

1                                   **FLUORINE ADDED TO WATER - EXPANSION**  
2                                   **TO SECOND CLASS COUNTIES**

3                                   2000 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: D. Edgar Allen**

6 AN ACT RELATING TO ENVIRONMENTAL QUALITY; AUTHORIZING  
7 COMMISSIONERS OF SECOND CLASS COUNTIES TO PASS A RESOLUTION TO PLACE  
8 THE ISSUE OF ADDING FLUORINE TO DRINKING WATER ON A GENERAL ELECTION  
9 BALLOT; PROVIDING FOR EXEMPTIONS; AND MAKING TECHNICAL CHANGES.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12           **19-4-111**, as last amended by Chapter 301, Laws of Utah 1998

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

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

15           **19-4-111. Fluorine added to water -- Election required.**

16           (1) Notwithstanding any other provision of law, public water supplies, whether state,  
17 county, municipal, or district, shall not have fluorine or any of its derivatives or compounds added  
18 to them without the approval of a majority of voters in an election in the area affected. An election  
19 shall be held upon the:

20           (a) filing of an initiative petition requesting the action in accordance with state law  
21 governing initiative petitions;

22           (b) in the case of a municipal, special district, or county water system, passage of a  
23 resolution by the legislative body or special district board representing the affected voters,  
24 submitting the question to the affected voters at the next regular general election or municipal  
25 general election; or

26           (c) in a county of the first or second class, passage of a resolution by [a] the county  
27 commission to place an opinion question relating to all public water systems within the county.

28 except as provided in Subsection (2), on the ballot at the next general election.

29 (2) If a majority of voters on an opinion question under Subsection (1)(c) approve the  
30 addition of fluorine to the public water supplies within the county, the local health departments  
31 shall require the addition of fluorine to [the] all public water supplies within that county other than  
32 those systems:

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

34 (b) that serve less than 5,000 users;

35 (c) where a majority of the voters served by the public water system voted against the  
36 addition of fluorine on the opinion question under Subsection (1)(c); and

37 (d) where the addition of fluorine to the public water system would not be economically  
38 feasible, as determined by the local health department.

39 (3) Nothing contained in this section prohibits the addition of chlorine or other water  
40 purifying agents.

41 (4) Any political subdivision which, prior to November 2, 1976, decided to and was adding  
42 fluorine or any of its derivatives or compounds to the drinking water is considered to have  
43 complied with Subsection (1).

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**Legislative Review Note**  
**as of 1-26-00 9:48 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**