

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H3/11/05

# A Bill

HOUSE BILL 2627

5 By: Representatives Roebuck, Bradford, Borhauer, Dickinson, Flowers, Goss, Hardwick, Hardy, J.  
6 Johnson, Mahony, McDaniel, S. Prater, Ragland, Reep, Willis, Wood  
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## For An Act To Be Entitled

10 AN ACT TO REQUIRE CERTAIN PUBLIC WATER SUPPLIES  
11 TO MAINTAIN A LEVEL OF FLUORIDE TO PREVENT TOOTH  
12 DECAY; AND FOR OTHER PURPOSES.  
13

### Subtitle

15 AN ACT TO REQUIRE CERTAIN PUBLIC WATER  
16 SUPPLIES TO MAINTAIN A LEVEL OF FLUORIDE  
17 TO PREVENT TOOTH DECAY.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 20, Chapter 7, Subchapter 1 is amended  
23 to add an additional section to read as follows:

24 20-7-136. Statewide fluoridation program.

25 (a) The General Assembly find that promotion of the public health of  
26 Arkansas residents of all ages by protection and maintenance of dental health  
27 through the fluoridation of drinking water is a paramount issue of statewide  
28 concern.

29 (b) It is the intent of the General Assembly to:

30 (1) Preempt local government regulations, ordinances, and  
31 initiatives that prohibit or restrict the fluoridation of drinking water by  
32 water systems serving five thousand (5,000) or more persons; and

33 (2) Decrease the burden that the Arkansas Medicaid and ARKids  
34 First Programs place upon the state's limited funds.

35 (c) For the purpose of promoting public health through prevention of  
36 tooth decay, whenever the fluoride content of water supplies serving five



1 thousand (5,000) or more persons, including consecutive supplies, provides  
2 less than seven-tenths of a milligram per liter (0.7 mg/l) of fluoride, the  
3 person, firm, corporation, or municipality having jurisdiction over a water  
4 supply whether publicly or privately owned or operated shall control the  
5 quantities of fluoride in the water so as to maintain a fluoride content  
6 prescribed by the Department of Health.

7 (d) The department shall promulgate rules relating to the fluoridation  
8 of water supplies that shall include, but not be limited to:

9 (1)(A) The minimum and maximum permissible concentrations of  
10 fluoride to be maintained by a water supply.

11 (B) The minimum permissible concentration of fluoride  
12 shall not be less than seven-tenths of a milligram per liter (0.7 mg/l).

13 (C) The maximum permissible concentration of fluoride  
14 shall not be greater than 1.2 milligrams per liter (1.2 mg/l); and

15 (2) The requirements and procedures for maintaining proper  
16 concentrations of fluoride, including any necessary equipment, testing,  
17 recordkeeping, and reporting.

18 (e)(1) A water supply required to fluoridate under this section is not  
19 required to comply with the requirements of this section until funds  
20 sufficient to pay capital start-up costs for fluoridation equipment for the  
21 system have become available from any source other than ratepayers,  
22 shareholders, local taxpayers, or bondholders of the public water supply.

23 (2) A registered civil engineer recognized or employed by the  
24 department who is familiar with the design, construction, operation, and  
25 maintenance of fluoridation systems shall determine for the department  
26 whether the capital start-up costs claimed under subdivision (e)(1) of this  
27 section are reasonable.

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29 */s/ Roebuck, et al*  
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