

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/6/17
A Bill

SENATE BILL 299

By: Senator B. King

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING PUBLIC WATER SYSTEMS TO ALLOW VOTERS TO ELECT "FOR" OR "AGAINST" WATER FLUORIDATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING PUBLIC WATER SYSTEMS; AND TO ALLOW VOTERS TO ELECT "FOR" OR "AGAINST" WATER FLUORIDATION.

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

SECTION 1. Arkansas Code Title 14, Chapter 116, Subchapter 1, is amended to add an additional section to read as follows:

14-116-108. Election for fluoridation of water – Definition.

(a) Customers of a public water system shall have the option to hold an election of the qualified electors of the public water system to determine whether or not the public water system shall fluoridate the water.

(b)(1) An election under this section may be called by:

(A) Majority vote of the board of directors of the public water system; or

(B) A petition signed by no less than ten percent (10%) of the qualified electors in the public water system.

(2)(A) Except as provided under subdivision (b)(2)(B) of this section, an election under this section shall be held at the next general election.

(B) A subsequent election in the public water system under this section shall not be held earlier than four (4) years after an election



is held under this section.

(3) Except as provided in this section, the election under this section shall be held and conducted in accordance with the general election laws of this state.

(4) The question of whether to fluoridate the water in the public water system shall be placed upon the ballots of the qualified electors in the following form:

" _____ FOR THE FLUORIDATION OF WATER IN [DESCRIPTION OF THE PUBLIC WATER SYSTEM]
_____ AGAINST THE FLUORIDATION OF WATER IN [DESCRIPTION OF PUBLIC WATER SYSTEM]."

(c)(1) The petition under this section shall be filed with the county clerk of each county within the public water system no less than one hundred twenty (120) days before the general election.

(2) No more than ten (10) days after the filing of the petition, the county clerk shall:

(A) Verify the petition;

(B) Certify the petition; and

(C) Notify the county boards of election commissioners for the counties within the public water system and the board of directors of the public water system of the verification and certification of the petition.

(3) The petition shall clearly state:

(A) The boundaries of the public water system; and

(B) That the petition is to elect "for" or "against" fluoridation of the water in the public water system.

(d) If the majority of the qualified electors of the public water system elect to prohibit fluoridation of water, the public water system shall cease fluoridation of the water within thirty (30) days of the certification of the election results.

(e) As used in this section, "public 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.

SECTION 2. Arkansas Code § 20-7-136(b), concerning a statewide

fluoridation program, is amended to read as follows:

(b) ~~The~~ Except as provided under § 14-116-108, 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.

/s/B. King