

**House File 594 - Introduced**

HOUSE FILE 594

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**A BILL FOR**

1 An Act relating to lead testing in water supply systems serving  
2 child care facilities and schools, and making penalties  
3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.105E Lead testing in child care  
2 facilities and schools.

3 1. For purposes of this section, "water supply system" means  
4 the infrastructure used to transmit water from a water utility,  
5 well source, or other source of water, whether publicly or  
6 privately owned, to an end user.

7 2. Any child care facility, as defined in section 237A.1,  
8 and all school district attendance centers shall be tested for  
9 lead in the water supply systems of their facilities on an  
10 annual basis. In consultation with the department of education  
11 and the department of human services, the department of public  
12 health shall adopt rules to implement this section.

13 3. The board of directors of each public school district and  
14 the child care facilities administrator, as defined in section  
15 237A.1, shall establish a schedule for annual testing for lead  
16 at each respective facility under their control, with the first  
17 test taking place no later than December 31, 2021.

18 4. The board of directors of each public school district  
19 and the administrator shall submit the results of each lead  
20 test conducted at a respective facility pursuant to this  
21 section to the department of education and the department of  
22 public health on an annual basis. The department of education,  
23 the department of public health, and the department of human  
24 services each shall publish the submitted results on their  
25 respective internet sites for public review.

26 5. If the results of a test exceed five micrograms of  
27 lead per liter of water, the board or the administrator shall  
28 retain a person credentialed to perform lead abatement measures  
29 to develop a lead mitigation plan within ninety days of the  
30 test. The board or the administrator shall implement the lead  
31 mitigation plan within one year of the failed test.

32 6. Lead testing and the implementation of a mitigation  
33 plan pursuant to this section shall be conducted by a person  
34 certified to conduct such testing, as determined by rule, or by  
35 those district employees trained in a lead testing protocol as

1 approved by the department of public health. The department  
2 of public health shall maintain and make available to school  
3 districts, nonpublic schools, child care facilities, and  
4 applicable child care homes a list of such certified persons.

5 Sec. 2. Section 298.3, subsection 1, Code 2021, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *n.* Lead testing and lead mitigation pursuant  
8 to section 135.105E.

9 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code  
10 2021, is amended to read as follows:

11 *a.* If the board of directors adopts a resolution to use  
12 funds received under the operation of [this chapter](#) solely for  
13 providing property tax relief by reducing indebtedness from the  
14 levies specified under [section 298.2](#) or [298.18](#), or for lead  
15 testing and lead mitigation pursuant to section 135.105E, the  
16 board of directors may approve a revenue purpose statement for  
17 that purpose without submitting the revenue purpose statement  
18 to a vote of the electors.

19 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance  
20 with section 25B.2, subsection 3, the state cost of requiring  
21 compliance with any state mandate included in this Act shall  
22 be paid by a school district from state school foundation aid  
23 received by the school district under section 257.16. This  
24 specification of the payment of the state cost shall be deemed  
25 to meet all the state funding-related requirements of section  
26 25B.2, subsection 3, and no specific state funding shall be  
27 necessary for the full implementation of this Act by and  
28 enforcement of this Act against all affected school districts.

29 Sec. 5. APPLICABILITY. Section 423F.3, subsection 8, shall  
30 not apply to this Act.

31

#### EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 The Iowa department of public health (DPH) currently  
35 organizes a childhood lead poisoning prevention program. The

1 program does not include testing water systems for lead in  
2 child care facilities, child care homes, and schools.

3 This bill requires all child care facilities and all school  
4 districts to implement lead testing of their water systems on  
5 an annual basis beginning no later than December 31, 2021. The  
6 bill requires DPH to work with the department of education and  
7 the department of human services to implement rules to carry  
8 out the lead-testing requirements. If results of a test exceed  
9 5 micrograms of lead per liter of water, the bill requires  
10 the school district or child care facilities administrator to  
11 retain a person certified in lead abatement to develop a lead  
12 mitigation strategy that shall be implemented within one year  
13 of the failed test.

14 The bill adds lead testing and lead mitigation pursuant to  
15 the bill to the list of permissible uses of a physical plant  
16 and equipment levy by a school district and revenues from the  
17 secure an advanced vision for education fund under Code section  
18 423F.3.

19 The bill may include a state mandate as defined in Code  
20 section 25B.3. The bill requires that the state cost of  
21 any state mandate included in the bill be paid by a school  
22 district under Code section 257.16. The specification is  
23 deemed to constitute state compliance with any state mandate  
24 funding-related requirements of Code section 25B.2. The  
25 inclusion of this specification is intended to reinstate the  
26 requirement of political subdivisions to comply with any state  
27 mandates included in the bill.

28 The bill makes inapplicable Code section 423F.3(8), which  
29 requires a bill that would alter the purposes for which the  
30 revenues received under Code section 423F.3 may be used from  
31 infrastructure and property tax relief purposes to any other  
32 purpose to be approved by a vote of at least two-thirds of the  
33 members of both chambers of the general assembly.

34 By operation of law, a person who knowingly violates the bill  
35 is guilty of a simple misdemeanor. A simple misdemeanor is

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1 punishable by confinement for no more than 30 days and a fine  
2 of at least \$105 but not more than \$855.