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**SUBSTITUTE HOUSE BILL 1684**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** House Local Government (originally sponsored by Representatives Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet, and Riccelli)

AN ACT Relating to public health and fluoridation of drinking water; and adding new sections to chapter 70A.125 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 70A.125 RCW to read as follows:

(1) The legislature finds that public health is essential to Washington state residents of all ages and ethnicities and that balancing public water systems with an optimal level of fluoride is a proven mechanism for reducing health disparities affecting people at all stages of life.

(2) The legislature further finds that more than 70 years of practice has shown that fluoridated water promotes community oral health and prevents oral disease and dental cavities. When tap water is fluoridated, people experience 25 percent less tooth decay over a lifetime. Today, while roughly 75 percent of the people in the United States are served by public water systems that have effective levels of fluoride, only 56 percent of Washingtonians receive the same benefit, leaving 44 percent of our residents without a basic public health benefit tool to help prevent dental cavities and oral disease.

(3) The legislature further finds that providing effective levels of fluoride in public water is a meaningful way to bridge societal inequities that disproportionately affect low-income communities and communities of color. In Washington, third graders from low-income households suffer tooth decay at twice the rate of children from higher-income households. Hispanic, American Indian, and Alaska Native children have a 50 percent higher rate of tooth decay than the general population.

(4) The legislature further finds that oral health inequities affect people at all stages of life and from all socioeconomic backgrounds. Children with dental problems are more likely to miss school, and teens with recent dental pain are four times more likely to earn lower grades. Low-income adults are more likely to say the condition of their teeth impacted their ability to interview for a job. Adults missing teeth are less likely to do well in job interviews, and seniors without teeth are at risk for malnutrition.

(5) The legislature further finds that preventing oral health disease through fluoridation is cost-effective for all ages and socioeconomic backgrounds. In the United States, dental services are the third highest medical expenditure for families, and the centers for disease control and prevention estimate a return on investment for ratepayers of four dollars for every dollar spent on fluoridation in small communities, and $27 for every dollar spent on fluoridation in large communities. In addition, Washingtonians could save an estimated $32,000,000 in medicaid and $14,000,000 in state employee benefit programs over a 10-year period through fluoridation.

(6) The legislature further finds that the global pandemic will exacerbate the long-term racial and socioeconomic disparities in health care, education, job attainment, job stability, and wage growth, and that implementing effective fluoridation in public water systems is essential to public health and the continued economic vitality of the state of Washington.

(7) The legislature further finds that it is necessary to collect information on the unmet oral health care needs throughout communities to reduce inequities in oral health care.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.125 RCW to read as follows:

(1) A water system that is not fluoridating its water supply shall include an analysis of the cost to design, install, operate, and maintain community fluoridation when the water system engages in system planning, including planning for the future of the water system and for expansion of the water supply or upgrading and modernizing system facilities.

(2) For water systems including an analysis of the costs to design, install, operate, and maintain community fluoridation pursuant to subsection (1) of this section, the state board of health shall develop or modify rules to facilitate and support water systems to include community water fluoridation. These rules must include:

(a) The optimal level of fluoride to be maintained by the water system and the allowable range for operations; and

(b) Standards and procedures for maintaining required concentrations of fluoride including, but not limited to:

(i) Necessary fluoridation treatment facilities;

(ii) A cost-benefit analysis of estimated capital start-up costs for fluoridation equipment for a water system to ensure the process and reporting of information are consistent across the state;

(iii) Recordkeeping requirements;

(iv) Reporting requirements;

(v) Testing requirements; and

(vi) Enforcement procedures.

(3) For the purposes of this section, "water system" means any group A community public water system that serves 5,000 or more people per day, or any system that elects to comply with state fluoridation rules adopted under this section. The department must supply the same programs and support to all water systems.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.125 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall create a program within the office of drinking water, that aids water systems with engineering assistance related to water upgrades, modifications, or necessary expansions as long as the water system includes engineering analysis to implement or upgrade a community water fluoridation system for its service area. The department may accept funds from private sources, such as foundations or other corporate entities, to assist this program.

(2) For the purposes this section, "water system" has the same meaning as in section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.125 RCW to read as follows:

(1) A water system that considers discontinuing fluoridation of its water supply on a continuing basis shall seek and receive the most current information about the public health impacts of community water fluoridation from the department and its local health jurisdiction at least 90 days prior to a vote or decision on the matter.

(2) After meeting the requirements of receiving information from the department in subsection (1) of this section, a water system that considers discontinuing fluoridation shall notify its customers of its intentions at least 90 days prior to a vote or decision on the matter. Notification to customers must include information received from the department on the public health impacts of discontinuing fluoridation as required in subsection (1) of this section. At a minimum, the notification must include department-approved language about fluoride's public health impacts. The water system shall notify its customers via radio, television, newspaper, regular mail, electronic means, or any combination of notification methods which most effectively notifies customers at least 90 days prior to any meeting at which the vote or decision will occur. Any water system that violates the notification requirements of this subsection shall return the fluoridation of its water supply to its previous optimal level until proper notification is provided under the provisions of this section.

(3) For the purposes this section, "water system" has the same meaning as in section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.125 RCW to read as follows:

The department shall conduct an oral health equity assessment, in which the department shall use available surveillance data and community needs assessments to identify unmet oral health needs and develop recommendations to advance population oral health through increased access to community water fluoridation in order to reduce inequities in oral health outcomes. The department shall consult with the state office of equity and collaborate with public health oral health care providers and community-based organizations to conduct the assessment and develop recommendations. By June 30, 2023, the department shall submit a report to the appropriate committees of the legislature with an oral health equity assessment and recommendations to increase access to community water fluoridation.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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