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AB-1096 Water: schoolsites: lead testing. (2025-2026)

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Assembly Bill No. 1096

CHAPTER 290

An act to add Section 116277 to the Health and Safety Code, relating to water.

[Approved by Governor October 03, 2025. Filed with Secretary of State October 03, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, Connolly. Water: schoolsites: lead testing.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing federal regulations require community water systems to contact all schools and childcare facilities, as defined, to provide information about the health risks from lead in drinking water and of eligibility to be sampled for lead by the water system. Existing federal regulations require a community water system to report to the state annually on the notification of eligibility and sampling for lead, and information regarding the number and names of schools and childcare facilities served by the water system, those sampled in the previous year, the facilities that declined sampling, facilities that did not respond to outreach attempts for sampling, and information pertaining to those outreach attempts for sampling.

Existing law makes it a crime to knowingly make any false statement or representation in any application, record, report, or other document submitted, maintained, or used for purposes of compliance with this act.

This bill would require a community water system, when making outreach attempts to elementary schools and childcare facilities for the purposes of offering lead sampling in drinking water, to compile specified information and to provide elementary schools and childcare facilities that decline lead testing with an opportunity to provide information about their reasons for declining by allowing them to select from a list that includes specified options, unless the school or childcare facility is exempted from lead testing by federal waiver, as provided. The bill would authorize the state board to add additional reasons for declining lead testing to that list. The bill would require a community water system to submit all of the above-described information that it compiles or that is provided to it to the state board, as provided. The bill would require the state board, on or before June 30, 2028, to make all of that information publicly available in a searchable format on its internet website, as specified. The bill also would require, on or before December 31, 2028, a community water system to include, in its annual consumer confidence report, a written statement about the availability of information pertaining to lead testing in schools and childcare facilities on the state board's internet website and a direct link to that website. Because knowingly making a false statement or representation in that report would be a crime under the California Safe Drinking Water Act, the bill would impose a state-mandated local program by expanding the scope of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) The American Academy of Pediatrics states that there is no safe level of lead in children, and that even blood lead levels too low to cause acute lead poisoning can result in lasting cognitive impairment in children.
- (b) According to the National Association of State Boards of Education, lead in drinking water is of special relevance to schools because water is likely to stagnate in school pipes and fixtures during frequent closures over weekends, holidays, or summer break, potentially increasing the concentration of lead leached from the premises' plumbing into drinking water. Lead levels can vary from tap to tap and season to season, and change based on multiple factors, including the materials found in the premises' plumbing and fixtures, changes in water usage, water temperature, and the amount of time water sits in pipes.
- (c) The National Association of State Boards of Education further states that schools may need support collecting and interpreting lead testing data, and that coordinating with experts on testing and mitigation strategies can support effective water testing efforts.
- (d) The federal Lead and Copper Rule Improvements, finalized October 8, 2024, strengthen nationwide requirements to protect children from lead in drinking water by, among other things, requiring community water systems to:
 - (1) Notify elementary schools, secondary schools, and childcare facilities that they are eligible to be sampled for lead by the water system.
 - (2) Provide information to schools and childcare facilities on the health risks associated with lead in drinking water.
 - (3) Provide sampling results and information about potential options for remediating lead in drinking water to schools and childcare facilities.
 - (4) Report specified information to the state board, including the number and names of schools and childcare facilities sampled, sampling results, and the number and names of elementary schools and childcare facilities that declined lead sampling or did not respond to outreach attempts.
- (e) It is the goal of the state to ensure public transparency, so that school and childcare community members, including staff and the families of pupils, have access to lead sampling results collected under the federal Lead and Copper Rule Improvements.

SEC. 2. Section 116277 is added to the Health and Safety Code, to read:

116277. (a) (1) When making outreach attempts to elementary schools and childcare facilities for the purposes of offering lead sampling in drinking water, pursuant to Sections 141.90(i) and 141.92 of Title 40 of the Code of Federal Regulations, a community water system shall do both of the following:

(A) Compile all of the following information:

- (i) The number and names of schools and childcare facilities served by the water system.
- (ii) The number and names of schools and childcare facilities sampled in the previous year.
- (iii) The number and names of elementary schools and childcare facilities that declined sampling.
- (iv) The number and names of elementary schools and childcare facilities that did not respond to outreach attempts for sampling.
- (v) Information that pertains to outreach attempts for sampling that were declined or not responded to by an elementary school or childcare facility.
- (vi) Sampling results from sampled schools and childcare facilities.

(B) Provide elementary schools and childcare facilities that decline lead testing with an opportunity to provide information about their reasons for declining by allowing them to select from a list that includes all of the following options:

- (i) All drinking and food preparation water outlets were tested for lead within the last five years under an independent program in which the elementary school or childcare facility participated.
- (ii) The elementary school or childcare facility already maintains a routine water quality testing program, inclusive of lead sampling in drinking water.

(iii) The elementary school or childcare facility is participating in another government-funded water quality program that is inclusive of lead sampling in drinking water.

(iv) The elementary school or childcare facility has opted to coordinate testing for lead in drinking water with a third-party vendor for operational reasons.

(v) The elementary school or childcare facility was constructed after January 1, 2010.

(vi) The elementary school or childcare facility was modernized after January 1, 2010, and the elementary school or childcare facility was fully replumbed as part of the modernization.

(vii) All drinking and food preparation water outlets were installed after January 1, 2010, and all of those outlets are connected to plumbing that was installed or replaced after January 1, 2010.

(viii) The elementary school or childcare facility uses bottled water, water that is filtered with a point-of-use water filtration device certified to meet NSF/ANSI standards for lead and particulate reduction, or both, for all drinking water and food preparation purposes.

(ix) The elementary school or childcare facility is currently undergoing major modernization or construction.

(x) Logistical barriers such as timing, access, or personnel coordination prevent the elementary school or childcare facility from participating in the community water system's offer to test.

(2) (A) If a community water system has received a written waiver from the state board exempting it from lead sampling requirements pursuant to Section 141.92 of Title 40 of the Code of Federal Regulations, the community water system shall be exempt from the requirements under subparagraphs (A) and (B) of paragraph (1) for the subset of schools or childcare facilities to which the waiver applies.

(B) The state board may issue a statewide written waiver exempting more than one community water system from lead sampling requirements pursuant to Section 141.92 of Title 40 of the Code of Federal Regulations, for community water systems subject to a statewide sampling law or program, through the policy handbook adopted pursuant to paragraph (3) of subdivision (b).

(b) (1) Notwithstanding paragraph (2) of subdivision (a), a community water system shall submit all of the information that it compiles or that is provided to it pursuant to paragraph (1) of subdivision (a) to the state board pursuant to a process specified by the state board.

(2) The state board may add additional reasons for declining lead testing to the list specified in subparagraph (B) of paragraph (1) of subdivision (a).

(3) The state board may implement this subdivision through the adoption of a policy handbook. The policy handbook shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) On or before June 30, 2028, the state board shall make all of the information submitted to it pursuant to paragraph (1) of subdivision (b) publicly available in a searchable format on its internet website. In order to aid members of the public in understanding this information, the state board shall do all of the following:

(1) To the extent possible, present sampling results on its internet website as a specific value and not in a format that uses the mathematical symbol meaning less than.

(2) Bold or otherwise highlight on its internet website sampling results that are above five parts per billion.

(3) Indicate whether a test result represents an exceedance of the action level for lead in drinking water under the federal Lead and Copper Rule.

(4) Provide information on its internet website that explains the health harms posed by lead in drinking water and that even low blood lead levels can result in lasting cognitive impairment in children.

(d) On or before December 31, 2028, a community water system shall include both of the following in its annual consumer confidence report prepared pursuant to Article 20 (commencing with Section 64480) Chapter 15 of Division 4 of Title 22 of the California Code of Regulations:

(1) A written statement that information pertaining to lead testing in schools and childcare facilities, including the names of schools and childcare facilities that received testing from community water systems, is available on the state board's internet

website.

(2) A direct link to the state board's internet website, developed pursuant to subdivision (c).

(e) This section shall not be construed as altering the compliance dates specified in Sections 141.90(i) and 141.92 of Title 40 of the Code of Federal Regulations.

(f) For purposes of this section, "childcare facility," "elementary school," and "school" have the same meanings as those terms are defined in Section 141.2 of Title 40 of the Code of Federal Regulations.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.