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ASSEMBLY, No. 3709

STATE OF NEW JERSEY

213th LEGISLATURE

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Assemblyman Green, Assemblywoman Lampitt and Assemblyman Gusciora

SYNOPSIS

"New Jersey Public Water Supply Fluoridation Act."

CURRENT VERSION OF TEXT

As reported by the Assembly Health and Senior Services Committee on February 9, 2009, with amendments.

(Sponsorship Updated As Of: 11/24/2009)

1 AN ACT concerning public ¹community¹ water ¹**[supply]**¹ systems,
2 supplementing ¹**[P.L.1981, c.262]** P.L.1977, c.224 (C.58:12A-1
3 et seq.)¹, and 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 ¹**[supply]**¹ system or ¹**[to**
17 **construct, rehabilitate, operate or maintain water supply facilities**
18 **or]**¹ otherwise provide water for human consumption.

19 ¹**["Public water supply system"** means a system comprising
20 structures which operating alone or with other water supply
21 facilities or structures results in the derivation, conveyance or
22 transmission or distribution of potable water for human
23 consumption and domestic purposes.

24 "Public water utility" means any investor-owned water company
25 or small water company.]

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

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHE committee amendments adopted February 9, 2009.

1 "Water purveyor" means any ¹[local government unit or public
2 water utility] investor-owned water company or small water
3 company that owns or operates a public water system¹.

4 ¹["Water supply facilities" means and refers to the real property
5 and the plants, structures, interconnections between existing water
6 supply facilities, machinery and equipment and other property, real,
7 personal and mixed, acquired, constructed or operated, or to be
8 acquired, constructed or operated, in whole or in part, by or on
9 behalf of a public water utility, or by or on behalf of the State or a
10 local government unit, for the purpose of augmenting the natural
11 water resources of the State and making available an increased
12 supply of water for all uses, or of conserving existing water
13 resources, and any and all appurtenances necessary, useful or
14 convenient for the collecting, impounding, storing, improving,
15 treating, filtering, conserving or transmitting of water, and for the
16 preservation and protection of these resources and facilities,
17 whether in public or private ownership, and providing for the
18 conservation and development of future water supply resources, and
19 facilitating incidental recreational uses thereof.]¹

20
21 3. (New section) a. The Commissioner of ¹[Health and Senior
22 Services] Environmental Protection¹, in conjunction with the
23 Commissioner of ¹[Environmental Protection] Health and Senior
24 Services¹, shall adopt, pursuant to the "Administrative Procedure
25 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
26 relating to the fluoridation of public ¹community¹ water ¹[supplies]
27 systems¹. The rules and regulations shall, at a minimum, include:
28 (1) the means by which fluoride is controlled; (2) the methods of
29 testing the fluoride content; and (3) the records to be kept relating
30 to fluoridation.

31 b. The Commissioner of ¹[Health and Senior Services]
32 Environmental Protection¹, in conjunction with the Commissioner
33 of ¹[Environmental Protection] Health and Senior Services¹, shall
34 enforce the provisions of this section. In so doing^{1,1} the
35 Commissioner of ¹[Health and Senior Services] Environmental
36 Protection¹ shall require the fluoridation of water in all public
37 ¹community¹ water ¹[supply]¹ systems within 12 months of the
38 effective date of P.L. , c. (C.)(pending before the
39 Legislature as this bill).

40 c. The Commissioner of ¹[Health and Senior Services]
41 Environmental Protection¹ shall not require the fluoridation of
42 water in any public ¹community¹ water ¹[supply]¹ system in which
43 the water supply in the state of nature contains sufficient fluorides
44 to conform with the rules and regulation adopted pursuant to this
45 section.

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

9
10 5. R.S.24:12-2 is amended to read as follows:
11 24:12-2. No person shall distribute or sell, or manufacture for
12 distribution or sale, or have in his possession with intent to
13 distribute or sell, any nonalcoholic drink, except beverages
14 purported to be for special dietary uses, which contains glucin,
15 saccharin, sodium cyclamate, calcium cyclamate or other
16 nonnutritive sweeteners.

17 The provisions of this section shall not prohibit the manufacture
18 of, or the sale, distribution or possession of, nonalcoholic drinks
19 which contain water obtained from a public 'community' water
20 '[supply]' system, treated with fluorides in a manner approved by
21 the **[State Department]** Commissioner of **'[Health and Senior**
22 **Services]** Environmental Protection' pursuant to law.
23 (cf: P.L.1966, c.74, s.15)

24
25 6. R.S.26:2-65 is amended to read as follows:
26 26:2-65. Any water used or available for use for drinking or
27 culinary purposes or for the cleansing of utensils used in preparing
28 or serving food or drink for public consumption, shall be of a
29 quality safe for such use and shall meet standards of quality **[fixed**
30 **by the director of health of the State of New Jersey]** approved by
31 the Commissioner of Health and Senior Services pursuant to law.
32 (cf: P.L.1939, c.261, s.1)

33
34 7. This act shall take effect immediately.