

ASSEMBLY BILL

No. 733

Introduced by Assembly Member Speier
(Principal coauthor: Assembly Member Willie Brown)
(Principal coauthor: Senator Maddy)

February 22, 1995

An act to add Sections 4026.7 and 4026.8 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 733, as introduced, Speier. Drinking water: fluoridation.

Existing law, commonly referred to as the California Safe Drinking Water Act, is administered by the State Department of Health Services and, among other things, it requires the department to establish recommended public health levels for contaminants in drinking water, and requires operators of public water systems to obtain a permit. Existing law also requires the department to, at the request of any public water system, grant a variance from the primary drinking water standard adopted by the department for fluoride, if certain conditions are satisfied.

This bill would require the department to adopt regulations that require the fluoridation of the water of any public water system that has at least 10,000 service connections according to a prescribed schedule based upon the number of service connections. Among other things, it would require the regulations to establish the minimum and maximum permissible concentrations of fluoride.

The bill would also require the Attorney General to, upon request by the department, institute mandamus or other appropriate proceedings in cases where the owner or operator of a public water system fails to comply with a regulation adopted pursuant to its provisions. This bill would permit the department to grant variances pursuant to existing law.

By requiring the addition of fluorides to public water systems, this bill would impose additional duties on local public entities that operate public water systems, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4026.7 is added to the Health and
- 2 Safety Code, to read:
- 3 4026.7. (a) In order to promote the public health
- 4 through the protection and maintenance of dental health,
- 5 the department shall adopt regulations pursuant to
- 6 Chapter 3.5 (commencing with Section 11340) of
- 7 Division 3 of Title 2 of the Government Code, requiring
- 8 the fluoridation of public water systems. The regulations
- 9 adopted by the department shall take effect on January
- 10 1, 1997.
- 11 (b) The regulations shall include, but not be limited to,
- 12 the following:



1 (1) Minimum and maximum permissible
2 concentrations of fluoride to be maintained by
3 fluoridation of public water systems.

4 (2) The requirements and procedures for maintaining
5 proper concentrations of fluoride, including equipment,
6 testing, recordkeeping, and reporting.

7 (3) Requirements for the addition of fluorides to
8 public water systems in which the natural level of
9 fluorides is less than the minimum level established in the
10 regulations.

11 (4) A schedule for the fluoridation of public water
12 systems, to be based on the size of the public water
13 system, the population served by the public water system,
14 or both.

15 SEC. 2. Section 4026.8 is added to the Health and
16 Safety Code, to read:

17 4026.8. (a) No later than January 1, 1997, owners and
18 operators of public water systems with at least 40,000
19 service connections shall comply with all regulations
20 adopted by the department pursuant to Section 4026.7.

21 (b) No later than January 1, 1998, owners and
22 operators of public water systems with at least 30,000
23 service connections shall comply with all regulations
24 adopted by the department pursuant to Section 4026.7.

25 (c) No later than January 1, 1999, owners and operators
26 of public water systems with at least 20,000 service
27 connections shall comply with all regulations adopted by
28 the department pursuant to Section 4026.7.

29 (d) No later than January 1, 2000, owners and
30 operators of public water systems with at least 10,000
31 service connections shall comply with all regulations
32 adopted by the department pursuant to Section 4026.7.

33 (e) The department shall enforce Section 4026.7 and
34 this section, and all regulations adopted pursuant to these
35 sections, unless delegated pursuant to a local primary
36 agreement.

37 (f) If the owner or operator of any public water system
38 subject to Section 4026.7 fails, or refuses, to comply with
39 any regulations adopted pursuant to Section 4026.7, or
40 any order of the department implementing these



1 regulations, the Attorney General shall, upon the request
2 of the department, institute mandamus proceedings, or
3 other appropriate proceedings, in order to compel
4 compliance with the order, rule, or regulation. This
5 remedy shall be in addition to all other authorized
6 remedies or sanctions.

7 (g) Neither this section nor Section 4026.7 shall
8 supersede subdivision (b) of Section 4027.6.

9 SEC. 3. Notwithstanding Section 17610 of the
10 Government Code, if the Commission on State Mandates
11 determines that this act contains costs mandated by the
12 state, reimbursement to local agencies and school
13 districts for those costs shall be made pursuant to Part 7
14 (commencing with Section 17500) of Division 4 of Title
15 2 of the Government Code. If the statewide cost of the
16 claim for reimbursement does not exceed one million
17 dollars (\$1,000,000), reimbursement shall be made from
18 the State Mandates Claims Fund.

19 Notwithstanding Section 17580 of the Government
20 Code, unless otherwise specified, the provisions of this act
21 shall become operative on the same date that the act
22 takes effect pursuant to the California Constitution.

