

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1387

Introduced by Hansen, 16.

Read first time January 17, 2024

Committee:

1 A BILL FOR AN ACT relating to public health and welfare; to amend section
2 71-3306, Reissue Revised Statutes of Nebraska, and section 71-3305,
3 Revised Statutes Cumulative Supplement, 2022; to change provisions
4 relating to fluoridation of water supplies by certain political
5 subdivisions and other entities; to harmonize provisions; and to
6 repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-3305, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 71-3305 (1) Before January 1, 2025:

4 (a) Except as otherwise provided in subdivision (1)(b) or (c)
5 subsection (2) or (3) of this section, any city or village having a
6 population of one thousand or more inhabitants as determined by the most
7 recent federal decennial census or the most recent revised certified
8 count by the United States Bureau of the Census shall add fluoride to the
9 water supply for human consumption for such city or village. Such
10 addition of fluoride shall be as provided in the rules and regulations of
11 the Department of Health and Human Services, except that the addition of
12 fluoride shall not exceed seven-tenths of one milligram of fluoride per
13 liter of water. The requirement to add fluoride as provided in this
14 subdivision shall not apply if unless such water supply of the city or
15 village has sufficient amounts of naturally occurring fluoride as
16 determined by testing pursuant to the provided in such rules and
17 regulations of the department; -

18 (b) Subdivision (1)(a) (2) Subsection (1) of this section does not
19 apply if the voters of the city or village adopted an ordinance, after
20 April 18, 2008, but before June 1, 2010, to prohibit the addition of
21 fluoride to such water supply; -

22 (c) (3) If any city or village reaches a population of one thousand
23 or more inhabitants as determined by the most recent federal decennial
24 census or the most recent revised certified count by the United States
25 Bureau of the Census after June 1, 2010, and is required to add fluoride
26 to its water supply under subdivision (1)(a) subsection (1) of this
27 section, the city or village may adopt an ordinance to prohibit the
28 addition of fluoride to such water supply. The ordinance may be placed on
29 the ballot by a majority vote of the governing body of the city or
30 village or by initiative pursuant to the Municipal Initiative and
31 Referendum Act. Such proposed ordinance shall be voted upon at the next

1 statewide general election after the population of the city or village
2 reaches one thousand or more inhabitants as determined by the most recent
3 federal decennial census or the most recent revised certified count by
4 the United States Bureau of the Census; and -

5 (d) (4) Any rural water district organized under sections 46-1001 to
6 46-1020 that supplies water for human consumption to any city or village
7 which is required to add fluoride to such water supply under subdivision
8 (1)(a) of this section shall not be responsible for any costs, equipment,
9 testing, or maintenance related to such fluoridation unless such district
10 has agreed with the city or village to assume such responsibilities.

11 (2) This subsection applies to any city or village fluoridating its
12 water supply prior to, on, or after January 1, 2025. Beginning January 1,
13 2025:

14 (a)(i) Any city or village may, by a majority vote of the city
15 council or village board of trustees, adopt an ordinance to add fluoride
16 to its water supply. Such addition of fluoride shall be at a maximum
17 level of seven-tenths of one milligram of fluoride per liter of water. If
18 adopted, the ordinance shall be placed on the ballot by the city council
19 or village board for a direct vote of the electors of the city or village
20 pursuant to the Municipal Initiative and Referendum Act.

21 (ii) Placement of the measure on the ballot by the city council or
22 village board of trustees shall occur no later than September 1 of the
23 year of the next-occurring statewide general election following the
24 adoption of the ordinance by the city or village.

25 (iii) The ordinance shall become law if approved by a majority of
26 the votes cast on such issue. If the ordinance is not approved by a
27 majority of the votes cast on such issue, the ordinance shall not become
28 law. If a city or village has not adopted an ordinance pursuant to this
29 subsection and such ordinance has not been placed on the ballot in time
30 for the statewide general election as provided in this subsection, such
31 city or village shall cease fluoridation of its water supply;

1 (b) The city council or village board of trustees may (i) by a
2 majority vote repeal the ordinance approved by the electors or (ii) by a
3 two-thirds majority vote adopt the same ordinance previously rejected by
4 the electors, but no vote pursuant to subdivision (b)(ii) of this
5 subsection shall occur within one year after the date of rejection by the
6 electors. Any action by the city council or village board of trustees
7 under either subdivision (b)(i) or (b)(ii) of this subsection shall also
8 be submitted for a direct vote of the electors in the same manner as
9 provided under subdivision (2)(a) of this section at the next-occurring
10 statewide general election;

11 (c) Any rural water district organized under sections 46-1001 to
12 46-1020 that supplies water for human consumption to any city or village
13 that has adopted an ordinance to add fluoride to such water supply
14 pursuant to subdivision (2)(a) of this section shall not be responsible
15 for any costs, equipment, testing, or maintenance related to such
16 fluoridation unless such district has agreed with the city or village to
17 assume such responsibilities; and

18 (d) Nothing in this subsection shall be construed to prohibit the
19 right of the electors of a city or village to adopt or repeal any
20 ordinance to add fluoride to the water supply of such city or village by
21 initiative or referendum pursuant to the Municipal Initiative and
22 Referendum Act. Such proposal brought by initiative or referendum
23 petition shall be voted on at the next statewide general election. Any
24 ordinance placed on the ballot by initiative proposing to add fluoride to
25 the water supply of a city or village shall provide that such addition of
26 fluoride be at a maximum level of seven-tenths of one milligram of
27 fluoride per liter of water.

28 Sec. 2. Section 71-3306, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 71-3306 (1) Any public or private entity not included in section
31 71-3305 which provides a water supply for human consumption and which is

1 ~~not required to add fluoride to such water supply~~ may, upon written
2 notification to the consumers of such water supply, add fluoride to such
3 water supply at a maximum level of seven-tenths of one milligram of
4 fluoride per liter of water ~~in the amount~~ and ~~in the manner~~ prescribed by
5 the rules and regulations of the Department of Health and Human Services.

6 (2) Any such entity already adding fluoride to such water supply on
7 the effective date of this act shall provide notification pursuant to
8 subsection (1) of this section within thirty days after the effective
9 date of this act.

10 Sec. 3. Original section 71-3306, Reissue Revised Statutes of
11 Nebraska, and section 71-3305, Revised Statutes Cumulative Supplement,
12 2022, are repealed.