

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 246**

BY SENATORS GRADY, LINDSAY, ROBERTS, PHILLIPS,

WOODRUM, AND MARTIN

[Passed March 12, 2022; in effect 90 days from passage]



1 AN ACT 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 imposing water bottle filling  
3 station requirements for newly constructed public school buildings and existing public  
4 school buildings undergoing a major improvement; purpose; defining terms; requiring  
5 State Board of Education rules; setting forth requirements for any water bottle filling station  
6 installed in a public school building; and requiring county boards to adopt policies to permit  
7 students in schools with water bottle filling stations to carry water bottles.

*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 the amount of how much water they drink at lunch time and the likelihood of students in  
6 those same schools being at an unhealthy weight is greatly reduced. Additionally, studies have  
7 shown that there are more germs found on an average classroom water fountain spigot than a  
8 toilet seat or an animal cage. Accordingly, promoting the use of a water bottle filling station  
9 reduces the spread of germs and disease.

**§18-9G-2. Definitions.**

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

2 (1) “Construction project” means a project in the furtherance of a facilities plan with a cost  
3 of greater than \$1,000,000 for the new construction, expansion, or major renovation of the  
4 facilities, 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; and

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 and routine maintenance  
12 costs; ordinary course of business improvements; and other items which are customarily  
13 considered to result in a current or ordinary course of business operating charge or a major  
14 improvement project.

15 (2) "Major improvement" means a project meeting one or more of the following:

16 (A) Increasing the square footage of a school by more than 5,000 square feet; or

17 (B) Any renovations or upgrades to a school with a cost greater than \$500,000 where  
18 plumbing work constitutes more than 20 percent of the project's construction cost.

19 (3) "Public school" means any school under the general supervision of the West Virginia  
20 Board of Education pursuant to section two, article XIII of the Constitution of West Virginia and  
21 includes any charter school pursuant to §18-5G-1 *et seq.* of this code.

22 (4) "Water bottle filling station" means a station to which the following apply:

23 (A) The station is designed to fill a bottle with water;

24 (B) The station dispenses filtered drinking water;

25 (C) The station may be integrated into a drinking fountain; and

26 (D) 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 state board shall promulgate a rule pursuant to §29A-3B-1 *et seq.* of this code on  
2 or before November 1, 2022, to require newly constructed public school buildings to include the  
3 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; and

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

11 (b) The state board shall promulgate a rule pursuant to §29A-3B-1 *et seq.* of this code on  
12 or before November 1, 2022, to require existing public school buildings undergoing a major  
13 improvement to include a minimum of half of the facility's existing water coolers being retrofitted  
14 or replaced to provide water bottle filling capability and be made ADA compliant. Pending the  
15 availability of a water supply line and sanitary plumbing, the preferred placement of these stations  
16 shall be in the following areas:

17 (1) School food service areas;

18 (2) Near gymnasiums and outdoor learning and activity areas, including playgrounds and  
19 athletic facilities; and

20 (3) Grouped toilet areas.

21 (c) Any water bottle filling station installed in a public school building shall:

22 (1) Dispense filtered, clean drinking water;

23 (2) Be touchless for sanitary reasons;

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

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

26 (d) County boards shall adopt a policy to permit students in schools with one or more water  
27 bottle filling stations to carry water bottles.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2022.

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*Governor*