AN ACT concerning schools and school districts; relating to the health and
safety of school drinking water; creating the get the lead out of school
drinking water act; requiring schools to comply with legal limits on
lead content in school drinking water; establishing the get the lead out
of school drinking water grant fund.

Be it enacted by the Legislature of the State of Kansas:
Section 1. The provisions of sections 1 through 6, and amendments
thereto, shall be known and may be cited as the get the lead out of school
drinking water act.
Sec. 2. As used in sections 1 through 6, and amendments thereto:
(a) "Department" means the Kansas department of health and
environment.
(b) "Disadvantaged school district" means any school district in
which more than 70% of the students enrolled in such district qualify for
free or reduced-price meals under the national school lunch act.
(c) "Drinking water cooler" means any mechanical device affixed to
water supply plumbing that actively cools water for human consumption.
(d) "Drinking water outlet" means a potable water fixture that is used
for drinking or food preparation, including, but is not limited to:
(1) A water fountain, faucet or tap used for drinking or food
preparation; and
(2) ice making machines.
(e) "First-draw" means a 250mL sample collected from a drinking
water outlet immediately after such outlet has been turned on after a
stagnation period of at least eight but not more than 18 hours.
(f) "Lead-free" means:
(1) Not containing more than 0.2% lead when used with respect to
solder and flux; and
(2) not containing more than a weighted average of 0.25% lead when
used with respect to wetted surfaces of pipes, pipe fittings, plumbing
fittings and fixtures.
(g) "NSF/ANSI 53-2021" means national sanitation
foundation/American national standards institute standard for drinking
water treatment systems that is designed to reduce specific health-related
contaminants in water supplies.
(h) "Private school" means an organization that:
(1) Regularly offers education at the elementary or secondary level;
(2) is exempt from federal income taxation under section 501 of the
federal internal revenue code;
(3) conforms to the civil rights act of 1964; and
(4) attendance at which satisfies compulsory school attendance laws
of this state.
(i) "Public school" means any elementary or secondary school
maintained and operated by a school district organized under the laws of
this state.
(j) "Remediation" means decreasing the lead concentration in water
from a drinking water outlet to less than one part per billion, including, but
not limited to, using methods such as the replacement of a drinking water
outlet with a filtered drinking water outlet or the replacement of lead-
containing pipes, solder, fittings or fixtures with lead-free components.
"Remediation" does not include sole reliance on flushing practices.
(k) "School" means any public or private school or any provider of an
early childhood education program that receives state funding.
(l) "Secretary" means the secretary of the department of health and
environment.

Sec. 3. (a) Commencing in the school year 2024-2025 and for each
school year thereafter, each school shall provide drinking water with a lead
concentration level below one part per billion in sufficient amounts to
meet the drinking water needs of all students and staff in accordance with
this section.
(b) On or before January 1, 2025, each school shall:
(1) Conduct an inventory of all drinking water outlets and non-
potable water fixtures in each building of the school;
(2) remove any drinking water coolers that are not lead-free as
determined by the United States environmental protection agency under
the federal lead contamination control act of 1988;
(3) install a filter that reduces lead in drinking water on each drinking
water outlet;
(4) post a warning sign at each non-potable water fixture that such
fixture shall not be used for cooking or drinking water purposes;
(5) prepare an annual schedule for the testing of drinking water
outlets and drinking water coolers. Such schedule shall be provided to
employees of the school and parents or legal guardians of students enrolled
at such school upon request; and
(6) prepare general information on the health effects of lead
contamination and additional informational resources regarding lead
contamination. Such information shall be provided to employees of the
school and parents or legal guardians of students enrolled at such school
upon request.
(c) Buildings used by a school for early childhood education
programs and for preschool, kindergarten and elementary education shall
be given priority in implementing the requirements of subsections (b)(1)
through (4).
(d) Filters installed pursuant to this section and any replacement
filters shall be:
  (1) Certified as compliant with NSF/ANSI 53-2021;
  (2) incorporated with an integral performance indication device;
  (3) maintained to ensure that lead concentration levels are below one
      part per billion; and
  (4) replaced at least as frequently as provided for in the
      manufacturer's instructions.

Sec. 4. (a) Within 60 days after filters are installed as required under
section 3, and amendments thereto, and annually thereafter, each school
shall conduct testing for lead by first-draw and follow-up flush samples of
all drinking water outlets and drinking water coolers as recommended by
the United States environmental protection agency. Testing shall be
conducted and the results analyzed for both types of tests by an entity or
entities approved by the secretary.
(b) Not more than two weeks after receiving test results, each school
shall publish all test results and any interim or permanent lead remediation
plans, if known at the time, on the school's website. A school may hold a
public meeting on the test results. Notice of any such meeting shall be sent
to employees of the school and parents or legal guardians of students
enrolled in the school.
(c) If a first-draw test result shows a drinking water outlet with lead
concentration of one part per billion or greater, the school shall:
  (1) Within one business day after receiving the test result, shut off
      such drinking water outlet and post a warning on such outlet that states the
      drinking water outlet contains lead and should not be used for human
      consumption;
  (2) provide bottled water if there is not sufficient drinking water to
      meet the needs of the students, teachers and other employees of the school;
  (3) within 30 calendar days after receiving the test result, determine
      interim remediation steps to address the elevated lead concentration level.
      Such steps shall be published on the school's website; and
  (4) within 90 calendar days after receiving the test result, develop a
      plan for permanent remediation. Such plan shall be published on the
      school's website.
(d) If a first-draw test result shows a drinking water outlet with a lead
concentration that exceeds one part per billion, the school shall send a
written notification to all employees of the school and all parents or legal
guardians of students enrolled in the school within seven business days after receiving the test result. Such notification shall include, but is not limited to:

(1) The test results and a summary explanation of such results;
(2) a description of any remedial plans the school will implement; and
(3) a description of the general health effects of lead contamination and additional informational resources regarding lead contamination, including specific community resources.

(e) If a pipe, solder, fitting or fixture is replaced as part of permanent remediation plan, such replacement shall be lead-free.
(f) Each school shall submit all test results to the department in such form and manner as prescribed by the secretary.

(g) Nothing in this section shall be construed to prevent a school from conducting more frequent testing than required under this section.

Sec. 5. (a) Subject to appropriations, the secretary may award grants from the get the lead out of school drinking water grant fund to any approved school to pay for the costs of filtration, testing and other remediation measures implemented by such school. Each school seeking a grant shall submit an application to the department in such form and manner as prescribed by the secretary. Each application shall include a description of the measures the school intends to implement to ensure safe drinking water for the employees and students of the school, the cost of such measures and any other information the secretary deems necessary.

(b) Upon review of each application, the secretary may approve the application and award a grant in an amount not to exceed the aggregate amount of costs specified in the application. If the secretary denies an application, the secretary shall send written notice of such denial to the applicant school that includes the reason for such denial. The secretary shall give priority in approving applications to disadvantaged schools.

(c) There is hereby established the get the lead out of school drinking water grant fund in the state treasury. The secretary of health and environment shall administer the get the lead out of school drinking water grant fund. Expenditures from the get the lead out of school drinking water grant fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee. Moneys in the get the lead out of school drinking water grant fund shall be used for the award of grants to schools to be used for the payment of costs related to remediation and other measures implemented by such schools pursuant to sections 3 and 4, and amendments thereto.

(d) The secretary and any school may seek aid, grants or other financial assistance to pay for the costs incurred by schools to comply with
the provisions of the get the lead out of school drinking water act through any applicable federal program, including, but not limited to, any program implemented under the America's water infrastructure act of 2018, the water infrastructure finance and innovation act of 2014 or the American rescue plan act of 2021.

(e) On or before January 15, 2025, and January 15 every two years thereafter, the department shall prepare and publish a report based on the test results reported by schools for water testing conducted under section 4, and amendments thereto. Such a report shall be submitted to the governor and the legislature and shall be published on the website of the department.

Sec. 6. (a) On or before January 1, 2024, the department shall provide guidance to schools regarding the maintenance of filters and filtration systems and the development and implementation of flushing plans. Such guidance shall include recommendations for flushing after stagnant times including, but not limited to, the morning of each school day and after weekends, school holidays and summer break. Flushing plans shall include details for flushing the incoming water line and the filter.

(b) On or before February 1, 2024, the department shall implement a program to provide training for custodial staff on the maintenance of filters and filtration systems and on the implementation of flushing plans, emphasizing that proper maintenance is critical to improved drinking water quality and safety. Such program shall be provided online to all school custodial staff.

(c) On or before May 1, 2024, each school shall develop and implement a plan for maintenance of filters and filtration systems and for flushing based on the guidance and trainings issued by the department.

(d) Employees and agents of the department shall have the authority to enter any school building upon reasonable notice and during normal operating hours to determine compliance with the get the lead out of school drinking water act, and rules and regulations adopted pursuant thereto. If the secretary or the secretary's designee finds any violation of the get the lead out of school drinking water act or any rules and regulations adopted pursuant thereto, the secretary may issue an order to the governing body of the school to direct compliance with the act.

(e) On or before January 1, 2024, the secretary shall adopt rules and regulations the secretary deems necessary to administer and enforce the provisions of sections 1 through 6, and amendments thereto.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.