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**HOUSE BILL 1684**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Representatives Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet, and Riccelli

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

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.125  
5 RCW to read as follows:

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

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

20 (3) The legislature further finds that providing effective levels  
21 of fluoride in public water is a meaningful way to bridge societal

1 inequities that disproportionately affect low-income communities and  
2 communities of color. In Washington, third graders from low-income  
3 households suffer tooth decay at twice the rate of children from  
4 higher-income households. Hispanic, American Indian, and Alaska  
5 Native children have a 50 percent higher rate of tooth decay than the  
6 general population.

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

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

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

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

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.125  
35 RCW to read as follows:

36 (1) A water system shall include an analysis of the cost to  
37 install, implement, and maintain community fluoridation when the  
38 water system engages in system planning, including planning for the

1 future of the water system and for expansion of the water supply or  
2 upgrading and modernizing system facilities.

3 (2) For water systems including an analysis of the costs to  
4 install, implement, and maintain community fluoridation pursuant to  
5 subsection (1) of this section, the department shall develop or  
6 modify rules to facilitate and support water systems to include  
7 community water fluoridation. These rules must include:

8 (a) Required concentrations of fluoride to be maintained by the  
9 water system; and

10 (b) Standards and procedures for maintaining required  
11 concentrations of fluoride, including, without limitation:

12 (i) Necessary fluoridation equipment standards;

13 (ii) The reasonableness and sufficiency of estimated capital  
14 start-up costs for fluoridation equipment for a water system;

15 (iii) The form, requirements, and sufficiency of an offer to  
16 provide capital start-up costs for fluoridation equipment;

17 (iv) Recordkeeping requirements;

18 (v) Reporting requirements;

19 (vi) Testing requirements; and

20 (vii) Enforcement procedures.

21 (3) For the purposes of this section, "water system" means any  
22 group A public water system, public utility district, or municipal  
23 water system that has 5,000 or more service connections or 5,000 or  
24 more customers. However, a public water system with fewer than 5,000  
25 service connections or customers may elect to comply with this  
26 section and related department rules for fluoridation, and the  
27 department must supply the same programs and support to such water  
28 systems.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 70A.125  
30 RCW to read as follows:

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

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

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 70A.125  
4 RCW to read as follows:

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

11 (2) A water system that considers discontinuing fluoridation  
12 shall notify its customers of its intentions at least 90 days prior  
13 to a vote or decision on the matter. Notification to customers must  
14 include information received from the department on the public health  
15 impacts of discontinuing fluoridation as required in subsection (1)  
16 of this section. The water system shall notify its customers via  
17 radio, television, newspaper, regular mail, electronic means, or any  
18 combination of notification methods which most effectively notifies  
19 customers at least 90 days prior to any meeting at which the vote or  
20 decision will occur. Any water system that violates the notification  
21 requirements of this subsection shall return the fluoridation of its  
22 water supply to its previous optimal level until proper notification  
23 is provided under the provisions of this section.

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

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.125  
27 RCW to read as follows:

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

1 legislature with an oral health equity assessment and recommendations  
2 to increase access to community water fluoridation.

3 NEW SECTION. **Sec. 6.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

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