SENATE, No. 997

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS

"New Jersey Public Water Supply Fluoridation Act."

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 4/13/2020)

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

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

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

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

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

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

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

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

“Water purveyor” means any investor-owned water company or small water company that owns or operates a public water system.

3. (New section) a. The Commissioner of Environmental Protection, in conjunction with the Commissioner of Health, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations relating to the fluoridation of public community water systems. The rules and regulations shall, at a minimum, include: (1) the means by which

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 <u>thus</u> is new matter.

fluoride is controlled; (2) the methods of testing the fluoride content; and (3) the records to be kept relating to fluoridation.

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

c. The Commissioner of Environmental Protection shall 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 with the rules and regulation adopted pursuant to this section.

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

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

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

The provisions of this section shall not prohibit the manufacture of, or the sale, distribution or possession of, nonalcoholic drinks which contain water obtained from a public <u>community</u> water **[**supply**]** <u>system,</u> treated with fluorides in a manner approved by the **[**State Department**]** <u>Commissioner</u> of **[**Health**]** <u>Environmental Protection pursuant to law</u>.

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

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

26:2-65. Any water used or available for use for drinking or culinary purposes or for the cleansing of utensils used in preparing or serving food or drink for public consumption, shall be of a quality safe for such use and shall meet standards of quality **[**fixed by the director of health of the State of New Jersey**]** <u>approved by the Commissioner of Health pursuant to law</u> .

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

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.