

# SENATE BILL REPORT

## ESHB 1251

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As Reported by Senate Committee On:  
Health & Long Term Care, March 14, 2023

**Title:** An act relating to water systems' notice to customers of public health considerations.

**Brief Description:** Concerning water systems' notice to customers of public health considerations.

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Stonier, Bateman, Reed, Riccelli and Pollet).

**Brief History:** Passed House: 2/9/23, 97-0.

**Committee Activity:** Health & Long Term Care: 3/10/23, 3/14/23 [DP, w/oRec].

### Brief Summary of Bill

- Requires a public water system to notify customers and the Department of Health of intentions to start or stop water fluoridation.
- Requires a public water system in violation of the notification requirements to return fluoridation to its prior level until the notification requirements have been satisfied.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Randall and Van De Wege.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Padden.

**Staff:** Megan Tudor (786-7478)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Water Fluoridation. Fluoride is a naturally occurring mineral that can help provide protection against tooth decay. Current statute authorizes a water district by a majority vote of its board of commissioners to add fluoride to the water supply system of the water district. The commissioners may propose the fluoridation of the water supply to be submitted to the electors of the water district at any general election or special election called to vote on the proposition. The proposition must be approved by a majority of the electors voting on the proposition to become effective. Public water systems are not required to adopt fluoridation.

Public Water Systems. A public water system is defined as any system that provides water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm. The water system includes any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

**Summary of Bill:** A public water system must notify customers and the Department of Health of intentions to start or stop water fluoridation at least 90 days before a vote or decision is made. A public water system that violates these notification requirements must return fluoridation to its previous level until the notification requirements have been satisfied.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is focused on ensuring consistency between notification of removal and inclusion of water fluoridation. Tooth decay is a preventable infectious disease. Some communities have considered discontinuation of water fluoridation, but after consulting with health experts they realize this would have been a mistake. Regardless of the water system decision, it's important that customers and medical professionals are aware of any changes. There is currently no requirement that notification be given for changes to fluoridation status. Notification is important for dental and medical providers to have conversations with patients and make updates to their care plans. Giving notice would respect the right of local communities to engage in the decision making process.

CON: The state is implementing a medical plan without resident input. People that did not

want fluoride became defeated and don't want water systems to provide it anymore. The bill omits any references to consequences to the water systems if notification is not given. There needs to be language clarifying what kind of fluoride is being added and require immediate removal of fluoridation that occurs without the proper notification.

**Persons Testifying:** PRO: Representative Monica Jurado Stonier, Prime Sponsor; Elisabeth Warder, DDS, CHAS Dental Director; Nicole Woodruff, Board Certified Family Nurse Practitioner; Priyanka Bushana, Smile Spokane.

CON: Tamra Smilanich.

**Persons Signed In To Testify But Not Testifying:** PRO: Stuart Cooper, American Environmental Health Studies Project, Inc..