

Stephanie Gricius proposes the following substitute bill:

1

Fluoride Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Kirk A. Cullimore

2

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;
- allows a pharmacist to prescribe fluoride; and
- directs the Division of Professional Licensing to establish guidelines for prescribing fluoride.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

REPEALS AND REENACTS:

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

REPEALS:

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

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

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

Section 1. Section **19-4-111** is repealed and reenacted to read:

1st Sub. H.B. 81

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

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

32 (a) fluorosilicic acid;

33 (b) sodium fluorosilicate; or

34 (c) sodium fluoride.

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

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

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

41 **58-17b-627 . Prescription of drugs or devices by a pharmacist.**

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

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

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

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

49 (i) Section 58-37-4; or

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

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

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

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

59 (i) post-exposure HIV prophylaxis;

60 (ii) pre-exposure HIV prophylaxis;

61 (iii) self-administered hormonal contraceptives;

62 (iv) smoking cessation;[-and]

- 63 (v) naloxone; and
64 (vi) fluoride;
65 (b) create guidelines that a pharmacist must follow when prescribing a prescription drug
66 or device, including guidelines:
67 (i) for notifying the patient's primary care or other health care provider about the
68 prescription; and
69 (ii) to prevent the over-prescription of drugs or devices including but not limited to
70 antibiotics;
71 (c) address when a pharmacist should refer the patient to an appropriate health care
72 provider or otherwise encourage the patient to seek further medical care; and
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
78 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
80 physician, a deputy director who is a physician in accordance with Subsection
81 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
84 described in Subsection (4), shall:
85 (a) develop recommendations for statutory changes to improve patient access to
86 prescribed drugs in the state; and
87 (b) report the recommendations developed under Subsection (5)(a) to the Health and
88 Human Services Interim Committee.

89 **Section 3. Repealer.**

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.**

93 **Section 4. Effective Date.**

94 This bill takes effect on May 7, 2025.