

2025 Regular Session

SENATE BILL NO. 2

BY SENATORS FESI, CLOUD AND MCMATH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC HEALTH. Provides relative to public water systems. (1/1/26)

AN ACT

To amend and reenact R.S. 40:5.11(A) and (B) and to enact R.S. 40:5.3.1, relative to public water systems; to repeal mandatory fluoridation pursuant to the Louisiana Department of Health's water fluoridation program; to prohibit the fluoridation of public water systems unless approved in a local election; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:5.11(A) and (B) are hereby amended and reenacted and R.S. 40:5.3.1 is hereby enacted to read as follows:

**§5.3.1. Public water systems; prohibitions**

**Fluoridation of any public water system in Louisiana is prohibited unless authorized pursuant to R.S. 40:5.11. The provisions of this Subsection shall not require any system to remove any naturally occurring fluoride from its water.**

\* \* \*

§5.11. Water fluoridation program

A. The secretary of the Louisiana Department of Health shall establish in the office of public health a fluoridation program ~~for the purpose of protecting the dental~~

1 health of the citizens of this state, and especially children, through the prevention of  
2 tooth decay.

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

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

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

24 (4) A public water system that has never used fluoridation to adjust fluoride  
25 levels in its water and whose water contains fluoride in amounts outside the range  
26 established in the rules and regulations adopted pursuant to this Section as optimal  
27 for the purpose of protecting the dental health of the citizenry shall be exempt from  
28 compliance with Paragraph (1) of this Subsection provided all of the following  
29 apply: **Fluoridation of a public water system is authorized only if all of the**

**following conditions are met:**

~~(a)~~**(1)** A petition requesting ~~the exemption~~ **fluoridation** 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.

~~(b)~~**(2)** A local election has been called ~~on the exemption~~ after the petition has been received by each governing authority pursuant to Subparagraph ~~(a)~~ **Paragraph (1)** of this ~~Paragraph~~ **Subsection**. 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)~~**(a)** The water system also provides service to registered voters in unincorporated areas of one or more parishes.

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

~~(c)~~**(3)** Each local election pertaining to the ~~exemption~~ **fluoridation** 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 ~~exemption~~ **the fluoridation**.

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

\* \* \*

Section 2. This Act shall become effective on January 1, 2026.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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DIGEST

SB 2 Reengrossed                                      2025 Regular Session                                      Fesi

Present law requires the La. Dept. of Health to establish a water fluoridation program for public water systems with at least 5,000 service connections and provides exemptions for water systems that meet certain criteria.

Present law requires the La. Dept. of Health to establish the levels of fluoride for public water systems to comply with the fluoridation program.

Present law authorizes certain water systems to opt out of the program if 15% of registered voters in the precincts served by the water system sign a petition and a local election is called by the governing authority in which a majority of registered voters approve the exemption.

Proposed law prohibits the fluoridation of any public water systems unless 15% of registered voters in the precincts served by the water system sign a petition and a local election is called by the governing authority in which a majority of registered voters approve the fluoridation.

Proposed law provides that systems are not required to remove any naturally occurring fluoride from their water.

Effective January 1, 2026.

(Amends R.S. 40:5.11(A) and (B); adds R.S. 40:5.3.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Provides that systems are not required to remove any naturally occurring fluoride from their water.
2. Prohibits the use of chlorine gas to treat any public water system, effective January 1, 2029.
3. Changes the effective date from August 1, 2025 to January 1, 2026.
4. Prohibits the fluoridation of any public water systems unless 15% of registered voters in the precincts served by the water system sign a petition and a local election is called by the governing authority in which a majority of registered voters approve the fluoridation.
5. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Remove the prohibition on using chlorine gas to treat public water systems.
2. Make technical changes.