

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

## **Senate Bill 246**

BY SENATORS GRADY, LINDSAY, ROBERTS, PHILLIPS,

WOODRUM, AND MARTIN

[Introduced January 12, 2022; referred  
to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §18-9G-1, §18-9G-2, and §18-9G-3, all relating to requiring the School  
3 Building Authority to amend their handbook to require newly constructed public schools  
4 and public schools with major improvements to have water bottle filling stations.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 9G. WATER BOTTLE FILLING STATIONS.**

### **§18-9G-1. Purpose.**

1 The purpose of this bill is to support maintaining a child's overall health, such as regulating  
2 temperature, transporting nutrients, and preventing disease. Drinking sufficient amounts of water  
3 can have many health benefits, such as reduced dental cavities and maintaining a healthy body  
4 weight. Studies show when water bottle filling stations are installed in schools, students nearly  
5 triple how much water they drink at lunch time and the likelihood of kids in those same schools  
6 being at an unhealthy weight is greatly reduced. Additionally, studies have shown that there are  
7 more germs found on an average classroom water fountain spigot than a toilet seat or an animal  
8 cage. Accordingly, promoting the use of a water bottle filling station reduces the spread of germs  
9 and disease.

### **§18-9G-2. Definitions.**

1 As used in this section the words have the following meaning:

2 "Construction project" means a project in the furtherance of a facilities plan with a cost of  
3 greater than \$1,000,000 for the new construction, expansion or major renovation of the facilities,  
4 buildings and structures for school purposes, including:

5 (A) The acquisition of land for current or future use in connection with the construction  
6 project;

7 (B) New or substantial upgrading of existing equipment, machinery or furnishings;

8 (C) Installation of utilities and other similar items related to making the construction project  
9 operational;

10 (D) "Construction project" does not include such items as books, computers or equipment  
11 used for instructional purposes; fuel, supplies; routine utility service fees, routine maintenance  
12 costs; ordinary course of business improvements; other items which are customarily considered  
13 to result in a current or ordinary course of business operating charge or a major improvement  
14 project.

15 "Major improvement" means a project with a cost greater than \$50,000 and less than \$1  
16 million for the renovation, expansion, repair, and safety upgrading of existing school facilities,  
17 buildings and structures, including the substantial repair or upgrading of equipment, machinery,  
18 building system, utilities and other similar items related to the renovation, repair or upgrading in  
19 furtherance of a school major improvement plan. This does not include items such as books,  
20 computers or equipment used for instructional purposes; fuel, supplies, routine utility services  
21 fees; routine maintenance costs; ordinary course of business improvements; or other items which  
22 are customarily considered to result in a current or ordinary course of business operating charge.

23 "Public school" means any school under the general supervision of the West Virginia  
24 Board of Education pursuant to section two, article XIII of the Constitution of West Virginia and  
25 includes any charter school pursuant to §18-5G-1 et seq. of this code.

26 "School building authority" means the authority created pursuant to §18-9D-1 et seq. of  
27 this code.

28 "Water bottle filling station" means a station to which the following apply:

29 (1) The station is designed to fill a bottle with water;

30 (2) The station dispenses filtered drinking water;

31 (3) The station may be integrated into a drinking fountain; and

32 (4) The station shall be touchless for sanitary reasons.

**§18-9G-3. Plans for new construction and major improvements of public-school buildings**  
**required to provide sufficient water bottle filling stations.**

1 (a) The School Building Authority shall amend their Handbook on Planning School

2 Facilities (6200) on or before November 1, 2022, to require newly constructed and existing public-  
3 school buildings undergoing a major improvement to include the following:

4 (1) A minimum of one water bottle filling station on each floor and wing of each public  
5 school building;

6 (2) At least one water bottle filling station in all school food service areas;

7 (3) At least one water bottle filling station near gymnasiums and outdoor learning and  
8 activity areas, including playgrounds and athletic facilities;

9 (4) A minimum of at least one water bottle filling station per 200 building occupants  
10 projected upon completion of the projected construction; and

11 (5) Permitting students to carry water bottles and addressing the use and misuse of water  
12 bottles by school students.

13 (b) Any water bottle filling station installed in a public-school building shall:

14 (1) Dispense filtered, clean drinking water;

15 (2) Be touchless for sanitary reasons;

16 (3) Be regularly cleaned to maintain sanitary conditions; and

17 (4) Be regularly maintained to ensure proper functioning.

NOTE: The purpose of this bill is to require the School Building Authority to amend their handbook to require public schools to have water bottle filling stations for new construction and existing schools underdoing a major improvement.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.