

1 S.213

2 Introduced by Senators Hardy and Watson

3 Referred to Committee on Natural Resources and Energy

4 Date: January 7, 2026

5 Subject: Conservation and development; public water systems; smart meters;
6 opt out

7 Statement of purpose of bill as introduced: This bill proposes to provide that
8 if a public water system uses smart meters to measure water usage, the public
9 water system shall notify the user of the proposed use of smart meters and
10 allow the user to opt out of the use of the smart meter.

~~An act relating to the use of smart meters by public water systems~~

An act relating to the use of advanced metering infrastructure devices

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 ~~Sec. 1. 10 V.S.A. § 1671 is amended to read:~~

13 § 1671. DEFINITIONS

14 As used in this chapter:

15 (1) "Drinking water" means noncarbonated water that is intended for
16 human consumption or other consumer uses whether provided by a public
17 ~~water system or in a container, bottle, or package, or in bulk, including water~~

1 ~~used for production of ice, foodstuffs, or other products designed for human~~
2 consumption.

3 (2) “Department” means the Department of Environmental
4 Conservation.

5 (3) “Person” means any individual;² partnership;² company;²
6 corporation;² cooperative;² association;² unincorporated association;² joint
7 venture;² trust;² the State of Vermont or any department, agency, subdivision,
8 or municipality;² the U.S. government or any department, agency, or
9 subdivision;² or any other legal or commercial entity.

10 (4) “Public water source” means any surface water or groundwater
11 supply used as a source of drinking water for a public water system.

12 (5)(A) “Public water system” means any system, or combination of
13 systems owned or controlled by a person, that provides drinking water through
14 pipes or other constructed conveyances to the public and that:

15 (i) has at least 15 service connections; or

16 (ii) serves an average of at least 25 individuals for at least 60 days
17 a year.

18 (B) “Public water system” shall also ~~mean~~ means any part of a piped
19 system that does not provide drinking water, if use of such a part could affect
20 ~~the quality or quantity of the drinking water supplied by the system. “Public~~

1 ~~water system” shall also mean means a system that bottles drinking water for~~
2 ~~public distribution and sale.~~

3 (C) “Secretary” means the Secretary of Natural Resources or the
4 Secretary’s designee.

5 * * *

6 (14) “Smart meter” means a wired smart meter or a wireless smart
7 meter.

8 (15) “Wired smart meter” means an advanced metering infrastructure
9 device using a fixed wire for two-way communication between the device and
10 a public water system.

11 (16) “Wireless smart meter” means an advanced metering infrastructure
12 device using radio or other wireless means for two-way communication
13 between the device and a public water system.

14 Sec. 2. 10 V.S.A. § 1675 is amended to read:

15 § 1675. PERMITS; CONDITIONS; DURATION; SUSPENSION OF
16 REVOCATION

17 (a) Authority to issue, renew, or deny permit. The Secretary may issue,
18 renew, or deny a public water system permit required by this chapter. As part
19 of this authority, the Secretary may issue general operating permits for the
20 operation of transient noncommunity water systems.

21

1 ~~(j) Smart meters; customer rights. If a public water system requires a user~~
2 ~~of the system to install a meter to measure usage, the public water system may~~
3 ~~install a wireless smart meter on a user's premises, provided that the public~~
4 ~~water system:~~

5 ~~(1) provides prior written notice to the user indicating that the meter~~
6 ~~will use radio or other wireless means for two-way communication between~~
7 ~~the meter and the public water system and informing the user of the user's~~
8 ~~rights under subdivisions (2) and (3) of this subsection;~~

9 ~~(2) allows a user to choose not to have a wireless smart meter installed,~~
10 ~~provided that the public water system may charge the user for the cost of the~~
11 ~~alternative meter and any additional service charge required for the public~~
12 ~~water system to operate the alternative meter; and~~

13 ~~(3) allows a user to require removal of a previously installed wireless~~
14 ~~smart meter for any reason and at an agreed-upon time, without incurring any~~
15 ~~charge for such removal.~~

16 ~~(k) Cybersecurity measures. As a condition of a public water system~~
17 ~~issued under this chapter, the Secretary shall require a public water system~~
18 ~~using smart meters to demonstrate that the public water system has~~
19 ~~implemented and is administering cybersecurity measures to protect the~~
20 ~~computer infrastructure and data of the public water system from unauthorized~~
21 ~~access that could result in theft, damage, or disruption of service.~~

1 ~~Sec. 3. DEVELOPMENT OF CYBERSECURITY MEASURES FOR~~

2 ~~PUBLIC WATER SYSTEMS; IMPLEMENTATION~~

3 ~~(a) The Secretary of Natural Resources shall develop cybersecurity~~
4 ~~measures that all public water systems permitted under 10 V.S.A. chapter 56~~
5 ~~shall implement if the public water system is using smart meters to monitor~~
6 ~~customer usage. At a minimum, the cybersecurity measures shall be consistent~~
7 ~~with the cybersecurity actions recommended by the Vermont Rural Water~~
8 ~~Association.~~

9 ~~(b) A public water system permitted under 10 V.S.A. chapter 56 shall have~~
10 ~~until July 1, 2027, to demonstrate to the Secretary of Natural Resources~~
11 ~~compliance with the cybersecurity requirements of 10 V.S.A. § 1675(k).~~

12 Sec. 4. EFFECTIVE DATE

13 ~~This act shall take effect on passage.~~

Sec. 1. 10 V.S.A. § 1671 is amended to read:

§ 1671. DEFINITIONS

As used in this chapter:

(1) "Drinking water" means noncarbonated water that is intended for human consumption or other consumer uses whether provided by a public water system or in a container, bottle, or package, or in bulk, including water used for production of ice, foodstuffs, or other products designed for human consumption.

(2) "Department" means the Department of Environmental Conservation.

(3) "Person" means any individual, partnership, company, corporation, cooperative, association, unincorporated association, joint venture, trust, the State of Vermont or any department, agency, subdivision,

or municipality; the U.S. government or any department, agency, or subdivision; or any other legal or commercial entity.

(4) “Public water source” means any surface water or groundwater supply used as a source of drinking water for a public water system.

(5)(A) “Public water system” means any system, or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that:

(i) has at least 15 service connections; or

(ii) serves an average of at least 25 individuals for at least 60 days a year.

(B) “Public water system” shall also mean means any part of a piped system that does not provide drinking water, if use of such a part could affect the quality or quantity of the drinking water supplied by the system. “Public water system” shall also mean means a system that bottles drinking water for public distribution and sale.

(6) “Secretary” means the Secretary of Natural Resources or the Secretary’s designee.

** * **

(14) “Advanced metering infrastructure device” means a meter or related communications equipment that is part of an advanced metering infrastructure system and enables measurement of utility usage and two-way communication between the meter and the utility, and includes both wired and wireless devices.

(15) “Advanced metering infrastructure” or “AMI” means an integrated system of meters, including communications and data management systems that measure, record, and transmit utility usage data at regular intervals and enable two-way communication between the utility and the customer.

Sec. 2. 10 V.S.A. § 1672 is amended to read:

§ 1672. AUTHORITY OF THE AGENCY OF NATURAL RESOURCES

(a) Except as provided in subsections (c) through (f) of this section, to prevent and minimize public health hazards, the Secretary shall have authority over and shall regulate the purity of drinking water; the adequacy, construction, and operation of public water systems; public water sources; and public water source protection areas.

** * **

(h) Upon request of the Secretary, the Cybersecurity Advisory Council shall develop nonbinding guidance for public water systems regarding generally accepted cybersecurity practices, including information relevant to metering systems and customer data. On its own motion, the Cybersecurity Advisory Council may at any time issue guidance for public water systems regarding generally accepted cybersecurity practices. The Council may issue guidance under this subsection as part of its annual report and in any other outreach method utilized by the Council specific to public water systems or other critical infrastructure systems.

Sec. 3. 10 V.S.A. § 1675 is amended to read:

§ 1675. PERMITS; CONDITIONS; DURATION; SUSPENSION OF
REVOCATION

(a) Authority to issue, renew, or deny permit. The Secretary may issue, renew, or deny a public water system permit required by this chapter. As part of this authority, the Secretary may issue general operating permits for the operation of transient noncommunity water systems.

* * *

(j) Advanced metering infrastructure device; customer rights. If a public water system requires a user of the system to install a meter to measure usage, the public water system may install an advanced metering infrastructure device on a user's premises, provided that the public water system:

(1) provides prior written notice to the user indicating that the advanced metering infrastructure device will use radio or other wireless means for two-way communication between the device and the public water system and informing the user of the user's rights under subdivisions (2) and (3) of this subsection;

(2) allows a user to choose not to have an advanced metering infrastructure device installed, provided that the public water system may charge the user for the cost of the alternative device and any additional service charge required for the public water system to operate the alternative device; and

(3) allows a user to require removal of a previously installed advanced metering infrastructure device for any reason and at an agreed-upon time, without incurring any charge for such removal.

Sec. 4. 30 V.S.A. § 2811 is amended to read:

§ 2811. SMART METERS ADVANCED METERING INFRASTRUCTURE
DEVICES; CUSTOMER RIGHTS; REPORTS

(a) *Definitions.* As used in this section, the following terms shall have the following meanings:

~~(1) “Smart meter” means a wired smart meter or a wireless smart meter. “Advanced metering infrastructure device” means a meter or related communications equipment that is part of an advanced metering infrastructure system and enables measurement of utility usage and two-way communication between the meter and the utility, and includes both wired and wireless devices.~~

~~(2) “Wired smart meter” means an advanced metering infrastructure device using a fixed wire for two-way communication between the device and an electric company. “Advanced metering infrastructure” or “AMI” means an integrated system of meters, including communications and data management systems that measure, record, and transmit utility usage data at regular intervals and enable two-way communication between the utility and the customer.~~

~~(3) “Wireless smart meter” means an advanced metering infrastructure device using radio or other wireless means for two-way communication between the device and an electric company. [Repealed.]~~

(b) *Customer rights.* Notwithstanding any law, order, or agreement to the contrary, an electric company may install a wireless ~~smart meter~~ advanced metering infrastructure device on a customer’s premises, provided the company:

~~(1) provides prior written notice to the customer indicating that the meter device will use radio or other wireless means for two-way communication between the meter and the company and informing the customer of his or her the customer’s rights under subdivisions (2) and (3) of this subsection;~~

~~(2) allows a customer to choose not to have a wireless smart meter an advanced metering infrastructure device installed, at no additional monthly or other charge provided that the electric company may charge the customer for the cost of the alternative device and any additional service charge required for the electric company to operate the alternative device; and~~

~~(3) allows a customer to require removal of a previously installed wireless smart meter advanced metering infrastructure device for any reason and at an agreed-upon time, without incurring any charge for such removal.~~

~~(e) Reports. On January 1, 2014 and again on January 1, 2016, the Commissioner of Public Service shall publish a report on the savings realized through the use of smart meters as well as on the occurrence of any breaches to a company’s cyber-security infrastructure. The reports shall be based on~~

~~electric company data requested by and provided to the Commissioner of Public Service and shall be in a form and in a manner the Commissioner deems necessary to accomplish the purposes of this subsection. The reports shall be submitted to the Senate Committees on Finance and on Natural Resources and Energy and the House Committees on Commerce and Economic Development and on Energy and Technology.~~

~~(d) Health report.~~

~~(1) On or before January 15, 2013, the Commissioner of Health and the Commissioner of Public Service shall jointly submit a report to the Senate Committee on Finance and the House Committee on Commerce and Economic Development. The report shall include: an update of the Department of Health's 2012 report entitled "Radio Frequency Radiation and Health: Smart Meters"; a summary of the Department's activities monitoring the deployment of wireless smart meters in Vermont, including a representative sample of postdeployment radio frequency level testing; and recommendations relating to evidence-based surveillance on the potential health effects of wireless smart meters.~~

~~(2) The Commissioner of Public Service, in consultation with the Commissioner of Health, shall select and retain an independent expert, not an employee of the State, to perform the research and writing of the report identified in subdivision (1) of this subsection. The Commissioner of Public Service may allocate the costs of retaining the independent expert to electric utilities in accordance with sections 20 and 21 of this title (particular proceedings; personnel; assessment of costs).~~

~~Sec. 5. EFFECTIVE DATE~~

~~This act shall take effect on passage.~~