

ASSEMBLY BILL NO. 284—ASSEMBLYMEN GIUNCHIGLIANI, ARBERRY, PARKS, BACHE, WILLIAMS, DE BRAGA, COLLINS, PERKINS, BUCKLEY, MANENDO, LEE, EVANS, ANDERSON, MCCLAIN, KOIVISTO, TIFFANY, FREEMAN, PARNELL, OHRENSCHALL, VON TOBEL, PRICE, GIBBONS, NEIGHBORS, GOLDWATER, THOMAS, CARPENTER, SEGERBLOM, LESLIE, BROWER, NOLAN, BEERS, MORTENSON AND CLABORN

FEBRUARY 19, 1999

JOINT SPONSORS: SENATORS RAWSON, COFFIN, TITUS, JACOBSEN, AMODEI, CARE, CARLTON, MATHEWS, NEAL, SCHNEIDER, SHAFFER AND WIENER

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning fluoridation of water. (BDR 40-284)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to water; requiring the state board of health to adopt regulations requiring the fluoridation of certain public water systems in more populous counties; making it unlawful for a supplier of water to fail to maintain the required concentrations of fluoride in such a public water system; limiting the application of certain existing provisions concerning proposals to adjust the concentration of fluoride in water to certain less populous counties; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 445A of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1. *The state board of health shall adopt regulations***
- 4 ***requiring the fluoridation of each public water system in a county whose***
- 5 ***population is 100,000 or more.***

- 1 2. *The regulations must include, without limitation:*
- 2 (a) *The minimum and maximum permissible concentrations of*
- 3 *fluoride to be maintained in such public water systems, except that:*
- 4 (1) *The minimum permissible concentration of fluoride must not be*
- 5 *less than 0.7 parts per million; and*
- 6 (2) *The maximum permissible concentration of fluoride must not*
- 7 *exceed 1.2 parts per million;*
- 8 (b) *The requirements and procedures for maintaining proper*
- 9 *concentrations of fluoride, including any necessary equipment, testing,*
- 10 *recordkeeping and reporting;*
- 11 (c) *Requirements for the addition of fluoride to such a public water*
- 12 *system if the natural concentration of fluorides in that system is lower*
- 13 *than the minimum permissible concentration established pursuant to*
- 14 *paragraph (a); and*
- 15 (d) *Criteria pursuant to which the state board of health may exempt a*
- 16 *public water system from the requirement of fluoridation upon the*
- 17 *request of the public water system.*
- 18 3. *The state board of health shall not require the fluoridation of a*
- 19 *public water system if the natural water supply of the system contains*
- 20 *fluoride in a concentration that is at least equal to the minimum*
- 21 *permissible concentration established pursuant to paragraph (a) of*
- 22 *subsection 2.*
- 23 4. *The state board of health may make an exception to the minimum*
- 24 *permissible concentration of fluoride to be maintained in a public water*
- 25 *system based on:*
- 26 (a) *The climate of the regulated area;*
- 27 (b) *The amount of processed water purchased by the residents of the*
- 28 *regulated area; and*
- 29 (c) *Any other factor that influences the amount of public water that is*
- 30 *consumed by the residents of the regulated area.*
- 31 5. *The health division of the department of human resources shall*
- 32 *make reasonable efforts to secure any available sources of financial*
- 33 *support, including, without limitation, grants from the Federal*
- 34 *Government, for the enforcement of the standards established pursuant*
- 35 *to this section and any related capital improvements.*
- 36 6. *A public water system may submit to the health division a claim*
- 37 *for payment of the initial costs of the public water system to begin*
- 38 *complying with the provisions of this section. The administrator of the*
- 39 *health division may approve such claims to the extent of legislative*
- 40 *appropriations and any other money available for that purpose.*
- 41 *Approved claims must be paid as other claims against the state are paid.*

The ongoing operational expenses of a public water system in complying with the provisions of this section are not compensable pursuant to this subsection.

7. A supplier of water who fails to maintain the concentrations of fluoride in a public water system within the limits of the minimum and maximum permissible concentrations established in the regulations of the state board of health adopted pursuant to this section is guilty of a misdemeanor.

8. As used in this section, "public water system" and "supplier of water" have the meanings ascribed to them in NRS 445A.840 and 445A.845, respectively.

Sec. 3. The provisions of NRS 445A.025 to 445A.050, inclusive, apply only in a county whose population is less than 100,000.

Sec. 4. NRS 232.320 is hereby amended to read as follows:

232.320 1. Except as otherwise provided in subsection 2, the director:

(a) Shall appoint, with the consent of the governor, chiefs of the divisions of the department, who are respectively designated as follows:

(1) The administrator of the aging services division;

(2) The administrator of the health division;

(3) The state welfare administrator; and

(4) The administrator of the division of child and family services.

(b) Shall administer, through the divisions of the department, the provisions of chapters 210, 423, 424, 425, 427A, 432A to 442, inclusive, 446, 447, 449 and 450 of NRS, NRS 127.220 to 127.310, inclusive, 422.070 to 422.410, inclusive, 432.010 to 432.139, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.050, inclusive, **and sections 2 and 3 of this act**, and all other provisions of law relating to the functions of the divisions of the department, but is not responsible for the clinical activities of the health division or the professional line activities of the other divisions.

(c) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this state. The director shall revise the plan biennially and deliver a copy of the plan to the governor and the legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the state and the Federal Government;

1 (4) Identify the sources of funding for services provided by the
2 department and the allocation of that funding;

3 (5) Set forth sufficient information to assist the department in
4 providing those services and in the planning and budgeting for the future
5 provision of those services; and

6 (6) Contain ~~any~~ **all** other information **that is** necessary for the
7 department to communicate effectively with the Federal Government
8 concerning demographic trends, formulas for the distribution of federal
9 money and any need for the modification of programs administered by the
10 department.

11 (d) May, by regulation, require nonprofit organizations and state and
12 local governmental agencies to provide information to him regarding the
13 programs of those organizations and agencies, excluding detailed
14 information relating to their budgets and payrolls, which he deems
15 necessary for his performance of the duties imposed upon him pursuant to
16 this section.

17 (e) Has such other powers and duties as are provided by law.

18 2. The governor shall appoint the administrator of the mental hygiene
19 and mental retardation division.

20 **Sec. 5.** The amendatory provisions of this act do not apply to offenses
21 that were committed before October 1, 1999.

22 **Sec. 6.** 1. This section becomes effective upon passage and
23 approval.

24 2. Section 2 of this act becomes effective upon passage and approval
25 for the purpose of adopting regulations and on October 1, 1999, for all
26 other purposes.

27 3. Sections 1, 3, 4 and 5 of this act become effective on October 1,
28 1999.