

JAN 17 2025

A BILL FOR AN ACT

RELATING TO SAFE DRINKING WATER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State's drinking
2 water is important to sustain a healthy life. As a vital factor
3 in making our State the healthiest or among the healthiest in
4 the nation, it is imperative to maintain its waters as pure as
5 possible, except for those chemicals necessary to make it safe
6 and potable for human consumption. This is also consistent with
7 article XI, section 9, of the Hawaii State Constitution, which
8 grants each person the right to a clean and healthful
9 environment.

10 The legislature notes that the State's drinking water laws
11 are broader than section 1412(b)(11) of the federal Safe
12 Drinking Water Act (42 U.S.C. 300g-1(b)(11)), which states that
13 "[n]o national primary drinking water regulation may require the
14 addition of any substance for preventative health care purposes
15 unrelated to contamination of drinking water."

16 The legislature believes that to guarantee the protection
17 of the State's good drinking water for present and future



1 generations, the State's drinking water laws should be aligned
2 with the federal Safe Drinking Water Act. Doing so would
3 simultaneously protect an individual's right to informed consent
4 when mandated to ingest any chemical for medical or preventive
5 treatment of the individual's physical or mental body while also
6 protecting the subset of the population that is more vulnerable
7 to unnecessary chemicals such as the embryo or fetus, those with
8 chronic or end-stage kidney disease, those with auto-immune
9 disorders like rheumatoid arthritis or Parkinson's disease,
10 those who are chemically sensitive, those with cancer or
11 terminal diseases, and the elderly.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Prohibit any state or county law, rule, ordinance, or
14 regulation from requiring the addition of any
15 substance, product, or chemical for preventative
16 health care or medical purposes that is unrelated to
17 chemicals necessary for protection against
18 contamination of drinking water to any public water
19 system; and
- 20 (2) Establish quality control and public safety
21 requirements if the federal Safe Drinking Water Act is



1 amended to authorize a federal regulation to allow
2 every state to use their drinking water systems to
3 dispense medication for treating the physical or
4 mental function of a person's body.

5 SECTION 2. Chapter 340E, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 **"§340E- Chemical additives to public water systems;**
9 **prohibited.** (a) In addition to the prohibited acts specified
10 in section 340E-7, no state or county law, rule, ordinance, or
11 regulation shall require the addition of any substance, product,
12 or chemical for preventative health care or medical purposes,
13 such as treating or affecting the physical or mental functions
14 of the body of any person, that is unrelated to chemicals
15 necessary for protection against contamination of drinking
16 water, to any public water system.

17 (b) If the federal Safe Drinking Water Act is amended to
18 allow a federal regulation allowing every state to use their
19 drinking water systems to dispense chemicals or medication for
20 treating the physical or mental function of a person's body, the



1 following quality control and public safety requirements of the
2 chemical or medical additive to be used shall apply:

3 (1) The department shall conduct an independent
4 environmental assessment to determine the impact of
5 the federal regulation, which shall include the
6 regulation's cost effectiveness, safer and more
7 economical alternatives, wastewater discharge effects,
8 potential harm to reef and marine life, impact of
9 buildup in agriculture farm products, and impact of
10 bio-accumulative buildup in a person's body. The
11 environmental assessment shall also consider the most
12 vulnerable subset of the population, such as the
13 unborn fetus or embryo, young children, the chemically
14 sensitive, those with end-stage renal disease,
15 diabetics, those with chronic or immunosuppressive
16 diseases, those with heart disease, and the elderly.
17 The environmental assessment shall also analyze the
18 effects of long-term exposure to the chemical or
19 medical additive to various functions or organs of the
20 human body, such as the intelligence quotients of
21 young children; provided that the federal regulation:



1 (A) Specifies the chemical or medication to be added
2 and the quality standards or specifications that
3 apply; and

4 (B) Includes a federal guarantee of acceptance of
5 liability due to any long-term adverse effects of
6 the chemical or medication specified for use to
7 avoid future class action lawsuits against the
8 State;

9 (2) To the extent permissible under federal regulation of
10 public drinking water supplies, the chemical or
11 medical additive specified in the federal regulation
12 shall be:

13 (A) Pharmaceutical grade or equivalent;

14 (B) Tested and approved for safety and effectiveness
15 by the United States Food and Drug
16 Administration; and

17 (C) Tested using the following additional safety
18 tests if not already tested by the United States
19 Food and Drug Administration:

20 (i) The chemical or medical additive shall have
21 been tested for safety using the maximum



1 contaminant levels for contaminants allowed
2 by the standard or specification, plus a
3 safety factor of one hundred, as is
4 typically used by the United States Food and
5 Drug Administration for chemical additives
6 to food to minimize any adverse reactions to
7 the most sensitive population; and

8 (ii) If the chemical or medical additive, in
9 combination with other body minerals, forms
10 a thermoluminescent phosphor material, which
11 is known to create positive charges with
12 unpaired electrons when exposed to radiation
13 or x-rays, testing shall have been done to
14 determine any adverse health effects. For
15 the purposes of this clause,
16 "thermoluminescent phosphor material"
17 includes but is not limited to calcium
18 fluoride, lithium fluoride, calcium sulfate,
19 and fluorapatite; and

20 (3) To the extent permissible under federal regulation of
21 public drinking water supplies, the chemical or



1 medical additive specified in the federal regulation
2 shall not:

3 (A) Be industrial-grade chemical additives;

4 (B) Contain any contaminants that would exceed the
5 maximum contaminant level goals established by
6 the United States Environmental Protection
7 Agency; and

8 (C) Increase corrosion of the water piping system
9 material components or increase leaching of heavy
10 metals, such as lead from solder or brass
11 components, in a manner that another chemical
12 additive will be required to minimize corrosion.

13 No state or county law, rule, ordinance, or regulation shall
14 supersede the requirements of this subsection."

15 SECTION 3. If any provision of this Act, or the
16 application thereof to any person or circumstance, is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.

21 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY: 



S.B. NO. 682

Report Title:

Department of Health; Safe Drinking Water; Safe Drinking Water Act; Chemical Additive; Requirements; Prohibition

Description:

Prohibits any state or county law, rule, ordinance, or regulation from requiring the addition of any substance, product, or chemical for preventative health care or medical purposes, that is unrelated to chemicals necessary for protection against contamination of drinking water, to any public water system. Establishes quality control and public safety requirements if the Safe Drinking Water Act is amended to authorize a federal regulation to allow every state to use the drinking water system to dispense chemicals or medication for treating the physical or mental function of a person's body.

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