

**SENATE, No. 1180**

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**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

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INTRODUCED JANUARY 30, 2014

**Sponsored by:**  
Senator JOSEPH F. VITALE  
District 19 (Middlesex)

**SYNOPSIS**

"New Jersey Public Water Supply Fluoridation Act."

**CURRENT VERSION OF TEXT**

As introduced.



1   **AN ACT** concerning public community water systems,  
2   supplementing P.L.1977, c.224 (C.58:12A-1 et seq.), and  
3   amending R.S.24:12-2 and R.S.26:2-65.

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5   **BE IT ENACTED by the Senate and General Assembly of the State**  
6   **of New Jersey:**

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8   1. (New section) This act shall be known and may be cited as  
9   the "New Jersey Public Water Supply Fluoridation Act."

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11   2. (New section) As used in this act:

12   "Local government unit" means a State authority, district water  
13   supply commission, county, municipality, municipal, county or  
14   regional utilities authority, municipal water district, joint meeting or  
15   any other political subdivision of the State authorized pursuant to  
16   law to operate or maintain a public water system or otherwise  
17   provide water for human consumption.

18   "Public community water system" means a public water system  
19   which serves at least 15 service connections used by year-round  
20   residents or regularly serves at least 25 year-round residents.

21   "Public water system" means a system for the provision to the  
22   public of water for human consumption through pipes or other  
23   constructed conveyances, if such system has at least 15 service  
24   connections or regularly serves an average of at least 25 individuals  
25   daily at least 60 days out of the year. Such term includes: (1) any  
26   collection, treatment, storage and distribution facilities under  
27   control of the operator of such system and used primarily in  
28   connection with such system; and (2) any collection or pre-  
29   treatment storage facilities not under such control which are used  
30   primarily in connection with such system.

31   "Small water company" means any company, purveyor or entity,  
32   other than a governmental agency, that provides water for human  
33   consumption and which regularly serves less than 1,000 customer  
34   connections, including nonprofit, noncommunity water systems  
35   owned or operated by a nonprofit group or organization.

36   "Water purveyor" means any investor-owned water company or  
37   small water company that owns or operates a public water system.

38

39   3. (New section) a. The Commissioner of Environmental  
40   Protection, in conjunction with the Commissioner of Health and  
41   Senior Services, shall adopt, pursuant to the "Administrative  
42   Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
43   regulations relating to the fluoridation of public community water  
44   systems. The rules and regulations shall, at a minimum, include:  
45   (1) the means by which fluoride is controlled; (2) the methods of

**EXPLANATION – Matter enclosed in bold-faced brackets **thus** in the above bill is  
not enacted and is intended to be omitted in the law.**

Matter underlined **thus** is new matter.

1 testing the fluoride content; and (3) the records to be kept relating  
2 to fluoridation.

3 b. The Commissioner of Environmental Protection, in  
4 conjunction with the Commissioner of Health and Senior Services,  
5 shall enforce the provisions of this section. In so doing, the  
6 Commissioner of Environmental Protection shall require the  
7 fluoridation of water in all public community water systems within  
8 12 months of the effective date of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill).

10 c. The Commissioner of Environmental Protection shall not  
11 require the fluoridation of water in any public community water  
12 system in which the water supply in the state of nature contains  
13 sufficient fluorides to conform with the rules and regulation  
14 adopted pursuant to this section.

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16 4. (New section) For the purpose of promoting public health  
17 through prevention of tooth decay, every local government unit and  
18 water purveyor shall control the quantities of fluoride in the water  
19 so as to maintain a fluoride content prescribed by the Commissioner  
20 of Environmental Protection as provided in rules and regulation  
21 adopted pursuant to section 3 of P.L. , c. (C. ) (pending  
22 before the Legislature as this bill).

23

24 5. R.S.24:12-2 is amended to read as follows:

25 24:12-2. No person shall distribute or sell, or manufacture for  
26 distribution or sale, or have in his possession with intent to  
27 distribute or sell, any nonalcoholic drink, except beverages  
28 purported to be for special dietary uses, which contains glucin,  
29 saccharin, sodium cyclamate, calcium cyclamate or other  
30 nonnutritive sweeteners.

31 The provisions of this section shall not prohibit the manufacture  
32 of, or the sale, distribution or possession of, nonalcoholic drinks  
33 which contain water obtained from a public community water  
34 supply】 system, treated with fluorides in a manner approved by  
35 the 【State Department】 Commissioner of 【Health】 Environmental  
36 Protection pursuant to law.

37 (cf: P.L.1966, c.74, s.15)

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39 6. R.S.26:2-65 is amended to read as follows:

40 26:2-65. Any water used or available for use for drinking or  
41 culinary purposes or for the cleansing of utensils used in preparing  
42 or serving food or drink for public consumption, shall be of a  
43 quality safe for such use and shall meet standards of quality 【fixed  
44 by the director of health of the State of New Jersey】 approved by  
45 the Commissioner of Health and Senior Services pursuant to law .

46 (cf: P.L.1939, c.261, s.1)

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48 7. This act shall take effect immediately.

## 1 STATEMENT

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This bill, which is designated the “New Jersey Public Water Supply Fluoridation Act,” requires the fluoridation of all public community water systems in New Jersey.

6 The bill provides specifically as follows:

7 -- The Commissioner of Environmental Protection, in conjunction  
8 with the Commissioner of Health and Senior Services, is to adopt  
9 rules and regulations relating to the fluoridation of public  
10 community water systems. The rules and regulations, at a  
11 minimum, must include:

12 (1) the means by which fluoride is controlled;

13 (2) the methods of testing the fluoride content; and

14 (3) the records to be kept relating to fluoridation.

15 -- The Commissioner of Environmental Protection, in conjunction  
16 with the Commissioner of Health and Senior Services, would  
17 enforce the fluoridation rules and regulations. In so doing, the  
18 Commissioner of Environmental Protection would require the  
19 fluoridation of water in all public community water systems within  
20 12 months of the bill's effective date.

21 -- The Commissioner of Environmental Protection cannot require  
22 the fluoridation of water in any public community water system in  
23 which the water supply in the state of nature contains sufficient  
24 fluorides to conform with the fluoridation rules and regulation.