

REFERENCE TITLE: lead testing; schools; childcare

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# SB 1132

Introduced by  
Senators Mendez: Alston, Gabaldón, Gonzales, Miranda

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. A LEAD CONTAMINATION TESTING AND SERVICE PROVIDER APPROVED BY  
11 THE DEPARTMENT SHALL CONDUCT THE TESTING AND ANALYZE THE RESULTS.

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

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

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

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

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

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

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

44 F. THE DEPARTMENT SHALL PUBLISH A REPORT ONCE EVERY TWO YEARS BASED  
45 ON THE FINDINGS FROM THE TAP WATER TESTING CONDUCTED PURSUANT TO THIS

1 SECTION AND TRANSMIT THE REPORT TO THE GOVERNOR, THE PRESIDENT OF THE  
2 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL POST THE  
3 REPORT ON THE DEPARTMENT'S WEBSITE.

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

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