

REFERENCE TITLE: public water systems; fluoride; prohibition

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1019

Introduced by
Senator Shamp

AN ACT

AMENDING SECTION 49-353, ARIZONA REVISED STATUTES; RELATING TO POTABLE
WATER SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 49-353, Arizona Revised Statutes, is amended to
3 read:

4 49-353. Duties of director; rules; prohibited lead use

5 A. The director shall:

6 1. Exercise general supervision over all matters related to water
7 quality control of public water systems throughout this state.

8 2. Prescribe rules regarding the production, treatment,
9 distribution and testing of potable water by public water systems, except
10 that such rules shall not apply to irrigation, industrial or similar
11 systems where the water is used for nonpotable purposes. The rules shall
12 comply with at least the following:

13 (a) The requirements established by the United States environmental
14 protection agency for state primary enforcement responsibility of the safe
15 drinking water act, including the requirements of 40 Code of Federal
16 Regulations parts 141 and 142.

17 (b) Require that the plans and specifications for all public water
18 systems, including water treatment plants, distribution systems,
19 distribution system extensions, water treatment methods and devices and
20 all appurtenances and devices for sale to be used in water supplies and
21 public water systems be submitted with a fee for review to the
22 department. The department, in establishing fees authorized by this
23 section, shall comply with title 41, chapter 6. The department shall not
24 set a fee at more than the department's cost of providing the service for
25 which the fee is charged. State agencies are exempt from all fees imposed
26 pursuant to this section. Monies collected from the fees shall be
27 deposited in the water quality fee fund established by section 49-210.
28 The director may require that plans and specifications for public water
29 systems include programs to meet future needs for drinking water and to
30 supply specified minimum quantities of drinking water. The director
31 shall:

32 (i) Require that a new public water system demonstrate that the
33 system possesses adequate managerial and financial capacity to operate in
34 compliance with this article and the rules adopted pursuant to this
35 article.

36 (ii) Accept adequate findings of other public authorities regarding
37 the adequate managerial and financial capacity of a public water system to
38 operate in compliance with this article and the rules adopted pursuant to
39 this article.

40 (c) Provide that no public water system, including a water
41 treatment plant, distribution system, distribution system extension, water
42 treatment method or device, appurtenance and device used in water supplies
43 or public water systems be constructed, reconstructed, installed or
44 initiated before compliance with the standards and rules has been
45 demonstrated by approval of the plans and specifications by the

1 department. The rules shall prescribe minimum standards for the
2 bacteriological, physical and chemical quality of water distributed
3 through public water systems. The director of environmental quality may
4 consult with the director of the department of health services in
5 developing these standards.

6 (d) Provide for a simplified administrative procedure for approving
7 structural revisions, additions, extensions or modifications to existing
8 small public water systems for potable water serving a population of three
9 thousand three hundred or fewer persons.

10 (e) Exempt from the plan review requirements of this paragraph,
11 including any requirements for approval to construct or approval of
12 construction, any structural revisions, additions, extensions or
13 modifications to public water systems which are in compliance with the
14 department's rules applicable to those systems or which are making
15 satisfactory progress towards compliance under a schedule approved by the
16 department if either of the following conditions is satisfied:

17 (i) The revision, addition, extension or modification has a project
18 cost of ~~twelve thousand five hundred dollars~~ \$12,500 or less.

19 (ii) The revision, addition, extension or modification is made to a
20 water line which is not for a subdivision requiring plat approval by a
21 city, town or county, and has a project cost of more than ~~twelve thousand~~
22 ~~five hundred dollars~~ \$12,500 but less than ~~fifty thousand dollars~~ \$50,000,
23 the design of which is sealed by a professional engineer WHO IS registered
24 in this state and the construction of which is reviewed for conformance
25 with the design by a professional engineer.

26 (f) Require a notice of compliance with the conditions for
27 exemption on the completion of any revisions, additions, extensions or
28 modifications completed in accordance with subdivision (e) of this
29 paragraph.

30 (g) Provide for the submission of samples at stated intervals.

31 (h) Provide for inspection and certification of such water
32 supplies.

33 (i) Provide for the abatement as public nuisances of any premises,
34 equipment, process or device, or public water system that does not comply
35 with the minimum standards and rules.

36 (j) Provide for records regarding water quality to be kept by
37 owners and operators of the public water systems and that reports
38 regarding water quality be filed with the department.

39 (k) Provide for appropriate actions to be taken if a water supply
40 does not meet the standards established by the department.

41 (l) Require a public water system to implement a specified program
42 to control contamination from backflow, backsiphonage or cross connection.
43 All such programs shall be consistent with section 37-1388.

44 (m) Require that public water systems identify and provide notice
45 to persons that may be affected by lead contamination of their drinking

1 water where ~~such~~ THE contamination results from either or both of the
2 following:

3 (i) The lead content in the construction materials of the public
4 water distribution system.

5 (ii) Corrosivity of the water supply sufficient to cause leaching
6 of lead.

7 (n) Provide for relief from water testing and monitoring
8 requirements for public water systems qualifying under the federal safe
9 drinking water act (P.L. 93-523; 88 Stat. ~~1661~~ 1660; P.L. 95-190; 91 Stat.
10 1393; P.L. 104-182; 110 Stat. 1613), as amended in 1996.

11 (o) PROHIBIT ANY PERSON, INCLUDING A POLITICAL SUBDIVISION OF THIS
12 STATE, FROM ADDING FLUORIDE INTO A PUBLIC WATER SYSTEM OR ANY WATER THAT
13 WILL BE INTRODUCED INTO A PUBLIC WATER SYSTEM. FOR THE PURPOSES OF THIS
14 SUBDIVISION, "FLUORIDE" INCLUDES ANY CHEMICAL COMPOUND THAT CONTAINS THE
15 FLUORIDE ION, INCLUDING FLUOROSILICIC ACID, SODIUM FLUOROSILICATE AND
16 SODIUM FLUORIDE.

17 3. Develop and implement strategies to assist public water systems
18 in acquiring and maintaining the technical, managerial and financial
19 capacity to operate in compliance with this article and the rules adopted
20 pursuant to this article. Assistance may be provided based on the needs
21 of the water system.

22 B. Pipes, pipe fittings and plumbing fittings and fixtures having a
23 lead content in excess of a weighted average of one-quarter of one percent
24 lead when used with respect to the wetted surfaces and solders and flux
25 having a lead content in excess of two-tenths of one percent shall not be
26 used in the installation or repair of public water systems or of any
27 plumbing in residential or nonresidential facilities providing water for
28 human consumption. The weighted average lead content of a pipe, pipe
29 fitting or plumbing fitting or fixture shall be calculated as follows:

30 1. For each wetted component, the percentage of lead in the
31 component shall be multiplied by the ratio of the wetted surface area of
32 that component to the total wetted surface area of the entire product to
33 arrive at the weighted percentage of lead of the component.

34 2. The weighted percentage of lead of each wetted component shall
35 be added together, and the sum of these weighted percentages shall
36 constitute the weighted average lead content of the product.

37 3. The lead content of the material used to produce a wetted
38 component shall be used to determine compliance with this subsection.

39 4. For lead content of materials that are provided as a range, the
40 maximum content of that range shall be used.

41 C. Subsection B of this section does not apply to:

42 1. Leaded joints necessary for the repair of cast iron pipes.

43 2. Pipes, pipe fittings and plumbing fittings and fixtures,
44 including backflow preventers, that are used exclusively for nonpotable
45 water services such as manufacturing, industrial processing, irrigation,

1 outdoor watering or any other uses where the water is not anticipated to
2 be used for human consumption.

3 3. Toilets, bidets, urinals, fill valves, flushometer valves, tub
4 fillers, shower valves or service saddles or water distribution main gate
5 valves that are two inches in diameter or larger.

6 D. Notwithstanding subsection A, paragraph 2, subdivision (c) of
7 this section, a public water system may construct, reconstruct, install,
8 extend or initiate a water supply system, water treatment plant,
9 distribution system, water treatment method or device, or appurtenance
10 that is used in water supply or in a public water system when the system
11 is out of compliance with THE standards and rules adopted pursuant to this
12 article only if the construction is necessary to correct the system's
13 noncompliance.

14 E. This section and the rules adopted pursuant to this section
15 apply to public water systems as described by section 49-352,
16 subsection B.