

SAFE DRINKING WATER DISCLOSURE ACT

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Roger E. Barrus

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires that a public water system that fluoridates public water supplies meet certain requirements, requires a local health department to order temporary removal of fluoride from public water supplies under certain circumstances, and allows a local health department to order temporary removal of fluoride from public water supplies under certain circumstances.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires that a public water system that fluoridates public water supplies under order of a local health department meet certain requirements;
- ▶ requires that a public water system:
 - review and maintain certain records relating to the fluoride the public water system uses to fluoridate public water supplies under order of a local health department; and
 - provide copies of the records upon request of a member of the public;
- ▶ requires a local health department to:
 - review and maintain certain records relating to fluoride used to fluoridate public water supplies; and
 - order a public water system to temporarily remove fluoride from public water



28 supplies under certain circumstances and give public notice of the removal;

29 ▶ allows a local health department to order a public water system to temporarily
30 remove fluoride from public water supplies under certain circumstances and give
31 public notice of the removal;

32 ▶ requires the Division of Drinking Water to review and maintain certain records; and
33 ▶ makes technical changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **19-4-111**, as last amended by Laws of Utah 2009, Chapter 371

41 **19-4-111.1**, as enacted by Laws of Utah 2002, Chapter 16

42 **19-4-111.2**, as last amended by Laws of Utah 2009, Chapter 371



44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **19-4-111** is amended to read:

46 **19-4-111. Fluoride added to or removed from water -- Election or shareholder**
47 **vote required.**

48 (1) As used in this section:

49 (a) "Corporate public water system" means a public water system that is owned by a
50 corporation engaged in distributing water only to its shareholders.

51 (b) "Corporation" is as defined in Section 16-4-102.

52 ~~[(c) "Fluorine" includes a derivative or compound of fluorine.]~~

53 (c) "Fluoride" means a chemical compound that contains the fluoride ion and is used to
54 fluoridate drinking water, including:

55 (i) fluorosilicic acid;

56 (ii) sodium fluorosilicate; or

57 (iii) sodium fluoride.

58 (d) "Fluoride supplier" means a person who:

- 59 (i) manufactures, distributes, or packages or repackages fluoride;
- 60 (ii) is NSF/ANSI Standard 60 certified;
- 61 (iii) has evidence of the person's NSF/ANSI Standard 60 certification displayed on the
- 62 website of a certification body accredited by the International Accreditation Forum, including:
- 63 (A) NSF;
- 64 (B) the Underwriter Laboratory; or
- 65 (C) the Water Quality Association; and
- 66 (iv) provides fluoride in compliance with applicable NSF/ANSI Standard 60
- 67 certification requirements.

68 ~~(d)~~ (e) "Removal" means ceasing to add [~~fluorine~~] fluoride to a public water supply,

69 the addition having been previously approved by the voters of a political subdivision.

70 (2) (a) Except as provided in Subsection (7) or Subsection 19-4-104(1)(a)(i), public

71 water supplies, whether state, county, municipal, or district, may not have [~~fluorine~~] fluoride

72 added to or removed from the water supply without the approval of a majority of voters in an

73 election in the area affected.

74 (b) An election shall be held:

75 (i) upon the filing of an initiative petition requesting the action in accordance with state

76 law governing initiative petitions;

77 (ii) in the case of a municipal, local district, special service district, or county water

78 system that is functionally separate from any other water system, upon the passage of a

79 resolution by the legislative body or local district or special service district board representing

80 the affected voters, submitting the question to the affected voters at a municipal general

81 election; or

82 (iii) in a county of the first or second class, upon the passage of a resolution by the

83 county legislative body to place an opinion question relating to all public water systems within

84 the county, except as provided in Subsection (3), on the ballot at a general election.

85 (3) If a majority of voters on an opinion question under Subsection (2)(b)(iii) approve

86 the addition of [~~fluorine~~] fluoride to or the removal of [~~fluorine~~] fluoride from the public water

87 supplies within the county, the local health departments shall require the addition of [~~fluorine~~]

88 fluoride to or the removal of [~~fluorine~~] fluoride from all public water supplies within that

89 county other than those systems:

90 (a) that are functionally separate from any other public water systems in that county;
91 and

92 (b) where a majority of the voters served by the public water system voted against the
93 addition or removal of ~~[fluorine]~~ fluoride on the opinion question under Subsection (2)(b)(iii).

94 (4) Nothing contained in this section prohibits the addition of chlorine or other water
95 purifying agents.

96 (5) Any political subdivision that, prior to November 2, 1976, decided to and was
97 adding ~~[fluorine]~~ fluoride to the drinking water is considered to have complied with Subsection
98 (2).

99 (6) In an election held pursuant to Subsection (2)(b)(i), (ii), or (iii), where a majority of
100 the voters approve the addition ~~[to or removal of fluorine]~~ of fluoride to or the removal of
101 fluoride from the public water supplies, no election to consider adding fluoride to or removing
102 [fluorine] fluoride from ~~[or adding fluorine to]~~ the public water supplies shall be held for a
103 period of four years from the date of approval by the majority of voters beginning with
104 elections held in November 2000.

105 (7) (a) A supplier may not add ~~[fluorine]~~ fluoride to or remove ~~[fluorine]~~ fluoride from
106 a corporate public water system unless the majority of the votes cast by the shareholders of the
107 corporate public water system authorize the supplier to add or remove the ~~[fluorine]~~ fluoride.

108 (b) If a corporate public water system's shareholders do not vote to add ~~[fluorine]~~
109 fluoride under Subsection (7)(a), the supplier shall annually provide notice to a person who
110 receives water from the corporate public water system of the average amount of ~~[fluorine]~~
111 fluoride in the water.

112 (c) A vote of the corporate public water system's shareholders under Subsection (7)(a)
113 does not require a supplier of another public water system, including a public water system that
114 provides water to the corporate public water system, to add ~~[fluorine]~~ fluoride to or remove
115 ~~[fluorine]~~ fluoride from the public water system.

116 (8) If a local health department requires a public water system to add fluoride to public
117 drinking water supplies under Subsection (3), the public water system shall fluoridate the
118 public drinking water supplies with fluoride manufactured, distributed, packaged, and, if
119 applicable, repackaged by a fluoride supplier who has provided copies of the original, dated
120 documents used to obtain and maintain NSF/ANSI Standard 60 certification to:

121 (a) the local health department that oversees the public water system; and

122 (b) the division.

123 (9) A public water system described in Subsection (8) shall obtain, for each quantity of
124 fluoride acquired to fluoridate public drinking water supplies, a batch-specific certificate of
125 analysis that represents the complete composition of the formulation of the undiluted raw
126 fluoride substance, in percent or parts by weight, for each chemical and contaminant in the
127 batch.

128 (10) A local health department shall:

129 (a) order the temporary removal of fluoride from a public water system within the
130 boundaries of the local health department if the public water system:

131 (i) violates Subsection (8) or (9); or

132 (ii) is unable to fluoridate public drinking water supplies in accordance with
133 Subsections (8) and (9); and

134 (b) review and maintain the certification documents submitted to the local health
135 department under Subsection (8).

136 (11) A public water system described in Subsection (8) shall:

137 (a) review and maintain certificates of analysis obtained under Subsection (9); and

138 (b) upon request of a member of the public, provide a copy of a certificate of analysis
139 obtained under Subsection (9) to the member of the public.

140 (12) A local health department may order the temporary removal of fluoride from a
141 public water system within the boundaries of the local health department if the public water
142 system violates a provision of Subsection (11).

143 (13) If a local health department orders the removal of fluoride from a public water
144 system under Subsection (10)(a) or (12), the local health department shall:

145 (a) issue a public notice regarding the temporary removal of fluoride from the public
146 water system; and

147 (b) when the public water system demonstrates its ability to fluoridate in accordance
148 with Subsections (8), (9), and (11), revoke the removal requirement.

149 (14) The division shall review and maintain the certification documents submitted to
150 the division under Subsection (8).

151 Section 2. Section **19-4-111.1** is amended to read:

152 **19-4-111.1. Provision of fluoridated water -- Request of resident.**

153 A public water system in a county of the first or second class whose entire water
154 inventory is fluoridated may supply water to a residence or business in a municipality that is
155 located in two counties, one that has approved fluoridation and one that has not approved
156 fluoridation in accordance with [~~Subsection~~] Section 19-4-111[~~(1)~~] if:

- 157 (1) the owner requests that the public water system supply water to the residence or
158 business;
- 159 (2) no reasonable alternative water supply exists; and
- 160 (3) the owner's request can be fulfilled without affecting other residences or businesses
161 in the municipality or county that has not approved fluoridation.

162 Section 3. Section **19-4-111.2** is amended to read:

163 **19-4-111.2. Provision of fluoridated water -- Emergency circumstances.**

164 (1) A public water system that is simultaneously supplying water to a municipality or
165 county that approved fluoridation in accordance with Section 19-4-111 and a municipality or
166 county that has not approved fluoridation may provide water from its fluoridated inventory to a
167 municipality or county that has not approved fluoridation if:

- 168 (a) as a result of a short-term emergency, the only water available is from the public
169 water system's fluoridated inventory;
- 170 (b) the public water system ceases providing fluoridated water to the municipality or
171 county that has not approved fluoridation in accordance with [~~Subsection~~] Section
172 19-4-111[~~(2)~~] in a time consistent with repair times following best industrial practice; and
- 173 (c) where feasible, provide prompt notice to the affected area.

174 (2) (a) A resident of an affected area that does not wish to receive fluoridated water
175 during an emergency may contact the public water system to have delivery of fluoridated water
176 to their residence or business terminated.

177 (b) The resident shall determine when to resume delivery of water and shall contact the
178 public water system to have delivery of water resumed.

Legislative Review Note
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Office of Legislative Research and General Counsel