70th Anniversary Fluoridation Celebration and Symposium

State Legislative and Regulatory Approach

Paul O’Connor, Senior Legislative Liaison
Department of State Government Affairs

ADA American Dental Association®
## Recent History 2013-2015

<table>
<thead>
<tr>
<th>Year</th>
<th># of States</th>
<th># of Bills</th>
<th>Support</th>
<th>Hinder</th>
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## Results

<table>
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<tr>
<th>Year</th>
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<th>Hinder</th>
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State Legislative and Regulatory Approach

Legislative Models
Two Main Categories

Supportive of and Opposition to…
State Legislative and Regulatory Approach

Most Common Legislative Models in Support of Fluoridation

• Statewide Requirement
• Setting Fluoridation Level
• Grant/Funding Mechanism
• Transparency Bills
State Legislative and Regulatory Approach

Most Common Legislative Models in Support of Fluoridation

• Statewide Requirement-Things to Consider
  
  • Opt-Out Clause
    – Political Switzerland
    – Nearly a Sure Bet
  
  • Status-Exposure
    – Potential Gains/Losses
    – 50% Good Baseline
  
  • Chances in the Dome
    – Vote Counts Secured?
  
  • Financing
    – Who’s Going to Pay?
    – Semantics (Offered v. Available v. Identified)
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Most Common Legislative Models in Support of Fluoridation

• Statewide Requirement-Things to Consider

Financing

Not required if: funds are not available to the public water system sufficient to pay the capital and associated costs…

CA AB 733 Enacted 10/8/1995

Not required if: funds are not offered pursuant to a binding contractual offer to the public water system sufficient to pay the capital and associated costs…

CA SB 96 Enacted 9/24/2004
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Limited Opt-Out Goes Permanent

NEBRASKA LEGISLATIVE BILL 36
Approved by the Governor March 10, 2011

Section 1. Section 71-3305, Reissue Revised Statutes of Nebraska, is amended to read:

(2) In any city or village which is required to add fluoride to its water supply under subsection (1) of this section and in which fluoride is not added to such water supply as of January 1, 2008, does not apply if the voters of the city or village may adopt an ordinance, after April 18, 2008, but before June 1, 2010, to prohibit the addition of fluoride to such water supply. The ordinance may be placed on the ballot by a majority vote of the governing body of the city or village or by initiative pursuant to sections 18-2501 to 18-2538.

(3) If any city or village reaches a population of one thousand or more inhabitants after June 1, 2010, and is required to add fluoride to its water supply under subsection (1) of this section, the city or village may adopt an ordinance to prohibit the addition of fluoride to such water supply. The ordinance may be placed on the ballot by a majority vote of the governing body of the city or village or by initiative pursuant to sections 18-2501 to 18-2538. Such proposed ordinance shall be voted upon at the next statewide general election after the population of the city or village reaches one thousand or more inhabitants.
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Most Common Legislative Models in Support of Fluoridation

- Setting Fluoridation Level
  - *Pertinent for Requirement OR Optional States*
  - *Avoid Using Numeric Limits*
  - *Promote Language that Simply Adopts by Reference the Recommendations of USPHS*
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Most Common Legislative Models in Support of Fluoridation

• Grant/Funding Mechanism
  – *Mainly Focused on Process and Equipment*
    • Assistance in the design, purchase, installation, maintenance, and inspection of equipment;
    • Training of Water Treatment Personnel
    • Monitoring of levels
Most Common Legislative Models in Support of Fluoridation

• Transparency
  – To be covered later…
Most Common Legislative Models in Opposition to Fluoridation

- Elimination Bills
- Hurdle Bills
- Warning Bills
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Most Common Legislative Models in Opposition to Fluoridation

• Elimination Bills
  – Simply Eliminate Existing Requirement
  – If No Existing State Requirement, “Elimination Bill” Might Prevent Future Requirement
  – FDA-Does Not Regulate Additives
State Legislative and Regulatory Approach

Most Common Legislative Models in Opposition to Fluoridation

• Hurdle Bills
  – Unreasonable Requirements of Water Treatment Staff
  – Would Enact Redundant Requirements
  – Serves to Elicit Attrition Among Treatment Staff
  – Best Suited for Optional States, but Not Always
Most Common Legislative Models in Opposition to Fluoridation

• Warning Bills
  – Water bills; Consumer Confidence Report
  – References CDC Statement, but Not Exactly
    • Leaves out: “mild” (dental fluorosis), “chance” & “may”
    • Uses words like: “caution!” & “risk”
    • Sales Approach-Hook & Ladder
A common theme throughout…

• Always work with the state dental society.

• There may be projects underway.

• They have their finger on the pulse of policymakers at all levels.

• Know where pressure points are most effectively applied.
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Thank You!

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