R.; Clark; Lee; Thissen; Allen and others
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to health; requiring drinking water lead-testing in schools and licensed
1.3 child care centers; proposing coding for new law in Minnesota Statutes, chapter
1.4 144.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [144.3841] TESTING FOR LEAD IN SCHOOL DRINKING WATER.

1.7 Subdivision 1. Public policy. Exposure to lead-contaminated drinking water in schools
1.8 poses serious health problems for children, teachers, and school personnel. The risk of
1.9 lead-contamination can come from pipe and plumbing fixtures in educational facilities as
1.10 well as the public water supply. Children are particularly susceptible to adverse effects from
1.11 lead, causing delays in normal physical and mental development and deficits in attention
1.12 span, hearing, and learning abilities. Therefore, the legislature finds that testing water for
1.13 lead in schools and licensed child care centers, not including family or group family day
1.14 care, is an important state responsibility for protecting children who spend a significant
1.15 amount of time in these facilities.

1.16 Subd. 2. Identify lead hazard. The commissioner of health, in consultation with the
1.17 commissioner of education, shall establish a program to identify in each public, nonpublic,
1.18 and charter school for kindergarten through grade 12 and licensed child care center, not
1.19 including family or group family day care, any lead service line or lead-bearing plumbing
1.20 that is a lead hazard. The commissioner of health shall require mitigation of those hazards
1.21 within a period of time determined by the commissioner after the hazard is identified. For
1.22 purposes of this section, "lead hazard" means a lead-bearing substance that poses an
1.23 immediate health hazard to humans.

2.1 Subd. 3. **Drinking water lead-testing program.** In order to ensure the health, safety,
2.2 and welfare of the children in this state, the commissioner of health, in consultation with
2.3 the commissioner of education, shall develop a drinking water lead-testing program to be
2.4 instituted at all public and nonpublic schools for kindergarten through grade 12, including
2.5 charter schools as well as licensed child care centers, not including family or group family
2.6 day care. The program shall have a drinking water lead sampling plan for schools to
2.7 implement when determining water lead levels. The initial testing of a school or day care
2.8 facility's water supply shall take place by September 1, 2018, and every ten years thereafter
2.9 to monitor and assess the quality of drinking water in school buildings and day care facilities.
2.10 The commissioner shall incorporate the standards and guidance from the United States
2.11 Environmental Protection Agency on how to reduce the risk of lead exposure in school
2.12 drinking water when developing the drinking water lead-testing program for this state. The
2.13 drinking water lead sampling plan must require that first-draw water samples are taken after
2.14 six hours of water outlet inactivity and the sample then tested for lead.

2.15 Subd. 4. **Rulemaking.** The commissioner of health shall adopt rules to implement the
2.16 provisions of this section using the expedited rulemaking process in section 14.389.

2.17 Subd. 5. **Notice.** If any sample exceeds the lead action level set by the commissioner,
2.18 the school or licensed child care center, not including family or group family day care, must
2.19 notify the parents or legal guardians of all enrolled students or children of the exceedance
2.20 and the water source outlet's location within the school or day care facility and direct them
2.21 to the United States Environmental Protection Agency's Web site for information about
2.22 lead in drinking water.

2.23 Subd. 6. **Report.** The school must make the results of testing available for review and
2.24 notify parents of the availability of the testing information.