



2025 SENATE BILL 104

March 7, 2025 - Introduced by Senator JACQUE, cosponsored by Representatives MURSAU, NOVAK, BEHNKE, DONOVAN and TUSLER. Referred to Committee on Education.

- 1 **AN ACT to create** 20.255 (2) (ef) and 118.073 of the statutes; **relating to:**
- 2 providing safe drinking water in public and private schools.

Analysis by the Legislative Reference Bureau

By no later than approximately 15 months after the date this bill becomes law, the governing body of each public and private school in this state must develop a drinking water management plan for the private or public school. Under the bill, each drinking water management plan must 1) specify the locations of filtered bottle-filling stations and filtered faucets maintained to deliver water for human consumption, of water outlets maintained for purposes other than for human consumption, and of water outlets that are shut off or permanently inoperable; 2) provide at least one filtered bottle-filling station for every 100 occupants of the school; 3) provide for the installation of a filtered faucet only when the installation of a filtered bottle-filling station is not feasible and a water outlet for human consumption is necessary; and 4) provide a schedule for water sampling and testing at each filtered bottle-filling station and filtered faucet in the school for lead, perfluorooctanoic acid (PFOA), and perfluorooctane sulfonate (PFOS) and a schedule for replacing filter cartridges used in filtered bottle-filling stations and filtered faucets.

Under the bill, if water testing under a drinking water management plan indicates lead at a concentration between one part per billion and five parts per billion, the governing body of a public or private school must take certain actions,

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including checking water filters, ensuring that the filtered bottle-filling station or faucet is properly installed, and retesting the filtered water. If water testing under a drinking water management plan indicates lead at a concentration that is more than five parts per billion or the presence of PFOA or PFOS at a level that exceeds a state or federal standard, the governing body of a public or private school must immediately shut off the water outlet, post a sign stating that the water outlet is shut off due to the high concentration of lead, PFOA, or PFOS, whichever applies, replace the water filters, and retest the water. If the subsequent water testing continues to indicate lead, PFOA, or PFOS that exceeds the relevant threshold, the governing body of the public or private school must 1) within 30 days, send a copy of the test results and information provided by the Department of Natural Resources about childhood exposure to lead or PFOA and PFOS, whichever is applicable, to parents and guardians of pupils who attend the school and to the Department of Public Instruction and 2) develop a remediation plan in consultation with DPI. Under the bill, all water testing must be conducted at a laboratory certified for lead and copper testing using the method approved by the federal environmental protection agency.

By August 1, 2027, the bill requires the governing body of each public and private school to install filtered bottle-filling stations and filtered faucets in accordance with the school's drinking water management plan, and to shut off all water outlets that provide water for human consumption that are not filtered bottle-filling stations or filtered faucets. Beginning approximately 15 months after the bill becomes law, the bill prohibits the installation of a drinking fountain that is not a filtered bottle-filling station in a public or private school.

The bill requires DPI to assist governing bodies of public and private schools to comply with the requirements created in the bill. Specifically, the bill requires DPI to develop a drinking water management plan template, to make annual training available related to water sampling and testing protocols and other activities relevant to complying with the requirements created in the bill, and to provide various information related to filtered bottle-filling stations, filtered faucets, and filter cartridges. Finally, the bill authorizes DPI to award grants to governing bodies of public and private schools to assist with the costs of complying with the requirements in the bill. The bill does not provide funding for these grants but does require DPI to submit a request for supplemental funding to the Joint Committee on Finance.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 for lead reduction and perfluorooctanoic acid and perfluorooctane sulfonate
2 reduction and NSF/ANSI standard 42 for particulate removal.

3 3. The flow rate through the apparatus is paired to the specified flow rate of
4 the filter cartridge.

5 4. The apparatus has a light or other device to indicate filter cartridge
6 replacement status.

7 5. The apparatus is designed to fill drinking bottles or other containers for
8 personal water consumption.

9 6. The apparatus includes a drinking fountain.

10 (d) "Filtered faucet" means a faucet that at the point of use includes a filter
11 that is certified to meet NSF/ANSI standard 53 for lead reduction and
12 perfluorooctanoic acid and perfluorooctane sulfonate reduction and NSF/ANSI
13 standard 42 for particulate removal.

14 (e) "School" means a public school, including a charter school, or a private
15 school.

16 (2) (a) By no later than the first day of the 16th month after the effective date
17 of this paragraph [LRB inserts date], the school board, governing board, or
18 governing body that governs a school shall develop for the school a drinking water
19 management plan, and make the plan available to the department, school staff,
20 parents and guardians of pupils attending the school, and the general public, upon
21 request. The school board, governing board, or governing body that governs the
22 school shall ensure that a plan developed under this paragraph does all of the
23 following:

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1 1. Specifies each location where a filtered bottle-filling station or filtered
2 faucet will be maintained to deliver water for human consumption, whether as
3 drinking water or as a component of a food or beverage.

4 2. Specifies each location where a water outlet will be maintained for
5 purposes other than human consumption.

6 3. Specifies each location where a water outlet will be shut off or rendered
7 permanently inoperable.

8 4. Provides for the maintenance of at least one filtered bottle-filling station for
9 every 100 occupants of the school, not including visitors or individuals attending
10 special events.

11 5. Provides for the installation of filtered faucets only when the installation of
12 a filtered bottle-filling station is not feasible but a water outlet for human
13 consumption is necessary, including in kitchens, nurses' stations, and teachers'
14 lounges.

15 6. Provides a schedule for when each of the following will occur:

16 a. Water sampling and testing of the filtered water at each filtered bottle-
17 filling station and filtered faucet in the school to ensure that the filters are properly
18 installed and provide water that has a lead concentration of not more than 5 parts
19 per billion and that does not contain perfluorooctanoic acid or perfluorooctane
20 sulfonate at a level that exceeds a state or federal standard.

21 b. The regular replacement of the filter cartridge for each filtered bottle-
22 filling station and filtered faucet in compliance with the manufacturer instructions
23 or recommendations of the department.

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1 (b) The school board, governing board, or governing body that governs a school
2 shall review and update a plan developed under par. (a) at least once every 5 years
3 and make changes as directed by the department or as needed to comply with this
4 section.

5 (c) The school board, governing board, or governing body that governs a school
6 shall comply with the schedules provided in the plan developed under par. (a) for
7 the school.

8 (d) If the water sampling and testing required to be included in a school's plan
9 under par. (a) 6. a. indicates the presence of lead at a concentration of one part per
10 billion or more but not more than 5 parts per billion, the school board, governing
11 board, or governing body that governs the school shall do all of the following:

12 1. Immediately check the status of the filter at the filtered bottle-filling
13 station or filtered faucet and replace the filter cartridge if the status light or other
14 device indicates that replacement is or will soon be required.

15 2. Ensure the filtered bottle-filling station or filtered faucet is properly
16 installed.

17 3. Resample and retest the filtered water.

18 4. If water sampling and testing under subd. 3. indicates the presence of lead
19 at a concentration of one part per billion or more but not more than 5 parts per
20 billion, do all of the following:

21 a. Submit a copy of the test results and a document that lists the make and
22 model of the filtered bottle-filling station or filtered faucet and filter cartridge to
23 the department.

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1 b. Consult with the department and filtered bottle-filling station or filtered
2 faucet manufacturer.

3 (e) If the water sampling and testing required to be included in a school's plan
4 under par. (a) 6. a. indicates the presence of lead at a concentration of more than 5
5 parts per billion or the presence of perfluorooctanoic acid or perfluorooctane
6 sulfonate at a level that exceeds a state or federal standard, the school board,
7 governing board, or governing body that governs the school shall do all of the
8 following:

9 1. Immediately shut off or otherwise render inoperable the water outlet.

10 2. Post a conspicuous sign near the water outlet stating that the water outlet
11 is inoperable because of high lead concentration or a high level of perfluorooctanoic
12 acid or perfluorooctane sulfonate, whichever is applicable, and maintain the sign
13 until the water outlet is returned to service under subd. 5.

14 3. Replace the filter cartridge in the filtered bottle-filling station or filtered
15 faucet.

16 4. Resample and retest the water.

17 5. If water sampling and testing under subd. 4. indicates the presence of lead
18 at a concentration of one part per billion or more but not more than 5 parts per
19 billion, return the water outlet to service and comply with the requirements under
20 par. (d) 2. to 4.

21 6. If water sampling and testing under subd. 4. indicates the presence of lead
22 at a concentration of more than 5 parts per billion or the presence of

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1 perfluorooctanoic acid or perfluorooctane sulfonate at a level that exceeds a state or
2 federal standard, do all of the following:

3 a. Within 30 days after receiving the test results, send a copy of the test
4 results to the department and to the parent or guardian of each pupil attending the
5 school. The copy of the test results shall contain a notice that includes information
6 provided by the department of natural resources on the health effects of lead
7 exposure and ways to reduce childhood lead exposure or on the health effects of
8 exposure to perfluorooctanoic acid and perfluorooctane sulfonate and ways to
9 reduce childhood perfluorooctanoic acid and perfluorooctane sulfonate exposure.

10 b. Develop a remediation plan in consultation with the department and
11 incorporate the remediation plan into the plan under par. (a).

12 (f) 1. For purposes of water sampling and testing required under this
13 subsection, water shall be drawn from all of the bubbler fixtures of the filtered
14 bottle-filling stations and filtered faucets and collected in 250 milliliter bottles after
15 at least an 8-hour stagnation period and before any water use occurs at the school.

16 2. The department shall collect all of the 250 milliliter bottles from a school
17 and deliver the bottles to the department of natural resources for water testing.

18 3. Water testing described under this subsection shall be conducted at a
19 laboratory certified for lead and copper testing using the method approved by the
20 federal environmental protection agency.

21 **(3)** (a) By August 1, 2027, each school board, governing board of a charter
22 school, and governing body of a private school shall do all of the following:

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1 1. Install all filtered bottle-filling stations and filtered faucets specified in a
2 plan under sub. (2) (a) and not already installed.

3 2. Shut off or render permanently inoperable any water outlet providing
4 water for human consumption that is not a filtered bottle-filling station or filtered
5 faucet.

6 3. Post a conspicuous sign near each water outlet indicating whether or not
7 the outlet is intended to provide water for human consumption.

8 (b) By August 1, 2027, and annually thereafter, each school board, governing
9 board of a charter school, and governing body of a private school shall submit to the
10 department documentation, on a form and in a manner prescribed by the
11 department, that certifies that the school board, governing board, or governing body
12 has complied with the requirements of this section.

13 (4) Beginning on the first day of the 16th month after the effective date of this
14 subsection [LRB inserts date], no person may install a drinking fountain in a
15 school, unless the drinking fountain is a filtered bottle-filling station.

16 (5) The department shall provide assistance to school boards, governing
17 boards of charter schools, and governing bodies of private schools to maintain
18 compliance with this section. By no later than the first day of the 7th month after
19 the effective date of this subsection [LRB inserts date], the department shall do
20 all of the following:

21 (a) Develop and make available a template for a plan under sub. (2) (a).

22 (b) Make available annual training for school staff and school officials

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1 regarding the sampling and testing protocol, reporting process for test results, and
2 other activities relevant to compliance with this section.

3 (c) Provide information on all of the following:

4 1. Factors to consider when selecting filtered bottle-filling stations, filtered
5 faucets, and filter cartridges.

6 2. How to shut off or render permanently inoperable a water outlet in a school.

7 3. How to flush a building's cold water plumbing before installing new filtered
8 bottle-filling stations and filtered faucets.

9 4. Common installation and operation errors related to a filtered bottle-filling
10 station or filtered faucet and recommendations on how to avoid them.

11 (6) From the appropriation under s. 20.255 (2) (ef), the department may
12 award grants to school boards, governing boards of charter schools, and governing
13 bodies of private schools to assist with the costs of complying with this section,
14 including the costs of any of the following:

15 (a) The initial acquisition and installation of filtered bottle-filling stations
16 and filtered faucets to comply with a plan under sub. (2) (a).

17 (b) Maintenance of filtered bottle-filling stations and filtered faucets and
18 replacement of filter cartridges, as required under a plan under sub. (2) (a).

19 (c) Water sampling and testing required under this section.

20 **SECTION 4. Nonstatutory provisions.**

21 (1) The department of public instruction shall submit a request under s. 13.10
22 to the joint committee on finance to supplement the appropriation under s. 20.255
23 (2) (ef) for grants under s. 118.073. Notwithstanding s. 13.101 (3), the committee is

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1 not required to find that an emergency exists prior to supplementing the
2 appropriation account under s. 20.255 (2) (ef).

3 (END)