

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO FLUORIDATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that fluoride is a  
2 naturally occurring mineral and that increasing the fluoride  
3 concentration in the water supply to an optimal level known to  
4 reduce tooth decay and promote good oral health is an extremely  
5 effective means of stopping or even reversing tooth decay. This  
6 practice is known as community water fluoridation and benefits  
7 all people who drink that water.

8           According to the Center for Disease Control and Prevention,  
9 the nation's premier public health agency, water fluoridation is  
10 safe and the most cost-effective way of preventing tooth decay.  
11 This method of fluoride delivery has been so successful in  
12 decreasing rates of tooth decay that the Center for Disease  
13 Control and Prevention named community water fluoridation as one  
14 of ten great public health achievements of the twentieth  
15 century. Since 1945, hundreds of cities have utilized community  
16 water fluoridation. As of 2012, more than 210,000,000 people,  
17 or three in four Americans, who use public water supplies drank



1 water with enough fluoride to prevent tooth decay. Drinking  
2 fluoridated water keeps teeth strong and reduces tooth decay by  
3 about twenty-five per cent in children and adults. The value of  
4 water fluoridation has been recognized internationally and is  
5 used in countries such as Australia, Canada, Chile, Colombia,  
6 Ireland, Malaysia, New Zealand, Singapore, and the United  
7 Kingdom.

8       The legislature further finds that Hawai'i public water  
9 systems have no added fluoride except on military bases.  
10 Consequently, the State, at just eleven per cent, has the lowest  
11 proportion of residents with access to the benefits of  
12 fluoridated drinking water, while the national average is  
13 seventy-five per cent. According to the department of health  
14 report, "Hawaii Smiles 2015: The Oral Health of Hawaii's  
15 Children", Hawai'i has the highest prevalence of tooth decay  
16 among third graders in the United States. More than seven out  
17 of ten third graders are affected by tooth decay in the State,  
18 which is substantially higher than the national average of  
19 fifty-two per cent. Additionally, Hawai'i has received a failing  
20 grade in three recent oral health report cards published by the



1 Pew Center on the States, a division of the Pew Charitable  
2 Trusts.

3 Therefore, the legislature finds that the benefits of  
4 fluoridation outweigh the risks. It is important to note that  
5 the State's drinking water already has chlorine, which is  
6 chemically similar to fluoride, added to it to reduce the chance  
7 of contracting water borne illnesses.

8 The purposes of this Act are to:

- 9 (1) Require all suppliers of public water throughout the  
10 State, including privately owned public water systems  
11 as well as the boards of water supply, to fluoridate  
12 the water under their respective jurisdiction, with  
13 the amount of fluoride in the water to be managed and  
14 adjusted by the respective boards of water supply  
15 based on optimal fluoride levels for community water  
16 fluoridation that are established by the United States  
17 Department of Health and Human Services;
- 18 (2) Require the Hawai'i state department of health and all  
19 suppliers of public water to submit an implementation  
20 plan to the legislature; and



1 (3) Expressly preempt any legislation on fluoridation of  
2 the public water supply.

3 SECTION 2. Chapter 340E, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§340E- Fluoridation of public water systems. (a)

7 Prior to January 1, 2021, all suppliers of water in the State  
8 with one thousand or more service connections shall adjust the  
9 levels of fluoride in their respective public water systems to  
10 the optimal fluoride level for community water fluoridation  
11 established by the United States Department of Health and Human  
12 Services, as amended.

13 (b) Prior to December 1, 2019, all suppliers of water  
14 subject to this section shall submit to the department, for its  
15 review and approval, implementation plans for the purchase and  
16 installation of equipment relating to this section.

17 (c) The department shall reimburse the suppliers of water  
18 for initial capital expenses necessarily incurred to comply with  
19 this section; provided that to be eligible for reimbursement,  
20 the supplier of water shall submit plans to the department on or  
21 before December 1, 2019.



1       (d) The department shall provide the suppliers of water  
2 with technical assistance and training relating to community  
3 water fluoridation and the management of fluoridation systems.

4       (e) This section shall take precedence over all  
5 conflicting statutes concerning this subject matter and shall  
6 preempt all contrary local ordinances, executive orders,  
7 legislation, or rules adopted by the State, a county, or any  
8 department or agency thereof."

9       SECTION 3. The department of health, with the cooperation  
10 of the boards of water supply and all other suppliers of water,  
11 shall submit a report that sets forth a plan to implement the  
12 requirements of this Act, including any proposed legislation, to  
13 the legislature no later than twenty days prior to the convening  
14 of the regular session of 2020.

15       SECTION 4. The reimbursement by the department of health  
16 of initial capital expenses necessarily incurred by the boards  
17 of water supply and all other suppliers of water pursuant to  
18 section 2 of this Act shall be deemed to satisfy the  
19 requirements of article VIII, section 5, of the Hawaii State  
20 Constitution.

21       SECTION 5. New statutory material is underscored.



# S.B. NO. 1012

1 SECTION 6. This Act shall take effect upon its approval.

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# S.B. NO. 1012

**Report Title:**

Keiki Caucus; Fluoridation; Water Supply; Department of Health

**Description:**

Requires suppliers of public water with one thousand or more service connections to fluoridate public water systems. Requires the department of health to reimburse suppliers of public water for initial capital expenses incurred for fluoridating public water systems, provide suppliers of public water with technical assistance and training, and, with the cooperation of the suppliers of public water, submit a report to the legislature regarding the implementation of fluoridating the public water systems.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

