

2026 Regular Session

SENATE BILL NO. 4

BY SENATOR FESI

PUBLIC HEALTH. Provides relative to water fluoridation. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:5.11, relative to public water systems; to allow local
3 governments to vote to exempt public water systems from fluoridation requirements;
4 to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:5.11 is hereby amended and reenacted to read as follows:

7 §5.11. Water fluoridation program

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

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

1 regulations adopted pursuant to this Section.

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

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

16 (4) A public water system ~~that has never used fluoridation to adjust fluoride~~
17 ~~levels in its water and whose water contains fluoride in amounts outside the range~~
18 ~~established in the rules and regulations adopted pursuant to this Section as optimal~~
19 ~~for the purpose of protecting the dental health of the citizenry~~ shall be exempt from
20 compliance with Paragraph (1) of this Subsection provided all of the following
21 apply:

22 (a) ~~A petition requesting the exemption has been signed by at least fifteen~~
23 ~~percent of the registered voters who reside in the precincts served by said water~~
24 ~~system, as certified by the parish registrar of voters, and has been presented to the~~
25 ~~governing authority of each municipality or parish in whose jurisdiction the system~~
26 ~~provides service.~~

27 ~~(b)~~(a) A local election has been called on the exemption ~~after the petition has~~
28 ~~been received by each governing authority pursuant to Subparagraph (a) of this~~
29 ~~Paragraph. Participation in the election shall be limited to those precincts in which~~

1 ~~the water system provides service.~~ The local election shall be called and conducted
2 by the governing authority of each municipality in whose jurisdiction the water
3 system provides service if all of the registered voters served by the water system
4 reside wholly within the jurisdiction of one or more municipalities. However, the
5 local election shall instead be called and conducted by the governing authority of
6 each parish in whose jurisdiction the water system provides service if either of the
7 following applies:

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

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

11 ~~(e)~~**(b)** Each local election pertaining to the exemption of said water system
12 has been held in accordance with state and local law, and the certified results of each
13 election show that a majority of the registered voters who cast a vote in said election
14 approve exemption.

15 ~~(d)~~**(c)** No election on the same question in the same jurisdiction took place
16 in the four years immediately prior to the election in which the exemption was
17 approved.

18 ~~G.C.~~ The office of public health, through the department, shall promulgate
19 rules and regulations in accordance with the Administrative Procedure Act relating
20 to the fluoridation of public water systems, including but not limited to maintaining
21 levels of fluoride in public water systems within the optimal range for the purpose
22 of protecting the oral health of the citizens of this state.

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 4 Reengrossed 2026 Regular Session Fesi

Present law requires the La. Dept. of Health to establish a water fluoridation program.

Present law requires public water systems with at least 5,000 service connections to fluoridate the water and provides exemptions for water systems that meet certain criteria.

Present law requires the La. Dept. of Health to establish optimal levels of fluoridation for public water systems.

Present law authorizes water systems that have never used fluoridation and have levels outside of the range established by the La. Dept. of Health to opt out of fluoridation if 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 exemption.

Proposed law authorizes any water system to opt out of fluoridation if a local election is called by the governing authority and a majority of registered voters approve the exemption to the fluoridation requirements.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:5.11)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Applies provisions requiring local approval to fluoridate water to public water systems that have not added fluoride as of July 1, 2026.
2. Adds provision allowing any public water system that has added fluoride as of July 1, 2026, to cease fluoridation if 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 ceasing fluoridation.
3. Makes technical changes.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Removes provisions requiring local approval to opt in or opt out of fluoridation.
2. Authorizes any water system to opt out of fluoridation if a local election is called by the governing authority and a majority of registered voters approve the exemption to the fluoridation requirements.