

SENATE BILL 1023

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 1, Part 1 and Title 68, Chapter 221, Part 7, relative to public drinking water.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 7, is amended by adding the following as a new section:

(a) As used in this section, “operator,” “water supply system,” and “water treatment plant” shall have the same meanings as the terms are defined in § 68-221-903.

(b) Each operator of a water treatment plant shall measure and record the amount of fluoride in the plant’s treated water at each interval the operator tests the plant’s treated water for biological contaminants. The operator shall report the measurements and recordings of the amount of fluoride in the plant’s treated water to the department, along with a daily record of the amount of fluoride the operator added to the plant’s treated water and the volume of water treated.

(c) No person who operates a water supply system shall add fluoride to treated water if the total amount of fluoride in the treated water, including naturally occurring fluoride and added fluoride, exceeds seven-tenths of a milligram per liter (0.7 mg/l).

(d)

(1) The amount of naturally occurring fluoride in treated water provided to consumers by an operator of a water supply system shall not

exceed the maximum contaminant level goal for fluoride as established by the United States environmental protection agency (EPA).

(2)

(A) Any person who operates a water supply system that provides treated water containing fluoride to consumers shall provide the following notice, printed in a type size of not less than twelve-point font, on the bottom of the first page of all written communication with consumers:

CAUTION! The water provided by this utility contains added fluoride or naturally occurring fluoride. The Centers for Disease Control and Prevention (CDC) states that children aged birth through eight (8) years are at risk of developing dental fluorosis by consuming fluoride during the time when teeth are forming under their gums. Parents should consult the CDC guidelines for more information about how to protect developing teeth.

(B) In addition to the notice required by subdivision (d)(2)(A), the board shall promulgate rules that require the inclusion in the caution notice of the existing uniform resource locator (URL), or other Internet address, where the public can access the centers for disease control and prevention's guidelines concerning fluoride and how to protect developing teeth.

(3)

(A) If the level of naturally occurring fluoride in water treated by a water supply system meets or exceeds the national secondary drinking water regulations established by the EPA, the person who operates the water supply system shall provide the following notice, printed in a type size of not less than twelve-point

font, on the bottom of the first page of all written communication with consumers:

WARNING! The level of naturally occurring fluoride in the water provided by this utility exceeds the EPA recommended guideline for naturally occurring fluoride. Children eight (8) years of age or younger should be provided with alternative sources of drinking water.

(B) In addition to the notice required by subdivision (d)(3)(A), the board shall promulgate rules that require the inclusion in the notice of the EPA's existing recommended guideline for the maximum amount of naturally occurring fluoride in treated drinking water.

SECTION 2. Tennessee Code Annotated, Section 68-221-713(a)(1), is amended by deleting the word "Any" at the beginning of the sentence and substituting the language "Except as provided in subsection (i), any".

SECTION 3. Tennessee Code Annotated, Section 68-221-713, is further amended by adding the following as a new subsection:

(i)

(1) The amount of any civil penalty assessed for a violation of subsection (c) of Section 1 of this act shall be one thousand dollars (\$1,000) per occurrence.

(2) The amount of any civil penalty assessed for not meeting the notice requirements of subdivision (d)(2) or (d)(3) of Section 1 of this act shall be two hundred dollars (\$200) per occurrence, for each customer that is not provided with the required notice.

SECTION 4. For the purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2016, the public welfare requiring it.