

1 SB368  
2 210399-1  
3 By Senators Coleman-Madison, Figures, Elliott, Butler and  
4 Smitherman  
5 RFD: Education Policy  
6 First Read: 01-APR-21

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

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

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

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

21 Amendment 621 of the Constitution of Alabama  
22 of 1901, as amended by Amendment 890, now appearing  
23 as Section 111.05 of the Official ReCompilation of  
24 the Constitution of Alabama of 1901, as amended,  
25 prohibits a general law whose purpose or effect  
26 would be to require a new or increased expenditure  
27 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 drinking water bottle use in public K-12  
21 schools; to require the installation of water bottle filling  
22 stations in certain public K-12 school buildings; and to  
23 regulate the use of filling stations and water bottles by  
24 individuals in public K-12 schools; and in connection  
25 therewith to have as its purpose or effect the requirement of  
26 a new or increased expenditure of local funds within the  
27 meaning of Amendment 621 of the Constitution of Alabama of

1 1901, as amended by Amendment 890, now appearing as Section  
2 111.05 of the Official ReCompilation of the Constitution of  
3 Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) This section applies to all of the  
6 following:

7 (1) Any existing public K-12 school building for  
8 which otherwise applicable state or local building or plumbing  
9 codes or state or local laws or regulations would require a  
10 change in the amount of drinking fountains on or after June 6,  
11 2021.

12 (2) Any existing public K-12 school building that  
13 undergoes any renovation affecting any of its existing  
14 plumbing fixtures or drinking fountains on or after June 6,  
15 2021.

16 (3) Public K-12 school buildings constructed on or  
17 after June 6, 2021.

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

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

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

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

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

8           (d) A water bottle filling station installed  
9 pursuant to this section shall dispense cooled and filtered  
10 drinking water and be regularly cleaned and maintained.

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

14           (1) Be made of a material that is not easily  
15 breakable.

16           (2) Have a lid to prevent spills.

17           (3) Be used exclusively for water.

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

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

24           Section 2. The purpose or effect of this bill would  
25 be to require 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. If this bill is  
3 not enacted by a 2/3 vote, it will not become effective with  
4 regard to a local entity unless approved by the local entity  
5 or until, and only as long as, the Legislature appropriates  
6 funds or provides for a local source of revenue.

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