

# HB0081S01 compared with HB0081

~~{Omitted text}~~ shows text that was in HB0081 but was omitted in HB0081S01

inserted text shows text that was not in HB0081 but was inserted into HB0081S01

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## Fluoride Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Gricius**

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### LONG TITLE

#### General Description:

This bill addresses provisions related to water fluoridation and prescription fluoride supplements.

#### Highlighted Provisions:

This bill:

- defines terms;
- prohibits adding fluoride to public water systems;
- ~~{requires the Department of Health and Human Services to issue standing prescription drug orders for fluoride supplements; and}~~
- ~~{requires}~~ allows a pharmacist ~~{who dispenses fluoride supplements to a patient to provide patient counseling.}~~ to prescribe fluoride; and
- **directs the Division of Professional Licensing to establish guidelines for prescribing fluoride.**

#### Money Appropriated in this Bill:

None

None

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19 AMENDS:

20 **58-17b-627 , as last amended by Laws of Utah 2022, Chapter 255 , as last amended by Laws**  
21 **of Utah 2022, Chapter 255**

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21 REPEALS AND REENACTS:

22 **19-4-111** , as last amended by Laws of Utah 2023, Chapter 16 , as last amended by Laws of Utah  
23 2023, Chapter 16

23 REPEALS:

24 ~~{19-4-111.1 , as last amended by Laws of Utah 2013, Chapter 321 , as last amended by Laws~~  
25 ~~of Utah 2013, Chapter 321}~~

24 **19-4-111.1 , as last amended by Laws of Utah 2013, Chapter 321 , as last amended by Laws**  
25 **of Utah 2013, Chapter 321**

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26 ~~{19-4-111.2 , as last amended by Laws of Utah 2013, Chapter 321 , as last amended by Laws~~  
27 ~~of Utah 2013, Chapter 321}~~

25 **19-4-111.2 , as last amended by Laws of Utah 2013, Chapter 321 , as last amended by Laws**  
26 **of Utah 2013, Chapter 321**

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. ENACTS:

21 ~~{26B-4-516 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

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

28 Section **19-4-111** is repealed and re-enacted to read:

29 **19-4-111. Prohibition of fluoride in public water systems.**

31 (1) As used in this section, "fluoride" means a chemical compound that contains the fluoride ion and is  
32 used to fluoridate drinking water, including:

33 (a) fluorosilicic acid;

34 (b) sodium fluorosilicate; or

35 (c) sodium fluoride.

36 (2) A person may not add fluoride to water in, or water that will be introduced into, a public water  
37 system.

38 (3) A political subdivision may not enact or enforce an ordinance that requires or permits the addition of  
39 fluoride to water in, or water that will be introduced into, a public water system.

41 Section **2** is enacted to read:

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- 42        **26B-4-516. Standing prescription drug orders for a fluoride supplement.**
- 43        (1) As used in this section, "fluoride supplement" means a product containing fluoride that is intended  
44        to enhance oral health and is available only by prescription.
- 45        (2) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed under Title 58,  
46        Chapter 17b, Pharmacy Practice Act, to dispense a fluoride supplement may dispense the fluoride  
47        supplement:
- 48        (a) pursuant to a standing prescription drug order made in accordance with Subsection (3);
- 49        (b) without any other prescription drug order from a person licensed to prescribe a fluoride supplement;  
50        and
- 51        (c) in accordance with the dispensing guidelines described in Subsection (4).
- 52        (3) The Department of Health and Human Services shall have a physician acting in the physician's  
53        capacity as an employee of the Department of Health and Human Services issue a standing  
54        prescription drug order authorizing the dispensing of a fluoride supplement under Subsection (2) in  
55        accordance with a protocol that:
- 56        (a) requires the physician to specify the individuals, by professional license number, authorized to  
57        dispense the fluoride supplement;
- 58        (b) requires the physician to review at least annually the dispensing practices of the individuals  
59        authorized by the physician to dispense the fluoride supplement;
- 60        (c) requires the individuals authorized by the physician to dispense the fluoride supplement to make and  
61        retain a record of each individual to whom the fluoride supplement is dispensed, including:
- 62        (i) the name of the individual;
- 63        (ii) the fluoride supplement dispensed; and
- 64        (iii) other relevant information; and
- 65        (d) is approved by the Division of Professional Licensing within the Department of Commerce by rule  
66        made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 67        (4) If a pharmacist dispenses a fluoride supplement to a patient, the pharmacist shall, at a minimum,  
68        provide patient counseling regarding:
- 69        (a) the appropriate administration and storage of the fluoride supplement;
- 70        (b) the potential side effects and risks of the fluoride supplement; and
- 71        (c) when to seek emergency medical attention.

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(5) A physician who issues a standing prescription drug order in accordance with Subsection (3) is not liable for civil damages for acts or omissions resulting from the dispensing of a fluoride supplement under this section.

Section 2. Section 58-17b-627 is amended to read:

### **58-17b-627. Prescription of drugs or devices by a pharmacist.**

(1) Beginning January 1, 2022, a pharmacist may prescribe a prescription drug or device if:

(a) prescribing the prescription drug or device is within the scope of the pharmacist's training and experience;

(b) the prescription drug or device is designated by the division by rule under Subsection (3)(a); and

(c) the prescription drug or device is not a controlled substance that is included in Schedules I, II, III, or IV of:

(i) Section 58-37-4; or

(ii) the federal Controlled Substances Act, Title II, P.L. 91-513.

(2) Nothing in this section requires a pharmacist to issue a prescription for a prescription drug or device.

(3) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) designate the prescription drugs or devices that may be prescribed by a pharmacist under this section, beginning with prescription drugs or devices that address a public health concern that is designated by the Department of Health and Human Services, including:

(i) post-exposure HIV prophylaxis;

(ii) pre-exposure HIV prophylaxis;

(iii) self-administered hormonal contraceptives;

(iv) smoking cessation;~~and~~

(v) naloxone; and

(vi) fluoride;

(b) create guidelines that a pharmacist must follow when prescribing a prescription drug or device, including guidelines:

(i) for notifying the patient's primary care or other health care provider about the prescription; and

(ii) to prevent the over-prescription of drugs or devices including but not limited to antibiotics;

(c) address when a pharmacist should refer the patient to an appropriate health care provider or otherwise encourage the patient to seek further medical care; and

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- 73 (d) implement the provisions of this section.
- 74 (4) The division shall make rules under Subsection (3) in collaboration with:
- 75 (a) individuals representing pharmacies and pharmacists;
- 76 (b) individuals representing physicians and advanced practice clinicians; and
- 77 (c)
- . (i) if the executive director of the Department of Health and Human Services is a physician, the  
executive director of the Department of Health and Human Services;
- 79 (ii) if the executive director of the Department of Health and Human Services is not a physician, a  
deputy director who is a physician in accordance with Subsection 26B-1-203(4); or
- 82 (iii) a designee of the individual described in Section 26B-1-203.
- 83 (5) Before November 1 of each year, the division, in consultation with the individuals described in  
Subsection (4), shall:
- 85 (a) develop recommendations for statutory changes to improve patient access to prescribed drugs in the  
state; and
- 87 (b) report the recommendations developed under Subsection (5)(a) to the Health and Human Services  
Interim Committee.

89 **Section 3. Repealer.**

This Bill Repeals:

90 This bill repeals:

91 Section **19-4-111.1, Provision of fluoridated water -- Request of resident.**

92 Section **19-4-111.2, Provision of fluoridated water -- Emergency circumstances.**

81 Section **19-4-111.2, Provision of fluoridated water -- Emergency circumstances.**

80 Section **19-4-111.1, Provision of fluoridated water -- Request of resident.**

93 Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

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