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2022 State Drinking Water Enacted Legislation

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State legislatures in the U.S. introduced 2,081 bills related to drinking water during the 2021–2022 legislative sessions (Figure 1). The National Environmental Health Association tracked 265 bills on drinking water and of those bills, 41 were enacted into law as of July 2022 (Figure 2, Table 1).

California, Massachusetts, New Jersey, and New York introduced the most drinking water legislation with more than 40 bills a piece, followed by Florida and Minnesota with more than 30 bills. On the other hand, Alaska, the District of Columbia, Montana, Nevada, South Dakota, and Wyoming did not introduce any legislation related to drinking water.

California enacted the most legislation, merging several different bills into larger omnibus legislation. New York and Virginia each passed several bills on drinking water. Most states enacted only one or two bills, if they enacted any at all.

The foremost issues were the financing of drinking water programs, water testing, private wells, regulation of per- and polyfluoroalkyl substances (PFAS) in water, and regulation and removal of lead service lines.

Figure 1. Number of Introduced Drinking Water Legislation in 2021–2022 by State Within the United States

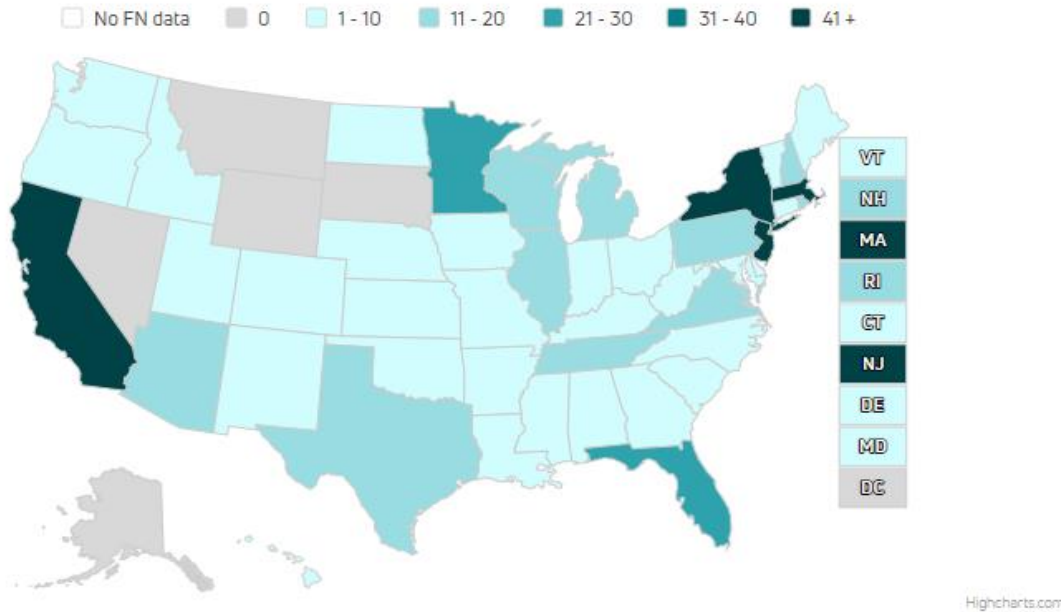
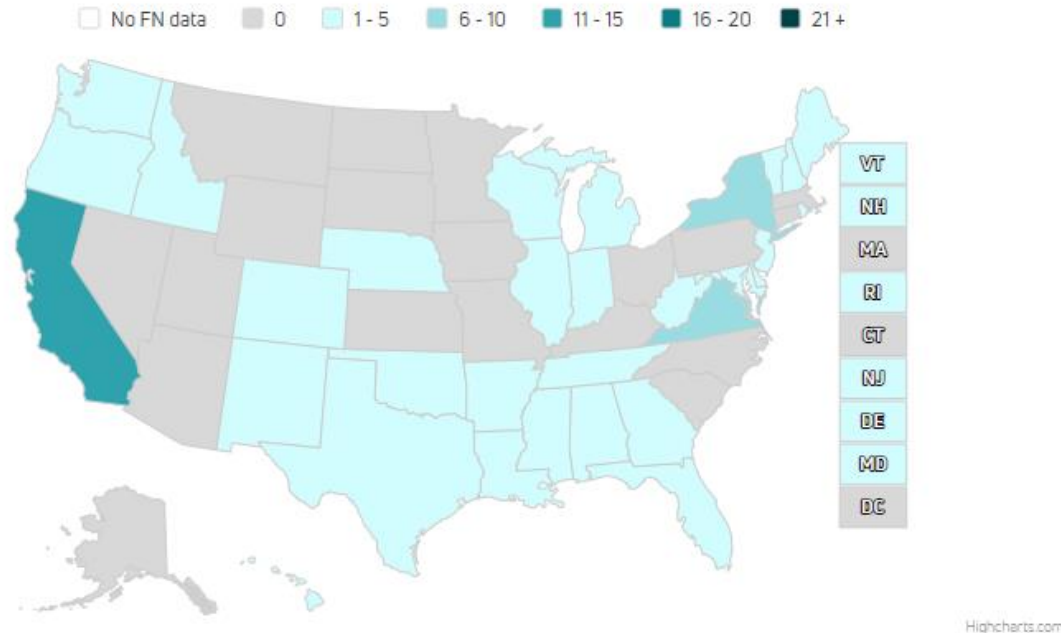


Figure 2. Number of Enacted Drinking Water Legislation in 2021–2022 by State Within the United States



Source: FiscalNote (FN), <https://fiscalnote.com>.

Table 1. Enacted Drinking Water Legislation in 19 States Within the United States (n = 41)

State	Enacted Legislation
California	AB 100, SB 403, SB 776, AB 1250, AB 1428
Colorado	HB 22-1092
Delaware	HB 8
Hawaii	SB 348
Illinois	HB 414, HB 3739
Louisiana	SB 129, HB 342
Maine	SP 64, HP 141, HP 662, HP 1401
Maryland	HB 1069, SB 349, SB 546, HB 636, HB 1069
Michigan	SB 565
Mississippi	HB 1538
New Hampshire	SB 233, HB 271, HB 1421
New Jersey	SB 968, SB 830
New Mexico	SB 37
New York	AB 160, SB 2122, SB 7840, AB 8833
Oklahoma	SB 1325
Rhode Island	SB 2298, HB 7233
Tennessee	SB 740, SB 2417
Washington	HB 1139
West Virginia	SB 246, SB 377

General Drinking Water Legislation

CA SB 403 (Chap. 242), Drinking Water: Consolidation. Authorizes the state to order consolidation with a receiving water system where a public water system or a state small water system that serves a disadvantaged community consistently fails to provide an adequate supply of safe drinking water. The consolidation can also be applied to disadvantaged communities that are substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.

CA SB 776 (Chap. 187), Safe Drinking Water and Water Quality. Expands the application of state water law to small state water systems and consolidates the enforcement authority available to the state board to enforce the terms, conditions, and requirements of its financial assistance programs.

CA AB 1250 (Chap. 713), Water and Sewer System Corporations: Consolidation of Service. Authorizes a water or sewer system corporation to file an application and obtain approval from the commission authorizing the water or sewer system corporation to consolidate with a small community water system or state small water system identified as failing or at risk of failing. The bill establishes the Consolidation for Safe Drinking Water Fund, with all moneys available to the commission to process the applications and cover any associated regulatory costs.

CA AB 1428 (Chap. 64), Safe Drinking Water Act: Applicability. Removes restrictions authorizing water districts to certify that they are providing alternative water for residential or similar uses to achieve the equivalent level of public health.

HI SB 348 (Act 161), Bottled Water. Updates the federal law reference to standards established by the Food and Drug Administration regarding product quality standards for bottled water. Repeals the

requirement that noncarbonated bottled water be transported, stored, processed, or bottled through lines or equipment in which only water is passed.

LA SB 129 (Act. 98), Creates and Provides for the Community Drinking Water Infrastructure Sustainability Act. Provides a statewide system of community water system accountability for the development of a letter grade schedule reflective of community water system quality and performance. Also provides for publication of quality and performance scores and letter grades.

NH SB 233 (Chap. 149), Water Bottle Filling Stations in Schools.

OK SB 1325, Water and Water Rights. Transfers authority of water quality standards to the Department of Environmental Quality.

WV SB 246 (Chap. 94, 2021). Requires newly constructed public schools and public schools with major improvements to have water bottle filling stations.

WV SB 377 (Chap. 216, 2021). Relates to the extension for boiled water advisories by water utility or public service districts. Provides an extension of the deadline by which a water utility company and public service district must provide boiled water advisories through a text or voice alert mass notification system.

Water Testing

LA HB 342 (Chap. 308, 2021), Water, Drinking Water. Authorizes St. Tammany Parish to require laboratory testing for secondary contaminants in drinking water.

NJ SB 830. Requires public water systems to offer drinking water tests to customers in certain circumstances.

NY AB 8833 and NY AB 7840 (Chap. 130). Relates to expenses for potable water testing in school buildings.

NY AB 160 and SB 2122 (Chap. 771), Standards for and Testing of Potable Water in School Buildings. Eliminates certain exemptions, sets minimum standards, and permits building aid for remediation measures.

Private Wells

MD HB 1069 (Chap. 662, 2021), Environment: Private Water Supply Well. Requires an owner of residential rental property that is served by a private water supply well to provide water quality testing every 3 years and to disclose the results to tenants.

ME SP 64 (LD 129), Resolution to Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants. All community water systems and nontransient, noncommunity water systems will conduct monitoring for the level of PFAS detectable using standard laboratory methods established by the U.S. Environmental Protection Agency in effect at the time of sampling. The department will adopt a maximum contaminant level for PFAS.

ME HP 1401 (LD 1891), Act to Continue Support of Safe Drinking Water for Maine Families. The State Housing Authority will provide grants to eligible owners of single-family homes or landlords with private well water that shows evidence of contamination for the treatment of that water.

Financing of Drinking Water Programs

CO HB 22-1092, Loans From Irrigation Districts to Landowners. Allows a board of directors of an irrigation district (board) to borrow money that the irrigation district may use to make loans to landowners. These loans will be used to make improvements to private water delivery systems or for other types of projects that improve water conservation or efficiencies on landowner property.

IL HB 414 (Chap. 102-0262), Creates the Water and Sewer Financial Assistance Act. Provides that the Department of Commerce and Economic Opportunity is authorized to institute a water and sewer assistance program for residents.

MD SB 349 (Chap. 131), Drinking Water Revolving Loan Fund: Use of Funds. Alters the conditions under which the Maryland Drinking Water Revolving Loan Fund can be used to provide certain financial assistance for certain purposes.

MI SB 565 (P.A. 52, 2022), Appropriations: Supplemental. Provides for supplemental funding of drinking water and water infrastructure improvements.

MS HB 1538, Appropriation: Department of Health for the Rural Water Associations Infrastructure Grant Program From the American Rescue Plan Act (ARPA). Makes an additional appropriation to the State Department of Health for the purpose of funding the ARPA Rural Water Associations Infrastructure Grant Program.

NM SB 37 (Chap. 15). Appropriates from the Public Project Revolving Funds to the Drinking Water State Revolving Loan Fund and the Wastewater Facility Construction Loan Fund.

TN SB 740 (Chap. 79), Public Funds and Financing. Increases the amount of time that loans from the drinking water revolving loan fund must be amortized from 20 to 30 years. Also increases the time that such loans must be amortized when made to disadvantaged communities from 30 to 40 years.

TN SB 2417 (Chap. 886), Water. Expands mechanisms that the Department of Environment and Conservation may employ to use federal funds to subsidize loans for wastewater and drinking water facilities. Also authorizes the commissioner to promulgate emergency rules and revises other provisions governing such loan programs.

Per- and Polyfluoroalkyl Substances in Drinking Water

DE HB 8, Act to Amend Title 29 Related to Drinking Water. Mandates the Department of Natural Resources and Environmental Control and the Division of Public Health to establish maximum contaminant levels for specific contaminants found in drinking water in the state. These contaminants include perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), which are man-made chemicals.

NH HB 271 (Chap. 223), - Creates standards for PFAS in drinking water and ambient groundwater.

RI HB 7233 and SB 2298, PFAS In Drinking Water, Groundwater, and Surface Waters. Authorizes the Department of Health to establish maximum contaminate levels for PFAS in drinking water and to set interim standards. Requires the Department of Environmental Management to set standards for PFAS in groundwater and surface waters. Defines PFAS as a hazardous substance.

Lead Hazards or Lead Service Lines

CA AB 100 (Chap. 692), Drinking Water: Endpoint Devices and Lead Content. Prohibits a person from introducing into commerce or offering for sale an endpoint device that does not meet the standard for lead leaching. The bill requires the consumer-facing product packaging or product labeling of an endpoint device to contain specified lettering if the endpoint device meets the standard for lead leaching and the described definition of lead free.

IL HB 3739 (Pub. Act 102-0613), Lead Service Line Replacement. Creates the Lead Service Line Replacement Fund to be used to finance and administer programs and activities specified under the act. Requires the Illinois Environmental Protection Agency (IL EPA) to establish procedures for the collection of a specified fee for lead in drinking water protection to be collected by all community water supplies. Requires the owner or operator of each community water supply to perform specified activities. Creates the Lead Service Line Replacement Advisory Board within the IL EPA to perform specified duties.

ME HP 141 (Chap. 44), Lead Testing in School Drinking Water Rule. Creates a major substantive rule for the Department of Health and Human Services within the Maine Center for Disease Control and Prevention to change the actionable lead level from 15 ppb to 4 ppb and to make other minor edits.

MD HB 636 (Chap. 237) and SB 546 (Chap. 238), School Building Drinking Water Outlets: Elevated Level of Lead (Safe School Drinking Water Act). Alters the definition of elevated level of lead for purposes of certain provisions of law that require the periodic testing for the presence of lead in drinking water outlets in occupied public and nonpublic school buildings. Requires schools to take remedial measures on any drinking water outlets tested on or before June 1, 2021, if the test indicated a concentration of lead that was >5 ppb but <20 ppb.

NH HB 1421 (Chap. 325), Lead in School Drinking Water. Requires public and private schools and licensed childcare facilities to install water bottle filling stations or to test and remediate all water outlets at the facility for lead hazards.

NJ SB 968 (Chap. 82, 2021). Requires public water systems to provide notice of elevated lead levels in drinking water to customers and local officials. Requires landlords to notify tenants of elevated lead levels.

WA HB 1139 (Chap. 154, 2021), Action to Address Lead in Drinking Water in Schools with Plumbing pre-2016. Requires that drinking water outlets in elementary and secondary school buildings built, or with all plumbing replaced, before 2016 be tested for the presence and level of lead contamination by June 30, 2026, and every 5 years after. The legislature also intends to require that schools notify the school community of lead test results and develop action plans for remediation if test results exceed the health-based standard of 5 ppb.