

**FLUORINE IN A PRIVATELY OWNED WATER SYSTEM**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Sylvia S. Andersen**

Senate Sponsor: Patricia W. Jones

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**LONG TITLE**

**General Description:**

This bill modifies the provision related to fluorine in a water system.

**Highlighted Provisions:**

This bill:

► requires the majority of the voting shareholders of a privately owned public water system to approve the addition or removal of fluorine.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

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

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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) (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



28 derivatives or compounds added to or removed from them without the approval of a majority of  
29 voters in an election in the area affected.

30 (b) An election shall be held:

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

33 (ii) in the case of a municipal, local district, special service district, or county water  
34 system [~~which~~ that] is functionally separate from any other water system, upon the passage of a  
35 resolution by the legislative body or local district or special service district board representing  
36 the affected voters, submitting the question to the affected voters at a municipal general  
37 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~~ that], prior to November 2, 1976, decided to and  
52 was adding fluorine or any of its derivatives or compounds to the drinking water is considered  
53 to 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) (a) A supplier of a public water system that is a corporation, as defined in Section  
63 16-4-102, may not add to or remove from the water supply of the public water system fluorine  
64 or a derivative or compound of fluorine unless the majority of the votes cast by the  
65 corporation's shareholders authorize the supplier to add or remove the fluorine or the derivative  
66 or compound of fluorine.

67 (b) A vote of the corporation's shareholders required by Subsection (7)(a) does not  
68 ~~H→ [effect the fluoridation of] require ←H~~ another public water system, including a public water  
68a system that ~~H→ [may~~  
69 ~~provide] provides ←H~~ water to the corporation ~~H→~~ , to add fluorine to or remove fluorine from  
69a the public water system's water supply ←H .

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Legislative Review Note  
as of 12-27-07 2:57 PM

Office of Legislative Research and General Counsel

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**H.B. 116 - Fluorine in a Privately Owned Water System**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments. The requirements of this bill are not expected to have a significant fiscal impact on local governments, special district boards, or water system boards.

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