

SENATE BILL NO. 1036

October 16, 2024, Introduced by Senator HOITENGA and referred to the Committee on Energy and Environment.

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending sections 3i and 3j (MCL 722.113i and 722.113j), section 3i as added by 2023 PA 173 and section 3j as added by 2023 PA 155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3i. (1) ~~Within 15 months after the effective date of the~~

~~amendatory act that added this section,~~ **By January 24, 2025, and**
subject to section 3j(2), each child care center shall develop a
drinking water management plan and make the plan available to the
department of licensing and regulatory affairs, child care center
staff, and parents and guardians of children enrolled in the child
care center on request. The plan must specify all of the following:

(a) Locations where water outlets will be maintained to
deliver water for human consumption, whether as drinking water or a
component of a food or beverage, using the following categories, if
applicable:

(i) Locations where filtered bottle-filling stations will be
maintained.

(ii) Locations where filtered faucets will be maintained.

(iii) Locations where filtered pitchers will be maintained.

(iv) Locations where unfiltered drinking fountains or
unfiltered faucets will be maintained, subject to section
~~3j(a)-3j(1)(a)~~ .

(v) Locations where drinking water from a water delivery
service will be maintained.

(b) Locations where water outlets will be maintained for
purposes other than as described in subdivision (a).

(c) Locations where water outlets will be shut off or rendered
permanently inoperable, if applicable.

(d) Regular replacement of the filter cartridge for each
filtered bottle-filling station, filtered faucet, and filtered
pitcher in compliance with manufacturer instructions or
recommendations of the department of environment, Great Lakes, and
energy.

(2) Each child care center shall review and update the

1 drinking water management plan created under subsection (1) at
2 least once every 5 years and make changes as directed by the
3 department of licensing and regulatory affairs or as needed to
4 comply with this section.

5 (3) ~~Water~~ **Subject to section 3j(2), water** sampling and testing
6 must be conducted at each child care center at least once every 2
7 years and as otherwise required under this section. The child care
8 center shall collect the water for water sampling and testing. The
9 water must be drawn from all of the bubble fixtures of the filtered
10 bottle-filling stations and filtered faucets and must be collected
11 in 250-milliliter bottles after at least an 8-hour stagnation
12 period and before any water use occurs at the child care center.
13 ~~Upon~~ **On** request, the department of licensing and regulatory affairs
14 shall provide the child care center with a sufficient number of
15 250-milliliter bottles. After the child care center collects the
16 water, the child care center shall deliver, through the mail or in
17 person, all of the 250-milliliter bottles for water testing. Water
18 testing described under this section must be conducted at a
19 laboratory certified for lead and copper testing for the approved
20 EPA method.

21 (4) If the water sampling and testing under subsection (3)
22 indicates the presence of lead at a concentration of 1 part per
23 billion or more but not more than 5 parts per billion, the child
24 care center shall do all of the following:

25 (a) Immediately check the status of the filter or filters at
26 the filtered bottle-filling station or filtered faucet and replace
27 the filter cartridge if the status light indicates that replacement
28 is or will soon be required.

29 (b) Ensure the filtered bottle-filling station or filtered

1 faucet is properly installed.

2 (c) Resample and retest the water.

3 (d) If the water sampling and testing under subdivision (c)
4 indicates the presence of lead at a concentration of 1 part per
5 billion or more but not more than 5 parts per billion, have the
6 child care center do both of the following:

7 (i) Send a copy of the test results and a document that lists
8 the make and model of the filtered bottle-filling station or
9 filtered faucet and filter cartridge to the department of licensing
10 and regulatory affairs and the department of environment, Great
11 Lakes, and energy.

12 (ii) Consult with the department of environment, Great Lakes,
13 and energy and the filtered bottle-filling station or filtered
14 faucet manufacturer.

15 (5) If the water sampling and testing under subsection (3) or
16 (4)(c) indicates the presence of lead at a concentration of more
17 than 5 parts per billion, the child care center shall do all of the
18 following:

19 (a) Immediately shut off or render inoperable the water
20 outlet.

21 (b) Post a conspicuous sign near the water outlet stating that
22 the water outlet is inoperable because of high lead concentration
23 and maintain the sign until the water outlet is returned to service
24 under subdivision (e).

25 (c) Replace the filter cartridge in the filtered bottle-
26 filling station or filtered faucet.

27 (d) Resample and retest the water.

28 (e) If the water sampling and testing under subdivision (d)
29 indicates the presence of lead at a concentration of 1 part per

1 billion or more but not more than 5 parts per billion, return the
2 water outlet to service and comply with the requirements of
3 subsection (4) (b), (c), and (d).

4 (f) If the water sampling and testing under subdivision (d)
5 indicates the presence of lead at a concentration of more than 5
6 parts per billion, do all of the following:

7 (i) ~~Within~~ **Not later than** 30 days after receiving test results
8 under this subsection, send a copy of the test results to the
9 department of licensing and regulatory affairs, the department of
10 environment, Great Lakes, and energy, and each parent or guardian
11 of a child enrolled in the child care center.

12 (ii) Develop a remediation plan in consultation with the
13 department of licensing and regulatory affairs and the department
14 of environment, Great Lakes, and energy and incorporate the
15 remediation plan into the drinking water management plan under
16 subsection (1).

17 (6) A child care center that installs a filtered bottle-
18 filling station, filtered faucet, filtered pitcher, or other
19 filtered source shall install, operate, and maintain them in
20 accordance with manufacturer instructions or recommendations of the
21 department of environment, Great Lakes, and energy.

22 (7) A child care center shall retain the following documents,
23 **as applicable**, for 3 years or until after any water sampling and
24 testing occurs under this section, whichever is sooner, and make
25 the documents available to the department of licensing and
26 regulatory affairs on request:

27 (a) Original copies of the results of all water sampling and
28 testing conducted under this section, as applicable.

29 (b) Records of the dates when and locations where filters or

1 filter cartridges were installed or replaced.

2 (c) Installation instructions for each filter and filter
3 cartridge installed by the child care center.

4 (8) As used in this section:

5 (a) "Bubble fixture" means a fixture on a drinking water
6 fountain through which water is forced up in a small arc from a
7 nozzle that allows an individual to drink from the arc directly.

8 (b) "EPA" means the United States Environmental Protection
9 Agency.

10 Sec. 3j. ~~(1) Within 2 years after the effective date of the~~
11 ~~amendatory act that added this section, **Except as otherwise**~~
12 **provided in subsection (2), by October 24, 2025,** each child care
13 center shall do all of the following in a manner consistent with
14 the drinking water management plan created under section 3i:

15 (a) Post a conspicuous sign near each water outlet and
16 drinking fountain indicating whether or not the outlet is intended
17 to provide water for human consumption. If the water outlet or
18 drinking fountain is intended to provide water for human
19 consumption but is unfiltered, the sign must also state that the
20 water is unfiltered and could contain lead.

21 (b) Ensure that any water furnished to children for human
22 consumption by the child care center is from a filtered faucet or
23 other filtered source that is certified to meet NSF/ANSI standard
24 53 for lead reduction and NSF/ANSI standard 42 for particulate
25 removal, or from a water delivery service.

26 (c) Make available to the public and notify the parent or
27 guardian of each child enrolled in the child care center of the
28 availability of both of the following:

29 (i) The results of all water sampling and testing conducted

1 under section 3i.

2 (ii) All filter and filter cartridge replacement dates for each
3 filtered bottle-filling station, filtered faucet, filtered pitcher,
4 or other filtered source.

5 (2) If a child care center has conducted sampling and testing
6 to test for the presence of lead between January 24, 2022 and
7 January 24, 2025, and that sampling and testing does not indicate
8 the presence of lead, the child care center is not required to
9 develop a drinking water management plan under section 3i or
10 install any filtered bottle-filling stations, filtered faucets,
11 filtered pitchers, or other filtered sources by the timeline
12 specified in subsection (1), and may proceed with the sampling and
13 testing requirements specified under this subsection. If a child
14 care center has not conducted sampling and testing to test for the
15 presence of lead between January 24, 2022 and January 24, 2025, but
16 before developing a drinking water management plan under section
17 3i, a child care center may conduct water sampling and testing to
18 test for the presence of lead. The child care center shall collect
19 the water for water sampling and testing. The water must be drawn
20 from all of the water outlets and must be collected in 250-
21 milliliter bottles after at least an 8-hour stagnation period and
22 before any water use occurs at the child care center. On request,
23 the department of licensing and regulatory affairs shall provide
24 the child care center with a sufficient number of 250-milliliter
25 bottles. After the child care center collects the water, the child
26 care center shall deliver, through the mail or in person, all of
27 the 250-milliliter bottles for water testing. Water testing
28 described under this subsection must be conducted at a laboratory
29 certified for lead and copper testing for the approved EPA method.

1 If the water sampling and testing under this subsection does not
2 indicate the presence of lead, the child care center is exempt from
3 installing and providing water for human consumption from filtered
4 bottle-filling stations, filtered faucets, filtered pitchers, or
5 other filtered sources as described under this section and section
6 3i. Water sampling and testing conducted under this subsection must
7 be conducted at least once every 3 years. If at any time the water
8 sampling and testing under this subsection indicates the presence
9 of lead, not later than 15 months after the presence of lead is
10 indicated, the child care center must comply with the requirements
11 under this section and sections 3i, 3k, and 3l. As used in this
12 subsection, "EPA" means the United States Environmental Protection
13 Agency.