
SENATE BILL NO. 311—SENATORS MATHEWS, LEE,
HORSFORD; AND TOWNSEND

MARCH 16, 2009

JOINT SPONSORS: ASSEMBLYMEN ANDERSON AND SMITH

Referred to Committee on Natural Resources

SUMMARY—Requires the fluoridation of water provided by certain public water systems and water authorities in certain counties. (BDR 40-924)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~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 water provided by certain public water systems and water authorities in certain counties; providing exceptions; 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 400,000 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 revise those regulations to
6 make them applicable in any county whose population is 100,000 or more
7 (currently Clark and Washoe Counties). **Section 2** also requires the Board, under
8 certain 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 400,000
11 (currently Washoe County). **Section 3** of this bill, which becomes effective on
12 October 1, 2013, removes certain exceptions to the requirement that all water
13 delivered for human consumption in a county whose population is 100,000 or more
14 but less than 400,000 (currently Washoe County) by a public water system that
15 serves a population of 100,000 or more or by a water authority be fluoridated.



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:

5 1. A public water system that serves a population of 100,000 or
6 more in a county whose population is ~~[400,000]~~ *100,000* or more.

7 2. A water authority, as defined ~~[pursuant to]~~ *in* NRS
8 377B.040, and any political subdivision that receives all or a part of
9 its water supply from such a water authority in a county whose
10 population is ~~[400,000]~~ *100,000* or more.

11 3. Purveyors of bottled water ~~[who]~~ *that* label their containers
12 to inform the purchaser that the naturally occurring fluoride
13 concentration of the water has been adjusted to recommended
14 levels.

15 4. A supplier of water ~~[who]~~ *that* supplies water to less than
16 500 users.

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

18 445A.055 1. The State Board of Health shall adopt
19 regulations requiring the fluoridation of all water delivered for
20 human consumption in a county whose population is ~~[400,000]~~
21 *100,000* or more by a:

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

24 (b) Water authority.

25 2. The regulations must include, without limitation:

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

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

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

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

36 (c) Requirements for the addition of fluoride to the water if the
37 natural concentration of ~~[fluorides]~~ *fluoride* is lower than the
38 minimum permissible concentration established pursuant to
39 paragraph (a); and

40 (d) Criteria pursuant to which the State Board of Health may
41 exempt a public water system or water authority from the



1 requirement of fluoridation upon the request of the public water
2 system or water authority.

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

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

6 (1) The groundwater production of the public water system
7 or water authority is less than 15 percent of the total average annual
8 water production of the system or authority for the years in which
9 drought conditions are not prevalent; and

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

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

14 (1) During an emergency or period of routine maintenance, if
15 the wells of the system or authority are exempt from fluoridation
16 pursuant to paragraph (a) and the supplier of water determines that it
17 is necessary to change the production of the system or authority
18 from surface water to groundwater because of an emergency or for
19 purposes of routine maintenance; or

20 (2) If the natural water supply of the system or authority
21 contains fluoride in a concentration that is at least equal to the
22 minimum permissible concentration established pursuant to
23 paragraph (a) of subsection 2.

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

27 (a) The climate of the regulated area;

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

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

32 5. *The State Board of Health shall make an exception to the*
33 *minimum permissible concentration of fluoride to be maintained*
34 *in a public water system or water authority in a county whose*
35 *population is 100,000 or more but less than 400,000, pursuant to a*
36 *request submitted by a public water authority or water system*
37 *because the demand for water by residents of the regulated area*
38 *requires it to change the production of the system or authority*
39 *temporarily to include unfluoridated groundwater. An exception*
40 *made pursuant to this section must not exceed the period from*
41 *May 1 to October 31 of the year for which the exception is*
42 *requested.*

43 6. The Health Division of the Department of Health and
44 Human Services shall make reasonable efforts to secure any
45 available sources of financial support, including, without limitation,



1 grants from the Federal Government, for the enforcement of the
2 standards established pursuant to this section and any related capital
3 improvements.

4 ~~[6-]~~ 7. A public water system or water authority may submit to
5 the Health Division a claim for payment of the initial costs of the
6 public water system or water authority to begin complying with the
7 provisions of this section regardless of whether the public water
8 system or water authority is required to comply with those
9 provisions. The Administrator of the Health Division may approve
10 such claims to the extent of legislative appropriations and any other
11 money available for that purpose. Approved claims must be paid as
12 other claims against the State are paid. The ongoing operational
13 expenses of a public water system or water authority in complying
14 with the provisions of this section are not compensable pursuant to
15 this subsection.

16 ~~[7-]~~ 8. As used in this section:

17 (a) "Supplier of water" has the meaning ascribed to it in
18 NRS 445A.845.

19 (b) "Water authority" has the meaning ascribed to it in
20 NRS 377B.040.

21 **Sec. 3.** NRS 445A.055 is hereby amended to read as follows:

22 445A.055 1. The State Board of Health shall adopt
23 regulations requiring the fluoridation of all water delivered for
24 human consumption in a county whose population is 100,000 or
25 more by a:

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

28 (b) Water authority.

29 2. The regulations must include, without limitation:

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

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

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

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

40 (c) Requirements for the addition of fluoride to the water if the
41 natural concentration of fluoride is lower than the minimum
42 permissible concentration established pursuant to paragraph (a); and

43 (d) Criteria pursuant to which the State Board of Health may
44 exempt a public water system or water authority from the



1 requirement of fluoridation upon the request of the public water
2 system or water authority.

3 3. ~~[The]~~ *In a county whose population is 400,000 or more, the*
4 *State Board of Health shall not require the fluoridation of:*

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

6 (1) The groundwater production of the public water system
7 or water authority is less than 15 percent of the total average annual
8 water production of the system or authority for the years in which
9 drought conditions are not prevalent; and

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

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

14 (1) During an emergency or period of routine maintenance, if
15 the wells of the system or authority are exempt from fluoridation
16 pursuant to paragraph (a) and the supplier of water determines that it
17 is necessary to change the production of the system or authority
18 from surface water to groundwater because of an emergency or for
19 purposes of routine maintenance; or

20 (2) If the natural water supply of the system or authority
21 contains fluoride in a concentration that is at least equal to the
22 minimum permissible concentration established pursuant to
23 paragraph (a) of subsection 2.

24 4. *In a county whose population is 100,000 or more but less*
25 *than 400,000, the State Board of Health shall not require the*
26 *fluoridation of a public water system or water authority:*

27 (a) *During an emergency; or*

28 (b) *If the natural water supply of the system or authority*
29 *contains fluoride in a concentration that is at least equal to the*
30 *minimum permissible concentration established pursuant to*
31 *paragraph (a) of subsection 2.*

32 5. The State Board of Health may make an exception to the
33 minimum permissible concentration of fluoride to be maintained in
34 a public water system or water authority based on:

35 (a) The climate of the regulated area;

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

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

40 ~~[5.]~~ 6. The State Board of Health shall make an exception to
41 the minimum permissible concentration of fluoride to be maintained
42 in a public water system or water authority in a county whose
43 population is 100,000 or more but less than 400,000, pursuant to a
44 request submitted by a public water authority or water system
45 because the demand for water by residents of the regulated area



1 requires it to change the production of the system or authority
2 temporarily to include unfluoridated groundwater. An exception
3 made pursuant to this section must not exceed the period from
4 May 1 to October 31 of the year for which the exception is
5 requested.

6 ~~[6-]~~ 7. The Health Division of the Department of Health and
7 Human Services shall make reasonable efforts to secure any
8 available sources of financial support, including, without limitation,
9 grants from the Federal Government, for the enforcement of the
10 standards established pursuant to this section and any related capital
11 improvements.

12 ~~[7-]~~ 8. A public water system or water authority may submit to
13 the Health Division a claim for payment of the initial costs of the
14 public water system or water authority to begin complying with the
15 provisions of this section regardless of whether the public water
16 system or water authority is required to comply with those
17 provisions. The Administrator of the Health Division may approve
18 such claims to the extent of legislative appropriations and any other
19 money available for that purpose. Approved claims must be paid as
20 other claims against the State are paid. The ongoing operational
21 expenses of a public water system or water authority in complying
22 with the provisions of this section are not compensable pursuant to
23 this subsection.

24 ~~[8-]~~ 9. As used in this section:

25 (a) "Supplier of water" has the meaning ascribed to it in
26 NRS 445A.845.

27 (b) "Water authority" has the meaning ascribed to it in
28 NRS 377B.040.

29 **Sec. 4.** 1. This section and sections 1 and 2 of this act
30 become effective upon passage and approval for the purpose of
31 adopting regulations and on October 1, 2011, for all other purposes.

32 2. Section 2 of this act expires by limitation on September 30,
33 2013.

34 3. Section 3 of this act becomes effective on October 1, 2013.

