

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S4/7/25

A Bill

SENATE BILL 468

By: Senators C. Penzo, B. King
By: Representatives Duffield, Pilkington

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING FLUORIDATION OF A PUBLIC WATER SYSTEM; TO ALLOW VOTERS TO ELECT "FOR" OR "AGAINST" WATER FLUORIDATION IN THE COUNTY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING FLUORIDATION OF A PUBLIC WATER SYSTEM; AND TO ALLOW VOTERS TO ELECT "FOR" OR "AGAINST" WATER FLUORIDATION IN THE COUNTY.

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) Residents of counties supplied by a public water system shall have the option to hold an election of the qualified electors of each county supplied by 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) A petition for each county supplied by the public water system signed by no less than five percent (5%) of the total number of votes cast within the county for the office of circuit clerk in the last election; or

(B) A majority vote of the quorum court of each county supplied by 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 [NAME OF COUNTY]
_____ AGAINST THE FLUORIDATION OF WATER IN [NAME OF
COUNTY]."

(c)(1) The petition under this section shall be filed with the county clerk of the county where the sponsor of the petition resides 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 under subdivision (c)(1) of this section, 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) Which county is served by 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 petition is sufficient, the question of whether to fluoridate the water in the county shall be placed on the ballot of the county indicated on the petition.

(e) If the majority of the qualified electors in each of the counties supplied by 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.

(f) 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)(1) The Except as provided in subdivision (b)(2) of this section, 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.

(2)(A) Except as provided in subdivision (b)(2)(B) of this section, the board of a public water system may elect to prohibit fluoridation of the water it supplies.

(B) The results of an election under § 14-16-108 shall supersede any decision of the board of a public water system regarding the fluoridation of the water it supplies.

/s/C. Penzo