

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1588 Session of
2005

INTRODUCED BY TIGUE, ALLEN, BARRAR, BELFANTI, BUNT, CALTAGIRONE,
CORRIGAN, CRUZ, CURRY, DALLY, EACHUS, GERGELY, JAMES,
LEDERER, RAYMOND, SAINATO, SATHER, SHANER, STABACK, FRANKEL,
GODSHALL, JOSEPHS, LEACH, McNAUGHTON, REICHLEY, SANTONI,
SCAVELLO, SHAPIRO, PETRI, SIPTROTH, J. EVANS, BIANCUCCI,
M. KELLER AND KILLION, MAY 12, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 29, 2006

AN ACT

1 Providing for fluoridation of public water.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Fluoridation
6 Act.

7 Section 2. Purpose.

8 It is the purpose of this act to prevent dental disease as a
9 health care cost-containment measure.

10 Section 3. Fluoride content of water.

11 Whenever the fluoride content of water served by public water
12 suppliers to ~~500~~ 1,000 domestic water connections or more is <—
13 less than 0.8 milligrams per liter of fluoride, the person,
14 association, firm, corporation, authority or municipality having
15 jurisdiction over the supply shall add a measured amount of

1 fluoride to the water so as to maintain a fluoride content of
2 between 0.8 milligrams per liter and 1.2 milligrams per liter,
3 in accordance with regulations adopted by the Department of
4 Environmental Protection in consultation with the Department of
5 Health, and recommended levels as established by the United
6 States Public Health Service and the Environmental Protection
7 Agency.

8 SECTION 4. COST RECOVERY. <—

9 A PUBLIC WATER SUPPLIER WHOSE RATES FOR SERVICE ARE
10 ESTABLISHED BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION MAY
11 FILE TARIFFS ESTABLISHING A SLIDING SCALE OF RATES OR OTHER
12 METHOD FOR THE AUTOMATIC ADJUSTMENT OF THE RATES OF THE PUBLIC
13 WATER SUPPLIER AS PROVIDES FOR THE RECOVERY OF ALL COSTS
14 INCURRED IN COMPLIANCE WITH OR RESULTING FROM THE REQUIREMENTS
15 OF THIS ACT, INCLUDING OPERATING EXPENSES AND A RETURN ON AND
16 RETURN OF CAPITAL INVESTMENT.

17 SECTION 5. LIMITATION OF LIABILITY.

18 A PUBLIC WATER SUPPLIER WHOSE RATES FOR SERVICE ARE
19 ESTABLISHED BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION SHALL
20 BE HELD HARMLESS AND INDEMNIFIED FROM LIABILITY BY THE
21 DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR IMPLEMENTING
22 FLUORIDATION UNDER THIS ACT IF EQUIPMENT AND FACILITIES EMPLOYED
23 IN FLUORIDATING THE WATER SUPPLY WERE CONSTRUCTED IN COMPLIANCE
24 WITH A PERMIT AMENDMENT FROM THE DEPARTMENT OF ENVIRONMENTAL
25 PROTECTION AND ARE OPERATED IN COMPLIANCE WITH THE PERMIT AND
26 WITH 25 PA. CODE CH. 109 (RELATING TO SAFE DRINKING WATER).

27 Section 4 6. Enforcement. <—

28 The Department of Environmental Protection shall enforce this
29 act commencing one year after the effective date of this act.

30 Section 5 20. Effective date. <—

1 This act shall take effect in 120 days.