

HOUSE BILL 1186

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 12; Title 13; Title 64;
Title 65; Title 68 and Title 69, relative to water
fluoridation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Water Fluoridation Referendum Act".

SECTION 2. Tennessee Code Annotated, Title 65, Chapter 27, Part 1, is amended by adding the following language as a new section thereto:

65-27-110.

(a) As used in this section:

(1) "Fluoridation" means the adding of any fluoride containing substance, whether man-made or naturally occurring, to water provided by a water utility company;

(2) "Referendum" means the submission of a proposed question or issue to a direct popular vote; and

(3) "Water utility company" means any company providing water that is subject to regulation under this title.

(b) In any political subdivision of the state, where any water utility company engages in fluoridation of its water supply, the people shall have the right, through a referendum, to vote to determine whether fluoridation shall cease or continue.

(c) A referendum shall be placed on the ballot when:

(1) The legislative body of a political subdivision approves a referendum by a majority of the members of the legislative body; or

(2) A petition is submitted to the county election commission bearing the signatures and addresses of at least one (1%) percent of the registered voters residing in the political subdivision of the state wherein the referendum is to be held.

(d) The county election commission shall place the question on the ballot of the next regularly scheduled election occurring at least thirty (30) days after fulfillment of either subdivision (c)(1) or (2). The question to be placed on the ballot shall read as follows:

Shall the water provided by utility companies within (here insert name of political subdivision) continue to be fluoridated?

YES _____ NO _____

(e) All costs associated with the referendum shall be paid for by the political subdivision(s) conducting the referendum.

(f) If the majority of the vote is "NO", then all water utility companies providing water within the political subdivision wherein the referendum was conducted shall cease fluoridating all water provided within the political subdivision within thirty (30) days of certification of the election results by the county election commission.

(g) Failure to comply with subsection (f) of this act is a Class C misdemeanor punishable by fine not to exceed fifty dollars (\$50.00).

(h) Noncompliance with subsection (f) shall be grounds for removal as a board member of a water utility company.

(i) The department of environment and conservation, in consultation with the utility management review board, is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.