

REFERENCE TITLE: lead testing; schools; childcare

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1351

Introduced by
Senators Mendez: Miranda; Representative Salman

AN ACT

AMENDING TITLE 49, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 49-210.01; RELATING TO WATER QUALITY CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 49, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 49-210.01, to read:

4 49-210.01. Lead testing; schools; child care facilities;
5 rules; report; definition

6 A. EACH SCHOOL DISTRICT AND CHILD CARE FACILITY IN THIS STATE SHALL
7 CONDUCT PERIODIC FIRST-DRAWN TAP TESTING OF POTABLE WATER SYSTEMS TO
8 MONITOR FOR LEAD CONTAMINATION IN EACH OCCUPIED SCHOOL AND CHILD CARE
9 FACILITY BUILDING UNDER ITS CONTROL PURSUANT TO RULES ADOPTED BY THE
10 DEPARTMENT. THE TESTING SHALL BE CONDUCTED AND THE RESULTS ANALYZED BY A
11 LEAD CONTAMINATION TESTING AND SERVICE PROVIDER APPROVED BY THE
12 DEPARTMENT.

13 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO A SCHOOL OR CHILD
14 CARE FACILITY BUILDING IN WHICH THE PLUMBING AND EQUIPMENT COMPLIES WITH
15 THE DEFINITION OF LEAD FREE AS PRESCRIBED BY SECTION 1417 OF THE SAFE
16 DRINKING WATER ACT AND RULES ADOPTED BY THE UNITED STATES ENVIRONMENTAL
17 PROTECTION AGENCY. THE DEPARTMENT MAY EXEMPT A SCHOOL DISTRICT FROM
18 ADDITIONAL TESTING REQUIREMENTS IF TESTING THAT IS CONSISTENT WITH THIS
19 SECTION HAS BEEN CONDUCTED WITHIN THE PREVIOUS FIVE YEARS BEFORE THE
20 EFFECTIVE DATE OF THIS SECTION.

21 C. FOR A SCHOOL DISTRICT OR CHILD CARE FACILITY AT WHICH LEAD
22 CONTAMINATION IS FOUND, THE AFFECTED SCHOOL DISTRICT OR CHILD CARE
23 FACILITY SHALL:

24 1. CONTINUE FIRST-DRAWN TAP WATER TESTING PURSUANT TO RULES ADOPTED
25 BY THE DEPARTMENT.

26 2. PROVIDE OCCUPANTS WITH AN ADEQUATE SUPPLY OF SAFE, POTABLE WATER
27 FOR DRINKING AS REQUIRED BY RULES ADOPTED BY THE DEPARTMENT UNTIL
28 SUBSEQUENT TESTING INDICATES LEAD LEVELS LOWER THAN FIVE PARTS PER
29 BILLION.

30 3. PROVIDE PARENTS OR GUARDIANS OF THE CHILDREN ATTENDING THE
31 SCHOOL OR CHILD CARE FACILITY WITH WRITTEN NOTICE OF TEST RESULTS.
32 SCHOOLS SHALL ALSO POST THE TEST RESULTS ON THE SCHOOL DISTRICT'S WEBSITE.

33 D. EACH SCHOOL DISTRICT AND CHILD CARE FACILITY THAT CONDUCTS
34 TESTING PURSUANT TO THIS SECTION SHALL MAKE A COPY OF THE RESULTS OF ALL
35 TESTING AND ANY LEAD REMEDIATION PLANS AVAILABLE TO THE PUBLIC ON ITS
36 WEBSITE AND BY ANY ADDITIONAL MEANS AS DETERMINED BY THE SCHOOL DISTRICT
37 OR CHILD CARE FACILITY. EACH SCHOOL DISTRICT AND CHILD CARE FACILITY
38 SHALL IMMEDIATELY TRANSMIT A COPY OF THE RESULTS OF ALL TESTING TO THE
39 DEPARTMENT IN A FORMAT PRESCRIBED BY THE DEPARTMENT AND TO THE COUNTY
40 HEALTH DEPARTMENT OR THE PUBLIC HEALTH SERVICES DISTRICT FOR THE COUNTY IN
41 WHICH THE SCHOOL DISTRICT BUILDING OR CHILD CARE FACILITY BUILDING IS
42 LOCATED.

43 E. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT THIS SECTION THAT
44 ARE CONSISTENT WITH THE SAFE DRINKING WATER ACT.

1 F. THE DEPARTMENT SHALL PUBLISH A REPORT ONCE EVERY TWO YEARS BASED
2 ON THE FINDINGS FROM THE TAP WATER TESTING CONDUCTED PURSUANT TO THIS
3 SECTION AND TRANSMIT THE REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
4 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL POST THE
5 REPORT ON THE DEPARTMENT'S WEBSITE.

6 G. WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND
7 ANNUALLY THEREAFTER, THE DEPARTMENT SHALL IDENTIFY EXISTING FEDERAL, STATE
8 AND OTHER GRANT MONIES THAT CAN BE MADE AVAILABLE TO SCHOOL DISTRICTS AND
9 CHILD CARE FACILITIES TO ASSIST WITH THE TESTING PRESCRIBED BY THIS
10 SECTION. SUBJECT TO LEGISLATIVE APPROPRIATIONS, THE DEPARTMENT MAY
11 PROVIDE FINANCIAL ASSISTANCE TO ASSIST SCHOOL DISTRICTS AND CHILD CARE
12 FACILITIES IN COMPLYING WITH THIS SECTION IF COMPLIANCE IMPOSES AN
13 UNREASONABLE FINANCIAL HARDSHIP AS PRESCRIBED BY RULES ADOPTED BY THE
14 DEPARTMENT.

15 H. FOR THE PURPOSES OF THIS SECTION, "CHILD CARE FACILITY" HAS THE
16 SAME MEANING PRESCRIBED IN SECTION 36-881.