



# SENATE BILL 166: Backflow Preventers/Local Auth.

2023-2024 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	May 2, 2023
<b>Introduced by:</b>	Sens. Krawiec, Jarvis, Lowe	<b>Prepared by:</b>	Jennifer McGinnis
<b>Analysis of:</b>	Second Edition		Staff Attorney

**OVERVIEW:** *Senate Bill 166 would prohibit a public water system owned or operated by a local government unit from requiring installation of backflow preventers not otherwise required by State or federal law, except where a customer's connection presents a severe hazard, defined as an actual or potential threat of contamination that presents an imminent danger to the public health with consequence of serious illness or death.*

### CURRENT LAW/BACKGROUND:

Subchapter 18C of Title 15A of the North Carolina Administrative Code governs public water supplies. Under the Subchapter, "backflow preventer" means an assembly, device, or method that prohibits the backflow of water into potable water supply systems.

Prior to 2019, 15A NCAC 18C. 0406, included within that Subchapter, provided:

- (4) All cross-connections between potable water supplies and non-potable or unprotected supplies that are not specifically covered in the categories in this Paragraph will be considered special problems and the protective devices required shall be determined by the Department on the basis of the degree of health hazard involved.

Effective July 1, 2019, the rule was amended (see [here](#)) with additional detail for backflow preventer requirements.

The State's Plumbing Code (Code) also includes requirements for backflow preventers, see [here](#). Generally, under the Code:

- New plumbing systems must comply with the Code that is in effect during the time of construction.
- There is grandfathering that allows existing plumbing systems to remain in effect until a retrofit, upfit/fit-up, or facility addition takes place, but only if the original construction met the Code at the time of construction and there is no hazard to life, health, or property.

### BILL ANALYSIS:

The bill would prohibit any public water system owned or operated by a local government unit from requiring a customer to install a backflow preventer not otherwise required by State or federal law, except where the degree of hazard from the customer's connection is determined to be severe by the system or the Department. "Severe hazard" means an actual or potential threat of contamination that presents an imminent danger to the public health with consequence of serious illness or death.

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The bill provides that the limitation would not be construed to prohibit requirements for installation of backflow preventers pursuant to the State Plumbing Code due to retrofit or upfit/fit-up to the customer's plumbing, or facility addition on the customer's property.

**EFFECTIVE DATE:** The bill would be effective when it becomes law, and apply to requirements for installation of backflow preventers made by a water public system on or after that date.