

**SENATE, No. 1179**

---

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator RAJ MUKHERJI**

**District 32 (Hudson)**

**SYNOPSIS**

"New Jersey Public Water Supply Fluoridation Act."

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S1179 MUKHERJI

2

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

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

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

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

15

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

23

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

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

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

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

38

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

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

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

47

48 7. This act shall take effect immediately.

STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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.