



Fluoridation 50-State Compilation

Summary Matrix of State Laws & Regulations Addressing Fluoridation in Water

Laws as of August 13, 2018

State	Citation	Date First Enacted/ First Effective	Explicit mandate for fluoridation of water?	Implied fluoridation requirement of water?	Specifies fluoride level required for water?	State preemption of local governments?	Agency responsible for regulation or oversight?	Exceptions?
AL	Statute: Code of Ala. 1975, § 22-23-21	1977; Amended July 1, 2018	No.	✓	✓	✓	Must provide notice to State Health Officer within 90 days of when proposed change is to take effect.	Does not apply to “temporary discontinuance of fluoridation that is caused by equipment failure, maintenance, or replacement; temporary chemical supply shortages; placing water sources offline; or other similar unavoidable circumstances.”
	Regulations: Ala. Admin. Code r. 335-7, Appendix C, Health Effect and Required Language for Specific Contaminants; Ala. Admin. Code r. 335-7-2-21, Public Notification.	1977; 1989 & 1990 Repealed & Readopted; 2002 & 2005 Amended	No.	✓	✓	✓	Overseen by Alabama Department of Environmental Management Water Division. Must provide public notice to persons served by the system if levels of fluoridation	None



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							fluctuate. <i>See</i> AL A.D.C. 335-7-2-21.	
AK	Statute: None.	-	-	-	-	-	-	-
	Regulations: Alaska Administrative Code, Title 18, § 80.315 Inorganic chemical sampling requirements.	Effective October 1, 1999; Amended 04/24/2009	No.	-	-	-	-	-
AZ	Statute: None.	-	-	-	-	-	Director of department of health services could adopt and enforce regulations requiring all distributors of water for domestic use to adjust the fluoride content to optimum levels. Op.Atty.Gen. No. R75-412, p. 128, 1975-76.	-
	Regulations: None.	-	-	-	-	-	-	-

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AR	Statute: Ark. Code Ann. § 20-7-136	July 27, 2011	-	✓	✓	✓	Water system fluoride content is established by the Department of Health. "The State Board of Health shall adopt rules relating to the fluoridation of water systems." Ark. Code Ann. § 20-7-136(c).	Excludes water system "until funds sufficient to pay capital start-up costs for fluoridation equipment for the system have become available from any source other than tax revenue or service revenue regularly collected" by the entity. Also excludes "water supply from a community in another state...until a substantially similar fluoridation program is enacted for the water system of the community in the other state."
	Regulations: Ark. Admin. Code 007.18.2-VII Operation	Amended April 1, 2010; March 23, 2012; Feb. 23, 2014.	✓	✓	✓	✓	Arkansas Department of Health	Exceptions to adherence to national standards are on a case-by-case basis. <i>See</i> Ark. Admin. Code 007.18.2-VII(F)(2).
CA	Statutes: Cal. Health & Safety Code §116409 Legislative findings and declarations; protection and maintenance of dental health; Cal. Health & Safety Code §116410 Public water systems of at least 10,000 service connections not meeting minimum natural fluoride levels; regulation of fluoridation of systems; capital costs estimates; exemption from provisions; Cal. Health & Safety Code § 116415 Exemption for certain public water systems from application of Section 116410; annual list of nonexempt water systems; department authority to enforce; mandamus where	Enacted 2004	✓	-	✓	✓	California Department of Public Health	Exemptions are contained in Cal. Health & Safety Code § 116415.

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	noncompliance by owner or operator; funding for enforcement; rate increases to cover costs.							
	Regulations: Cal. Admin. Code, title 22 § 64433 System Requirements and Exemptions; Cal. Admin. Code, title 22 § 64433.2. Optimal Fluoride Levels; Cal. Admin. Code, title 22 § 64433.3 Monitoring and Compliance - Fluoride Levels; Cal. Admin. Code, title 22 § 64433.5 Fluoridation System; Cal. Admin. Code, title 22 § 64433.7 Recordkeeping, Reporting, and Notification for Water Systems Fluoridating; Cal. Admin. Code, § 64433.8. Fluoridation System Operations Contingency Plan.	First enacted in 1998	✓	-	✓	✓	State Board of Health	Exemptions are in Cal. Admin. Code, title 22 § 64433.
CO	Statute: C.R.S.A. § 25-21.5-102 Legislative declaration	Effective May 28, 1997; repealed and reenacted June 5, 2013	-	✓	✓	-	Colorado Department of Public Health and Environment	No
	Regulations: Co. Admin. Code, title 5 § 1002-11:11.19 Inorganic Chemicals Rule; Co. Admin. Code, title 5 § 1003-2:100.42 Statement of	Enacted July 26, 2005; Amended January 30, 2017	✓	-	✓	-	Colorado Department of Public Health and Environment; Board of Health	No



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	Basis, Specific Statutory Authority and Purpose							
CT	Statute: Conn. Gen. Stat. Ann. § 19a-38 Water company to add fluoride to water supply	Enacted 1958; Amended July 1, 2018	✓	-	✓	-	Commissioner of Public Health as outlined by the Department of Public Health and the Public Health Code. The Public health council had the necessary authority under §§ 19-3, 19-4 and 19-13, (see, now, §§ 19a-2a, 19a-36) to enact a regulation concerning fluoridation of the public water supplies in Connecticut for improvement and preservation of health because this nutritional element was needed in waters which lacked it for proper growth and development of teeth. <i>See</i> Op.Atty.Gen. (Nov. 15, 1963), 25 Conn.L.J. No. 23, p. 14.	No
	Regulations: Regs. Conn. State Agencies Sec. 19-13-B102 Standards for quality of public drinking water		-	✓	✓	-	Connecticut Department of Public Health	No



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DE	Statute: Del. Code Ann. tit. 16, § 124 Fluoridation of a water supply	Adopted 1974; last amended July 6, 1998	✓	-	✓	-	Delaware Department of Health and Social Services	No
	Regulations: Del. Admin. Code, tit. 16, § 4462-9.0. Inorganic and Organic Chemical Requirements; Del. Admin. Code, tit. 16, § 4462-6.0 Consumer Confidence Reports	September 18, 1998	✓	-	✓	-	Delaware Department of Health and Social Services	No
DC	Statute: None.	-	-	-	-	-	-	-
	Regulations: None.	-	-	-	-	-	-	-
FL	Statute: None.	-	-	-	-	-	The Florida state board of health has no statutory responsibility as to the fluoridation of public water supply systems except to prevent such fluoridation as may be done to public water supplies to prevent them? from becoming a menace to public health. Florida Op. Atty. Gen., 1949-50, p. 414. It would be the duty	-



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							of the Florida state board of health, upon notice from any municipality or other public water supply operator that installation of a fluoridation system was contemplated, to furnish such municipality or operator of a public water supply system a standard which would preserve the public health. Florida Op.Atty.Gen., 1949-50, p. 414.	
	Regulations: Fla. Admin. Code r. § 62-555.325 Fluoridation	Adopted November 19, 1987; Amended January 18, 1989, January 3, 1991; August 28, 2003	-	-	-	-	Florida Department of Health's Bureau of Dental Health	No
GA	Statute: None.	-	-	-	-	-	-	-

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	Regulations: Ga. Comp. R. & Regs. § 391-3-5-.16 Fluoridation; Ga. Comp. R. & Regs. § 391-3-5-.14 Operation; Ga. Comp. R. & Regs. § 511-5-2-.01 Fluoridation; Ga. Comp. R. & Regs. § 391-3-5-.18 Primary Maximum Contaminant Levels for Drinking Water; Ga. Comp. R. & Regs. § 391-3-21-.03 Drinking Water Fluoridation Grant Program	Adopted September 26, 1973; amended July 26, 1977; amended August 4, 1983; amended January 28, 2014	-	✓	✓	-	Georgia Department of Public Health	No
Guam	Statute: None.	-	-	-	-	-	-	-
	Regulations: 22 Guam R. & Regs. § 6126 Variance From the Maximum Contaminant Level for Fluoride; 22 Guam R. & Regs. § 6119 Public Notification	1997		✓	✓		Guam Environmental Protection Agency	No
HI	Statute: None.	-	-	-	-	-	-	-



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	Regulations: Haw. Admin. Rules § 11-20-18 Public notice requirements; Haw. Admin. Rules § 11-25-2.50 Public water system operation and management	Adopted December 26, 1998?; amended March 7, 1992; amended January 2, 1993; amended December 15, 1994; amended October 13, 1997; amended September 7, 1999; amended November 30, 2002; amended December 16, 2005; amended November 28, 2011; May 2, 2014; amended December 28, 2017	-	-	✓	-	-	-
ID	Statute: None.	-	-	-	-	-	-	-
	Regulations: Id. Admin. Code § 58.01.08.552 Operating Criteria for Public Water Systems	Amended May 2, 2018	-	-	✓	-	Idaho Department of Environmental Quality	No

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IL	Statute: 415 Ill. Comp. Stat. 40/7a Fluoridation of water	Enacted 1951; amended July 18, 1967; amended July 1, 1977; amended June 28, 2011; amended July 8, 2016	✓	-	✓	✓	Illinois Department of Public Health	-
	Regulations: 35 Ill. Adm. Code § 611.125 Fluoridation Requirement; 35 Ill. Adm. Code § 653.701 Fluoridation – Engineering Design Criteria; 35 Ill. Adm. Code § 653.702 Fluoridation Treatment Equipment Start-up; 35 Ill. Adm. Code § 653.703 Fluoride Sampling	Effective January 4, 2018	✓	-	✓	✓	Illinois Environmental Protection Agency & Illinois Department of Public Health	No
IN	Statute: IC § 36-9-2-14 Waterworks	1984			✓		Indiana Department of Public Works	No
	Regulations: None.	-	-	-	-	-	-	-
IA	Statute: None.	-	-	-	-	-	-	-

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	Regulations: Iowa Admin. Code § 567-42.1(455B) Public notification		-	-	✓	-	-	-
KS	Statutes: K.S.A. § 19-3521a Chlorination and fluoridation of water supply of district, when; notice; election provisions; fluoridation standards; K.S.A. § 65-171m Public water supply systems; primary drinking water standards; rules and regulations, authority to adopt, scope; stringency of standards; requiring fluorides prohibited	Enacted 1965; Amended 1975	-	-	✓	✓	Board of Health, Kansas Department of Health and Environment	No
	Regulations: None.	-	-	-	-	-	-	-
KY	Statute: KRS § 211.190 Public health services to be provided by the cabinet	Adopted 1954; amended 1974; amended 1994; amended July 15, 1998; amended 2005; Effective June 20, 2005	-	✓	-	-	Cabinet for Health and Family Services – Kentucky Department for Public Health	-
	Regulations:	Effective September 21, 1994; amended effective	-	-	✓	-	Cabinet for Health and Family Services – Kentucky Department for Public Health	-

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	902 Ky. Admin. Regs. § 115:010 Water fluoridation for the protection of dental health	September 16, 2015						
LA	Statute: None.	-	-	-	-	-	-	-
	Regulations: None.	-	-	-	-	-	-	-
ME	Statutes: M.R.S.A. § 2651-B Fluoridation; M.R.S.A. § 2653 Authorization of fluoridation; general provisions	1983	-	-	✓	✓	Maine Department of Health and Human Services	No
	Regulations: ME Admin. Code 10-144 Ch. 231 § 4 Operation, Maintenance and Disinfection	Unknown	-	-	✓	✓	Maine Department of Health and Human Services	No
MD	Statute: None	-	-	-	-	-	-	-
	Regulations: None	-	-	-	-	-	-	-
MA	Statutes: M.G.L.A. 111 § 5G Water supply; treatment facilities; M.G.L.A. 111 § 8C Fluoridation of public water	Adopted 1958; amended 1962; amended 1964	-	✓	-	-	Massachusetts Department of Public Health. This section and § 5 of this chapter do not	No



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	supplies by local boards; advice of commissioner; election; discontinuance						give Public Health Department authority to order Metropolitan District Commission to fluoridate water supplies of cities and towns, since legislature manifested intent to have § 8C of this chapter govern whole subject of fluoridation, and therefore provisions of § 8C covering that specific subject must control. Op.Atty.Gen., March 10, 1972, p. 96.	
	Regulations: None	-	-	-	-	-	-	-
MI	Statute: M.C.L.A. 333.12721	Any info for here and the next boxes? (Fine to leave next boxes blank if there is no info)					Michigan Department of Health and Human Services	No
	Regulations: None	-	-	-	-	-	-	-

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MN	Statute: M.S.A. § 144.145 Fluoridation of municipal water supplies	Adopted 1967; effective May 20, 1967; amended 1977; effective May 28, 1977; amended 1985, effective 1986	✓	-	✓	✓	State Commissioner of Public Health	. Fluoridation is not required if the “ water supply in the state of nature contains sufficient fluorides to conform with the [state requirement],”
	Regulations: Minn. Admin Code, part 4720.0030 Fluoridation	Adopted 1977	✓	-	✓	✓	Minnesota Department of Health	No
MS	Statute: None.	-	-	-	-	-	-	-
	Regulations: Miss. Admin. Code 15-20-72:3.1 General Provisions; Miss. Admin. Code 15-20-72:3.2 Adjusted Fluoridated Water System Requirements; Miss. Admin. Code 15-20-72:3.3 Optimal Fluoridation Requirements	Amended February 29, 2012; February 11, 2018	✓	-	✓	✓	Mississippi State Department of Health, Bureau of Water Supply	No
MO	Statutes: V.A.M.S. 640.135 Fluoride rules prohibited; V.A.M.S. 640.136 Modifications to fluoridation of water supply, notification required	1978	-	-	-	-	Missouri Department of Natural Resources	No

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	Regulations: None.	-	-	-	-	-	-	-
MT	Statute: None.	-	-	-	-	-	-	-
	Regulations: Mont. Admin. R. 17.38.230 Fluoridation	Adopted 1977; effective December 24, 1977; amended March 1982; effective March 26, 1982; amended March 1996	-	-	✓	✓	Montana Department of Public Health & Human Services	No
NE	Statutes: Neb .Rev. St. § 71-3305 Political subdivision; fluoride added to water supply; exception; ordinance to prohibit addition of fluoride; ballot; vote; Neb.Rev.St. § 71-3306 Other entity; fluoride added to water supply; rules and regulations	Adopted 1973; amended: 1975, 1982, 1996, 2007, 2008, 2011, 2017	✓	-	✓	✓	Nebraska Department of Health & Human Services	No
	Regulations: Neb. Admin. R. & Regs. Tit. 179, Ch. 1, § 003 Operation; Neb. Admin. R. & Regs. Tit. 179, Ch. 1, § 002 Application for	Amended May 30, 2018	✓	-	✓	✓	Nebraska Department of Health & Human Services	No

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	Certification; Neb. Admin. R. & Regs. Tit. 179, Ch. 1, § 001 Certification							
NV	Statutes: N.R.S. 445A.015 Furnishing impure water for public use unlawful; concentration of fluoride in water; N.R.S. 445A.025 Proposal to adjust concentration of fluoride in water: Receipt by governing body of county, city or town; notice to county clerk; N.R.S. 445A.045 Adjustment of concentration of fluoride in water by supplier of water if proposal approved by voters; N.R.S. 445A.055 Regulation of fluoridation in county whose population is 700,000 or more; financial support for enforcement; payment of initial costs for compliance	Added in 1911; Amended in 1967; Substituted in 1995	✓	-	✓	✓	Nevada State Department of Health	Yes. Exemptions are listed in N.R.S. 445A.050.
	Regulations: NV Admin. Code 445A.6682 "Fluoridation" defined; NV Admin. Code 445A.65975	Effective February 20, 1997	✓	-	✓	✓	Nevada State Board of Health	Yes, there are some exceptions? with respect to population size and date.

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NH	Statutes: N.H. Rev. Stat. § 31:17-a Referendum; N.H. Rev. Stat. § 44:15 Public Water Supplies; N.H. Rev. Stat. § 485:14-b Fluoride Statement Required	Amended June 7, 2018	-	-	-	-	New Hampshire Department of Environmental Services Division of Drinking Water Programs	No
	Regulations: N.H. Code Admin. R. Env-Dw 806.11 Fluoride SMCL; N.H. Code Admin. R. Env-Dw 811.16 Env- Additional Information for Fluoridated Public Water Supplies	Amended June 7, 2018	-	-	-	-	New Hampshire Department of Environmental Services Division of Drinking Water Programs	No
NJ	Statute: N.J.S.A. 24:12-2 Prohibited adulterations; drinks containing water treated with fluorides;	Amended 1954, effective December 15, 1954; Amended 1957, effective May 13, 1957; Amended 1966, effective June 14, 1966	-	-	-	-	New Jersey State Department of Health	No
	Regulations: N.J.A.C. 7:10–11.15 Miscellaneous treatment processes	Effective August 21, 2000	-	-	✓	-	Department of Environmental Protection	No

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NM	Statutes: None.	-	-	-	-	-	-	-
	Regulations: None.	-	-	-	-	-	-	-
NY	Statute: NY Public Health § 1100-a	Effective July 2, 1996; Amended 2015, effective April 13, 2015	-	-	✓	✓	NY State Department of Health	No
	Regulations: NY Code of Rules and Regulations Title 10, Section 5-1.24 Approval of fluoridation of public water systems	Effective April 4, 1977; Amended & effective April 6, 1987	-	-	✓	✓	NY State Department of Health	No
NC	Statute: None.	-	-	-	-	-	-	-

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	Regulations: 15A NC Admin. Code 18C.1406 Control of Treatment Process; 15A NC Admin. Code 18C.1401 Policy; 15A NC Admin. Code 18C.1402 Formal Application; 15A NC Admin. Code 18C.1407 Approval May Be Rescinded	Amended June 29, 2018	✓	-	✓	✓	NC Department of Health & Human Services, Division of Public Health	No
ND	Statute: None.	-	-	-	-	-	-	-
	Regulations: None.	-	-	-	-	-	-	-
OH	Statute: OH R.C. § 6109.20 Addition of fluoride to public water systems	Effective December 14, 1978	✓	-	✓	✓	Ohio Department of Health	No
	Regulations: OH Admin. Code 3745-82-04 Monitoring for compliance with the fluoride secondary maximum contaminant level	Effective November 26, 1980; Amended 1981; Amended 1988; Amended 1994; Amended 2017	-	✓	✓	✓	Ohio Department of Health	No
OK	Statute: None.	-	-	-	-	-	-	-



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	Regulations: None.	-	-	-	-	-	-	-
OR	Statute: None.	-	-	-	-	-	-	-
	Regulations: OR Admin. Regs. 333-061-0085 Supplemental Fluoridation	Effective February 7, 1976; Amended 1981, effective August 28, 1981; Amended April 1982, effective April 26, 1982; Amended February 1983, effective February 23, 1983; Amended 1985, effective July 2, 1985; Amended September 1989, effective November 13, 1989; Effective October 10, 1997; Effective October 25, 2002; Amended 2004	-	-	✓	✓	Oregon Health Authority, Public Health Division	No



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PA	Statute: None.	-	-	-	-	-	-	-
	Regulations: 25 Pa. Code 25 § 109.202 State MCLs, MRDLs and treatment technique requirements	Adopted December 8, 1984; Amended March 25, 1989; Amended June 17, 1989; Amended December 14, 1991; Amended May 16, 1992; Amended October 8, 1994; Amended December 24, 1994; Amended July 21, 2001; Amended August 10, 2002; Amended April 3, 2004; Amended June 19, 2004; Amended August 14, 2004; Amended January 9,	✓	-	✓	✓	Pennsylvania Department of Environmental Protection	No



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		2010; September 24, 2016; April 28, 2018						
RI	Statute: None.	-	-	-	-	-	-	-
	Regulations: None.	-	-	-	-	-	-	-
SC	Statute: None.	-	-	-	-	-	-	-
	Regulations: None.	-	-	-	-	-	-	-
SD	Statutes: SDCL § 34-24A-1 Duty of control of fluoride content in municipal water supply; SDCL § 34-24A-3 Enforcement of fluoridation requirements--Number of users requiring fluoridation--Exemption from fluoridation requirement; SDCL § 34-24A-2 Rules and regulations relating to fluoridation of water supplies	Effective 1969; Amended 1986; Amended 1991; Amended 1994	✓	-	✓	✓	South Dakota Department of Environment and Natural Resources	Yes, municipal water supplies serving fewer than 500 people are exempt.
	Regulations: ARSD 74:04:01:02 Written approval required to implement	Enacted 1975, effective July 1, 1979;	✓	-	✓	✓	South Dakota Department of Environment and Natural Resources	No



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	fluoridation; ARSD 74:04:01:03 Required minimum fluoride levels; ARSD 74:04:01:05 Daily testing requirements	Amended July 1, 1987; Amended January 4, 2016						
TN	Statute: T.C.A. § 68-221-709 Fluoride	Effective May 18, 2017	-	-	✓	✓	Tennessee Department of Health, Safety, and Environmental Protection	No
	Regulations: None.	-	-	-	-	-	-	-
TX	Statute: None.	-	-	-	-	-	-	-
	Regulations: None.	-	-	-	-	-	-	-
UT	Statute: U.C.A. 1953 § § 19-4-111 Fluoride added to or removed from water- -Election or shareholder vote required	Enacted 1981; Amended 1991, 1998, 2000, 2002, 2003, 2007, 2009, 2013	-	-	✓	✓	Utah Department of Environmental Quality	Yes: U.C.A. 1953 § 19-4-111.1 & U.C.A. 1953 § 19-4-111.2.
	Regulations: None.	-	-	-	-	-	-	-

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VT	Statute: None.	-	-	-	-	-	-	-
	Regulations: Vt. Admin. Code 16-3-500:7.3 Fluoridation	Amended December 1, 2010	-	-	✓	✓	Vermont Department of Environmental Conservation, Water Supply Division	No
VA	Statute: None.	-	-	-	-	-	-	-
	Regulations: 12 VAC 5-590-930 Fluoridation	Effective February 5, 2018	-	-	✓	✓	Virginia Department of Health	No
WA	Statute: RCWA 57.08.012 Fluoridation of water authorized	Effective 1988	-	-	-	-	Washington Department of Health	No
	Regulations: WA Admin. Code 246-290-460 Fluoridation of drinking water	Enacted September 8, 1983; Amended February 17, 1988; Amended December 27, 1990, effective January 31, 1991; Amended March 9, 1999,	-	-	-	-	Washington Department of Health	No



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		effective April 9, 1999; Amended April 8, 2016, effective May 9, 2016						
WV	Statute: None.	-	-	-	-	-	-	-
	Regulations: W. Va. Code St. R. § 64-3-8 § Public Water System Fluoridation	Effective May 25, 2018	-	-	✓	✓	Bureau for Public Health-- Department of Health and Human Resources	No
WI	Statute: None.	-	-	-	-	-	-	-
	Regulations: None.	-	-	-	-	-	-	-
WY	Statute: None.	-	-	-	-	-	-	-
	Regulations: None.	-	-	-	-	-	-	-



SUPPORTERS



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This document was developed by Mellissa Sager, J.D., former Network Staff Attorney, supervised by Kathleen Hoke, Director at The Network for Public Health Law – Eastern Region Office. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.