

LEGISLATIVE BILL 245

Passed over the Governor's veto April 17, 2008

Introduced by Johnson, 37.

FOR AN ACT relating to public health and welfare; to amend section 71-3305, Revised Statutes Supplement, 2007; to change provisions relating to fluoridation of drinking water; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-3305, Revised Statutes Supplement, 2007, is amended to read:

71-3305 (1) Except as otherwise provided in subsection (2) of this section, any political subdivision as defined in section 13-702, that provides the water supply of any city or village for human consumption having a population of one thousand or more inhabitants shall, no later than June 1, 2010, add fluoride to such the water supply in the amount and manner prescribed by for human consumption for such city or village as provided in the rules and regulations of the Department of Health and Human Services unless such water supply has sufficient amounts of naturally occurring fluoride as provided in such rules and regulations.

(2) Fluoride shall not be added to the water supply of any city or village in which the voters have, after September 2, 1973, adopted an ordinance by initiative prohibiting the adding of fluoride to its water supply. The procedure for the adoption of any such ordinance shall be that provided in sections 18-2501 to 18-2536. No such ordinance may be adopted in a city or village receiving, or which has contracted to receive, its water supply, or any part thereof, from another political subdivision, or public or private entity, which adds fluoride to its water supply in compliance with subsection (1) of this section, or section 71-3306, or which has available only purchased fluoridated water with which to supply such city or village. In any city or village which is required to add fluoride to its water supply under subsection (1) of this section and in which fluoride is not added to such water supply as of January 1, 2008, the voters of the city or village may adopt an ordinance, after the effective date of this act, but before June 1, 2010, to prohibit the addition of fluoride to such water supply. The ordinance may be placed on the ballot by a majority vote of the governing body of the city or village or by initiative pursuant to sections 18-2501 to 18-2538.

(3) Any rural water district organized under sections 46-1001 to 46-1020 that supplies water for human consumption to any city or village which is required to add fluoride to such water supply under this section shall not be responsible for any costs, equipment, testing, or maintenance related to such fluoridation unless such district has agreed with the city or village to assume such responsibilities.

Sec. 2. Original section 71-3305, Revised Statutes Supplement, 2007, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.