

# HOUSE . . . . . No. 1370

By Messrs. Crane of Boston and Armstrong of Plymouth, petition of the Massachusetts Citizens' Committee for Dental Health that local boards of health or the electorate by referendum be permitted to decide whether or not to fluoridate any public water supply system. Public Health.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

### AN ACT ALLOWING THE LOCAL BOARD OF HEALTH OR THE ELECTORATE BY REFERENDUM TO DECIDE WHETHER OR NOT TO FLUORIDATE ANY PUBLIC WATER SUPPLY SYSTEM.

1 *Whereas*, Proper concern for the dental health of the people  
2 must include consideration of effective means of curbing and  
3 preventing dental defects and disorders; and

4 *Whereas*, The determination of the effectiveness of any means  
5 used or intended for use to curb or prevent dental defects and  
6 disorders is best made by those trained in the scientific and  
7 health fields, and those generally responsible for the maintenance  
8 of the health of the public, therefore it is hereby declared to be  
9 an emergency law, necessary for the immediate preservation  
10 of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the General Laws is hereby  
2 amended by adding after section 31C, the following section:—

3 *Section 31D.* The board of health in each town shall determine  
4 from time to time whether (1) fluoridation of the public water  
5 supply used by the inhabitants of that town would effectively  
6 curb or prevent any dental defect or disorder, and (2) whether  
7 such fluoridation, bearing in mind the relationship of its total  
8 cost to its expected total value in sounder teeth, would be finan-  
9 cially warranted.

10 In determining the scientific and health factors, the board of  
11 health in each town alone, with the aid of, or in conjunction with  
12 the board of health of any other town or towns or the department  
13 of public health may consult with individuals, groups, or agencies  
14 as it considers advisable, gather information, conduct surveys,  
15 tests or experiments, or take whatever other similar action it  
16 deems necessary.

17 In determining the financial factors the board of health may  
18 hold public hearings or may require that the following question  
19 be placed upon the official ballot to be used at the next regular  
20 election or for the election of town officers at the next annual  
21 meeting or meetings:—“Shall the public water supply for  
22 domestic use in (this town) (this city) (this district) be fluori-  
23 dated?”

24 With respect to any public domestic water supply system used  
25 exclusively in any one town if the board of health determines  
26 that that water supply should be fluoridated or in the event the  
27 aforementioned question was submitted to the voters of the town  
28 a majority of the votes in answer to said question is in the affir-  
29 mative, or with respect to any public domestic water supply system  
30 used in more than one town if it is the determination of the  
31 boards of health of a majority of those towns making use of that  
32 system that the domestic water supply should be fluoridated,  
33 which determination shall be made in each town in accordance  
34 with the provisions of the preceding three paragraphs, then the  
35 officers performing the duties of a board of water commissioners  
36 with respect to that water supply system shall cause it to be  
37 fluoridated.

38 With respect to any public domestic water supply system used  
39 exclusively in any one town if the question whether that system  
40 be fluoridated has not been submitted to public vote in that town  
41 during the preceding two calendar years and five per cent of the  
42 registered voters of that town petition the board of health re-  
43 questing that that question be decided by public vote, or with  
44 respect to any public domestic water supply system used in more  
45 than one town if the question whether the system be fluoridated  
46 has not been submitted during the preceding two calendar years  
47 to a public vote in the majority of the towns using that public  
48 domestic water supply system and five per cent of the total of  
49 registered voters in those towns petition the officers performing

50 the duties of water commissioners with respect to that water  
51 supply system requesting that that question be decided by public  
52 vote, then the boards of health of each town which uses that  
53 public domestic water supply system shall require that the fol-  
54 lowing question be placed upon the official ballot to be used at  
55 the next regular election or for the election of town officers at the  
56 next annual town meeting or meetings:—“Shall the public  
57 water supply for domestic use in (this town) (this city) (this  
58 district) be fluoridated?” If a majority of the voters in any  
59 town in answer to said question is in the affirmative, then that  
60 town and its board of health shall be deemed to have approved  
61 fluoridating the domestic water supply system; if a majority of  
62 the votes in any town in answer to said question is in the nega-  
63 tive, then that town and its board of health shall be deemed to  
64 have disapproved of fluoridating the domestic water supply  
65 system.

66 With respect to any public domestic water supply system used  
67 in more than one town if the determination of the board of health  
68 of any town using that system relative to fluoridation of the  
69 water supply is not consistent with the determination of the  
70 boards of health of a majority of the towns using that water  
71 supply system, then the officers performing the duties of water  
72 commissioners with respect to that water supply system shall,  
73 notwithstanding any other provision of this section, assist that  
74 town to effect in the most economic way that determination  
75 with respect to the water used by that town, including access  
76 to any portion of its plant or system or actually fluoridating  
77 or de-fluoridating that water, as the case may be, should any  
78 such measure or measures prove the most economical.

79 No change in the fluoride content of any domestic water  
80 supply system shall be effected from and after the effective date  
81 of this act except in accordance with the provisions of this sec-  
82 tion.

1 SECTION 2. Section forty-one B of chapter forty of the General  
2 Laws is hereby repealed.

