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## A BILL FOR AN ACT

RELATING TO LEAD MATERIALS IN WATER INFRASTRUCTURE.

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

1       SECTION 1. The legislature finds that the presence of lead  
2 in drinking water has serious negative effects on human health.  
3 Nationally, there has been a heightened focus on decreasing lead  
4 exposure, particularly in drinking water. The legislature  
5 further finds that to enhance public health protection, it is  
6 necessary for the State to align its lead use regulations with  
7 the more restrictive corresponding federal regulations.

8       The purpose of this Act is to strengthen restrictions on  
9 lead use in drinking water by amending chapter 340E, Hawaii  
10 Revised Statutes, to align with federal lead use prohibitions as  
11 adopted in title 40 Code of Federal Regulations sections 143.12  
12 and 143.13.

13       SECTION 2. Section 340E-7, Hawaii Revised Statutes, is  
14 amended by amending subsection (i) to read as follows:

15       "(i) No person shall install or repair any public water  
16 system or any plumbing in a residential or nonresidential  
17 facility providing water for human consumption ~~[which]~~ that is  
18 connected to a public water system with any pipe, solder, flux,

## H.B. NO. 2316

1 pipe fittings, plumbing fittings, or fixtures that are not lead  
2 free. "Lead free" with respect to [~~solders~~] solder and flux  
3 means containing not more than 0.2 per cent lead, and with  
4 respect to wetted surfaces of pipes [~~and~~], pipe fittings,  
5 plumbing fittings, and fixtures means containing not more than  
6 ~~[8.0 per cent lead and with respect to plumbing fittings and~~  
7 ~~fixtures means those in compliance with National Sanitation~~  
8 ~~Foundation Standard 61, section 9.] a weighted average of 0.25~~  
9 ~~per cent lead, as calculated in accordance with title 40 Code of~~  
10 ~~Federal Regulations section 143.12(b) through (f).~~ This  
11 subsection shall not apply to [~~leaded~~]:

12       (1) Leaded joints necessary for the repair of cast iron  
13             pipes[~~-~~];

14       (2) Pipes, pipe fittings, plumbing fittings, or fixtures,  
15             including backflow preventers, that are used  
16             exclusively for nonpotable service such as  
17             manufacturing, industrial processing, irrigation,  
18             outdoor watering, or any other uses where the water is  
19             not anticipated to be used for human consumption;

20       (3) Toilets, bidets, urinals, fill valves, flushometer  
21             valves, tub fillers, shower valves, fire hydrants,

H.B. NO. 2316

1 service saddles, or water distribution main gate  
2 valves that are two inches in diameter or larger; or  
3 (4) Clothes washing machines, emergency drench showers,  
4 emergency face wash equipment, eyewash devices, fire  
5 suppression sprinklers, steam-capable clothes dryers,  
6 and sump pumps."

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10  
11 INTRODUCED BY:

Nudine K. Nelson

12 BY REQUEST

JAN 26 2026

# H.B. NO. 2316

**Report Title:**

Department of Health; Drinking Water; Water Infrastructure;  
Lead-free Materials

**Description:**

Amends prohibitions on the use of lead materials in drinking water distribution to align with the Safe Drinking Water Act and related Code of Federal Regulations.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO LEAD MATERIALS IN WATER INFRASTRUCTURE.

PURPOSE: To align chapter 340E, Hawaii Revised Statutes (HRS), with federal standards on lead in drinking water codified in 40 Code of Federal Regulations (C.F.R.) sections 143.12 through 143.13 to protect public health by adding more stringent restrictions on lead in drinking water systems.

MEANS: Amend section 340E-7(i), HRS.

JUSTIFICATION: The Safe Drinking Water Act of 1974 (P.L. 93-523) allows the United States Environmental Protection Agency (EPA) to authorize states to exercise primary enforcement responsibility (primacy) for regulating public water systems. Hawaii was granted primacy by the EPA to enforce the Safe Drinking Water Act. Title 40 C.F.R. section 142.10 sets out requirements for state primacy, which include that states must adopt regulations that are no less stringent than federal regulations. Updates to title 40 C.F.R. sections 143.12 through 143.13 were adopted effective October 1, 2020, to strengthen restrictions on lead in drinking water. This bill is necessary to align state standards with the updated federal standards to continue to meet the requirements for state primacy.

Impact on the public: Public health will be protected by minimizing exposure to lead in drinking water.

Impact on the department and other agencies: Agencies that may be responsible for installing or modifying materials in plumbing or facilities providing drinking water connected to a public water system. The Department's regulatory responsibilities

would not be significantly impacted as the Department currently regulates lead in drinking water. If this bill is enacted, the Department would enforce the updated regulation.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HTH 840.

OTHER AFFECTED  
AGENCIES: The Department of Accounting and General Services, the Department of Education, and other agencies that may be responsible for installing or modifying materials in plumbing or facilities providing drinking water connected to a public water system.

EFFECTIVE DATE: Upon approval.