

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

# A Bill

SENATE BILL 468

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

## For An Act To Be Entitled

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9 AN ACT TO AMEND THE LAW CONCERNING FLUORIDATION OF A  
10 PUBLIC WATER SYSTEM; TO ALLOWS VOTERS TO ELECT "FOR"  
11 OR "AGAINST" WATER FLUORIDATION IN THE COUNTY; AND  
12 FOR OTHER PURPOSES.  
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## Subtitle

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16 TO AMEND THE LAW CONCERNING FLUORIDATION  
17 OF A PUBLIC WATER SYSTEM; AND TO ALLOWS  
18 VOTERS TO ELECT "FOR" OR "AGAINST" WATER  
19 FLUORIDATION IN THE COUNTY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 14, Chapter 116, Subchapter 1, is  
24 amended to add an additional section to read as follows:

25 14-116-108. Election for fluoridation of water – Definition.

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

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

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

35 (B) A majority vote of the quorum court of each county  
36 supplied by the public water system.



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

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

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

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

13           " \_\_\_\_\_ FOR THE FLUORIDATION OF WATER IN [NAME OF COUNTY]  
14 \_\_\_\_\_ AGAINST THE FLUORIDATION OF WATER IN [NAME OF  
15 COUNTY]."

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

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

21           (A) Verify the petition;

22           (B) Certify the petition; and

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

26           (3) The petition shall clearly state:

27           (A) Which county is served by the public water system; and

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

30           (d) If the petition is sufficient, the question of whether to  
31 fluoridate the water in the county shall be placed on the ballot of the  
32 county indicated on the petition.

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

1       (f) As used in this section, "public water system" means a facility,  
2 including without limitation a parent system, consecutive system, or other  
3 system, that holds, treats, and supplies water directly or through a  
4 consecutive system or consecutive systems to five thousand (5,000) persons or  
5 more.

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

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

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

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

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