



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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7700 East First Place | Denver, CO 80230
ph (303) 364-7700 fax (303) 364-7800

www.ncsl.org

2015 State Environmental Health Legislation - Enacted

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Compiled by Doug Farquhar

As of the end of 2015, NCSL has identified 1809 bills related to environmental health. 326 bills have been enacted or adopted by state legislatures in 2015. Popular topics are Carbon Monoxide Detectors, the banning of microbeads, chemical safety and water quality.

Three enacted bills addressed the environmental health profession:

IN S 556 (Act No. 86) Sanitary Conditions and Sanitary Facilities. Provides that local health officers are food environmental specialists subordinate to the state department, provides guidelines for uniform enforcement throughout the state.

MD H 556 (Act No. 94) Environmental Health Specialists Act. Alters the frequency with which officers of the State Board of Environmental Health Specialists must be elected; requires the Board to appoint an executive director; establishes specified duties of the executive director; relates to geographic information systems and soil science.

SD H 1058 (Act No. 181) Contagious Disease Control Act. Revises provisions regarding contagious disease control quarantine measures; relates to a common carrier doing business across state borders; authorizes inspection of such conveyances and quarantine of all persons and luggage in the conveyance if found to be contaminated or containing a disease-causing agent; provides penalties for a person who intentionally exposes himself or herself or another person infected with any contagious communicable disease in any public place.

Asthma

State legislatures introduced 58 bills in 20 states regarding asthma; 2 were adopted and 8

enacted. Most bills addressed Epinephrine Auto Injectors at schools, either allowing students or faculty to use epinephrine.

Ohio Act No. 2015-28 permits schools and camps to procure and use inhalers for asthmatics, as does Texas S 66 (Act No. 180) and Virginia H 2216 (Act No. 387). Utah S 147 (Act No. 332) permits qualified entities to obtain a prescription for a supply of epinephrine.

Body Art/Tattoo

Of a total of 38 bills, state legislatures enacted 6 bills on body art or tattooing.

Arkansas H 1177 (Act No. 409) Natural Hair Braiding Protection Act – exempts braiding from Cosmetology Committee. New Mexico Act No. 129 creates a board of body art practitioners. Oregon H 2296 expands the authority of the Board of Body Art to include electrologists.

Montana H 81 (Act No. 15) provides for barbers to receive a nonchemical license.

New Mexico S 275 (Act No. 129) creates the Board of Body Art Practitioners.

New York S 1421 (Act No. 230) amends the Public Health Law, requires tattoo studios and body piercing studios to use single-use needles and inks.

Children’s Environmental Health

Georgia adopted HR 144 and SR 105, designating February 5, 2015 as High Performance Health Schools Day at the Capitol, promoting healthy and safe schools. Pennsylvania HR 157 recognizes April 7, 2015 as ‘National Healthy Schools Day.’

Texas S 265 (Act No. 1139) permits a student to possess and use a topical sunscreen product while on school property or at a school-related event or activity.

Drinking Water/Waste Water

Drinking Water was one of the more active subjects, with 181 bills being introduced in 42 states. Of these 42 were either adopted or enacted. Waste Water was addressed in 209 bills, being enacted or adopted in 42 pieces of legislation.

The Louisiana legislature clarified its intent regarding public water systems, directing the Department of Health to issue rules for drinking water disinfection (LA HCR 54). Puerto Rico adopted legislation to look into drinking water contamination and adequacy of supply (PR HR 319; SR 502; HR 562).

Arkansas H 1067 (Act No. 335) addresses water quality regulations and wastewater discharge permits, authorizes implementation of nutrient water quality trading.

California S 385 (Act No. 272) authorizes the State Water Resources Control Board to grant a period of time to achieve compliance with the primary drinking water standard for hexavalent chromium. CA A 434 (Act No. 663) requires the State Water Resources Control Board to adopt regulations governing the use of point-of-entry and point-of-use treatment by a public water

system in lieu of centralized treatment where it can be demonstrated that centralized treatment is not immediately economically feasible. A 496 (Act No. 664) authorizes the State Department of Education to receive funds from available State and federal sources, to be allocated to school districts for purposes of complying with the requirement for providing access to drinking water.

Connecticut enacted two bills on water – S 865 and S 1045. S 845 (Act No. 15-105) addresses the installation of oversized water mains, as well as potable drinking water. S 1045 (Act No. 15-95) relates to municipal plans of conservation and development by identifying areas served by existing sewerage systems, areas where sewerage systems are planned, and areas where sewers are to be avoided.

Delaware enacted H 9 (Act No. 13), creates an Advisory Council to assist the Secretary of the Department of Health and Social Services in implementing regulations. It also exempts owners of seasonal public water systems, restaurants, hotels and similar businesses from the requirement to operate with a licensed public water supply operator.

Hawaii H 1140 (Act No. 2015-120) provides an income tax credit for the cost of converting a cesspool to a septic system or an aerobic treatment unit system or connecting to a sewer system.

New Jersey established the Water Infrastructure Protection Act, which authorizes local entities and regional utilities to lease or sell water or wastewater assets to a private entity if an emergent conditions exists. (NJ A 3628; Act No. 2015-8).

In response to the Toledo water contamination situation, Ohio enacted SB 1 (Act No. 2015-4), which prohibits application of fertilizer and manure in the western basin of Lake Erie on certain ground or soil and during certain weather conditions; requires certification of persons applying manure from a concentrated animal feeding facility; prohibits deposit of dredged materials in Lake Erie.

Rhode Island enacted two laws that amends the 2007 Cesspool Act. H 5668 (Act No. 2015-163) requires the identification and replacement of cesspools on all properties throughout the state that are subject to sale or transfer. S 369 (Act No. 2015-185) addresses replacing individual sewage disposal systems with onsite wastewater treatment systems.

Texas S 912 (Act No. 251) provides a volume-based exemption from reporting requirements for accidental discharges or spills from wastewater facilities which may cause water pollution. H 1902 (TX Act No. 545) relates to the regulation and use of treated graywater and alternative onsite water for toilet and urinal flushing. H 2031 (TX Act No. 756) relates to the diversion, treatment, and use of marine seawater and the discharge of treated marine seawater and waste resulting from the desalination.

Virginia enacted several bills relating to water. S 811 (Act No. 241) requires an evaluation of existing statutory and regulatory tools for ensuring that hazardous chemical storage is

conducted in a manner that is protective of human health, public safety, drinking water resources, and the environment. VA H 1871 (Act No. 465) requires certification of well water systems to register wells being constructed in ground water management areas.

Indoor Air Quality – Asbestos, Carbon Monoxide, Lead, Mold, Radon

Indoor air quality saw 146 bills in 32 states in 2016; with 29 being enacted or adopted.

Delaware enacted the New Home Buyers Fire Protection Act (H 133; Act No. 145) which provides new purchasers of homes information on automated sprinkler systems.

Washington passed the nation's first healthy housing act (H 1720; Act No. 50), which provides for funds for healthy housing improvements to homes undergoing weatherization; defines healthy housing improvements to mean increases in the health and safety of a home by integrating energy efficiency activities and indoor environmental quality measures.

Asbestos

Missouri recognized September 26th as Mesothelioma Day (SCR 4). Montana H 434 (Act No. 309) revises the Asbestos Control Act, requires a 5-day review period for small asbestos projects and establishes an asbestos advisory group to advise the Department of Environmental Quality.

Puerto Rico SR 611 provides for a study of asbestos in the town of Penuelas.

Oregon S 705 (Act No. 583) requires the Environmental Quality Commission to adopt rules prohibiting the demolition of a residence or residential building unless an asbestos survey has been conducted by an inspector accredited in accordance with rules adopted by the commission. Utah H 229 (Act No. 154) modifies the powers and duties of the Air Quality Board and the Director of the Division of Air Quality as they relate to the asbestos worker certifications; modifies fee and asbestos testing provisions.

Carbon Monoxide Alarms

Illinois H 152 (Act No. 470) requires carbon monoxide alarms be installed in schools. Maine S 216 (Act No. 375) requires carbon monoxide detectors in all eating and lodging places, educational facilities including dormitories, fraternities and sororities, all children's homes, child care facilities and residential care facilities.

Maryland S 107 (Act No. 151) specifies which hotels and lodging facilities must have a carbon monoxide alarm. Nebraska enacted the Carbon Monoxide Safety Act (L 34) requires any multifamily or single-family dwelling that has a fuel-fired heater or appliance, a fireplace, or an attached garage to have a carbon monoxide alarm installed within the dwelling.

New Jersey requires that an application for a permit to construct a structure shall not be complete without containing provisions for the placement of carbon monoxide detectors (A

4073; Act No. 2015-146). Utah S 22 (Act No. 185) modifies references in the State Fire Code that relates to carbon monoxide detection systems.

Virginia S 490 (Act No. 632) requires a landlord to maintain any carbon monoxide alarm that has been installed by the landlord in a dwelling unit; requires a landlord to install such alarm at the request of the tenant.

Lead

Connecticut enacted Childhood Lead Poisoning Prevention and Control (H 6884; Act No. 15-172) which concerns the department of public health's recommendations regarding childhood lead poisoning prevention and control.

New Hampshire S 135 (Act No. 2015-250) relates to lead poisoning in children; requires a notice to the owner or registered agent of the child's dwelling that a lead exposure hazard exists; prohibits subsequent eviction actions; establishes the childhood poisoning prevention and lead screening commission to assess existing screening rates in relation to the Department of Health and Human Services' screening guidelines.

Tennessee S 91 (Act No. 56) amends requirements for use of lead free hardware and plumbing fixtures with respect to drinking water.

Virginia H 2103 (Act No. 411) relates to the state board for asbestos, lead and home inspectors, making it unlawful for any person who is not a certified home inspector and who has not successfully completed the training module required by existing law to conduct such inspection on any new residential structure.

Mold

California S 655 (Act No. 720) addresses mold in rental properties; maintains that tenants are not obligated to repair their dwelling from mold damage, and landlords have the right to enter these properties to repair the damage.

New Hampshire S 125 (Act No. 2015-208) requires persons providing residential mold assessment services for mold contamination in residential dwellings be certified by certain professional organizations.

In New York, mold assessment and remediation specialists must be licensed and follow minimum work standards (A 4759; Act No. 90).

Radon

Iowa H 371 (Act No. 20) allows for a certified radon inspector to disclose the results of a radon test to a potential buyer of a property. New Hampshire H 498 (Act No. 2015-171) revises the radon notice required prior to the sale of real property and establishes a similar notice requirement regarding arsenic.

In Oregon, the Health Authority must disseminate to school districts information related to elevated levels of radon, directs school districts to develop plan for testing schools for elevated levels of radon, requires initial testing of schools to occur on or before a specified date (H 2931; Act No. 729).

Virginia H 1723 (Act No. 298) relates to radon and persons certified as proficient to offer screening, testing, and mitigation.

Pesticides/Mosquito Control

In 2016 legislatures introduced 129 bills on pesticide control, with 18 being enacted. California ACR 51, which provides that April 19 through the 25, 2015 is West Nile Virus and Mosquito and Vector Control Awareness Week, was the only bill adopted on mosquito control.

Arizona enacted S 1078 (Act No. 80), provides licensure requirements for use of pesticides; amends certification requirements for political subdivision employees under certain circumstances.

California S 328 (Act No. 278) requires the landlord or the landlord's authorized agent, to provide a tenant with notice of the use of pesticides at the dwelling unit. Florida increases the amount of funding for mosquito control (S 428; Act No. 2015-8).

Hawaii established a full-time temporary program manager position in the department of agriculture for the pesticide subsidy program for coffee growers (H 482; Act No. 2015-152). Maine S 291 (Act No. 58) repeals notification and reporting provisions for forest insect aerial pesticide spray projects.

Mississippi extends the date of repeal from December 31, 2015, to December 31, 2018, on the provision of law that authorizes the city of Indianola, Mississippi, to provide services for mosquito and pest control (H 1423; Act No. 904). New Jersey S 2115 (Act No. 2015-22) authorizes a county board of chosen freeholders to establish a mosquito reserve fund.

Texas HB 1643 (Act No. 441) modifies the state's abatement of public nuisance on undeveloped land to address weeds likely to attract or harbor mosquitos.

Swimming Pools/Recreational Waters

Legislation related to swimming pools or recreational waters were introduced in 18 states, 7 being enacted. One resolution was adopted in South Carolina.

South Carolina adopted H 4174, declaring May 2015 as Water Safety Awareness Month.

Connecticut enacted several changes to the construction of public pools (H 5101; Act No. 15-148). Plans to build pools require an inspection and charges a fee, fencing is required in certain circumstances, and spray parks are covered.

Maine H 843 (Act No. 252) provides for swim lines to delineate swim areas. Texas' H 1643 (Act No. 441) on abatement of public nuisances includes abandoned swimming pools. Also, H 2430 (Act No. 563) provides that food or beverages may not be prohibited (by government agencies) in privately-owned public pools in Texas.

Toxics and Chemicals

Legislatures were active on the issue of toxics and chemicals, with 437 being introduced in 48 states. 57 of these bills were enacted; 8 were adopted.

Indiana adopted SR 8 requests the Indiana Department of Environmental Management to develop guidance for chemical facilities that are verified as participants in the National Association of Chemical Distributors' Responsible Distribution program on how they will be given credit for satisfying requirements under the Environmental Stewardship Program.

In Louisiana, the legislature made May 5, 2015 Chemical Industry Day (HR 64 and SR 91). Louisiana also adopted HCR 158, which creates the Hazardous Material Release Task Force to review and study the application of the Right-to-Know law, and the Hazardous Materials Transportation and Motor Carrier Safety law.

Virginia SJR 35 and HJR 57 requests the Department of Environmental Quality to study the toxicity of selenium to aquatic life.

California S 162 (Act No. 351) regards the potential danger of treated wood by wholesalers and retailers. S 385 (CA Act No. 272) requires the State Water Resources Control Board to grant a period of time to achieve compliance with the primary drinking water standard for hexavalent chromium.

Connecticut enacted H 6925 (Act No. 15-67) which is a comprehensive response to hazardous chemicals.

Minnesota S 1215 (Act No. 62) prohibits the use of certain flame-retardant chemicals in certain products, establishes that no manufacturer or wholesaler may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state, a children's product or upholstered residential furniture containing certain flame-retardants.

Montana S 409 (Act No. 399) revises metal mine reclamation laws; establishes standards for tailings storage facilities.

New Hampshire H 522 (Act No. 2015-141) makes certain changes in the law governing toxic substances in the workplace to comply with federal law.

Illinois S 679 (Act No. 122) provides for the mercury thermostat collection programs to collect loose mercury ampoules; and prohibits demolition of a commercial building unless all mercury thermostats have been removed from the building and an arrangement has been made for delivery to a collection site. Maine also amended their collection and recycling of mercury-added thermostats program (S 371; Act No. 83).

Oregon S 478 (Act No. 786) enacts the Chemical of Concern Listing law, which requires the State Health Authority to establish and maintain a list of designated high priority chemicals of concern for children's health used in specified children's products.

Texas H 942 (Act No. 515) relates to ammonium nitrate storage facilities; requires the owner or operator of such a facility to allow a fire marshal to enter and make an examination of the facility and provide access to a local fire department for the performance of a pre-fire planning assessment; sets forth the duties of fire marshals where it is determined a hazardous condition exists; provides for reporting requirements and certain penalties; provides for penalties for violation of community right-to-know laws.

Utah S 154 (Act No. 042) amends provisions regarding fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

Virginia S 811 (Act No. 241) enacted the Water Protection and Toxic Chemicals law. Requires an evaluation of existing statutory and regulatory tools for ensuring that hazardous chemical storage is conducted in a manner that is protective of human health, public safety, drinking water resources, and the environment.

Plastic Microbeads

California's A 888 (Act No. 594) prohibits a person from selling a personal care product containing plastic microbeads. Colorado H 1144 (Act No. 53) also prohibits the production, manufacture, or acceptance for sale of personal care products, including over-the-counter drugs, that contain synthetic plastic microbeads.

Indiana H 1185 (Act No. 21) prohibits the manufacture for sale a personal care product containing a synthetic plastic microbeads except for an over the counter drug. Maine enacted the Synthetic Plastic Microbeads in Personal Care Products law (S 33; Act No. 4) which prohibits plastic microbeads in personal care products. Maryland H 216 (Act No. 409) prohibits a person from manufacturing for sale or accepting for sale a personal care product.

New Jersey A 3083 (Act No. 2015-28) prohibits manufacture, sale or promotion of cosmetic products containing microbeads. Wisconsin S 15 (Act No. 43) prohibits the manufacturing a personal care product containing synthetic plastic microbeads.

Tracking Surveillance and Biomonitoring

Several bills were introduced that addressed tracking science and surveillance, but the only ones that passed related to genetically-modified organisms.

None of these bills addressed biomonitoring, Illinois did introduce a biomonitoring feasibility study act (S 1138). New York S 187 and A 6824 sought to provide for the development of an environmental health tracking program within the Department of Health.