

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

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/6/17

A Bill

SENATE BILL 299

5 By: Senator B. King
6

For An Act To Be Entitled

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

Subtitle

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14 *TO AMEND THE LAW CONCERNING PUBLIC WATER*
15 *SYSTEMS; 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) Customers of a public water system shall have the option to hold
25 an election of the qualified electors of the public water system to determine
26 whether or not the public water system shall fluoridate the water.

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

28 (A) Majority vote of the board of directors of the public
29 water system; or

30 (B) A petition signed by no less than ten percent (10%) of
31 the qualified electors in the public water system.

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

35 (B) A subsequent election in the public water system under
36 this section shall not be held earlier than four (4) years after an election



1 is held under this section.

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

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

8 " FOR THE FLUORIDATION OF WATER IN [DESCRIPTION OF THE
9 PUBLIC WATER SYSTEM]

10 AGAINST THE FLUORIDATION OF WATER IN [DESCRIPTION OF
11 PUBLIC WATER SYSTEM]."

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

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

17 (A) Verify the petition;

18 (B) Certify the petition; and

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

22 (3) The petition shall clearly state:

23 (A) The boundaries of the public water system; and

24 (B) That the petition is to elect "for" or "against"
25 fluoridation of the water in the public water system.

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

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

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36 SECTION 2. Arkansas Code § 20-7-136(b), concerning a statewide

1 fluoridation program, is amended to read as follows:

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

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/s/B. King

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