

HOUSE BILL No. 1129

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-41-24.1.

Synopsis: PFAS in public water systems. Requires the state department of health (state department) to establish state maximum contaminant levels for PFAS in water provided by public water systems. Provides that maximum contaminant levels established by the state department: (1) must be protective of public health, including the health of vulnerable subpopulations; and (2) may not be less stringent than any maximum contaminant level or health advisory promulgated by the United States Environmental Protection Agency.

Effective: July 1, 2021.

Dvorak

January 7, 2021, read first time and referred to Committee on Environmental Affairs.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-220.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: **Sec. 220.8. "Maximum contaminant**
4 **level", for purposes of IC 16-41-24.1, has the meaning set forth in**
5 **IC 16-41-24.1-1.**

6 SECTION 2. IC 16-18-2-280.2 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2021]: **Sec. 280.2. "PFAS", for purposes of**
9 **IC 16-41-24.1, has the meaning set forth in IC 16-41-24.1-2.**

10 SECTION 3. IC 16-18-2-298.9 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2021]: **Sec. 298.9. "Public water system", for**
13 **purposes of IC 16-41-24.1, has the meaning set forth in**
14 **IC 16-41-24.1-3.**

15 SECTION 4. IC 16-41-24.1 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2021]:



1 **Chapter 24.1. Maximum Contaminant Level for PFAS in**
 2 **Drinking Water**

3 **Sec. 1. As used in this chapter, "maximum contaminant level"**
 4 **means the maximum permissible level of a contaminant in water**
 5 **that is delivered to any user of a public water system.**

6 **Sec. 2. (a) As used in this chapter, "PFAS" refers to:**

7 **(1) perfluoroalkyl substances; and**

8 **(2) polyfluoroalkyl substances.**

9 **(b) The term includes perfluorooctanoic acid (PFOA),**
 10 **perfluorooctanesulfonic acid (PFOS), fluoropolymers made without**
 11 **the use of PFOA (including those with the trademark name Gen X),**
 12 **and other manmade compounds that:**

13 **(1) were first commonly used in the 1950s and 1960s in**
 14 **industrial processes and consumer products because they are**
 15 **resistant to heat, water, and oil;**

16 **(2) are contained in nonstick cookware, grease resistant**
 17 **paper, fast food wrappers, microwave popcorn bags, stain**
 18 **resistant carpets and fabrics, water resistant clothing,**
 19 **cleaning products, personal care products, polishes, waxes,**
 20 **paints, and firefighting foams;**

21 **(3) are persistent in the environment and can accumulate in**
 22 **the human body over time; and**

23 **(4) according to the United States Environmental Protection**
 24 **Agency, have been determined in studies to cause:**

25 **(A) reproductive;**

26 **(B) developmental;**

27 **(C) liver;**

28 **(D) kidney; and**

29 **(E) immunological;**

30 **effects in laboratory animals.**

31 **Sec. 3. (a) As used in this chapter, "public water system" means**
 32 **a system for the provision to the public of water for human**
 33 **consumption through pipes or other constructed conveyances that:**

34 **(1) has at least fifteen (15) service connections; or**

35 **(2) regularly serves at least twenty-five (25) individuals.**

36 **(b) The term includes:**

37 **(1) any collection, treatment, storage, and distribution**
 38 **facilities that are:**

39 **(A) under the control of the operator of a system described**
 40 **in subsection (a); and**

41 **(B) used primarily in connection with a system described**
 42 **in subsection (a); and**



1 **(2) any collection or pretreatment storage facilities that are:**
2 **(A) not under the control of the operator of a system**
3 **described in subsection (a); but**
4 **(B) used primarily in connection with a system described**
5 **in subsection (a).**
6 **Sec. 4. (a) The state department of health shall adopt rules**
7 **under IC 4-22-2 establishing state maximum contaminant levels for**
8 **PFAS in water provided by public water systems.**
9 **(b) Maximum contaminant levels established under subsection**
10 **(a):**
11 **(1) must be protective of public health, including the health of**
12 **vulnerable subpopulations such as pregnant women, nursing**
13 **mothers, infants, and children; and**
14 **(2) may not be less stringent than any maximum contaminant**
15 **level or health advisory promulgated by the United States**
16 **Environmental Protection Agency.**

