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

MARCH 16, 2009

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JOINT SPONSORS: ASSEMBLYMEN ANDERSON AND SMITH

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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.

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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; requiring an advisory question to be placed on the general election ballot in certain counties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Health to adopt regulations requiring the fluoridation of all water delivered for human consumption in a county whose population is 400,000 or more (currently Clark County) by a public water system that serves a population of 100,000 or more or by a water authority. (NRS 445A.055) **Section 2** of this bill requires the Board to revise those regulations to make them applicable in any county whose population is 100,000 or more (currently Clark and Washoe Counties). **Section 2** also requires the Board, under certain circumstances, to make a temporary exception to the minimum permissible concentration of fluoride to be maintained in a public water system or water authority in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County). **Section 4** of this bill requires the placement of an advisory question concerning the fluoridation of water on the ballot for the general election in November 2010 in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County).



\* S B 3 1 1 R 1 \*

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 **to retail**  
20 **or wholesale customers that may be used** for human consumption  
21 in a county whose population is ~~400,000~~ **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



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1       (d) Criteria pursuant to which the State Board of Health may  
2 exempt a public water system or water authority from the  
3 requirement of fluoridation upon the request of the public water  
4 system or water authority.

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

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

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

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

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

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

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

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

29           (a) The climate of the regulated area;

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

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

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



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1       **6.** The Health Division of the Department of Health and  
2 Human Services shall make reasonable efforts to secure any  
3 available sources of financial support, including, without limitation,  
4 grants from the Federal Government, for the enforcement of the  
5 standards established pursuant to this section and any related capital  
6 improvements.

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

19       **[7.] 8.** As used in this section:

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

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

24       **Sec. 3.** (Deleted by amendment.)

25       **Sec. 4.** At the general election on November 2, 2010, in each  
26 county whose population is 100,000 or more but less than 400,000,  
27 an advisory question must be placed on the general election ballot in  
28 substantially the following form:

29  
30           Should the water authority and each public water system in  
31           this county that serve a population of 100,000 persons or  
32           more cease the fluoridation of the water?

33       **Sec. 5.** 1. This section and sections 1 and 2 of this act  
34 become effective upon passage and approval for the purpose of  
35 adopting regulations and on July 1, 2010, for all other purposes.

36           2. Section 4 of this act becomes effective on October 1, 2009.

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



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