

1 SB367
2 210420-1
3 By Senators Coleman-Madison, Figures, Butler and Smitherman
4 RFD: Education Policy
5 First Read: 01-APR-21

8 SYNOPSIS: This bill would require the installation of
9 drinking fountains, water coolers, or water bottle
10 filling stations in certain public K-12 school
11 buildings.

12 This bill would require schools to allow
13 students, teachers, and staff to use the drinking
14 fountains, water coolers, or water bottle filling
15 stations.

16 This bill would set requirements for the
17 number of drinking fountains, water coolers, or
18 filling stations and the maintenance of those
19 filling stations.

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

23 Amendment 621 of the Constitution of Alabama
24 of 1901, as amended by Amendment 890, now appearing
25 as Section 111.05 of the Official ReCompilation of
26 the Constitution of Alabama of 1901, as amended,
27 prohibits a general law whose purpose or effect

1 would be to require a new or increased expenditure
2 of local funds from becoming effective with regard
3 to a local governmental entity without enactment by
4 a 2/3 vote unless: it comes within one of a number
5 of specified exceptions; it is approved by the
6 affected entity; or the Legislature appropriates
7 funds, or provides a local source of revenue, to
8 the entity for the purpose.

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

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 Relating to drinking water in public K-12 schools;
23 to require the installation of drinking fountains, water
24 coolers, or water bottle filling stations in certain public
25 K-12 school buildings; and to regulate the use of drinking
26 fountains, water coolers, water bottle filling stations, and
27 water bottles by individuals in public K-12 schools; and in

1 connection therewith to have as its purpose or effect the
2 requirement of 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.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) (1) Notwithstanding any otherwise
9 applicable state or local building or plumbing codes or state
10 or local laws or regulations that specifically pertain to the
11 number of required drinking fountains in a public K-12 school
12 building, public K-12 school buildings shall contain a minimum
13 of one drinking fountain, water cooler, or water bottle
14 filling station per 100 individuals projected to occupy the
15 building.

16 (2) Drinking fountains, water coolers, or water
17 bottle filling stations shall be placed in common areas,
18 including, but not limited to:

- 19 a. Hallways.
- 20 b. Cafeterias.
- 21 c. Gymnasiums.
- 22 d. Outdoor physical activity spaces.
- 23 e. Faculty lounges.

24 (b) Drinking fountains, water coolers, and water
25 bottle filling stations shall be accessible to all
26 individuals, regardless of age, ability, or disability.

1 (c) Water bottle filling stations installed pursuant
2 to this section may be integrated into drinking fountains.

3 (d) A drinking fountain, water cooler, or water
4 bottle filling station installed pursuant to this section
5 shall dispense cooled and filtered drinking water and be
6 regularly cleaned and maintained.

7 (e) Water bottles shall be allowed for use by
8 students, teachers, and staff of a public K-12 school, and
9 shall meet all of the following criteria:

10 (1) Be made of a material that is not easily
11 breakable.

12 (2) Have a lid to prevent spills.

13 (3) Be used exclusively for water.

14 (f) Water bottles shall be allowed in classrooms of
15 public K-12 schools, but may be excluded from libraries,
16 computer labs, science labs, and other places where it may be
17 deemed dangerous to have or consume drinking water.

18 (g) Public K-12 schools shall provide access to
19 drinking water and cups or other drinking containers during
20 mealtimes.

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

23 Section 2. The purpose or effect of this bill would
24 be to require a new or increased expenditure of local funds
25 within the meaning of Amendment 621 of the Constitution of
26 Alabama of 1901, as amended by Amendment 890, now appearing as
27 Section 111.05 of the Official ReCompilation of the

1 Constitution of Alabama of 1901, as amended. If this bill is
2 not enacted by a 2/3 vote, it will not become effective with
3 regard to a local entity unless approved by the local entity
4 or until, and only as long as, the Legislature appropriates
5 funds or provides for a local source of revenue.

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