

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 AND REPRESENTATIVES BALDONE, BURFORD, CARMODY, CARTER, CHANEY, DOWNS, GISCLAIR, HOFFMANN, HOWARD, KATZ, LABRUZZO, MILLS, MORRELL AND WILLMOTT

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AN ACT

To amend and reenact R.S. 40:5.11(B) and (G), relative to the water fluoridation program; to require certain public water systems to maintain the level of fluoride in their water within an optimal range as established in rules and regulations; to provide for funding; to provide for reporting; to provide for exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§5.11. Water fluoridation program; Fluoridation Advisory Board

* * *

~~B.(1) The intent of the program shall be to encourage each~~ **Each** public water system that has at least five thousand service connections ~~to provide fluoridation of its water supply by January 1, 2000~~ **and natural levels of fluoride**

1 that are outside the optimal range established in the rules and regulations
2 adopted pursuant to this Section shall acquire, install, operate and maintain
3 appropriate equipment and material in order to maintain the level of fluoride
4 in its water system in the optimal range for the purpose of protecting the dental
5 health of citizens of this state, as established in the rules and regulations
6 adopted pursuant to this Section.

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

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

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

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

1 system provides service.

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

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

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

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

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

23 * * *

24 G. 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
 27 maintaining levels of flouride in public water systems within the optimal range
 28 for the purpose of protecting the oral health of the citizens of this state.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____