

Amendment to HB 1421-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Lead in Drinking Water in Schools and Licensed Child Care Facilities. RSA 485:17-a is
4 repealed and reenacted to read as follows:

5 485:17-a Lead in Drinking Water in Schools and Licensed Child Care Facilities.

6 I. Public and private schools and licensed child care facilities shall take measures to limit
7 exposure to lead in drinking water by:

8 (a) Installing and providing access to water bottle filling stations in accordance with
9 paragraph II; or

10 (b) Testing drinking water outlets for lead and remediating them where necessary under
11 paragraph III.

12 II.(a) "Water bottle filling station" or "station" means a water dispenser accessible to all
13 people in compliance with the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq. A
14 water bottle filling station shall:

15 (1) Dispense clean drinking water directly into a bottle or other drinking container.

16 (2) Include a water fountain dispenser that does not require the use of a container to
17 drink water.

18 (3) Be regularly cleaned to maintain sanitary conditions. Water bottle filling
19 stations may be touchless to maintain sanitary conditions.

20 (4) Be designed to remove lead or be able to add an additional filter to remove lead
21 from drinking water.

22 (5) Be maintained to ensure proper functioning, including replacing filters as
23 recommended by the manufacturers.

24 (6) Include an indicator light or other mechanism that is activated when it is time to
25 change a filter.

26 (7) Dispense drinking water that meets applicable standards. The station shall be
27 tested following installation and within 180 days thereafter to confirm that any lead that may be
28 present is being removed to levels below 5 parts per billion.

29 (b) Any water bottle filling station installed prior to the effective date of this section that
30 meets the requirements of subparagraphs II (a)(1)-(6), shall be tested within 180 days of the effective
31 date of this section to confirm that any lead that may be present is being removed to levels below 5
32 parts per billion.

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1 (c) Water from other outlets available to children such as classroom and bathroom sinks
2 and water outlets used for food preparation shall be posted as not suitable for drinking water, unless
3 tested and remediated if necessary, per the provisions in paragraph III. Water used for food
4 preparation shall be done exclusively through the use of a water bottle filling station if such outlet
5 has not been tested and remediated.

6 (d) Stations in schools shall be installed in accordance with rules of the department of
7 education relative to the number of drinking fountains required. There shall be at least one station
8 on each floor or wing of the building and one station located near any cafeteria, gymnasium, or
9 outdoor recreation space and any other high-traffic area.

10 (e) Stations in child care facilities shall be provided in such a manner to ensure that
11 every child and staff member have adequate access to drinking water.

12 (f) Child care facilities serving less than 25 people where the current source of water is a
13 sink may install point of use treatment that removes lead from drinking water in lieu of installing a
14 water bottle filling station.

15 (g) Public and private schools and licensed child care facilities that install stations in
16 accordance with this paragraph shall notify the department of environmental services using a form
17 provided by the department that demonstrates compliance with the applicable requirements of this
18 paragraph.

19 III. Public and private schools and licensed child care facilities shall test a minimum of 3
20 rounds for the presence of lead in drinking water at all outlets at the school or facility.

21 (a) For existing public and private schools and licensed child care facilities, sampling
22 shall be completed between January 1, 2016 and June 30, 2024; for new schools and child care
23 facilities opening after the effectiveness date of this section, sampling rounds shall be completed a
24 minimum of 6 months apart. For purposes of this section, "outlet" means a drinking water fixture
25 currently or reasonably expected to be used for consumption or cooking. Testing shall be in
26 accordance with guidance from the department of environmental services. Schools and licensed
27 child care facilities that have not tested their outlets between January 1, 2016 and the effective date
28 of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

29 (b) If test results obtained by a school or licensed child care center after the effective
30 date of this paragraph demonstrate the presence of lead at a concentration at or exceeding 5 parts
31 per billion, the school or licensed child care facility shall, within 5 business days, notify parents and
32 guardians and shall, as an interim measure, ensure that the children are provided only drinking
33 water that meets the standard. Notification shall be made in at least 2 places including, but not
34 limited to, the school or school administrative unit/child care facility website and at least one method
35 of direct communication via email or printed flyer. The school or licensed child care facility shall
36 also implement a remediation plan, as approved by the department, within 180 days of notification
37 of parents or, in consultation with the department, as soon as practicable. The department shall

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1 review the plan and any associated submittals within 60 days of receiving them. The school or
2 licensed child care facility shall conduct testing after remediation measures have been implemented
3 and shall provide those results to the department of environmental services to demonstrate that lead
4 levels do not exceed the standard.

5 (c) Within 90 days of the effective date of this section, public and private schools and
6 licensed child care facilities shall compare the results of testing conducted after January 1, 2016
7 with the new standard and, in the event any such results are at or exceed this standard, proceed
8 with the requirements of subparagraph (b) relative to remediation and interim measures. Any
9 results for samples collected after January 1, 2022 shall be compared to the new standard and
10 proceed with all requirements of requirements of subparagraph (b).

11 (d) If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5
12 parts per billion standard at an outlet, further testing of the outlet shall not be required.

13 (e) All test results, including but not limited to those obtained between January 1, 2016
14 and the effective date of this section, shall be provided to the department of environmental services,
15 which shall maintain a database of results established under the authority of RSA 21-O:12, I(e)
16 accessible to the public on the department's website.

17 IV. To the extent it is allowable under federal regulations, remediation funding from federal
18 sources shall be made available to public and private schools and child care facilities by the
19 department of environmental services.

20 2 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.