

Prior law provided that the intent of the water fluoridation program be to encourage each public water system with at least 5,000 service connections to provide fluoridation of its water supply by January 1, 2000.

New law provides that each public water system that has at least 5,000 service connections and natural levels of fluoride that are outside the optimal range established in the rules and regulations adopted pursuant to prior law shall acquire, install, operate and maintain appropriate equipment and material in order to maintain the level of fluoride in its water system in the optimal range for the purpose of protecting the dental health of citizens of this state, as established in the rules and regulations adopted pursuant to prior law.

New law provides that such public water system shall provide to the department no later than March 1, 2009, an estimate of the total capital costs to acquire and install fluoridation treatment equipment capable of maintaining fluoride levels within the optimal range for the purpose of protecting the dental health of citizens of this state, as established in the rules and regulations adopted pursuant to prior law.

New law provides that no public water system shall be required to comply with new law unless sufficient funds have been identified by the state, whether by appropriation, capital outlay, grants or similar means or source of funds, as available to that system for the cost of acquiring and installing fluoridation equipment and the cost of material required to fluoridate said system for at least six months from the date of initial installation.

New law further provides that a public water system that has never used fluoridation to adjust fluoride levels in its water and whose water contains fluoride in amounts outside the range established in the rules and regulations adopted pursuant to prior law as optimal for the purpose of protecting the dental health of the citizenry shall be exempt from compliance with New law provides all of the following apply:

- (1) A petition requesting the exemption has been signed by at least fifteen percent of the registered voters who reside in the precincts served by said water system, as certified by the parish registrar of voters, and has been presented to the governing authority of each municipality or parish in whose jurisdiction the system provides service.
- (2) A local election has been called on the exemption after the petition has been received by each governing authority pursuant to new law. Participation in the election shall be limited to those precincts in which the water system provides service. The local election shall be called and conducted by the governing authority of each municipality in whose jurisdiction the water system provides service if all of the registered voters served by the water system reside wholly within the jurisdiction of one or more municipalities. However, the local election shall instead be called and conducted by the governing authority of each parish in whose jurisdiction the water system provides service if either of the following applies:
 - (i) The water system also provides service to registered voters in unincorporated areas of one or more parishes.
 - (ii) The water system was created or franchised by the parish or parishes.
- (3) Each local election pertaining to the exemption of said water system has been held in accordance with state and local law, and the certified results of each election show that a majority of the registered voters who cast a vote in said election approve the exemption.
- (4) No election on the same question in the same municipality took place in the four years immediately prior to the election in which the exemption was approved.

New law authorizes the office of public health to promulgate regulations in accordance with the APA related to maintaining levels of fluoride in public water systems within the optimal range for the purpose of protecting the oral health of the citizens of the state.

Effective upon signature of the governor (July 6, 2008).

(Amends R.S. 40:5.11(B) and (G))