

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S2/22/11

# A Bill

SENATE BILL 359

5 *By: Senators D. Johnson, P. Malone, Crumbly, Bookout, Burnett, L. Chesterfield, J. Dismang, Elliott, S.*  
6 *Flowers, G. Jeffress, J. Jeffress, M. Lamoureux, Luker, Salmon, R. Thompson, E. Williams, D. Wyatt,*  
7 *Files*  
8 *By: Representatives Tyler, Allen, Fielding, Gaskill, Hall, Hyde, Kerr, Leding, Love, Lovell, Murdock,*  
9 *Perry, J. Roebuck, T. Steele, Stewart, Walker, Webb, B. Wilkins, Word, T. Baker, E. Elliott, T. Thompson,*  
10 *H. Wilkins, Williams, Woods*

## For An Act To Be Entitled

11  
12 AN ACT TO PROVIDE FOR CERTAIN WATER SYSTEMS TO  
13 MAINTAIN A LEVEL OF FLUORIDE TO PREVENT TOOTH DECAY;  
14 AND FOR OTHER PURPOSES.  
15  
16  
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## Subtitle

18 AN ACT TO *PROVIDE* CERTAIN WATER SYSTEMS  
19 TO MAINTAIN A LEVEL OF FLUORIDE TO  
20 PREVENT TOOTH DECAY.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code Title 20, Chapter 7, Subchapter 1 is amended  
27 to add an additional section to read as follows:

28 20-7-136. Statewide fluoridation program.

29 (a) As used in this section, "water system" means a facility including  
30 without limitation a parent system, consecutive system, or other system that  
31 holds, treats, and supplies water directly or through a consecutive system or  
32 consecutive systems to five thousand (5,000) persons or more.

33 (b) The company, corporation, municipality, county, government agency,  
34 or other entity that owns or controls a water system shall control the  
35 quantity of fluoride in the water so as to maintain a fluoride content  
36 established by the Department of Health.



1           (c) The State Board of Health shall adopt rules relating to the  
2 fluoridation of water systems that shall include without limitation:

3                   (1) Permissible concentrations of fluoride to be maintained by a  
4 water system; and

5                   (2) Requirements and procedures for maintaining permissible  
6 concentrations of fluoride including without limitation:

7                           (A) Necessary equipment;

8                           (B) Recordkeeping;

9                           (C) Reporting; and

10                           (D) Testing.

11           (d)(1) A water system required to fluoridate under this section is not  
12 required to comply with the requirements of this section until funds  
13 sufficient to pay capital start-up costs for fluoridation equipment for the  
14 system have become available from any source other than tax revenue  
15 or service revenue regularly collected by the company,  
16 corporation, municipality, county, or other government agency that owns or  
17 controls the water system.

18                   (2) A licensed civil engineer recognized or employed by the  
19 department who is familiar with the design, construction, operation, and  
20 maintenance of fluoridation systems shall determine for the department  
21 whether the capital start-up costs claimed under subdivision (d)(1) of this  
22 section are reasonable.

23           (e) A water system for a city in this state that receives its water  
24 supply from a community in another state is not required to comply with this  
25 section until a substantially similar fluoridation program is enacted for the  
26 water system of the community in the other state.

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28   /s/D. Johnson  
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