



## Title XI EDUCATION AND LIBRARIES

## Chapter 160

&lt; &gt; Effective - 28 Aug 2022, highlighted 1 ↓

**160.077. Get the lead out of school drinking water act — definitions — lead concentration level limit — duties of schools — testing requirements — funding — report — rules. — 1.** This section shall be known and may be cited as the "Get the Lead Out of School Drinking Water Act".

2. As used in this section, the following terms mean:

(1) "**Department**", the Missouri department of health and senior services;

(2) "**Disadvantaged school district**", any school district that serves students from a county in which at least twenty-five percent of the households in such county are below the federal poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. Section 9902(2), as amended, or any school district in which more than seventy percent of students in the district qualify for a free or reduced price lunch under the federal Richard B. Russell National School Lunch Act, 42 U.S.C. Section 1751 et seq.;

(3) "**Drinking water outlet**", a potable water fixture that is used for drinking or food preparation. Drinking water outlet includes, but is not limited to:

(a) A water fountain, faucet, or tap that is used or potentially used for drinking or food preparation; and

(b) Ice-making and hot drink machines;

(4) "**First draw**", a two hundred fifty-milliliter sample immediately collected from a drinking water outlet that has been turned on after a stagnation period of at least eight hours;

(5) "**Parent**", a parent, guardian, or other person having control or custody of a child;

(6) "**Private school**", the same definition as in section [166.700](#);

(7) "**Public school**", the same definition as in section [160.011](#);

(8) "**Remediation**", decreasing the lead concentration in water from a drinking water outlet to less than five parts per billion without relying solely on flushing practices, or using methods such as the replacement of lead-containing pipes, solder, fittings, or fixtures with lead-free components. Flushing as a stand alone action shall not be considered remediation;

(9) "School", any public school, private school, or provider of an early childhood education program that receives state funding.

3. Beginning in the 2023-24 school year and for each subsequent school year, each school shall provide drinking water with a lead concentration level below five parts per billion in sufficient amounts to meet the drinking water needs of all students and staff as provided in this section.

4. (1) On or before January 1, 2024, each school shall:

(a) Conduct an inventory of all drinking water outlets and all outlets that are used for dispensing water for cooking or for cleaning cooking and eating utensils in each of the school's buildings;

(b) Develop a plan for testing each outlet inventoried under paragraph (a) of this subdivision and make such plan available to the public; and

(c) Upon request, provide general information on the health effects of lead contamination and additional informational resources for employees and parents of children at each school.

(2) Each school shall make buildings housing early childhood education programs, kindergartens, and elementary schools the priority when complying with paragraphs (a) and (b) of subdivision (1) of this subsection.

(3) Before August 1, 2024, or the first day on which students will be present in the building, whichever is later, each school shall:

(a) Perform all testing as required by subsection 5 of this section and within two weeks after receiving test results, make all testing results and any lead remediation plans available on the school's website;

(b) Remove and replace any drinking water coolers or drinking water outlets that the United States Environmental Protection Agency has determined are not lead-free under the federal Lead Contamination Control Act of 1988, as amended; except the school shall not be required to replace those drinking water outlets or water coolers that tested under the requirements of this section and have been determined to be dispensing drinking water with a lead concentration less than five part per billion; however, such drinking water outlet or water cooler shall be subject to all testing requirements and shall not be excluded from testing under subsection 10 of this section.

(4) If testing indicates that the water source is causing the contamination and until such time that the source of the contamination has been remediated, the school shall:

(a) Install a filter at each point at which the water supply enters the building;

(b) Install a filter that reduces lead in drinking water on each water outlet inventoried under paragraph (a) of subdivision (1) of this subsection to ensure lead concentrations are below five parts per billion; or

(c) Provide purified water at each water outlet inventoried under paragraph (a) of subdivision (1) of this subsection.

(5) If testing indicates that the internal building piping is causing the contamination and until such time that the source of the contamination has been remediated, the school shall:

(a) Install a filter that reduces lead in drinking water on each water outlet inventoried under paragraph (a) of subdivision (1) of this subsection to ensure lead concentrations are below five parts per billion; or

(b) Provide purified water at each water outlet inventoried under paragraph (a) of subdivision (1) of this subsection.

(6) If a pipe, solder, fitting, or fixture is replaced as part of remediation, the replacement shall be lead free, as such term is defined in 40 CFR 143.12, as amended.

(7) If a test result exceeds five parts per billion, the affected school shall:

(a) Contact parents and staff via written notification within seven business days after receiving the test result. The notification shall include at least:

a. The test results and a summary that explains such results;

b. A description of any remedial steps taken; and

c. A description of general health effects of lead contamination and community specific resources; and

(b) Provide bottled water if there is not enough water to meet the drinking water needs of the students, teachers, and staff.

(8) School districts shall submit such annual testing results to the department.

(9) This subsection shall not be construed to prevent a school from conducting more frequent testing than required under this section.

5. (1) Before August 1, 2024, or the first day on which students will be present in the building, whichever is later, and annually thereafter, each school shall conduct testing for lead by first-draw and follow-up flush samples of a random sampling of at least twenty-five percent of remediated drinking water outlets until all remediated sources have been tested as recommended by the 2018 version of the United States Environmental Protection Agency's Training, Testing, and Taking Action program. The testing shall be conducted

and the results analyzed for both types of tests by an entity or entities approved by the department.

(2) If, in the ten years prior to the 2023-24 school year, a fixture tested above five parts per billion for lead, such fixture does not need to be repeat tested for lead, but instead remediation shall begin on such fixture.

6. (1) In addition to the apportionments payable to a school district under [chapter 163](#), the department of natural resources, with support from the department of elementary and secondary education and the department of health and senior services, is hereby authorized to apportion to any school additional funding for the filtration, testing, and other remediation of drinking water systems required under this section, subject to appropriation.

(2) To the extent permitted by federal law, a school district may seek reimbursement or other funds for compliance incurred under this section under any applicable federal law including, but not limited to, the America's Water Infrastructure Act of 2018 and the Water Infrastructure Finance and Innovation Act of 2014, 33 U.S.C. Section 3901 et seq.

(3) Disadvantaged school districts shall receive funding priority under this subsection.

7. The department, in conjunction with the department of elementary and secondary education, shall publish a report biennially based on the findings from the water testing conducted under this section. Such report shall be published on the department of natural resources website.

8. For public schools, the department shall ensure compliance with this section. Each school district shall be responsible for ensuring compliance within each school within the school district's jurisdiction.

9. No school building constructed after January 4, 2014, as provided in the federal Reduction of Lead in Drinking Water Act (42 U.S.C. Section 300g-6), as amended, shall be required to install, maintain, or replace filters under paragraph (c) of subdivision (1)\* of subsection 4 of this section.

10. A school that tests and does not find a drinking water source with a lead concentration above the acceptable level as described in subsection 3 of this section shall be required to test only every five years.

11. The department may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section [536.010](#), that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of [chapter 536](#) and, if applicable, section [536.028](#). This section and [chapter 536](#) are nonseverable and if any of the powers vested with the general assembly pursuant to [chapter 536](#) to review, to delay

the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

(L. 2022 S.B. 681 & 662)

\*Subdivision (1) of subsection 4 of this section does not contain any language regarding filters.

---- end of effective 28 Aug 2022 ----  
use this link to bookmark section 160.077

Click here for the [Reorganization Act of 1974 - or - Concurrent Resolutions Having Force & Effect of Law](#)

In accordance with Section 3.090, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.



▶ Other Information

▶ Other Links



Missouri Senate



MO.gov



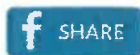
Missouri House

Errors / suggestions -  
WebMaster@LR.mo.gov



History and Fun Facts

©Missouri Legislature, all rights reserved.



@09:48:37.1 16 :{ ∞