

# HOUSE . . . . . No. 2094

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## The Commonwealth of Massachusetts

PETITION OF:

Jennifer L. Flanagan  
Denise Provost  
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In the Year Two Thousand and Seven.

AN ACT TO PROVIDE FOR THE DEVELOPMENT OF MINIMUM DISINFECTING, CLEANING, AND MAINTENANCE REQUIREMENTS FOR SCHOOLS, DAY CARE CENTERS, AND PUBLIC BUILDINGS BY THE DEPARTMENT OF PUBLIC HEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

### SECTION 1. Legislative Findings:

According to the U.S. Centers for Disease Control nearly 22 million school days are lost annually due to the common cold alone.

52.2 million cases of the common cold affect Americans under age 17 each year.

The average toddler gets 6 to 8 colds a year. School- aged children can get as many as 12.

Diarrhea is second only to the common cold as a cause of lost working time, with about 25 days lost from work or school each year for every 100 Americans.

Unsanitary restrooms pose a serious health risk to pupils through contracting hepatitis, shigella, or any of various other diseases related to viral or bacterial infection.

Millions of microbes can be found on restroom surfaces and can cause illnesses, such as colds, flu, and diarrhea.

Studies have also shown that mold, which can be found in restrooms, can cause an increase in asthma and an increase in asthmatic symptoms.

Rotavirus, which can be found on faucets, causes 600,000 deaths annually throughout the world.

Germs that cause colds and flu can survive on common classroom surfaces for up to 72 hours.

Children can touch and retouch over 300 surfaces in just 30 minutes.

Addressing the spread of germs in schools and public buildings is essential to the health of our youth, our schools, and our nation.

Disinfecting and cleaning products are vitally important to protect health in public areas and restrooms.

Studies have concluded that an organized cleaning program based upon environmental management principals can contribute to a measurable improvement in indoor air quality and reduce the spread of mold, bacteria, and dangerous viruses.

SECTION 2. Chapter 111 of the General Laws is hereby amended following Section 5R by inserting the following section:

(a) Title: This section shall be referred to as “The Clean Schools and Buildings Act”

(b) Purpose: The purpose of this section is to improve public health and protect children from asthma, sickness, and disease by establishing requirements for the proper disinfection and cleaning of all public building, elementary and secondary school, and day care center spaces.

(c) Definitions: For the purpose of this section the following terms shall mean:

“Day care center” means any public or private facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center or preschool, or known under any other name, which receives children not of common parentage who are not more than six years of age, or who are not more than 21 years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include:

any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; periodic religious instruction classes conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

“Department” means the Department of Public Health.

“Classroom” means any room or place in a school that is primarily used for pupil instruction.

“Commissioner” means the Commissioner of Public Health.

“Common Area” means any publicly accessible area used in a communal manner such as, but not limited to, hallways, lobbies, stairwells and foyers.

“Public building” means any building owned, occupied, or used by any public entity including but not limited to the commonwealth and any county, city, town, or school district.

“Restroom” means any room equipped with toilets and lavatories for public use.

“School” means a facility used for instruction of elementary or secondary students by: (i) any school district, including a special act school district and a city school district in a city having a population of one hundred twenty-five thousand inhabitants or more, (ii) a board of cooperative educational services, (iii) a charter school, (iv) an approved private school for the education of students with disabilities, (v) a state-supported school for the deaf or blind operated pursuant to article eighty-five of this chapter, and (vi) any other private or parochial elementary or secondary school.

**SECTION 3. cleaning and maintenance requirements:** Every school, day care, or public building classroom, restroom, and common area shall at all times be required to meet the following conditions:

- (a) Cleaned regularly per the guidelines developed under of Section 4;
- (b) Free from infestation of insects, vermin, and rodents; and
- (c) Restrooms shall be fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

SECTION 4. classroom, restroom, and common area disinfecting and cleaning guidelines: To promote good health and hygiene in classrooms, restrooms, and common areas; the Commissioner, in consultation with the Department of Education shall, within one-year of the passage of this Act, establish cleaning and disinfecting guidelines for classrooms, restrooms, and common areas in all day care centers, schools, and public buildings. These guidelines shall include, but are not limited to, the following requirements:

- (a) Minimum general disinfecting and cleansing procedures and schedules for all restroom surfaces; and
- (b) Minimum disinfecting and cleaning schedules for faucets, lavatories, toilets, urinals, and shower facilities;
- (c) Required sanitization procedures for the clean-up of bodily fluids;
- (d) Recommended cleaning and disinfecting schedules for the following surfaces:
  - i. Classroom desks and counters; and
  - ii. Classroom and common area floors.

The Commissioner may reference independent-third party cleaning standards or guidelines within these requirements. The Commissioner may from time to time amend these requirements to improve hygienic conditions in public areas.

The Commissioner shall annually disseminate to all day care centers, schools, and public buildings these guidelines, via the Department's website and other means.

SECTION 5. Training: The commissioner may establish and charge fees for an annual voluntary training program open to all janitorial staff and cleaning personnel or contractors providing cleaning service to all day care centers, schools, and, public buildings.

SECTION 5. This Act shall not supersede existing local hygiene standards generally applicable to public facilities.