

30 **19-4-111. Fluorine added to or removed from water -- Election or shareholder**
31 **vote required.**

32 (1) As used in this section:

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

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

36 (c) "Fluorine" includes a derivative or compound of fluorine.

37 (d) "Removal" means ceasing to add fluorine to a public water supply, the addition
38 having been previously approved by the voters of a political subdivision.

39 ~~[(1)]~~ (2) (a) Except as provided in Subsection (7) or Subsection 19-4-104(1)(a)(i),
40 public water supplies, whether state, county, municipal, or district, may not have fluorine [~~or~~
41 ~~any of its derivatives or compounds~~] added to or removed from [~~them~~] the water supply
42 without the approval of a majority of voters in an election in the area affected.

43 (b) An election shall be held:

44 (i) upon the filing of an initiative petition requesting the action in accordance with
45 state law governing initiative petitions;

46 (ii) in the case of a municipal, local district, special service district, or county water
47 system [~~which~~] that is functionally separate from any other water system, upon the passage of
48 a resolution by the legislative body or local district or special service district board
49 representing the affected voters, submitting the question to the affected voters at a municipal
50 general election; or

51 (iii) in a county of the first or second class, upon the passage of a resolution by the
52 county legislative body to place an opinion question relating to all public water systems within
53 the county, except as provided in Subsection ~~[(2)]~~ (3), on the ballot at a general election.

54 ~~[(2)]~~ (3) If a majority of voters on an opinion question under Subsection ~~[(1)]~~
55 (2)(b)(iii) approve the addition of fluorine to or the removal of fluorine from the public water
56 supplies within the county, the local health departments shall require the addition of fluorine
57 to or the removal of fluorine from all public water supplies within that county other than those

58 systems:

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

61 (b) where a majority of the voters served by the public water system voted against the
62 addition or removal of fluorine on the opinion question under Subsection ~~[(1)]~~ (2)(b)(iii).

63 ~~[(3)]~~ (4) Nothing contained in this section prohibits the addition of chlorine or other
64 water purifying agents.

65 ~~[(4)]~~ (5) Any political subdivision ~~[which]~~ that, prior to November 2, 1976, decided to
66 and was adding fluorine ~~[or any of its derivatives or compounds]~~ to the drinking water is
67 considered to have complied with Subsection ~~[(1)]~~ (2).

68 ~~[(5)]~~ (6) In an election held pursuant to ~~[Subsections (1)]~~ Subsection (2)(b)(i), (ii), or
69 (iii), where a majority of the voters approve the addition to or removal of fluorine from the
70 public water supplies, no election to consider removing fluorine from or adding fluorine to the
71 public water supplies shall be held for a period of four years from the date of approval by the
72 majority of voters beginning with elections held in November 2000.

73 ~~[(6) For purposes of this section, "removal" means ceasing to add fluorine to a public~~
74 ~~water supply, the addition having been previously approved by the voters of a political~~
75 ~~subdivision.]~~

76 (7) (a) A supplier may not add fluorine to or remove fluorine from a corporate public
77 water system unless the majority of the votes cast by the shareholders of the corporate public
78 water system authorize the supplier to add or remove the fluorine.

79 (b) If a corporate public water system's shareholders do not vote to add fluorine under
80 Subsection (7)(a), the supplier shall annually provide notice to a person who receives water
81 from the corporate public water system of the average amount of fluorine in the water.

82 (c) A vote of the corporate public water system's shareholders under Subsection (7)(a)
83 does not require a supplier of another public water system, including a public water system
84 that provides water to the corporate public water system, to add fluorine to or remove fluorine
85 from the public water system.

86 Section 2. Section **19-4-111.2** is amended to read:

87 **19-4-111.2. Provision of fluoridated water -- Emergency circumstances.**

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

92 (a) as a result of a short-term emergency, the only water available is from the public
93 water system's fluoridated inventory;

94 (b) the public water system ceases providing fluoridated water to the municipality or
95 county that has not approved fluoridation in accordance with Subsection 19-4-111~~[(1)]~~ (2) in
96 a time consistent with repair times following best industrial practice; and

97 (c) where feasible provide prompt notice to the affected area.

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

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