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**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: Chairperson Thomas  
Members of the House Committee on Education

From: The Office of Revisor of Statutes

Date: February 14, 2023

Subject: HB 2142 – Get the Lead Out of School Drinking Water Act.

House Bill No. 2142 (HB 2142) would create the Get the Lead Out of School Drinking Water Act (Act). Commencing in SY 2024-2025, the bill would require all public and private schools, and any early childhood education center that receives state funding to comply with the provisions of the Act to ensure that all drinking water in the school has a lead concentration of less than one part per billion.

By January 1, 2024, the Kansas Department of Health and Environment (Department) must provide guidance on installation and maintenance of filters and filtration systems and recommendations for flushing plans.

By February 1, 2024, the Department must implement a program of training for school custodial staff.

By May 1, 2024, each school must adopt and implement plans for installing and maintaining filters and filtration systems and flushing plans based on the Department's guidance.

By January 1, 2025, each school must:

- Conduct an inventory of all drinking water outlets and non-potable water fixtures;
- Remove any drinking water coolers that are not lead-free;
- Install filters on all drinking water outlets;
- Post warning signs on each non-potable water fixture that such fixture should not be used for cooking or drinking water;
- Prepare an annual schedule for testing drinking water outlets and coolers; and
- Prepare general information on the health effects of lead contamination for employees and parents.

HB 2142 requires that priority in performing these initial tasks be given to early childhood education centers and buildings housing preschool and elementary grades. The bill also establishes standards for the filters to be installed on drinking water outlets.

Within 60 days after filters are installed, schools must begin their schedule of testing the lead concentration levels of the drinking water on all outlets and coolers. Test results must be published by the school within two weeks and submitted to the Department.

HB 2142 requires that if a test result shows lead contamination of one part per billion or more, then the school must:

- Shut off the outlet or cooler and post a warning sign;
- Provide bottled water if there is insufficient drinking water due to the shut off;
- Determine and publish interim remediation steps within 30 days after receiving the test results; and
- Develop and publish a remediation plan with 90 days after receiving the test results.

If a test result shows lead contamination that is greater than one part per billion, then the school must also send notice of the test results, remedial plans, and information on the health effects of lead contamination to all employees and parents within 7 days after receiving the test results.

HB 2142 also creates a new fund in the State Treasury and authorizes the Secretary of KDHE to make grants of funds to schools to assist in paying the cost of compliance with the Act. Priority in awarding grants is to be given to schools where more than 70% of the students are eligible for free or reduced-price meals. The bill also authorizes the Secretary and schools to seek additional financial assistance in aid, grants, or other forms to cover the cost of compliance.

If enacted, HB 2142 would become effective on July 1, 2023.