

JAN 23 2020

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that increasing the water
2 supply's concentration of fluoride, a naturally occurring
3 mineral, to an optimal level promotes good oral health is an
4 extremely effective means of stopping, preventing, or even
5 reversing tooth decay. The practice of community water
6 fluoridation benefits all people who drink from the public water
7 supply of a community.

8 The legislature recognizes that according to the United
9 States Centers for Disease Control and Prevention, the nation's
10 premier public health agency, water fluoridation is both safe
11 and the most cost-effective way of preventing tooth decay. This
12 method of fluoride delivery's success in decreasing rates of
13 tooth decay has led the Centers for Disease Control and
14 Prevention to name community water fluoridation as one of ten
15 great public health achievements of the twentieth century.
16 Since 1945, hundreds of cities have implemented community water
17 fluoridation. As of 2012, more than 210,000,000 people, or



1 three out of every four Americans who used public water
2 supplies, drank water with enough fluoride to prevent tooth
3 decay. Drinking fluoridated water keeps teeth strong and
4 reduces tooth decay by approximately twenty-five per cent in
5 both children and adults. The value of water fluoridation has
6 been recognized internationally and is used in many countries,
7 including Australia, Canada, Chile, Colombia, Ireland, Malaysia,
8 New Zealand, Singapore, and the United Kingdom.

9 The legislature further finds that Hawaii's public water
10 systems have no added fluoride, except on military bases.
11 Consequently, only eleven per cent of individuals in the State
12 have access to the benefits of fluoridated drinking water. This
13 is lowest percentage of any state in nation, and the
14 corresponding national average is seventy-five per cent.
15 According to "Hawaii Smiles 2015: The Oral Health of Hawaii's
16 Children", a report from the state department of health, Hawaii
17 has the highest prevalence of tooth decay among third graders in
18 the United States. More than seven out of ten third graders in
19 the State are affected by tooth decay, which is a substantially
20 higher rate than the national average of fifty-two per cent.
21 Hawaii also received a failing grade in three recent oral health



1 report cards published by the Pew Center on the States, a
2 division of the Pew Charitable Trusts.

3 The legislature also finds that many state residents do not
4 have dental care insurance. Among those on medicaid/QUEST,
5 children generally receive dental services as a covered benefit,
6 but adults do not. According to "Hawaii Oral Health: Key
7 Findings", another 2015 report from the state department of
8 health, the number of emergency room visits for preventable
9 dental problems has increased. For example, in 2012, there were
10 more than three thousand visits to Hawaii emergency room for
11 preventable dental problems. This represented an increase of
12 sixty-seven per cent compared to 2006. For comparison,
13 according to the same report, emergency room visits for
14 preventable dental problems increased nationwide by twenty-two
15 per cent from 2006 to 2009.

16 The legislature concludes that the benefits of fluoridation
17 outweigh the risks. Notably, the State's drinking water already
18 has additional chlorine, which is chemically similar to
19 fluoride, in its water supply for the purpose of reducing
20 exposure to water borne illnesses. Notwithstanding the benefits
21 of fluoridation, residents who have dental care insurance will



1 have better opportunities to take preventative measures for
2 their own and their children's dental care.

3 The purpose of this Act is to ensure good dental health by:

- 4 (1) Requiring all suppliers of public water throughout the
5 State, including privately owned public water systems
6 as well as county entities with jurisdiction over
7 water supplies, to fluoridate the water under their
8 respective jurisdictions, with the amount of fluoride
9 in the water to be managed and adjusted by the
10 respective county entities based on optimal fluoride
11 levels for community water fluoridation that are
12 established by the United States Department of Health
13 and Human Services;
- 14 (2) Voiding the fluoridation requirement upon verification
15 by the department of health and a proclamation issued
16 by the governor that one hundred per cent of residents
17 in the state either have obtained dental care
18 insurance or affirmatively rejected insurance; and
- 19 (3) Expressly superseding any contrary state or county law
20 on fluoridation of the public water supply.



1 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§321- Fluoridation. (a) Each supplier of water in
5 the State, whether the supplier is a privately-owned or
6 governmental entity, that has one thousand or more service
7 connections shall adjust the level of fluoride in its public
8 water system, with the amount of fluoride in the water to be
9 managed and adjusted by the county entity having jurisdiction
10 over the water supply, the optimal fluoride level for community
11 water fluoridation, pursuant to the most recent standard
12 established by the United States Department of Health and Human
13 Services; provided that this section shall not apply to any
14 federal agency operating a public water system in the State.

15 (b) The department of health shall provide each supplier
16 of water subject to this section with technical assistance and
17 training relating to community water fluoridation and the
18 management of fluoridation systems. The department may
19 reimburse each supplier of water for expenses necessarily
20 incurred to comply with this section.



1 (c) The department of health, with the cooperation of the
2 boards of water supply and all other suppliers of water subject
3 to this section, shall submit a status report to the legislature
4 on compliance with this section and the procurement of dental
5 care insurance by residents of this State no later than forty
6 days prior to the convening of each regular session.

7 (d) The department of health shall monitor and verify to
8 the governor when one hundred per cent of the residents of this
9 State have either obtained or affirmatively rejected dental care
10 insurance. The governor shall immediately issue a proclamation
11 declaring the date that all residents have either obtained or
12 affirmatively rejected dental care insurance, and shall submit a
13 certified copy of the proclamation to the revisor of statutes.
14 This section shall be void on the date of low-cost dental care
15 insurance availability, as stated in the proclamation.

16 (e) This section shall supersede any state or county law
17 to the contrary, until this section is made void pursuant to
18 subsection (d)."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



S.B. NO. 2997

1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: *Kal Rhoads*
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S.B. NO. 2997

Report Title:

Health; DOH; Water; Dental Care; Fluoridation

Description:

Requires certain water suppliers to adjust the levels of fluoride in public water systems. Requires the Department of Health to provide technical assistance. Requires reports to the Legislature on compliance, and on the procurement of dental care insurance by residents of this State. Becomes void when 100% of the residents of this State have either obtained or affirmatively rejected dental care insurance, pursuant to a proclamation issued by the Governor.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

