

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

*As Engrossed: H2/8/13*  
**A Bill**

HOUSE BILL 1038

By: Representative D. Altes

**For An Act To Be Entitled**

AN ACT TO PROTECT CERTAIN WATER SYSTEMS; TO EXEMPT  
CITIES WITH A POPULATION OF MORE THAN EIGHTY THOUSAND  
AND LESS THAN ONE HUNDRED THOUSAND FROM CHEMICAL  
ADDITIVE REQUIREMENTS; AND FOR OTHER PURPOSES.

**Subtitle**

TO PROTECT CERTAIN WATER SYSTEMS AND TO  
EXEMPT CERTAIN CITIES FROM CHEMICAL  
ADDITIVE REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-7-136, concerning a statewide  
fluoridation program, is amended to add an additional subsection to read as  
follows:

20-7-136. Statewide fluoridation program.

(a) As used in this section, "water system" means a facility including  
without limitation a parent system, consecutive system, or other system that  
holds, treats, and supplies water directly or through a consecutive system or  
consecutive systems to five thousand (5,000) persons or more.

(b) The company, corporation, municipality, county, government agency,  
or other entity that owns or controls a water system shall control the  
quantity of fluoride in the water so as to maintain a fluoride content  
established by the Department of Health.

(c) The State Board of Health shall adopt rules relating to the  
fluoridation of water systems that shall include without limitation:

(1) Permissible concentrations of fluoride to be maintained by a



water system; and

(2) Requirements and procedures for maintaining permissible concentrations of fluoride including without limitation:

- (A) Necessary equipment;
- (B) Recordkeeping;
- (C) Reporting; and
- (D) Testing.

(d)(1) A water system required to fluoridate under this section is not required to comply with the requirements of this section until funds sufficient to pay capital start-up costs for fluoridation equipment for the system have become available from any source other than tax revenue or service revenue regularly collected by the company, corporation, municipality, county, or other government agency that owns or controls the water system.

(2) A licensed civil engineer recognized or employed by the department who is familiar with the design, construction, operation, and maintenance of fluoridation systems shall determine for the department whether the capital start-up costs claimed under subdivision (d)(1) of this section are reasonable.

(e)(1) This section does not apply to a water system of a city with a population of more than eighty thousand (80,000) and less than one hundred thousand (100,000).

(2) This section does not apply to a water system of a city with a population of more than thirty-five thousand (35,000) and less than forty thousand (40,000).

~~(e)~~(f) A water system for a city in this state that receives its water supply from a community in another state is not required to comply with this section until a substantially similar fluoridation program is enacted for the water system of the community in the other state.

/s/D. Altes