

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: H2/8/13*

# A Bill

HOUSE BILL 1038

5 By: Representative D. Altes  
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## For An Act To Be Entitled

8 AN ACT TO PROTECT CERTAIN WATER SYSTEMS; TO EXEMPT  
9 CITIES WITH A POPULATION OF MORE THAN EIGHTY THOUSAND  
10 AND LESS THAN ONE HUNDRED THOUSAND FROM CHEMICAL  
11 ADDITIVE REQUIREMENTS; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO PROTECT CERTAIN WATER SYSTEMS AND TO  
15 EXEMPT CERTAIN CITIES FROM CHEMICAL  
16 ADDITIVE REQUIREMENTS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 20-7-136, concerning a statewide  
23 fluoridation program, is amended to add an additional subsection to read as  
24 follows:

25 20-7-136. Statewide fluoridation program.

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

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

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

36 (1) Permissible concentrations of fluoride to be maintained by a



1 water system; and

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

4 (A) Necessary equipment;

5 (B) Recordkeeping;

6 (C) Reporting; and

7 (D) Testing.

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

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

20 (e)(1) This section does not apply to a water system of a city with a  
21 population of more than eighty thousand (80,000) and less than one hundred  
22 thousand (100,000).

23 (2) This section does not apply to a water system of a city with  
24 a population of more than thirty-five thousand (35,000) and less than forty  
25 thousand (40,000).

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

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/s/D. Altes

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