

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

SENATE BILL 2

5 By: Senators C. Penzo, B. King  
6 By: Representatives Duffield, Pilkington  
7

## For An Act To Be Entitled

8  
9 AN ACT TO REPEAL THE STATEWIDE FLUORIDATION PROGRAM;  
10 TO REMOVE THE MANDATE FOR WATER SYSTEMS TO MAINTAIN A  
11 FLUORIDE CONTENT; AND FOR OTHER PURPOSES.  
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## Subtitle

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15 TO REPEAL THE STATEWIDE FLUORIDATION  
16 PROGRAM; AND TO REMOVE THE MANDATE FOR  
17 WATER SYSTEMS TO MAINTAIN A FLUORIDE  
18 CONTENT.  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 20-7-136 is repealed.

23 ~~20-7-136. Statewide fluoridation program — Definition.~~

24 ~~(a) As used in this section, “water system” means a facility including~~  
25 ~~without limitation a parent system, consecutive system, or other system that~~  
26 ~~holds, treats, and supplies water directly or through a consecutive system or~~  
27 ~~consecutive systems to five thousand (5,000) persons or more.~~

28 ~~(b) The company, corporation, municipality, county, government agency,~~  
29 ~~or other entity that owns or controls a water system shall control the~~  
30 ~~quantity of fluoride in the water so as to maintain a fluoride content~~  
31 ~~established by the Department of Health.~~

32 ~~(c) The State Board of Health shall adopt rules relating to the~~  
33 ~~fluoridation of water systems that shall include without limitation:~~

34 ~~(1) Permissible concentrations of fluoride to be maintained by a~~  
35 ~~water system; and~~

36 ~~(2) Requirements and procedures for maintaining permissible~~



1 ~~concentrations of fluoride including without limitation:~~

2 ~~(A) Necessary equipment;~~

3 ~~(B) Recordkeeping;~~

4 ~~(C) Reporting; and~~

5 ~~(D) Testing.~~

6 ~~(d)(1) A water system required to fluoridate under this section is not~~  
7 ~~required to comply with the requirements of this section until funds~~  
8 ~~sufficient to pay capital start-up costs for fluoridation equipment for the~~  
9 ~~system have become available from any source other than tax revenue or~~  
10 ~~service revenue regularly collected by the company, corporation,~~  
11 ~~municipality, county, or other government agency that owns or controls the~~  
12 ~~water system.~~

13 ~~(2) A licensed civil engineer recognized or employed by the~~  
14 ~~department who is familiar with the design, construction, operation, and~~  
15 ~~maintenance of fluoridation systems shall determine for the department~~  
16 ~~whether the capital start-up costs claimed under subdivision (d)(1) of this~~  
17 ~~section are reasonable.~~

18 ~~(e) A water system for a city in this state that receives its water~~  
19 ~~supply from a community in another state is not required to comply with this~~  
20 ~~section until a substantially similar fluoridation program is enacted for the~~  
21 ~~water system of the community in the other state.~~

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