

## Enrolled House Bill 3525

Sponsored by Representatives HARTMAN, OWENS, HELM; Representatives GAMBA, GOMBERG, LIVELY, MCDONALD, NATHANSON, WALTERS, Senators MANNING JR, MEEK, PHAM K

CHAPTER .....

### AN ACT

Relating to exempt wells that supply ground water for domestic purposes.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 2 of this 2025 Act is added to and made a part of ORS chapter 90.

**SECTION 2.** (1) As used in this section:

(a) “Contaminants” includes arsenic, coliform bacteria, lead and nitrates.

(b) “Exempt well” means a well used for purposes exempt under ORS 537.545 (1)(b) or (d).

(2) If a dwelling unit has an exempt well or wells as a source of drinking water and is within a ground water management area, as defined in ORS 468B.150, the landlord shall collect and test samples of drinking water for the unit.

(3) A landlord shall ensure that each source for which drinking water is collected under subsection (5)(a) of this section is tested as follows:

(a) The water must be tested for arsenic no later than 30 days after installing the exempt well.

(b) Except as provided in subsection (4) of this section, the drinking water must be tested for each contaminant at least once each year.

(4) Following a test that indicates that the drinking water does not contain contaminants that exceed the maximum contaminant levels in drinking water as most recently published by the United States Environmental Protection Agency, the landlord is not required to test drinking water for contaminants for four years, if the test is:

(a) The first test conducted for the dwelling unit;

(b) The first test conducted after an extension allowed under this subsection; or

(c) The second successful annual test conducted over two consecutive years following a failed test.

(5) A landlord subject to this section:

(a) Shall collect samples of water from a dwelling unit’s primary faucet used for drinking and cooking water and may collect supplementary samples of water from a dwelling unit’s other faucets of drinking water or from a dwelling unit’s wellhead;

(b) May delegate the landlord’s duty to collect samples of drinking water under paragraph (a) of this subsection to a tenant if the landlord and the tenant agree to the delegation in writing and the agreement is made in good faith and for adequate consideration; and

(c) Shall, when submitting samples of drinking water collected under this section to a laboratory for testing:

(A) Inform the laboratory that the testing is required pursuant to this section; and

**(B) Request that the laboratory report the results of the test to the Oregon Health Authority.**

**(6) A laboratory conducting a test pursuant to this section:**

**(a) Must be accredited under the environmental laboratory accreditation program established under ORS 438.615;**

**(b) Shall electronically report the results of the test to the authority in a form and manner prescribed by the authority, which may include reporting of the results through electronic mail using a spreadsheet; and**

**(c) Shall send the full laboratory report to the landlord, and to the tenant if requested by the landlord, in a form showing the absence or presence of coliform bacteria and the concentration of other contaminants in milligrams per liter or parts per million.**

**(7) Each time the landlord has drinking water tested for a contaminant under this section, the landlord shall provide the results of the test to the tenant within 30 days after receiving the results in a form:**

**(a) As provided to the landlord under subsection (6)(c) of this section; or**

**(b) Showing only the tests performed and whether the dwelling unit passed or failed each test and notifying the tenant that the tenant may obtain or inspect the full laboratory report upon request. This form must be substantially in the format adopted by the authority under subsection (10)(a) of this section.**

**(8) Prior to entering into a rental agreement for a dwelling unit for which a landlord must collect and test drinking water under this section, the landlord must provide to the tenant written notice providing:**

**(a) That the dwelling unit has an exempt well as a source of drinking water and is within a ground water management area, as defined in ORS 468B.150;**

**(b) The dates and the results of the most recent test for each contaminant, in a form described in subsection (7) of this section, or a statement that the contaminant has not yet been tested for; and**

**(c) The latest date by which the next test for each contaminant must be conducted.**

**(9) If the results of a test conducted under this section indicate that the drinking water collected under this section contains any amount of coliform bacteria or an amount of other contaminants that exceeds the maximum contaminant levels in drinking water as most recently published by the United States Environmental Protection Agency, the landlord shall, as soon as practicable:**

**(a) Provide the results of the test to the tenant as required under subsection (7) of this section;**

**(b) Provide the tenant with the handout adopted by the authority under subsection (10)(b) of this section; and**

**(c) Thereafter retest the exempt well according to a schedule set by rule by the authority, notwithstanding subsections (3) and (4) of this section.**

**(10) The authority shall adopt rules to implement this section, including rules specifying the content of:**

**(a) A form that a landlord subject to this section must use to provide information described in subsection (7)(b) of this section. The form must include:**

**(A) A section that must be filled out by the landlord to indicate, in plain language, whether the dwelling unit passed or failed each test; and**

**(B) A section that may be filled out by the landlord to indicate the absence or presence in the drinking water of coliform bacteria and the concentration of other contaminants in milligrams per liter or parts per million.**

**(b) A handout providing information on testing drinking water for contaminants and the impact that drinking water that contains contaminants can have on a person's health.**

**(11) This section does not apply to a dwelling unit that is part of a premises subject to regulation under ORS 448.119 to 448.285, 454.235 and 454.255, as described in ORS 448.119.**

**(12) Information received by the authority under this section may only be used as provided in this section and for the benefit of the landlord, tenant or applicant of the dwelling unit. Any records collected or created by the authority under this section must note that the data has not been controlled for quality and may not be used for determining location-specific ground water quality.**

**SECTION 2a.** If Senate Bill 1154 becomes law, section 2 of this 2025 Act is amended to read:

**Sec. 2.** (1) As used in this section:

(a) “Contaminants” includes arsenic, coliform bacteria, lead and nitrates.

(b) “Exempt well” means a well used for purposes exempt under ORS 537.545 (1)(b) or (d).

(2) If a dwelling unit has an exempt well or wells as a source of drinking water and is within a ground water **quality** management area, as defined in ORS 468B.150, the landlord shall collect and test samples of drinking water for the unit.

(3) A landlord shall ensure that each source for which drinking water is collected under subsection (5)(a) of this section is tested as follows:

(a) The water must be tested for arsenic no later than 30 days after installing the exempt well.

(b) Except as provided in subsection (4) of this section, the drinking water must be tested for each contaminant at least once each year.

(4) Following a test that indicates that the drinking water does not contain contaminants that exceed the maximum contaminant levels in drinking water as most recently published by the United States Environmental Protection Agency, the landlord is not required to test drinking water for contaminants for four years, if the test is:

(a) The first test conducted for the dwelling unit;

(b) The first test conducted after an extension allowed under this subsection; or

(c) The second successful annual test conducted over two consecutive years following a failed test.

(5) A landlord subject to this section:

(a) Shall collect samples of water from a dwelling unit’s primary faucet used for drinking and cooking water and may collect supplementary samples of water from a dwelling unit’s other faucets of drinking water or from a dwelling unit’s wellhead;

(b) May delegate the landlord’s duty to collect samples of drinking water under paragraph (a) of this subsection to a tenant if the landlord and the tenant agree to the delegation in writing and the agreement is made in good faith and for adequate consideration; and

(c) Shall, when submitting samples of drinking water collected under this section to a laboratory for testing:

(A) Inform the laboratory that the testing is required pursuant to this section; and

(B) Request that the laboratory report the results of the test to the Oregon Health Authority.

(6) A laboratory conducting a test pursuant to this section:

(a) Must be accredited under the environmental laboratory accreditation program established under ORS 438.615;

(b) Shall electronically report the results of the test to the authority in a form and manner prescribed by the authority, which may include reporting of the results through electronic mail using a spreadsheet; and

(c) Shall send the full laboratory report to the landlord, and to the tenant if requested by the landlord, in a form showing the absence or presence of coliform bacteria and the concentration of other contaminants in milligrams per liter or parts per million.

(7) Each time the landlord has drinking water tested for a contaminant under this section, the landlord shall provide the results of the test to the tenant within 30 days after receiving the results in a form:

(a) As provided to the landlord under subsection (6)(c) of this section; or

(b) Showing only the tests performed and whether the dwelling unit passed or failed each test and notifying the tenant that the tenant may obtain or inspect the full laboratory report upon re-

quest. This form must be substantially in the format adopted by the authority under subsection (10)(a) of this section.

(8) Prior to entering into a rental agreement for a dwelling unit for which a landlord must collect and test drinking water under this section, the landlord must provide to the tenant written notice providing:

(a) That the dwelling unit has an exempt well as a source of drinking water and is within a ground water **quality** management area, as defined in ORS 468B.150;

(b) The dates and the results of the most recent test for each contaminant, in a form described in subsection (7) of this section, or a statement that the contaminant has not yet been tested for; and

(c) The latest date by which the next test for each contaminant must be conducted.

(9) If the results of a test conducted under this section indicate that the drinking water collected under this section contains any amount of coliform bacteria or an amount of other contaminants that exceeds the maximum contaminant levels in drinking water as most recently published by the United States Environmental Protection Agency, the landlord shall, as soon as practicable:

(a) Provide the results of the test to the tenant as required under subsection (7) of this section;

(b) Provide the tenant with the handout adopted by the authority under subsection (10)(b) of this section; and

(c) Thereafter retest the exempt well according to a schedule set by rule by the authority, notwithstanding subsections (3) and (4) of this section.

(10) The authority shall adopt rules to implement this section, including rules specifying the content of:

(a) A form that a landlord subject to this section must use to provide information described in subsection (7)(b) of this section. The form must include:

(A) A section that must be filled out by the landlord to indicate, in plain language, whether the dwelling unit passed or failed each test; and

(B) A section that may be filled out by the landlord to indicate the absence or presence in the drinking water of coliform bacteria and the concentration of other contaminants in milligrams per liter or parts per million.

(b) A handout providing information on testing drinking water for contaminants and the impact that drinking water that contains contaminants can have on a person's health.

(11) This section does not apply to a dwelling unit that is part of a premises subject to regulation under ORS 448.119 to 448.285, 454.235 and 454.255, as described in ORS 448.119.

(12) Information received by the authority under this section may only be used as provided in this section and for the benefit of the landlord, tenant or applicant of the dwelling unit. Any records collected or created by the authority under this section must note that the data has not been controlled for quality and may not be used for determining location-specific ground water quality.

**SECTION 3. Before June 1, 2027, and notwithstanding section 2 (3)(b) of this 2025 Act, for each dwelling unit that is subject to section 2 (2) of this 2025 Act on the operative date specified in section 4 of this 2025 Act, the landlord shall sample and test for all contaminants as described in section 2 (5) of this 2025 Act.**

**SECTION 4. (1) Section 2 of this 2025 Act becomes operative on January 1, 2027.**

**(2) The Oregon Health Authority may take any action before the operative date specified in subsection (1) of this section that is necessary for the authority to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the authority by section 2 of this 2025 Act.**

**Passed by House June 20, 2025**

**Repassed by House June 27, 2025**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Julie Fahey, Speaker of House

**Passed by Senate June 26, 2025**

.....  
Rob Wagner, President of Senate

**Received by Governor:**

.....M.,....., 2025

**Approved:**

.....M.,....., 2025

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2025

.....  
Tobias Read, Secretary of State