

Regular Session, 2008

SENATE BILL NO. 312

BY SENATORS MOUNT, ALARIO, BROOME, CASSIDY, CHAISSON, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, GRAY, HEBERT, HEITMEIER, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MURRAY, NEVERS, QUINN, RISER, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

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

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

8 §5.11. Water fluoridation program; Fluoridation Advisory Board

9 * * *

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

1 pursuant to this Section.

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

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

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

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

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

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 at least six 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 the 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.

Proposed law authorizes the office of public health to promulgate regulations in accordance with the APA related to minimum levels of flouride in public water systems.

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

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

Summary of Amendments Adopted by Senate

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

1. Changes from "up to" to "at least" six months from the date of initial installation in the provision that provides that no public water system shall be required to comply with proposed law unless sufficient funds have been identified by the state as available to that system for the cost of acquiring and installing fluoridation equipment and the cost of material required to fluoridate said system.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Specifically authorizes the office of public health to promulgate regulations in accordance with the APA related to minimum levels of flouride in public water systems.