

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

SENATE BILL 299

4
5 By: Senator B. King

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING WATER DISTRICTS;
9 TO ALLOW VOTERS TO ELECT "FOR" OR "AGAINST" WATER
10 FLUORIDATION; AND FOR OTHER PURPOSES.

Subtitle

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14 TO AMEND THE LAW CONCERNING WATER
15 DISTRICTS; AND TO ALLOW VOTERS TO ELECT
16 "FOR" OR "AGAINST" WATER FLUORIDATION.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Title 14, Chapter 116, Subchapter 1, is
22 amended to add an additional section to read as follows:

23 14-116-108. Election for fluoridation of water – Definition.

24 (a) Before a water district fluoridates the water treated by the water
25 system serving the water district under § 20-7-136, the water district shall
26 hold an election of the qualified electors in the water district to determine
27 whether or not the water district shall fluoridate the water.

28 (b)(1) An election under this section may be called by:

29 (A) Majority vote of the board of directors of the water
30 district; or

31 (B) A petition signed by no less than thirty-five percent
32 (35%) of the qualified electors in the water district.

33 (2)(A) Except as provided under subdivision (b)(2)(B) of this
34 section, an election under this section shall be held at the next general
35 election.

36 (B) A subsequent election in the water district under this



1 section shall not be held earlier than four (4) years after an election is
2 held under this section.

3 (3) Except as provided in this section, the election under this
4 section shall be held and conducted in accordance with the general election
5 laws of this state.

6 (4) The question of whether to fluoridate the water in the water
7 system shall be placed upon the ballots of the qualified electors in the
8 following form:

9 " FOR THE FLUORIDATION OF WATER IN [DESCRIPTION OF THE
10 WATER DISTRICT]

11 AGAINST THE FLUORIDATION OF WATER IN [DESCRIPTION OF
12 THE WATER DISTRICT]."

13 (c)(1) The petition under this section shall be filed with the county
14 clerk of each county within the water district no less than one hundred
15 twenty (120) days before the general election.

16 (2) No more than ten (10) days after the filing of the petition,
17 the county clerk shall:

18 (A) Verify the petition;

19 (B) Certify the petition; and

20 (C) Notify the county boards of election commissioners for
21 the counties within the water district and the board of directors of the
22 water district of the verification and certification of the petition.

23 (3) The petition shall clearly state:

24 (A) The boundaries of the water district; and

25 (B) That the petition is to elect "for" or "against"
26 fluoridation of the water in the water district.

27 (d) If the majority of the qualified electors of the water district
28 elect to prohibit fluoridation of water, the water system shall cease
29 fluoridation of the water within thirty (30) days of the certification of the
30 election results.

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

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1 SECTION 2. Arkansas Code § 20-7-136(b), concerning a statewide
2 fluoridation program, is amended to read as follows:

3 (b) ~~The~~ Except as provided under § 14-116-108, the company,
4 corporation, municipality, county, government agency, or other entity that
5 owns or controls a water system shall control the quantity of fluoride in the
6 water so as to maintain a fluoride content established by the Department of
7 Health.

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