

PUBLIC WATER SYSTEMS AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Roger E. Barrus

This act modifies the Safe Drinking Water Act by allowing voters in a county, municipality, or water district the option to vote to add fluorine to or to cease adding fluorine to the public water supply.

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

AMENDS:

19-4-111, as last amended by Chapter 291, Laws of Utah 2002

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

~~(b)~~ An election shall be held:

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

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

~~(c)~~ ~~(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 Subsection (2), on the ballot at ~~[the next]~~ a general election.

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

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

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

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

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