

ASSEMBLY, No. 2850

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

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SYNOPSIS

"New Jersey Public Water Supply Fluoridation Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning public community water systems,
2 supplementing P.L.1977, c.224 (C.58:12A-1 et seq.), and
3 amending R.S.24:12-2 and R.S.26:2-65.

4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7

8 1. (New section) This act shall be known and may be cited as
9 the "New Jersey Public Water Supply Fluoridation Act."

10

11 2. (New section) As used in this act:

12 "Local government unit" means a State authority, district water
13 supply commission, county, municipality, municipal, county or
14 regional utilities authority, municipal water district, joint meeting or
15 any other political subdivision of the State authorized pursuant to
16 law to operate or maintain a public water system or otherwise
17 provide water for human consumption.

18 "Public community water system" means a public water system
19 which serves at least 15 service connections used by year-round
20 residents or regularly serves at least 25 year-round residents.

21 "Public water system" means a system for the provision to the
22 public of water for human consumption through pipes or other
23 constructed conveyances, if such system has at least 15 service
24 connections or regularly serves an average of at least 25 individuals
25 daily at least 60 days out of the year. Such term includes: (1) any
26 collection, treatment, storage and distribution facilities under
27 control of the operator of such system and used primarily in
28 connection with such system; and (2) any collection or pre-
29 treatment storage facilities not under such control which are used
30 primarily in connection with such system.

31 "Small water company" means any company, purveyor or entity,
32 other than a governmental agency, that provides water for human
33 consumption and which regularly serves less than 1,000 customer
34 connections, including nonprofit, noncommunity water systems
35 owned or operated by a nonprofit group or organization.

36 "Water purveyor" means any investor-owned water company or
37 small water company that owns or operates a public water system.

38

39 3. (New section) a. The Commissioner of Environmental
40 Protection, in conjunction with the Commissioner of Health, shall
41 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
42 c.410 (C.52:14B-1 et seq.), rules and regulations relating to the
43 fluoridation of public community water systems. The rules and
44 regulations shall, at a minimum, include: (1) the means by which
45 fluoride is controlled; (2) the methods of testing the fluoride
46 content; and (3) the records to be kept relating to fluoridation.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. The Commissioner of Environmental Protection, in
2 conjunction with the Commissioner of Health, shall enforce the
3 provisions of this section. In so doing, the Commissioner of
4 Environmental Protection shall require the fluoridation of water in
5 all public community water systems within 12 months of the
6 effective date of P.L. , c. (C.)(pending before the
7 Legislature as this bill).

8 c. The Commissioner of Environmental Protection shall not
9 require the fluoridation of water in any public community water
10 system in which the water supply in the state of nature contains
11 sufficient fluorides to conform with the rules and regulation
12 adopted pursuant to this section.

13
14 4. (New section) For the purpose of promoting public health
15 through prevention of tooth decay, every local government unit and
16 water purveyor shall control the quantities of fluoride in the water
17 so as to maintain a fluoride content prescribed by the Commissioner
18 of Environmental Protection as provided in rules and regulation
19 adopted pursuant to section 3 of P.L. , c. (C.)(pending
20 before the Legislature as this bill).

21
22 5. R.S.24:12-2 is amended to read as follows:

23 24:12-2. No person shall distribute or sell, or manufacture for
24 distribution or sale, or have in his possession with intent to
25 distribute or sell, any nonalcoholic drink, except beverages
26 purported to be for special dietary uses, which contains glucin,
27 saccharin, sodium cyclamate, calcium cyclamate or other
28 nonnutritive sweeteners.

29 The provisions of this section shall not prohibit the manufacture
30 of, or the sale, distribution or possession of, nonalcoholic drinks
31 which contain water obtained from a public community water
32 **【supply】** system, treated with fluorides in a manner approved by
33 the **【State Department】** Commissioner of **【Health】** Environmental
34 Protection pursuant to law.

35 (cf: P.L.1966, c.74, s.15)

36
37 6. R.S.26:2-65 is amended to read as follows:

38 26:2-65. Any water used or available for use for drinking or
39 culinary purposes or for the cleansing of utensils used in preparing
40 or serving food or drink for public consumption, shall be of a
41 quality safe for such use and shall meet standards of quality **【fixed**
42 **by the director of health of the State of New Jersey】** approved by
43 the Commissioner of Health pursuant to law .

44 (cf: P.L.1939, c.261, s.1)

45
46 7. This act shall take effect immediately.

STATEMENT

This bill, which is designated the “New Jersey Public Water Supply Fluoridation Act,” would require the fluoridation of water supplied by public community water systems.

The bill would require the Commissioner of Environmental Protection, in conjunction with the Commissioner of Health, to adopt rules and regulations relating to the fluoridation of public community water systems. The rules and regulations would be required to include: (1) the means by which fluoride is controlled; (2) the methods of testing the fluoride content; and (3) the records to be kept relating to fluoridation.

Under the bill, the Commissioner of Environmental Protection, in conjunction with the Commissioner of Health, would enforce the fluoridation rules and regulations. In so doing, the Commissioner of Environmental Protection would require the fluoridation of water in all public community water systems within 12 months of the bill’s effective date. However, the Commissioner of Environmental Protection could not require the fluoridation of water in any public community water system in which the water supply in the state of nature contains sufficient fluorides to conform to the fluoridation rules and regulations.