

By: Collier

H.B. No. 2395

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.

(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 any 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 annual first-draw tap tests of potable water systems to monitor the amount of lead in the water in each

1 occupied school building under the jurisdiction of the school
2 district or open-enrollment charter school. The school district or
3 open-enrollment charter school shall select a third party to
4 perform the first-draw tap test as required by this section.

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

11 (1) continue weekly first-draw tap tests of the
12 building's potable water system under this section until three
13 consecutive weekly tests confirm the water is safe for human
14 consumption; and

15 (2) provide the occupants of the building with an
16 adequate supply of safe, potable drinking water until future tests
17 indicate lead levels in the water are 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 under this section in
20 a school building that is lead-free, as defined by the Safe Drinking
21 Water Act (42 U.S.C. Section 300g-6).

22 (e) The executive commissioner, in consultation with the
23 commissioner of education, shall adopt rules to implement this
24 section, including rules to establish the level of lead in drinking
25 water that is considered safe for human consumption. The rules
26 adopted under this section must be consistent with the requirements
27 for school districts or open-enrollment charter schools that are

1 classified as a public water system under the Safe Drinking Water
2 Act.

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

7 (b) Each school district and open-enrollment charter school
8 that conducts lead testing under Section 341.0317 shall make the
9 test results and any lead remediation plan available to the public
10 by:

11 (1) posting the information on the Internet website of
12 the school district or open-enrollment charter school; and

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

15 (c) Each school district and open-enrollment charter school
16 shall submit the information described by Subsection (b), in a
17 format approved by the executive commissioner, to:

18 (1) the executive commissioner; and

19 (2) each local health authority with jurisdiction in
20 the municipality or county in which the school district or
21 open-enrollment charter school is located.

22 (d) Not later than December 1 of each even-numbered year,
23 the executive commissioner shall submit to the governor, the
24 lieutenant governor, the speaker of the house of representatives,
25 and each member of the legislature a report that includes the
26 findings from the first-draw tap tests conducted under Section
27 341.0317.

1 SECTION 2. This Act takes effect September 1, 2017.