

2026 Regular Session

SENATE BILL NO. 4

BY SENATOR FESI

PUBLIC HEALTH. Provides relative to water fluoridation. (1/1/27)

1 AN ACT

2 To amend and reenact R.S. 40:5.11, relative to public water systems; to repeal mandatory
3 fluoridation pursuant to the Louisiana Department of Health's water fluoridation
4 program; to prohibit the fluoridation of public water systems unless approved in a
5 local election; to provide for exceptions; to provide for an effective date; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §5.11. Water fluoridation program; public water systems; prohibition

10 A. The secretary of the Louisiana Department of Health shall establish in the
11 office of public health a fluoridation program for the purpose of protecting the dental
12 health of the citizens of this state, and especially children, through the prevention of
13 tooth decay. **Fluoridation of any public water system in Louisiana is prohibited**
14 unless authorized pursuant to Subsection B of this Section.

15 B.(1) Each public water system that has at least five thousand service
16 connections and natural levels of fluoride that are outside the optimal range
17 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 established in the rules and regulations adopted pursuant to this Section as optimal for the purpose of protecting the dental health of the citizenry shall be exempt from compliance with Paragraph (1) of this Subsection provided all of the following apply:

Fluoridation of a public water system is authorized only if all of the following conditions are met:

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

1 jurisdiction the system provides service.

2 **(b)(2)** A local election has been called ~~on the exemption~~ after the petition has
3 been received by each governing authority pursuant to ~~Subparagraph (a) Paragraph~~
4 ~~(1)~~ of this ~~Paragraph Subsection~~. Participation in the election shall be limited to
5 those precincts in which the water system provides service. The local election shall
6 be called and conducted by the governing authority of each municipality in whose
7 jurisdiction the water system provides service if all of the registered voters served
8 by the water system reside wholly within the jurisdiction of one or more
9 municipalities. However, the local election shall instead be called and conducted by
10 the governing authority of each parish in whose jurisdiction the water system
11 provides service if either of the following applies:

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

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

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

19 **(d)(4)** No election on the same question in the same jurisdiction took place
20 in the four years immediately prior to the election in which the ~~exemption~~
21 fluoridation was approved.

22 **C. The provisions of this Section shall not require any system to remove**
23 **any naturally occurring fluoride from its water.**

24 **G.D.** The office of public health, through the department, shall promulgate
25 rules and regulations in accordance with the Administrative Procedure Act relating
26 to the fluoridation of public water systems, including but not limited to maintaining
27 levels of fluoride in public water systems within the optimal range for the purpose
28 of protecting ~~the oral health~~ of the citizens of this state.

29 Section 2. This Act shall become effective on January 1, 2027.

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 Original

2026 Regular Session

Fesi

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

Proposed law repeals the 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 certain water systems 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 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 fluoridation.

Proposed law provides that systems are not required to remove any naturally occurring fluoride from their water.

Effective January 1, 2027.

(Amends R.S. 40:5.11)