

1 HB96
2 216038-1
3 By Representative Gray
4 RFD: Ways and Means Education
5 First Read: 11-JAN-22

SYNOPSIS: This bill would require the installation of water bottle filling stations in all newly constructed public K-12 school buildings and certain renovated public K-12 school buildings.

This bill would require schools to allow students, teachers, and staff to use the filling stations.

This bill would set requirements for the number of filling stations and the maintenance of those filling stations.

This bill would also regulate the use of water bottles by students, teachers, and staff of public K-12 schools.

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard

1 to a local governmental entity without enactment by
2 a 2/3 vote unless: it comes within one of a number
3 of specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

7 The purpose or effect of this bill would be
8 to require a new or increased expenditure of local
9 funds within the meaning of the amendment. If this
10 bill is not enacted by a 2/3 vote, it will not
11 become effective with regard to a local entity
12 unless approved by the local entity or until, and
13 only as long as, the Legislature appropriates funds
14 or provides for a local source of revenue.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 Relating to education; to require the installation
21 of water bottle filling stations in certain public K-12 school
22 buildings; and to regulate the use of filling stations and
23 water bottles by individuals in public K-12 schools; and in
24 connection therewith to have as its purpose or effect the
25 requirement of a new or increased expenditure of local funds
26 within the meaning of Amendment 621 of the Constitution of
27 Alabama of 1901, as amended by Amendment 890, now appearing as

1 Section 111.05 of the Official ReCompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) For the purposes of this section,
5 "water bottle filling station" means a water dispenser
6 accessible to all individuals in compliance with the Americans
7 with Disabilities Act (42 U.S.C. § 12101 et seq.) that
8 dispenses cooled and filtered drinking water directly into a
9 bottle or other drinking container.

10 (b) This section applies to all of the following:

11 (1) Any existing public K-12 school building for
12 which otherwise applicable state or local building or plumbing
13 codes or state or local laws or regulations would require a
14 change in the amount of drinking fountains on or after June 6,
15 2022.

16 (2) Any existing public K-12 school building that
17 undergoes any renovation affecting any of its existing
18 plumbing fixtures or drinking fountains on or after June 6,
19 2022.

20 (3) Public K-12 school buildings constructed on or
21 after June 6, 2022.

22 (c) Notwithstanding any otherwise applicable state
23 or local building or plumbing codes or state or local laws or
24 regulations that specifically pertain to the number of
25 required drinking fountains in a public K-12 school building,
26 public K-12 school buildings described in subsection (a) shall
27 meet the following requirements:

1 (1) A minimum of one water bottle filling station
2 per 100 individuals projected to occupy the building upon
3 completion of the proposed construction.

4 (2) A minimum of one water bottle filling station on
5 each floor and wing of each building.

6 (3) A minimum of one water bottle filling station
7 located in or near gymnasiums, cafeterias, and other
8 high-traffic areas.

9 (d) Water bottle filling stations installed pursuant
10 to this section may be integrated into drinking fountains.

11 (e) A water bottle filling station installed
12 pursuant to this section shall be regularly cleaned and
13 maintained.

14 (f) Water bottles shall be allowed for use by
15 students, teachers, and staff of a public K-12 school, and
16 shall meet all of the following criteria:

17 (1) Be made of a material that is not easily
18 breakable.

19 (2) Have a lid to prevent spills.

20 (3) Be used exclusively for water.

21 (g) Water bottles shall be allowed in classrooms and
22 common areas of public K-12 schools, but may be excluded from
23 libraries, computer labs, science labs, and other places where
24 it may be deemed dangerous or inappropriate to have or consume
25 drinking water.

26 (h) Local boards of education may establish policies
27 governing the use of water bottles pursuant to this section.

1 Section 2. The purpose or effect of this bill would
2 be to require a new or increased expenditure of local funds
3 within the meaning of Amendment 621 of the Constitution of
4 Alabama of 1901, as amended by Amendment 890, now appearing as
5 Section 111.05 of the Official ReCompilation of the
6 Constitution of Alabama of 1901, as amended. If this bill is
7 not enacted by a 2/3 vote, it will not become effective with
8 regard to a local entity unless approved by the local entity
9 or until, and only as long as, the Legislature appropriates
10 funds or provides for a local source of revenue.

11 Section 3. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.