

ASSEMBLY BILL NO. 193—ASSEMBLYMEN JOINER AND SPRINKLE

PREFILED FEBRUARY 13, 2017

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Requires the fluoridation of water in certain
circumstances. (BDR 40-716)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to water; requiring the fluoridation of water
provided by public water systems and water authorities in
certain circumstances; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the State Board of Health to adopt regulations requiring
2 the fluoridation of all water delivered for human consumption in a county whose
3 population is 700,000 or more (currently Clark County) by a public water system
4 that serves a population of 100,000 or more or by a water authority. (NRS
5 445A.055) **Section 2** of this bill requires the Board to instead require such
6 fluoridation in any county whose population is 100,000 or more (currently Clark
7 and Washoe Counties). **Section 2** also requires the Board, under certain
8 circumstances, to make a temporary exception to the minimum permissible
9 concentration of fluoride to be maintained in a public water system or water
10 authority in a county whose population is 100,000 or more but less than 700,000
11 (currently Washoe County).

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

1 **Section 1.** NRS 445A.050 is hereby amended to read as
2 follows:
3 445A.050 The provisions of NRS 445A.025 to 445A.050,
4 inclusive, do not apply to:



* A B 1 9 3 *

1 1. A public water system that serves a population of 100,000 or
2 more in a county whose population is ~~700,000~~ **100,000** or more.

3 2. A water authority, as defined ~~pursuant to~~ **in** NRS
4 377B.040, and any political subdivision that receives all or a part of
5 its water supply from such a water authority in a county whose
6 population is ~~700,000~~ **100,000** or more.

7 3. Purveyors of bottled water ~~who~~ **that** label their containers
8 to inform the purchaser that the naturally occurring fluoride
9 concentration of the water has been adjusted to recommended
10 levels.

11 4. A supplier of water ~~who~~ **that** supplies water to less than
12 500 users.

13 **Sec. 2.** NRS 445A.055 is hereby amended to read as follows:

14 445A.055 1. The State Board of Health shall adopt
15 regulations requiring the fluoridation of all water delivered for
16 human consumption in a county whose population is ~~700,000~~
17 **100,000** or more by a:

18 (a) Public water system that serves a population of 100,000 or
19 more; or

20 (b) Water authority.

21 2. The regulations must include, without limitation:

22 (a) The minimum and maximum permissible concentrations of
23 fluoride to be maintained by such a public water system or a water
24 authority, except that:

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

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

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

32 (c) Requirements for the addition of fluoride to the water if the
33 natural concentration of ~~fluorides~~ **fluoride** is lower than the
34 minimum permissible concentration established pursuant to
35 paragraph (a); and

36 (d) Criteria pursuant to which the State Board of Health may
37 exempt a public water system or water authority from the
38 requirement of fluoridation upon the request of the public water
39 system or water authority.

40 3. The State Board of Health shall not require the fluoridation
41 of:

42 (a) The wells of a public water system or water authority if:

43 (1) The groundwater production of the public water system
44 or water authority is less than 15 percent of the total average annual



1 water production of the system or authority for the years in which
2 drought conditions are not prevalent; and

3 (2) The wells are part of a combined regional and local
4 system for the distribution of water that is served by a fluoridated
5 source.

6 (b) A public water system or water authority:

7 (1) During an emergency or period of routine maintenance, if
8 the wells of the system or authority are exempt from fluoridation
9 pursuant to paragraph (a) and the supplier of water determines that it
10 is necessary to change the production of the system or authority
11 from surface water to groundwater because of an emergency or for
12 purposes of routine maintenance; or

13 (2) If the natural water supply of the system or authority
14 contains fluoride in a concentration that is at least equal to the
15 minimum permissible concentration established pursuant to
16 paragraph (a) of subsection 2.

17 4. The State Board of Health may make an exception to the
18 minimum permissible concentration of fluoride to be maintained in
19 a public water system or water authority based on:

20 (a) The climate of the regulated area;

21 (b) The amount of processed water purchased by the residents of
22 the regulated area; and

23 (c) Any other factor that influences the amount of public water
24 that is consumed by the residents of the regulated area.

25 5. *The State Board of Health shall make an exception to the*
26 *minimum permissible concentration of fluoride to be maintained*
27 *in a public water system or water authority in a county whose*
28 *population is 100,000 or more but less than 700,000 pursuant to a*
29 *request submitted by a public water system or water authority*
30 *because the demand for water by residents of the regulated area*
31 *requires it to change the production of the system or authority*
32 *temporarily to include unfluoridated groundwater. An exception*
33 *made pursuant to this subsection must not exceed the period from*
34 *May 1 to October 31 of the year for which the exception is*
35 *requested.*

36 6. The Division shall make reasonable efforts to secure any
37 available sources of financial support, including, without limitation,
38 grants from the Federal Government, for the enforcement of the
39 standards established pursuant to this section and any related capital
40 improvements.

41 ~~6.~~ 7. A public water system or water authority may submit to
42 the Division a claim for payment of the initial costs of the public
43 water system or water authority to begin complying with the
44 provisions of this section regardless of whether the public water
45 system or water authority is required to comply with those



1 provisions. The Administrator of the Division may approve such
2 claims to the extent of legislative appropriations and any other
3 money available for that purpose. Approved claims must be paid as
4 other claims against the State are paid. The ongoing operational
5 expenses of a public water system or water authority in complying
6 with the provisions of this section are not compensable pursuant to
7 this subsection.

8 ~~77~~ 8. As used in this section:

9 (a) "Division" means the Division of Public and Behavioral
10 Health of the Department of Health and Human Services.

11 (b) "Supplier of water" has the meaning ascribed to it in
12 NRS 445A.845.

13 (c) "Water authority" has the meaning ascribed to it in
14 NRS 377B.040.

15 **Sec. 3.** The provisions of NRS 354.599 do not apply to any
16 additional expenses of a local government that are related to the
17 provisions of this act.

18 **Sec. 4.** This act becomes effective upon passage and approval
19 for the purpose of adopting any regulations and performing any
20 other preparatory administrative tasks necessary to carry out the
21 provisions of this act, and on October 1, 2019, for all other
22 purposes.

