

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

Joint Sponsors: Senators Rawson, Coffin, Titus, Jacobsen, Amodei, Care, Carlton, Mathews, Neal, Schneider, Shaffer and Wiener

CHAPTER.....

AN ACT relating to water; requiring the state board of health to adopt regulations requiring the fluoridation of certain public water systems; limiting the application of certain existing provisions concerning proposals to adjust the concentration of fluoride in water in certain circumstances; and providing other matters properly relating thereto.

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

Section 1. Chapter 445A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in NRS 445A.010 to 445A.050, inclusive, this section and section 3 of this act, unless the context otherwise requires, “public water system” has the meaning ascribed to it in NRS 445A.840.*

Sec. 3. 1. *The state board of health shall adopt regulations requiring the fluoridation of each public water system that serves a population of 400,000 or more.*

2. The regulations must include, without limitation:

(a) The minimum and maximum permissible concentrations of fluoride to be maintained in such public water systems, except that:

(1) The minimum permissible concentration of fluoride must not be less than 0.7 parts per million; and

(2) The maximum permissible concentration of fluoride must not exceed 1.2 parts per million;

(b) The requirements and procedures for maintaining proper concentrations of fluoride, including any necessary equipment, testing, recordkeeping and reporting;

(c) Requirements for the addition of fluoride to such a public water system if the natural concentration of fluorides in that system is lower than the minimum permissible concentration established pursuant to paragraph (a); and

(d) Criteria pursuant to which the state board of health may exempt a public water system from the requirement of fluoridation upon the request of the public water system.

3. The state board of health shall not require the fluoridation of:
 - (a) The wells of a public water system if:
 - (1) The ground water production of the public water system is less than 15 percent of the total average annual water production of the system for the years in which drought conditions are not prevalent; and
 - (2) The wells are part of a combined regional and local system for the distribution of water that is served by a fluoridated source.
 - (b) A public water system:
 - (1) During an emergency or period of routine maintenance, if the wells of the system are exempt from fluoridation pursuant to paragraph (a) and the supplier of water determines that it is necessary to change the production of the system from surface water to ground water because of an emergency or for purposes of routine maintenance; or
 - (2) If the natural water supply of the system contains fluoride in a concentration that is at least equal to the minimum permissible concentration established pursuant to paragraph (a) of subsection 2.
4. The state board of health may make an exception to the minimum permissible concentration of fluoride to be maintained in a public water system based on:
 - (a) The climate of the regulated area;
 - (b) The amount of processed water purchased by the residents of the regulated area; and
 - (c) Any other factor that influences the amount of public water that is consumed by the residents of the regulated area.
5. The health division of the department of human resources shall make reasonable efforts to secure any available sources of financial support, including, without limitation, grants from the Federal Government, for the enforcement of the standards established pursuant to this section and any related capital improvements.
6. A public water system may submit to the health division a claim for payment of the initial costs of the public water system to begin complying with the provisions of this section. The administrator of the health division may approve such claims to the extent of legislative appropriations and any other money available for that purpose. 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. As used in this section, "supplier of water" has the meaning ascribed to it in NRS 445A.845.

Sec. 4. NRS 445A.050 is hereby amended to read as follows:
445A.050 The provisions of NRS 445A.025 to ~~445A.045,~~ 445A.050, inclusive, do not apply ~~to:~~

~~1. To purveyors~~ to:

1. A public water system that serves a population of 400,000 or more

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2. **Purveyors** of bottled water who label their containers to inform the purchaser that the naturally occurring fluoride concentration of the water has been adjusted to recommended levels.

~~{2. To any}~~

3. **A** supplier of water who supplies water to less than 500 users.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Section 3 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 1999, for all other purposes.

3. Sections 1, 2 and 4 of this act become effective on October 1, 1999.

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