

Senator Dennis E. Stowell proposes the following substitute bill:

SAFE DRINKING WATER ACT AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: Patrick Painter

LONG TITLE

General Description:

This bill amends a provision of the Safe Drinking Water Act relating to the addition or removal of fluorine in a public water system owned by a corporation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the majority of the voting shareholders of a corporate public water system to approve the addition or removal of fluorine in the public water system;
- ▶ requires a corporate public water system to provide notice of fluorine content in certain circumstances; and
- ▶ makes technical changes.

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



26 19-4-111.2, as enacted by Laws of Utah 2002, Chapter 15

27

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

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

30 **19-4-111. Fluorine added to or removed from water -- Election required.**

31 (1) As used in this section:

32 (a) "Corporate public water system" means a public water system that is owned by a
 33 corporation ~~§~~→ **engaged in distributing water only to its shareholders** ←~~§~~ .

34 (b) "Corporation" is as defined in Section 16-4-102.

35 (c) "Fluorine" includes a derivative or compound of fluorine.

36 (d) "Removal" means ceasing to add fluorine to a public water supply, the addition
 37 having been previously approved by the voters of a political subdivision.

38 ~~[(+)]~~ (2) (a) Except as provided in Subsection (7) or Subsection 19-4-104(1)(a)(i),
 39 public water supplies, whether state, county, municipal, or district, may not have fluorine [~~or~~
 40 ~~any of its derivatives or compounds~~] added to or removed from [~~them~~] the water supply
 41 without the approval of a majority of voters in an election in the area affected.

42 (b) An election shall be held:

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

45 (ii) in the case of a municipal, local district, special service district, or county water
 46 system [~~which~~] that is functionally separate from any other water system, upon the passage of a
 47 resolution by the legislative body or local district or special service district board representing
 48 the affected voters, submitting the question to the affected voters at a municipal general
 49 election; or

50 (iii) in a county of the first or second class, upon the passage of a resolution by the
 51 county legislative body to place an opinion question relating to all public water systems within
 52 the county, except as provided in this Subsection [~~(2)]~~ (3), on the ballot at a general election.

53 ~~[(2)]~~ (3) If a majority of voters on an opinion question under Subsection [~~(+)]~~ (2)(b)(iii)
 54 approve the addition of fluorine to or the removal of fluorine from the public water supplies
 55 within the county, the local health departments shall require the addition of fluorine to or the
 56 removal of fluorine from all public water supplies within that county other than those systems:

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

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

61 ~~[(3)]~~ (4) Nothing contained in this section prohibits the addition of chlorine or other
62 water purifying agents.

63 ~~[(4)]~~ (5) Any political subdivision ~~[which]~~ that, prior to November 2, 1976, decided to
64 and was adding fluorine ~~[or any of its derivatives or compounds]~~ to the drinking water is
65 considered to have complied with Subsection ~~[(1)]~~ (2).

66 ~~[(5)]~~ (6) In an election held pursuant to ~~[Subsections (1)]~~ Subsection (2)(b)(i), (ii), or
67 (iii), where a majority of the voters approve the addition to or removal of fluorine from the
68 public water supplies, no election to consider removing fluorine from or adding fluorine to the
69 public water supplies shall be held for a period of four years from the date of approval by the
70 majority of voters beginning with elections held in November 2000.

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

74 (7) (a) A supplier may not add fluorine to or remove fluorine from a corporate public
75 water system unless the majority of the votes cast by the shareholders of the corporate public
76 water system authorize the supplier to add or remove the fluorine.

77 (b) If a corporate public water system's shareholders do not vote to add fluorine under
78 Subsection (7)(a), the supplier shall annually provide notice to a person who receives water
79 from the corporate public water system of the average amount of fluorine in the water.

80 (c) A vote of the corporate public water system's shareholders under Subsection 7(a)
81 does not require a supplier of another public water system, including a public water system that
82 provides water to the corporate public water system, to add fluorine to or remove fluorine from
83 the public water system.

84 Section 2. Section **19-4-111.2** is amended to read:

85 **19-4-111.2. Provision of fluoridated water -- Emergency circumstances.**

86 (1) A public water system that is simultaneously supplying water to a municipality or
87 county that approved fluoridation in accordance with Section 19-4-111 and a municipality or

88 county that has not approved fluoridation may provide water from its fluoridated inventory to a
89 municipality or county that has not approved fluoridation if:

90 (a) as a result of a short-term emergency, the only water available is from the public
91 water system's fluoridated inventory;

92 (b) the public water system ceases providing fluoridated water to the municipality or
93 county that has not approved fluoridation in accordance with Subsection 19-4-111[~~(1)~~] (2) in a
94 time consistent with repair times following best industrial practice; and

95 (c) where feasible provide prompt notice to the affected area.

96 (2) (a) A resident of an affected area that does not wish to receive fluoridated water
97 during an emergency may contact the public water system to have delivery of fluoridated water
98 to their residence or business terminated.

99 (b) The resident shall determine when to resume delivery of water and shall contact the
100 public water system to have delivery of water resumed.

S.B. 29 1st Sub. (Green) - Safe Drinking Water Act Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or local governments. Corporate Public Water Companies might incur costs annually to test for fluorine contents that are subsequently required to be communicated to its customers.
