

2025 Regular Session

SENATE BILL NO. 2

BY SENATORS FESI, CLOUD AND MCMATH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC HEALTH. Provides relative to public water systems. (1/1/26)

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AN ACT

To amend and reenact R.S. 40:5.11(A) and (B) and to enact R.S. 40:5.3.1, relative to public water systems; to repeal mandatory fluoridation pursuant to the Louisiana Department of Health's water fluoridation program; to prohibit the fluoridation of public water systems unless approved in a local election; to provide for exceptions; to prohibit the use of chlorine gas in public water systems; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:5.11(A) and (B) are hereby amended and reenacted and R.S. 40:5.3.1 is hereby enacted to read as follows:

§5.3.1. Public water systems; prohibitions

A. Fluoridation of any public water system in Louisiana is prohibited unless authorized pursuant to R.S. 40:5.11. The provisions of this Subsection shall not require any system to remove any naturally occurring fluoride from its water.

B. Effective January 1, 2029, the use of chlorine gas to treat any public water system in Louisiana is prohibited.

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§5.11. Water fluoridation program

A. The secretary of the Louisiana Department of Health shall establish in the office of public health a fluoridation program ~~for the purpose of protecting the dental health of the citizens of this state, and especially children, through the prevention of tooth decay.~~

~~B.(1) Each public water system that has at least five thousand service connections and natural levels of fluoride that are outside the optimal range established in the rules and regulations adopted pursuant to this Section shall acquire, install, operate and maintain appropriate equipment and material in order to maintain the level of fluoride in its water system in the optimal range for the purpose of protecting the dental health of citizens of this state, as established in the rules and regulations adopted pursuant to this Section.~~

~~(2) Each public water system with at least five thousand service connections that has fluoride levels outside the optimal range established in the rules and regulations adopted pursuant to this Section shall provide to the Louisiana Department of Health no later than March 1, 2009, an estimate of the total capital costs to acquire and install fluoridation treatment equipment capable of maintaining fluoride levels within the optimal range for the purpose of protecting the dental health of citizens of this state, as established in the rules and regulations adopted pursuant to this Section.~~

~~(3) No public water system shall be required to comply with Paragraph (1) of this Subsection unless sufficient funds have been identified by the state, whether by appropriation, capital outlay, grants or similar means or source of funds, as available to that system for the cost of acquiring and installing fluoridation equipment and the cost of material required to fluoridate said system for at least six months from the date of initial installation.~~

~~(4) A public water system that has never used fluoridation to adjust fluoride levels in its water and whose water contains fluoride in amounts outside the range~~

1 established in the rules and regulations adopted pursuant to this Section as optimal
2 for the purpose of protecting the dental health of the citizenry shall be exempt from
3 compliance with Paragraph (1) of this Subsection provided all of the following
4 apply: **Fluoridation of a public water system is authorized only if all of the**
5 **following conditions are met:**

6 (a)(1) A petition requesting the exemption **fluoridation** has been signed by
7 at least fifteen percent of the registered voters who reside in the precincts served by
8 said water system, as certified by the parish registrar of voters, and has been
9 presented to the governing authority of each municipality or parish in whose
10 jurisdiction the system provides service.

11 (b)(2) A local election has been called ~~on the exemption~~ after the petition has
12 been received by each governing authority pursuant to Subparagraph (a) of this
13 Paragraph. Participation in the election shall be limited to those precincts in which
14 the water system provides service. The local election shall be called and conducted
15 by the governing authority of each municipality in whose jurisdiction the water
16 system provides service if all of the registered voters served by the water system
17 reside wholly within the jurisdiction of one or more municipalities. However, the
18 local election shall instead be called and conducted by the governing authority of
19 each parish in whose jurisdiction the water system provides service if either of the
20 following applies:

21 (i)(a) The water system also provides service to registered voters in
22 unincorporated areas of one or more parishes.

23 (ii)(b) The water system was created or franchised by the parish or parishes.

24 (e)(3) Each local election pertaining to the exemption **fluoridation** of said
25 water system has been held in accordance with state and local law, and the certified
26 results of each election show that a majority of the registered voters who cast a vote
27 in said election approve ~~exemption~~ **the fluoridation**.

28 (d)(4) No election on the same question in the same jurisdiction took place
29 in the four years immediately prior to the election in which the ~~exemption~~

4. Prohibits the fluoridation of any public water systems unless 15% of registered voters in the precincts served by the water system sign a petition and a local election is called by the governing authority in which a majority of registered voters approve the fluoridation.
5. Makes technical changes.