

AMENDED IN ASSEMBLY MARCH 29, 2022
AMENDED IN ASSEMBLY FEBRUARY 28, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1953

Introduced by Assembly Member Maienschein

February 10, 2022

An act to add Section 116278 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1953, as amended, Maienschein. Drinking water: accessible water bottle refill stations.

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties relating to the regulation of drinking water to protect public health.

This bill would require, by January 1, 2025, the owner or operator of a transit hub, local park, public building, publicly owned building, shopping mall, or municipal golf course *that has a water infrastructure source* to install and maintain at least one, or maintain at least one existing, accessible water bottle refill station, as ~~prescribed~~ *prescribed and except as specified*. The bill would also require those owners and operators that have a water bottle refill station that is not accessible to upgrade, by January 1, 2025, the water bottle refill station to an accessible water bottle refill station. By imposing additional requirements on local agencies that own or operate local parks, publicly owned buildings, or municipal golf courses, the bill would impose a state-mandated local program. If installation or maintenance of, or

upgrade to, an accessible water bottle refill station is not feasible, the bill would authorize substitution of an accessible water cooler or accessible drinking fountain bubbler.

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 116278 is added to the Health and Safety
- 2 Code, to read:
- 3 116278. (a) (1) By January 1, 2025, the owner or operator of
- 4 a transit hub, local park, public building, publicly owned building,
- 5 shopping mall, or golf course *that has a water infrastructure source*
- 6 shall install and maintain at least one, or maintain at least one
- 7 existing, accessible water bottle refill station at the transit hub,
- 8 local park, public building, publicly owned building, shopping
- 9 mall, or golf course.
- 10 (2) For an office building owned by the state, the building shall
- 11 have at least one accessible water bottle refill station per 500
- 12 occupants authorized under the building's maximum occupancy.
- 13 (3) For a shopping mall, an accessible water bottle refill station
- 14 shall be located in the public area of the mall and not within an
- 15 individual retail space.
- 16 (b) If installation or maintenance of an accessible water bottle
- 17 refill station under subdivision (a) is not feasible, an accessible
- 18 water cooler or accessible drinking fountain bubbler may be
- 19 substituted.
- 20 (c) (1) The owner or operator of a transit hub, local park, public
- 21 building, publicly owned building, shopping mall, or golf course
- 22 that has a water bottle refill station at the transit hub, local park,
- 23 public building, publicly owned building, shopping mall, or golf
- 24 course that is not accessible shall, by January 1, 2025, upgrade the
- 25 water bottle refill station to an accessible water bottle refill station.

(2) If upgrade to an accessible water bottle refill station under paragraph (1) is not feasible, an accessible water cooler or accessible drinking fountain bubbler may be substituted.

(d) (1) An accessible water bottle refill station shall consist of a bottle filler that dispenses water downward.

(2) *An accessible water bottle refill station shall comply with Section 116875.*

(e) For purposes of this section, the following definitions apply:

(1) “Accessible” means compliance with both of the following:

(A) Applicable standards under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(B) Accessibility requirements applicable to drinking fountains under the California Building Standards Code.

(2) “Golf course” means a municipal golf course owned or operated by a local agency.

(3) “Local park” means a park owned or operated by a local agency.

(4) “Public building” means a publicly or privately owned building to which the public has access, excluding all of the following:

(A) Residential buildings.

(B) Restaurants.

(C) Retail stores.

(D) *Schools.*

(5) *“Publicly owned building” means a publicly owned building, regardless of whether the public has access to the building, excluding schools.*

~~(5)~~

(6) “Shopping mall” means an indoor or outdoor shopping mall that houses different retail spaces.

~~(6)~~

(7) “Transit hub” includes, but is not limited to, train stations and bus stations.

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

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