

# House Bill 3156

Sponsored by Representatives GREENLICK, SCHAUFLEER, Senator MORRISETTE; Representatives BRUUN, GALIZIO, JENSON, KOTEK, READ, RILEY, ROBLAN, SHIELDS, TOMEI, Senator HASS

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies responsibility of Department of Human Services relating to drinking water. Requires that water suppliers serving more than 10,000 persons add fluoride to water. Delays implementation until water suppliers have sufficient capital to purchase fluoridation equipment. Preempts local government regulations that prohibit or restrict use of fluoride.

## A BILL FOR AN ACT

Relating to safe drinking water; creating new provisions; and amending ORS 448.131 and 448.175.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 448.131 is amended to read:

448.131. (1) The Department of Human Services shall adopt water quality standards that are necessary *[to protect the public health through insuring safe drinking water within a water system]* **to implement the department's responsibilities relating to drinking water and to ensure public health.**

(2) In order to *[insure]* **ensure** safe drinking water, the department shall prescribe:

(a) Construction standards governing the performance of a water system insofar as *[they]* **the standards** relate to the safety of drinking water.

(b) Standards for the operation of water systems *[in so far as they]* **insofar as the standards** relate to the delivery of safe drinking water.

(c) Other standards and requirements considered necessary by the department to *[insure safe drinking water]* **ensure that drinking water is safe, healthy and beneficial for human consumption.**

(3) The department shall require that construction and installation plans be submitted and approved before construction begins on new systems or substantial improvements are made to old systems. The department may adopt rules exempting certain water systems from the plan review process.

(4) The department may impose and collect a fee from a water supplier for reviewing construction and installation plans.

(5) Nothing in this section authorizes the department to require alterations of existing facilities unless alterations are necessary to *[insure]* **ensure** safe drinking water.

**SECTION 2.** ORS 448.175 is amended to read:

448.175. Subject to ORS chapter 183, the Department of Human Services:

(1) Shall require that the water suppliers give public notice of violations in the water system.

(2) May refuse to allow expansion of or additional connections to a water system until the water system meets water quality standards and requirements.

(3) May enter an order requiring a water supplier to acquire or construct a water system that

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 provides water meeting department standards. When the order requires a city to acquire a water  
2 system, the system must have the majority of its facilities within the city's adopted urban growth  
3 boundary. When the order is entered upon a city, the procedure described in ORS 454.235 to 454.255  
4 shall be followed.

5 (4) May enter an order requiring a water supplier that fails to comply with the schedule pre-  
6 scribed under ORS 448.140 to cease operation of the water system.

7 **(5) Shall require that water suppliers serving more than 10,000 persons add fluoride, in**  
8 **the amount and manner prescribed by the department, to drinking water.**

9 **(6) Notwithstanding subsection (5) of this section, may temporarily exempt a water sup-**  
10 **plier serving more than 10,000 persons from adding fluoride to drinking water until the de-**  
11 **partment determines that the water supplier has funds, sufficient to purchase the**  
12 **fluoridation equipment, from a source other than fees, taxes or charges by the water supplier**  
13 **to the supplier's ratepayers, shareholders, local taxpayers or bondholders.**

14 **SECTION 3. A city, county or other local government may not enact or enforce any or-**  
15 **dinance, resolution or other provision that prohibits or restricts the use of fluoride in**  
16 **drinking water except as permitted in rules adopted by the Department of Human Services.**  
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