

1 **SAFE DRINKING WATER ACT AMENDMENTS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Dennis E. Stowell**

5 House Sponsor: Patrick Painter

7 **LONG TITLE**

8 **Committee Note:**

9 The Natural Resources, Agriculture, and Environment Interim Committee
10 recommended this bill.

11 **General Description:**

12 This bill amends a provision of the Safe Drinking Water Act relating to the addition or
13 removal of fluorine in a public water system owned by a corporation.

14 **Highlighted Provisions:**

15 This bill:
16 ▶ defines terms;
17 ▶ requires the majority of the voting shareholders of a corporate public water system
18 to approve the addition or removal of fluorine in the public water system; and
19 ▶ makes technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **19-4-111**, as last amended by Laws of Utah 2007, Chapter 329

27 **19-4-111.2**, as enacted by Laws of Utah 2002, Chapter 15



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

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

19-4-111. Fluorine added to or removed from water -- Election required.

(1) As used in this section:

(a) "Corporate public water system" means a public water system that is a corporation.

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

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

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

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

(b) An election shall be held:

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

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

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

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

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

and

59 (b) where a majority of the voters served by the public water system voted against the
60 addition or removal of fluorine on the opinion question under Subsection ~~[(4)]~~ (2)(b)(iii).

61 ~~[(3)]~~ (4) Nothing contained in this section prohibits the addition of chlorine or other
62 water purifying agents.

63 ~~[(4)]~~ (5) Any political subdivision ~~[which]~~ that, prior to November 2, 1976, decided to
64 and was adding fluorine ~~[or any of its derivatives or compounds]~~ to the drinking water is
65 considered to have complied with Subsection ~~[(4)]~~ (2).

66 ~~[(5)]~~ (6) In an election held pursuant to ~~[Subsections (4)]~~ Subsection (2)(b)(i), (ii), or
67 (iii), where a majority of the voters approve the addition to or removal of fluorine from the
68 public water supplies, no election to consider removing fluorine from or adding fluorine to the
69 public water supplies shall be held for a period of four years from the date of approval by the
70 majority of voters beginning with elections held in November 2000.

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

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

77 (b) Notwithstanding Subsection (7)(a), a supplier of a public water system that is not a
78 corporate public water system that holds a vote under Subsection (7)(a) is not required to add
79 to or remove fluorine from its public water system on the basis of the vote described in
80 Subsection (7)(a), including a supplier of a public water system that provides water to the
81 corporate public water system that holds the vote under Subsection (7)(a).

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

83 **19-4-111.2. Provision of fluoridated water -- Emergency circumstances.**

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

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

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

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

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

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

Legislative Review Note
as of 11-19-08 4:45 PM

Office of Legislative Research and General Counsel

S.B. 29 - Safe Drinking Water Act Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses. Local governments may incur costs associated with administering an additional ballot question.
