

PUBLIC WATER SYSTEMS AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Roger E. Barrus

This act modifies the Safe Drinking Water Act. The act defines a functionally separate water system. The act allows voters in a county, municipality, or water district the option to vote to add fluoride to or remove fluoride from the public water supply. The act makes technical corrections.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

19-4-102, as renumbered and amended by Chapter 112, Laws of Utah 1991

19-4-111, as last amended by Chapter 181, Laws of Utah 2000

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-4-102** is amended to read:

19-4-102. Definitions.

As used in this chapter:

(1) "Board" means the Drinking Water Board.

(2) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(3) "Executive secretary" means the executive secretary of the board.

(4) "Functionally separate" means a public water system, not including a wholesale water supplier, providing water to the end user that does not receive from or supply water to another public water system.

~~(4)~~ (5) "Maximum contaminant level" means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

~~(5)~~ (6) "Public water system" means a system providing water for human consumption and other domestic uses, which has at least 15 service connections or serves an average of 25



28 individuals daily for at least 60 days of the year and includes collection, treatment, storage, and
29 distribution facilities under the control of the operator and used primarily in connection with the
30 system, and collection, pretreatment or storage facilities used primarily in connection with the
31 system but not under his control.

32 [~~(6)~~] (7) "Supplier" means a person who owns or operates a public water system.

33 Section 2. Section 19-4-111 is amended to read:

34 **19-4-111. Fluorine added to water -- Election required.**

35 (1) Notwithstanding any other provision of law, public water supplies, whether state,
36 county, municipal, or district, ~~shall~~ may not have fluorine or any of its derivatives or compounds
37 added to or removed from them without the approval of a majority of voters in an election in the
38 area affected. An election shall be held upon the:

39 (a) filing of an initiative petition requesting the action in accordance with state law
40 governing initiative petitions;

41 (b) in the case of a municipal, special district, or county water system, passage of a
42 resolution by the legislative body or special district board representing the affected voters,
43 submitting the question to the affected voters at the next regular general election or municipal
44 general election; or

45 (c) in a county of the first or second class, passage of a resolution by the county
46 commission to place an opinion question relating to all public water systems within the county,
47 except as provided in Subsection (2), on the ballot at the next general election.

48 (2) If a majority of voters on an opinion question under Subsection (1)(c) approve the
49 addition of fluorine to or the removal of fluorine from the public water supplies within the county,
50 the local health departments shall require the addition of fluorine to or the removal of fluorine from
51 all public water supplies within that county other than those systems:

52 (a) that are functionally separate from any other public water systems in that county; and

53 (b) where a majority of the voters served by the public water system voted against the
54 addition or removal of fluorine on the opinion question under Subsection (1)(c).

55 (3) Nothing contained in this section prohibits the addition of chlorine or other water
56 purifying agents.

57 (4) Any political subdivision which, prior to November 2, 1976, decided to and was adding
58 fluorine or any of its derivatives or compounds to the drinking water is considered to have

59 complied with Subsection (1).

Legislative Review Note
as of 2-5-02 9:55 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel