



H.B. 37

124th General Assembly
(As Introduced)

Reps. Metzger, Collier, Hartnett, Seitz, Allen, Willamowski, Evans, Niehaus, Hollister, Britton, Flowers, Rhine, Coates, Distel, Woodard

BILL SUMMARY

- Permits certain political subdivisions served by water supply systems that do not regularly add fluoride to hold a special election or adopt an ordinance requiring fluoride to be added to the water.

CONTENT AND OPERATION

History

Fluoridation requirement

Am. S.B. 137 of the 108th General Assembly, which became effective November 17, 1969, amended the law governing public water supplies to require fluoridation of water supplied by public water systems. Fluoridation is generally required if the natural fluoride content of the water is less than eight-tenths milligrams per liter. Fluoride is to be added to maintain a fluoride content of not less than eight-tenths milligrams per liter of water nor more than one and three-tenths milligrams per liter.

Fluoridation was required to commence (1) on or before January 1, 1971, for a public water system supplying water to 20,000 or more persons, or (2) on or before January 1, 1972, for a public water system supplying water to 5,000 or more but less than 20,000 persons. Public water systems supplying water to less than 5,000 persons had no time requirement and, as a result, have not been subject to the law.

Special election on fluoridation

In addition to those described above, S.B. 137 included provisions allowing a special election to be conducted on the question of whether fluoride should be added to the water supplied by a particular public water system. To take

advantage of the special election opportunity, a petition in compliance with Ohio's election laws had to be filed within 120 days after November 17, 1969, with the board of elections of the county containing the political subdivision served by the water supply requesting that the question be placed on the ballot. The special election was required to be held in the political subdivisions of the county or adjoining counties served by the water supply. Only persons served by the water supply could vote. A majority vote was required to determine the question.

Twenty-five cities took advantage of the special election provisions and chose not to have water fluoridated.¹ The special election provisions were repealed in 1972 by H.B. 330 of the 109th General Assembly.

The bill

Although S.B. 137 permitted political subdivisions served by water systems to choose not to comply with the fluoridation requirement, no provision of law allowed them to later choose to comply. In other words, no procedure let them change their minds. The bill establishes two methods to permit a change: special election or fluoridation ordinance.²

Special election

Under the bill, a petition may be filed with the board of elections of a county containing a political subdivision served by a public water supply to which fluoride has not regularly been added, requesting that the question of adding fluoride to the water supply be placed on the ballot at a special election in the political subdivisions in the county served by the water supply. If applicable, the question must also be placed on the ballot at a special election in political subdivisions in adjoining counties served by the water supply. The special election must be held on a date specified in the petition, not less than 75 days after the date of the petition's filing.

The petition must meet the requirements of Ohio's election laws governing election petitions and designate the political subdivisions in the county and, if

¹ *The cities include, for example, Lancaster, Mansfield, Mt. Vernon, Springfield, and Xenia.*

² *The bill also appears to permit other political subdivisions served by a public water supply to which fluoride has not regularly been added to add fluoride to the water pursuant to the bill's procedures. Those subdivisions include (1) those that have naturally occurring fluoride of above eight-tenths milligrams per liter of water but less than one and three-tenths milligrams per liter, and (2) those that have water systems serving less than 5,000 persons.*

applicable in adjoining counties, served by the water supply. The petition must be signed by not less than 10% of the number of electors served by the water supply of each of those political subdivisions who voted for governor at the last preceding gubernatorial election. The board of elections must place the issue on the ballot at the special election to be held in the political subdivisions served by the water supply.

If a water supply serves political subdivisions in more than one county, the board of elections of the county in which the petition is filed must send, within ten days after the filing, notice of the filing to the boards of elections of the other counties having political subdivisions served by the water supply and furnish all ballots and forms for the special election. In political subdivisions where only a part of the electors are served by the water supply, only electors who sign forms provided by the board of elections stating that they are served by the water supply may vote on the question. The question of adding fluoride to the water supply must be determined by a majority vote of those voting on the question.

Fluoridation ordinance

The bill provides that, in lieu of a special election, the legislative authority of a municipal corporation may adopt an ordinance requiring fluoridation of its water in accordance with the law described under **'Fluoridation requirement,'** above.

Effect of approving fluoridation

Under the bill, once a political subdivision elects to fluoridate its water pursuant to a special election or ordinance, it must continue to fluoridate its water supply in accordance with the law described under **'Fluoridation requirement,'** above.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-31-01	p. 99

H0037-I.124/nlr