

SENATE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 2 by Senator Fesi

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "enact R.S. 40:5.3.1 and to repeal R.S. 40:5.11" and insert "amend
3 and reenact R.S. 40:5.11(A) and (B)"

4 AMENDMENT NO. 2

5 On page 1, at the beginning of line 3, insert "mandatory fluoridation pursuant to"

6 AMENDMENT NO. 3

7 On page 1, line 4, after "systems" insert "unless approved in a local election"

8 AMENDMENT NO. 4

9 On page 1, delete lines 6 through 9 and insert the following:

10 "Section 1. R.S. 40:5.11(A) and (B) are hereby amended and reenacted to read as
11 follows:

12 §5.11. Water fluoridation program

13 A. The secretary of the Louisiana Department of Health shall establish in the
14 office of public health a fluoridation program for the purpose of protecting the dental
15 health of the citizens of this state, and especially children, through the prevention of
16 tooth decay. The governing authority of each parish or municipality shall determine
17 whether the public water systems within the parish or municipality's jurisdiction shall
18 fluoridate the public water system. If the governing authority determines the water
19 will be fluoridated, the governing authority shall notify all residents serviced by the
20 system. Any fluoridation shall be in accordance with rules promulgated by the
21 Louisiana Department of Health.

22 B.(1) Each public water system that has at least five thousand service
23 connections and natural levels of fluoride that are outside the optimal range
24 established in the rules and regulations adopted pursuant to this Section shall acquire,
25 install, operate and maintain appropriate equipment and material in order to maintain
26 the level of fluoride in its water system in the optimal range for the purpose of
27 protecting the dental health of citizens of this state, as established in the rules and
28 regulations adopted pursuant to this Section.

29 (2) Each public water system with at least five thousand service connections
30 that has fluoride levels outside the optimal range established in the rules and
31 regulations adopted pursuant to this Section shall provide to the Louisiana
32 Department of Health no later than March 1, 2009, an estimate of the total capital
33 costs to acquire and install fluoridation treatment equipment capable of maintaining
34 fluoride levels within the optimal range for the purpose of protecting the dental
35 health of citizens of this state, as established in the rules and regulations adopted
36 pursuant to this Section.

37 (3) No public water system shall be required to comply with Paragraph (1)
38 of this Subsection unless sufficient funds have been identified by the state, whether
39 by appropriation, capital outlay, grants or similar means or source of funds, as
40 available to that system for the cost of acquiring and installing fluoridation
41 equipment and the cost of material required to fluoridate said system for at least six
42 months from the date of initial installation.

43 (4) A public water system that has never used fluoridation to adjust fluoride
44 levels in its water and whose water contains fluoride in amounts outside the range
45 established in the rules and regulations adopted pursuant to this Section as optimal
46 for the purpose of protecting the dental health of the citizenry shall be exempt from
47 compliance with Paragraph (1) of this Subsection provided all of the following

1 apply: **Fluoridation of a public water system is authorized only if all of the**
2 **following conditions are met:**

3 ~~(a)~~**(1)** A petition requesting ~~the exemption~~ **fluoridation** has been signed by
4 at least fifteen percent of the registered voters who reside in the precincts served by
5 said water system, as certified by the parish registrar of voters, and has been
6 presented to the governing authority of each municipality or parish in whose
7 jurisdiction the system provides service.

8 ~~(b)~~**(2)** A local election has been called ~~on the exemption~~ after the petition has
9 been received by each governing authority pursuant to Subparagraph (a) of this
10 Paragraph. Participation in the election shall be limited to those precincts in which
11 the water system provides service. The local election shall be called and conducted
12 by the governing authority of each municipality in whose jurisdiction the water
13 system provides service if all of the registered voters served by the water system
14 reside wholly within the jurisdiction of one or more municipalities. However, the
15 local election shall instead be called and conducted by the governing authority of
16 each parish in whose jurisdiction the water system provides service if either of the
17 following applies:

18 ~~(i)~~**(a)** The water system also provides service to registered voters in
19 unincorporated areas of one or more parishes.

20 ~~(ii)~~**(b)** The water system was created or franchised by the parish or parishes.

21 ~~(e)~~**(3)** Each local election pertaining to the ~~exemption~~ **fluoridation** of said
22 water system has been held in accordance with state and local law, and the certified
23 results of each election show that a majority of the registered voters who cast a vote
24 in said election approve ~~exemption~~ **the fluoridation**.

25 ~~(d)~~**(4)** No election on the same question in the same jurisdiction took place
26 in the four years immediately prior to the election in which the ~~exemption~~
27 **fluoridation** was approved.

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