

## SENATE BILL No. 333

By Committee on Federal and State Affairs

1-15

1 AN ACT concerning water; relating to public water systems; prohibiting  
2 the use of fluoride additives in such systems; amending K.S.A. 19-  
3 3521a, 65-162a and 65-171m and K.S.A. 2025 Supp. 65-171r and  
4 repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 19-3521a is hereby amended to read as follows: 19-  
8 3521a. The governing body of any water district created and operating  
9 under the provisions of K.S.A. 19-3501 to 19-3521, and amendments  
10 thereto, may provide for the chlorination~~and fluoridation~~ of the public  
11 water supply of such water district and such other processing of the public  
12 water supply in~~said such~~ district as the board may determine to be  
13 advisable for the purpose of improving the public water supply,~~except that~~  
14 ~~before such public water supply shall be fluoridated: (a) The board shall~~  
15 ~~publish a notice once each week for three (3) consecutive weeks in a~~  
16 ~~newspaper of general circulation in the water district stating its intent to~~  
17 ~~fluoridate such water supply and, if within ten (10) days after the last~~  
18 ~~publication of such notice, a petition opposing the fluoridation of said~~  
19 ~~water supply, signed by a number of qualified registered electors of the~~  
20 ~~water district at least equal to five percent (5%) of the total number of~~  
21 ~~votes cast in said water district at the last preceding general election for the~~  
22 ~~office of secretary of state, is filed with the water district board of the~~  
23 ~~water district, then the board shall not fluoridate said water supply unless~~  
24 ~~and until the proposition to fluoridate said water supply is submitted to a~~  
25 ~~vote of the electors of the district at a regular election of members of the~~  
26 ~~board of the water district and a majority of those voting on the~~  
27 ~~proposition shall have voted in favor thereof; or (b) the board may, if it so~~  
28 ~~determines and publishes a notice of such determination as provided under~~  
29 ~~(a) herein, submit the proposition to fluoridate said water to a vote of the~~  
30 ~~electors of the district at a regular election of members of the board of the~~  
31 ~~water district; or (c) upon a petition proposing the fluoridation of said~~  
32 ~~water supply signed by a number of registered legal electors of the water~~  
33 ~~district at least equal to five percent (5%) of the total number of votes cast~~  
34 ~~in said water district at the last preceding general election for the office of~~  
35 ~~secretary of state being filed with the water district board requesting that~~  
36 ~~the proposition to fluoridate said water be submitted to a vote, the board~~

1 shall publish a notice of the filing of such petition as provided under (a)  
2 herein and shall so submit the proposition to fluoridate said water to a vote  
3 of the electors of the district at a regular election of members of the board  
4 of the water district; and (d) the board shall be bound by the vote of the  
5 majority of those voting on the proposition at any election as herein  
6 provided. Such election shall be governed by the provisions of K.S.A. 19-  
7 3507 insofar as the same can be made applicable and the proposition shall  
8 be stated on the ballot in the following form:

9 "Shall the governing body of water district No. \_\_\_\_\_ of  
10 \_\_\_\_\_ county fluoridate the public water supply of said water  
11 district?"

12 Yes ☐ \_\_\_\_\_

13 No ☐ \_\_\_\_\_

14 If the board shall fluoridate the public water supply of said district it  
15 shall be in accordance with the recommendations and standards of the  
16 secretary of health and environment.

17 Sec. 2. K.S.A. 65-162a is hereby amended to read as follows: 65-  
18 162a. As used in K.S.A. 65-163 and, 65-163a; and in K.S.A. 65-171m to  
19 through 65-171t, inclusive, unless the context clearly requires otherwise,  
20 the following words and phrases shall have the meanings respectively  
21 ascribed to them in this section and amendments thereto:

22 (a) "Person" means an individual, corporation, company, association,  
23 partnership, state, municipality or federal agency.

24 (b) "Public water supply system" means a system for the provision to  
25 the public of piped water for human consumption, if such system has at  
26 least ten (10) service connections or regularly serves an average of at least  
27 twenty-five (25) individuals daily at least sixty (60) days out of the year.  
28 Such term includes any source, treatment, storage or distribution facilities  
29 under control of the operator of the system and used primarily in  
30 connection with the system, and any source, treatment, storage or  
31 distribution facilities not under such control but which are used in  
32 connection with such system.

33 (c) "Secretary" means the secretary of health and environment.

34 (d) "Supplier of water" means any person who owns or operates a  
35 public water supply system.

36 (e) "Water quality additive" means any chemical, additive or  
37 substance that is used in a public water supply system for the purpose of:

38 (1) Meeting or surpassing primary or secondary drinking water  
39 standards;

40 (2) preventing, reducing or removing contaminants; or

41 (3) improving water quality.

42 Sec. 3. K.S.A. 65-171m is hereby amended to read as follows: 65-  
43 171m. (a) The secretary of health and environment shall adopt rules and

1 regulations for the implementation of ~~this act~~ *K.S.A. 65-162a, 65-163, 65-*  
2 *163a, 65-170b, 65-171m, 65-171n, 65-171o, 65-171p, 65-171q, 65-171r,*  
3 *65-171s and 65-171t, and amendments thereto.* In addition to procedural  
4 rules and regulations, the secretary may adopt rules and regulations  
5 providing for but not limited to:

6 ~~(a)~~(1) Primary drinking water standards applicable to all public water  
7 supply systems in the state. The primary drinking water standards may:

8 ~~(1)~~(A) Identify contaminants ~~which~~ *that* may have an adverse effect  
9 on the health of persons; *and*

10 ~~(2)~~(B) specify for each contaminant either a maximum contaminant  
11 level that is acceptable in water for human consumption, if it is  
12 economically and technologically feasible to ascertain the level of such  
13 contaminant in water in public water supply systems, or the treatment  
14 techniques or methods ~~which~~ *that* lead to a reduction of the level of the  
15 contaminant sufficient to protect the public health, if it is not economically  
16 or technologically feasible to ascertain the level of the contaminant in the  
17 water in the public water supply system; ~~and~~

18 ~~(b)~~(2) establish the requirements for adequate monitoring,  
19 maintenance of records and submission of reports, sampling and analysis  
20 of water, citing criteria and review and inspections to insure compliance  
21 with the contaminant levels or methods of treatment and to insure proper  
22 operation and maintenance of the public water supply system; *and*

23 ~~(c)~~(3) ~~the definition of~~ *define* different categories of public water  
24 supply systems, such as community water supply systems and  
25 noncommunity water supply systems, and may provide for varying  
26 requirements for monitoring, maintenance of records and reporting,  
27 sampling and analysis of water, citing criteria, and review and inspections  
28 based on numbers of persons served, source of supply whether surface or  
29 groundwater or other conditions as the secretary may determine to be in  
30 the interest of public health and welfare and economic benefits.

31 (b) The standards established under this section shall be at least as  
32 stringent as the national primary drinking water regulations adopted under  
33 public law 93-523. No primary drinking water standard or rule and  
34 regulation may require the addition of fluorides to public water supplies.

35 Sec. 4. K.S.A. 2025 Supp. 65-171r is hereby amended to read as  
36 follows: 65-171r. The following acts are prohibited:

37 (a) The operation of a public water supply system without first  
38 obtaining a valid public water supply system permit under K.S.A. 65-163,  
39 and amendments thereto;

40 (b) the operation of a public water supply system in violation of the  
41 conditions of the public water supply system permit under K.S.A. 65-163,  
42 and amendments thereto;

43 (c) the failure of a supplier of water under investigation to furnish

1 information to the secretary under K.S.A. 65-163, and amendments  
2 thereto;

3 (d) the failure of a supplier of water to comply with any final order of  
4 the secretary issued under the provisions of K.S.A. 65-163 or 65-163a, and  
5 amendments thereto;

6 (e) the failure of a supplier of water to comply with a primary  
7 drinking water standard established under K.S.A. 65-171m, and  
8 amendments thereto, and rules and regulations adopted pursuant thereto  
9 unless a variance or exception has been granted;

10 (f) the failure of a supplier of water to comply with the rules and  
11 regulations of the secretary for monitoring, maintenance of records and  
12 submission of reports, sampling and analysis of water and inspections  
13 adopted under K.S.A. 65-171m, and amendments thereto;

14 (g) the failure of a supplier of water to give notice as required under  
15 K.S.A. 65-171o, and amendments thereto, and rules and regulations  
16 adopted pursuant thereto;

17 (h) using any pipe, solder or flux in the installation or repair of any  
18 public water supply system or any plumbing in a residential or  
19 nonresidential facility providing water for human consumption, that is not  
20 lead-free;

21 (i) the sale of unmarked lead solders and fluxes. A seller of lead  
22 solders and fluxes in Kansas shall not sell any solder or flux containing  
23 more than .2% lead unless the seller displays a sign and a label is affixed  
24 to such product that states: "Contains lead: Kansas law and federal law  
25 prohibits the use of this product in any plumbing installation providing  
26 water for human consumption.";

27 (j) the application of fertilizers, pesticides or other chemicals by any  
28 person through any lawn irrigation system connected to a public water  
29 supply system except that in areas where the public water supply system  
30 has adopted a program for the detection and elimination of cross  
31 connections and prevention of backflow and backsiphonage that has been  
32 approved by the secretary of health and environment, such application may  
33 be permitted by the public water supply system upon its periodic  
34 inspection and current approval of the installed air gap or reduced pressure  
35 zone backflow prevention device that isolates the irrigation system; ~~and~~

36 (k) the use by any person of a public water supply system as a source  
37 of make-up water for bulk chemical application tanks except that:

38 (1) In areas where the public water supply system has adopted a  
39 program for the detection and elimination of cross connections and  
40 prevention of backflow and backsiphonage that has been approved by the  
41 secretary of health and environment, such use may be permitted by the  
42 public water supply system upon its periodic inspection and current  
43 approval of an air gap or reduced pressure zone backflow prevention

1 device to protect the public water supply; and

2 (2) in areas where the public water supply system has not adopted a  
3 program approved by the secretary of health and environment, such use  
4 shall be permitted if an air gap or reduced pressure zone backflow  
5 prevention device is used and such device meets nationally recognized  
6 standards, as determined by the secretary of health and environment; *and*

7 *(l) the use of any additive in a public water supply system that is not*  
8 *a water quality additive as defined in K.S.A. 65-162a, and amendments*  
9 *thereto.*

10 Sec. 5. K.S.A. 19-3521a, 65-162a and 65-171m and K.S.A. 2025  
11 Supp. 65-171r are hereby repealed.

12 Sec. 6. This act shall take effect and be in force from and after its  
13 publication in the statute book.