

Approved: 3-6-96
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger upon adjournment of the Senate on February 12, 1996 at the Rail of the Capitol.

All members were present except:

Committee staff present: Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Introduction of bills

David Hanzlick, Kansas Dental Association, requested introduction of a bill that would require fluoridation of all community public water systems where natural fluoride levels are less than the minimum level necessary to protect and maintain dental health. (Attachment 1) Senator Hardenburger made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Langworthy. The motion carried.

Senator Langworthy requested introduction of a bill relating to prescription drugs under the state health care benefits program. Senator Walker made a motion the Committee recommend introduction of the proposed legislation, seconded by Senator Lee. The motion carried.

Adjournment

The meeting was adjourned at 3:55 p.m.

The next meeting is scheduled for February 13, 1996.

HOUSE BILL No. 2714

By Committee on Health and Human Services

1-24

9 AN ACT concerning public water supply systems; requiring the addition
10 of fluorides; amending K.S.A. 65-171m and repealing the existing
11 section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 65-171m is hereby amended to read as follows: 65-
15 171m. The secretary of health and environment shall adopt rules and
16 regulations for the implementation of K.S.A. 65-162a, 65-163, 65-163a,
17 65-170b and 65-171m et seq., and amendments thereto. In addition to
18 procedural rules and regulations, the secretary may adopt rules and reg-
19 ulations providing for but not limited to: (a) Primary drinking water stan-
20 dards applicable to all public water supply systems in the state. The pri-
21 mary drinking water standards may (1) identify contaminants which may
22 have an adverse effect on the health of persons; (2) specify for each con-
23 taminant either a maximum contaminant level that is acceptable in water
24 for human consumption, if it is economically and technologically feasible
25 to ascertain the level of such contaminant in water in public water supply
26 systems; or the treatment techniques or methods which lead to a reduc-
27 tion of the level of the contaminant sufficient to protect the public health,
28 if it is not economically or technologically feasible to ascertain the level
29 of the contaminant in the water in the public water supply system; and
30 (b) establish the (b) the establishment of requirements for adequate mon-
31 itoring, maintenance of records and submission of reports, sampling and
32 analysis of water, citing criteria and review and inspections to insure com-
33 pliance with the contaminant levels or methods of treatment and to insure
34 proper operation and maintenance of the public water supply system; and
35 (c) the definition of different categories of public water supply systems
36 such as community water supply systems and noncommunity water supply
37 systems and may provide for varying requirements for monitoring, main-
38 tenance of records and reporting, sampling and analysis of water, citing
39 criteria, and review and inspections based on numbers of persons served,
40 source of supply whether surface or groundwater or other conditions as
41 the secretary may determine to be in the interest of public health and
42 welfare and economic benefits.

43 The standards established under this section shall be at least as strin-

Senate Public Health & Welfare
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Attachment No. 1

gent as the national primary drinking water regulations adopted under public law 93-523. ~~No primary drinking water standard or rule and regulation may require the addition of fluorides to public water supplies.~~

~~New Sec. 2. (a) In order to promote the public health through the protection and maintenance of dental health, the secretary of health and environment shall adopt rules and regulations requiring the fluoridation of public water systems. By July 1, 1997, each public water supply system which regularly serves an average of more than 3,300 individuals daily at least 60 days out of the year shall provide to the secretary an estimate of the total capital costs to install fluoridation treatment. The rules and regulations adopted by the secretary shall take effect on January 1, 1998.~~

~~(b) The rules and regulations shall include, but not be limited to, the following:~~

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

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

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

~~(4) A schedule for the fluoridation of public water supply systems which regularly serves an average of more than 3,300 individuals daily at least 60 days out of the year, based on the lowest capital cost per connection for each system.~~

~~New Sec. 3. (a) A public water supply system scheduled to fluoridate pursuant to paragraph (4) of subsection (b) of section 2 may comply with the rules and regulations adopted by the secretary pursuant to that section at any time, but is not required to comply until funds sufficient to pay capital costs for the system have become available from any source other than the public water supply system itself. For any year that funds are not appropriated or made available from any source other than the public water supply system itself for the costs described in subsection (g), a public water supply system shall not be required to comply with rules and regulations adopted by the department pursuant to section 2.~~

~~(b) The secretary shall enforce this section and section 2, and all rules and regulations adopted pursuant to these sections, unless delegated pursuant to a local primary agreement.~~

~~(c) If the owner or operator of any public water supply system subject to section 2 fails, or refuses, to comply with any rules and regulations adopted pursuant to section 2, or any order of the secretary implementing these regulations, the attorney general, upon the request of the secretary shall institute mandamus proceedings, or other appropriate proceedings.~~

New Sec. 2. (a) In order to promote public health through the protection and maintenance of dental health, the secretary of health and environment shall adopt rules and regulations requiring fluoridation of all community public water systems ~~serving more than 3300 individuals~~, where natural fluoride levels are less than the minimum level necessary to protect and maintain dental health. All public water supply systems required to fluoridate their drinking water, shall do so no later than July 1, 2001. Upon request by the public water supply system, KDHE may offer technical assistance and training on system installation, operation, and funding.

(b). The rules and regulations shall include, but not be limited to, the following:

(1) The minimum level of natural fluoride to be provided by a public water supply system to be exempted from the requirement to install fluoridation equipment.

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

(3) Requirements and procedures for maintaining proper concentrations of fluoride, including equipment, testing, record keeping, and reporting.

(4) Requirements for the addition of fluorides to public water supply systems where the natural level of fluorides is less than the minimum level specified in the regulations for exemption from fluoridation requirements.

1-3

1 in order to compel compliance with the order, rule or regulation. This
 2 remedy shall be in addition to all other authorized remedies or sanctions.
 3 (d) Neither this section nor section 2 shall supersede subsection (b)
 4 of section 2.
 5 (e) The secretary shall seek all sources of funding for enforcement of
 6 this section and section 2, including, but not limited to:
 7 (1) Federal block grants; and
 8 (2) donations from private foundations.
 9 (f) A public water supply system which regularly serves an average of
 10 less than 3,300 people daily at least 60 days out of the year may elect to
 11 comply with the rules and regulations for fluoridation established pur-
 12 suant to this section and section 2.

13 ~~Sec. 4.~~ K.S.A. 65-171m is hereby repealed.
 14 ~~Sec. 5.~~ This act shall take effect and be in force from and after its
 15 publication in the statute book.

Sec. 3
 Sec. 4