

1                                   **SAFE DRINKING WATER ACT AMENDMENT**

2   2004 GENERAL SESSION

3   STATE OF UTAH

4                                   **Sponsor: Bradley G. Last**

5   Greg J. Curtis

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies provisions related to the addition of fluorine or any of its derivatives  
10 or compounds to water supplies.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ requires preapproval from the legislative body, special district board, or board of  
14 directors of a water system consisting of less than 5,000 connections before fluorine  
15 or any of its derivatives or compounds can be added to the system.

16 **Monies Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **19-4-111**, as last amended by Chapter 185, Laws of Utah 2003

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

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

26           **19-4-111. Fluorine added to or removed from water -- Election required.**

27           (1) (a) Except as provided in Subsection 19-4-104(1)(a)(i), public water supplies,



28 whether state, county, municipal, or district, may not have fluorine or any of its derivatives or  
29 compounds added to or removed from them without the approval of a majority of voters in an  
30 election in the area affected.

31 (b) An election shall be held:

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

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

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

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

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

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

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

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

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

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

62           (7) Nothing in this section authorizes the addition of fluorine or any of its derivatives  
63 or compounds to a public or private water system, consisting of less than 5,000 connections,  
64 absent express approval of the legislative body, special district board, or board of directors of  
65 the water system.

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**Legislative Review Note**  
**as of 2-9-04 10:50 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**