

ASSEMBLY BILL

No. 3073

Introduced by Assembly Member Haney

February 16, 2024

An act to add Section 13192 to the Water Code, relating to wastewater.

LEGISLATIVE COUNSEL'S DIGEST

AB 3073, as introduced, Haney. Wastewater testing: illicit substances.

Existing law requires the State Water Resources Control Board to classify types of wastewater treatment plants, as defined, for the purpose of determining the levels of competence necessary to operate them. Existing law requires a person who operates a nonexempt wastewater treatment plant to possess a valid, unexpired wastewater certificate of the appropriate grade.

This bill would require the state board to create a program to test for illicit substances, including, but not limited to, cocaine, fentanyl, methamphetamine, and morphine, in wastewater, as provided. The bill would require local sanitation agencies to collect wastewater sample for testing by the state board. By imposing additional duties on local agencies, this bill would impose a state-mandated local program. The bill would require the state board to transmit the results of its wastewater testing to the State Department of Public Health for the department to post on its internet website.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13192 is added to the Water Code, to
2 read:

3 13192. (a) (1) The state board shall create a program to test
4 for illicit substances in wastewater.

5 (2) The State Department of Public Health shall advise the state
6 board on what illicit substances to test for, including, but not
7 limited to, cocaine, fentanyl, methamphetamine, and morphine.

8 (b) The state board, in consultation with other jurisdictions
9 operating wastewater drug testing programs in the United States
10 and abroad, shall develop uniform standards for testing.

11 (c) Local sanitation agencies shall collect wastewater samples
12 for testing by the state board.

13 (d) Testing may include testing for the substances, their
14 metabolites, or other markers.

15 (e) Testing shall occur twice a week, with one test on a weekday
16 and one on a weekend, or more frequently, as determined by the
17 state board in consultation with the State Department of Public
18 Health.

19 (f) The state board shall transmit the results of its wastewater
20 testing to the State Department of Public Health which shall post
21 the results on its internet website.

22 SEC. 2. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

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