

Regular Session, 2008

SENATE BILL NO. 312

BY SENATORS MOUNT AND CHEEK

PUBLIC HEALTH. Provides for requirements for water fluoridation. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:5.11(B), relative to the water fluoridation program; to provide
3 for funding; to provide for reporting; to provide for exemptions; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §5.11. Water fluoridation program; Fluoridation Advisory Board

8 * * *

9 B.(1) ~~The intent of the program shall be to encourage each~~ **Each** public
10 water system that has at least five thousand service connections ~~to provide~~
11 ~~fluoridation of its water supply by January 1, 2000~~ **and natural levels of fluoride**
12 **that are less than the minimum established in the rules and regulations adopted**
13 **pursuant to this Section shall acquire, install, operate and maintain appropriate**
14 **equipment and material in order to maintain the level of fluoride in its water**
15 **system in the optimum range for the purpose of protecting the dental health of**
16 **citizens of this state, as established in the rules and regulations adopted**
17 **pursuant to this Section.**

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

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

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

21 **(a) A petition requesting the exemption has been signed by at least thirty**
22 **percent of the registered voters in all municipalities served by said water**
23 **system, as certified by the parish registrar of voters, and has been presented to**
24 **the governing body of each municipality in whose jurisdiction the system**
25 **provides service.**

26 **(b) Each municipal government in whose jurisdiction the water system**
27 **provides service, after receiving the petition and certification from the parish**
28 **registrar of voters, has called for a local election on the exemption.**

29 **(c) Each local election pertaining to the exemption of said water system**

1 has been held in accordance with state and local law, and the certified results
 2 of each election show that a majority of the registered voters who cast a vote in
 3 said election approve exemption.

4 (d) No election on the same question in the same municipality took place
 5 in the four years immediately prior to the election in which the exemption was
 6 approved. * * *

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 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 Greg Waddell.

DIGEST

Present law provides that the intent of the water fluoridation program shall be to encourage each public water system with at least 5000 service connections to provide fluoridation of its water supply by January 1, 2000.

Proposed law provides that each public water system that has at least five thousand service connections and natural levels of fluoride that are less than the minimum established in the rules and regulations adopted pursuant to present law shall acquire, install, operate and maintain appropriate equipment and material in order to maintain the level of fluoride in its water system in the optimum range for the purpose of protecting the dental health of citizens of this state, as established in the rules and regulations adopted pursuant to present law.

Proposed law provides that such public water system shall provide to the department 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 optimum range for the purpose of protecting the dental health of citizens of this state, as established in the rules and regulations adopted pursuant to present law.

Proposed law provides that no public water system shall be required to comply with proposed law unless sufficient funds have been identified by the state, whether by appropriation, capital outlay, grants or similar, 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 up to 6 months from the date of initial installation.

Proposed law further provides that a public water system that has never used fluoridation to adjust fluoride levels in its water and whose water contains fluoride in amounts less than the minimum established in the rules and regulations adopted pursuant to present law as optimal for the purpose of protecting the dental health of the citizenry shall be exempt from compliance with proposed law provided all of the following apply:

- (1) A petition requesting the exemption has been signed by at least thirty percent of the registered voters in all municipalities served by said water system, as certified by the parish registrar of voters, and has been presented to the governing body of each municipality in whose jurisdiction the system provides service.
- (2) Each municipal government in whose jurisdiction the water system provides service, after receiving the petition and certification from the parish registrar of voters, has called for a local election on the exemption.
- (3) Each local election pertaining to the exemption of said water system has been held in accordance with state and local law, and the certified results of each election show that a majority of the registered voters who cast a vote in said election approve exemption.
- (4) No election on the same question in the same municipality took place in the four years immediately prior to the election in which the exemption was approved.

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

(Amends R.S. 40:5.11(B))