

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

A Bill

SENATE BILL 282

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

For An Act To Be Entitled

8
9 AN ACT AMENDING THE LAW CONCERNING PUBLIC WATER
10 SYSTEMS; TO ALLOW VOTERS TO ELECT "FOR" OR "AGAINST"
11 WATER FLUORIDATION; AND FOR OTHER PURPOSES.
12
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Subtitle

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15 AMENDING THE LAW CONCERNING PUBLIC WATER
16 SYSTEMS; AND TO ALLOW VOTERS TO ELECT
17 "FOR" OR "AGAINST" WATER FLUORIDATION.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 14, Chapter 116, Subchapter 1, is
22 amended to add an additional section to read as follows:

23 14-116-108. Election for fluoridation of water – Definition.

24 (a) Customers of a public water system shall have the option to hold
25 an election of the qualified electors of each county supplied by the public
26 water system to determine whether or not the public water system shall
27 fluoridate the water.

28 (b)(1) An election under this section may be called by:

29 (A) A petition for each county supplied by the public
30 water system signed by no less than five percent (5%) of the total number of
31 votes cast within the county for the office of county judge in the last
32 election; or

33 (B) A majority vote of the quorum court of a county
34 supplied by the public water system.

35 (2)(A) Except as provided under subdivision (b)(2)(B) of this
36 section, an election under this section shall be held at the next general



1 election.

2 (B) A subsequent election in the public water system under
3 this section shall not be held earlier than four (4) years after an election
4 is held under this section.

5 (3) Except as provided in this section, the election under this
6 section shall be held and conducted in accordance with the general election
7 laws of this state.

8 (4) The question of whether to fluoridate the water in the
9 public water system shall be placed upon the ballots of the qualified
10 electors in the following form:

11 " _____ FOR THE FLUORIDATION OF WATER IN [DESCRIPTION OF THE
12 PUBLIC WATER SYSTEM]

13 _____ AGAINST THE FLUORIDATION OF WATER IN [DESCRIPTION OF
14 PUBLIC WATER SYSTEM]."

15 (c)(1) The petition under this section shall be filed with the county
16 clerk of the county where the sponsor of the petition resides no less than
17 one hundred twenty (120) days before the general election.

18 (2) No more than ten (10) days after the filing of the petition
19 under subdivision (c)(1) of this section, the county clerk shall:

20 (A) Verify the petition;

21 (B) Certify the petition; and

22 (C) Notify the county boards of election commissioners for
23 the counties within the public water system and the board of directors of the
24 public water system of the verification and certification of the petition.

25 (3) The petition shall clearly state:

26 (A) The boundaries of the public water system; and

27 (B) That the petition is to elect "for" or "against"
28 fluoridation of the water in the public water system.

29 (d) If the petition is sufficient, the question of whether to
30 fluoridate the water in the public water system shall be placed on the ballot
31 in each county supplied by the public water system.

32 (e) If the majority of the qualified electors of the majority of the
33 counties supplied by the public water system elect to prohibit fluoridation
34 of water, the public water system shall cease fluoridation of the water
35 within thirty (30) days of the certification of the election results.

36 (f) As used in this section, "public water system" means a facility,

1 including without limitation a parent system, consecutive system, or other
2 system, that holds, treats, and supplies water directly or through a
3 consecutive system or consecutive systems to five thousand (5,000) persons or
4 more.

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6 SECTION 2. Arkansas Code § 20-7-136(b), concerning a statewide
7 fluoridation program, is amended to read as follows:

8 (b)(1) The Except as provided in subdivision (b)(2) of this section,
9 the company, corporation, municipality, county, government agency, or other
10 entity that owns or controls a water system shall control the quantity of
11 fluoride in the water so as to maintain a fluoride content established by the
12 Department of Health.

13 (2)(A) Except as provided in subdivision (b)(2)(B) of this
14 section, the board of a public water system may elect to prohibit
15 fluoridation of the water it supplies.

16 (B) The results of an election under § 14-16-108 shall
17 supersede any decision of the board of a public water system regarding the
18 fluoridation of the water it supplies.

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