

**19-4-111 Fluoride added to or removed from water -- Election or shareholder vote required.**

- (1) As used in this section:
  - (a) "Corporate public water system" means a public water system that is owned by a corporation engaged in distributing water only to its shareholders.
  - (b) "Corporation" is as defined in Section 16-4-102.
  - (c) "Fluoride" means a chemical compound that contains the fluoride ion and is used to fluoridate drinking water, including:
    - (i) fluorosilicic acid;
    - (ii) sodium fluorosilicate; or
    - (iii) sodium fluoride.
  - (d) "Fluoride supplier" means a person who:
    - (i) manufactures, distributes, or packages or repackages fluoride;
    - (ii) is NSF/ANSI Standard 60 certified;
    - (iii) has evidence of the person's NSF/ANSI Standard 60 certification displayed on the website of a certification body accredited by the International Accreditation Forum, including:
      - (A) NSF;
      - (B) the Underwriter Laboratory; or
      - (C) the Water Quality Association; and
    - (iv) provides fluoride in compliance with applicable NSF/ANSI Standard 60 certification requirements.
  - (e) "Removal" means ceasing to add fluoride to a public water supply, the addition having been previously approved by the voters of a political subdivision.
- (2)
  - (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 fluoride added to or removed from the water supply without the approval of a majority of voters in an election in the area affected.
  - (b) An election shall be held:
    - (i) upon the filing of an initiative petition requesting the action in accordance with state law governing initiative petitions;
    - (ii) in the case of a municipal, local district, special service district, or county water system that is functionally separate from any other water system, upon the passage of a resolution by the legislative body or local district or special service district board representing the affected voters, submitting the question to the affected voters at a municipal general election; or
    - (iii) in a county of the first or second class, upon the passage of a resolution by the county legislative body to place an opinion question relating to all public water systems within the county, except as provided in Subsection (3), on the ballot at a general election.
- (3) If a majority of voters on an opinion question under Subsection (2)(b)(iii) approve the addition of fluoride to or the removal of fluoride from the public water supplies within the county, the local health departments shall require the addition of fluoride to or the removal of fluoride from all public water supplies within that county other than those systems:
  - (a) that are functionally separate from any other public water systems in that county; and
  - (b) where a majority of the voters served by the public water system voted against the addition or removal of fluoride on the opinion question under Subsection (2)(b)(iii).
- (4) Nothing contained in this section prohibits the addition of chlorine or other water purifying agents.
- (5) Any political subdivision that, prior to November 2, 1976, decided to and was adding fluoride to the drinking water is considered to have complied with Subsection (2).

- (6) In an election held pursuant to Subsection (2)(b)(i), (ii), or (iii), where a majority of the voters approve the addition of fluoride to or the removal of fluoride from the public water supplies, no election to consider adding fluoride to or removing fluoride from the public water supplies shall be held for a period of four years from the date of approval by the majority of voters beginning with elections held in November 2000.
- (7)
  - (a) A supplier may not add fluoride to or remove fluoride from a corporate public water system unless the majority of the votes cast by the shareholders of the corporate public water system authorize the supplier to add or remove the fluoride.
  - (b) If a corporate public water system's shareholders do not vote to add fluoride under Subsection (7)(a), the supplier shall annually provide notice to a person who receives water from the corporate public water system of the average amount of fluoride in the water.
  - (c) A vote of the corporate public water system's shareholders under Subsection (7)(a) does not require a supplier of another public water system, including a public water system that provides water to the corporate public water system, to add fluoride to or remove fluoride from the public water system.
- (8) If a local health department requires a public water system to add fluoride to public drinking water supplies under Subsection (3), the public water system shall fluoridate the public drinking water supplies with fluoride manufactured, distributed, packaged, and, if applicable, repackaged by a fluoride supplier who has provided copies of the original, dated documents used to obtain and maintain NSF/ANSI Standard 60 certification to:
  - (a) the local health department that oversees the public water system; and
  - (b) the division.
- (9) A public water system described in Subsection (8) shall obtain, for each quantity of fluoride acquired to fluoridate public drinking water supplies, a batch-specific certificate of analysis that represents the complete composition of the formulation of the undiluted raw fluoride substance, in percent or parts by weight, for each chemical and contaminant in the batch.
- (10) A local health department shall:
  - (a) order the temporary removal of fluoride from a public water system within the boundaries of the local health department if the public water system:
    - (i) violates Subsection (8) or (9); or
    - (ii) is unable to fluoridate public drinking water supplies in accordance with Subsections (8) and (9); and
  - (b) review and maintain the certification documents submitted to the local health department under Subsection (8).
- (11) A public water system described in Subsection (8) shall:
  - (a) review and maintain certificates of analysis obtained under Subsection (9); and
  - (b) upon request of a member of the public, provide a copy of a certificate of analysis obtained under Subsection (9) to the member of the public.
- (12) A local health department may order the temporary removal of fluoride from a public water system within the boundaries of the local health department if the public water system violates a provision of Subsection (11).
- (13) If a local health department orders the removal of fluoride from a public water system under Subsection (10)(a) or (12), the local health department shall:
  - (a) issue a public notice regarding the temporary removal of fluoride from the public water system; and
  - (b) when the public water system demonstrates its ability to fluoridate in accordance with Subsections (8), (9), and (11), revoke the removal requirement.

(14) The division shall review and maintain the certification documents submitted to the division under Subsection (8).

Amended by Chapter 321, 2013 General Session