

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1387**

Introduced by Hansen, 16.

Read first time January 17, 2024

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend section  
2 71-3306, Reissue Revised Statutes of Nebraska, and section 71-3305,  
3 Revised Statutes Cumulative Supplement, 2022; to change provisions  
4 relating to fluoridation of water supplies by certain political  
5 subdivisions and other entities; to harmonize provisions; and to  
6 repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-3305, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 71-3305 (1) Before January 1, 2025:

4 (a) Except as otherwise provided in subdivision (1)(b) or (c)  
5 subsection (2) or (3) of this section, any city or village having a  
6 population of one thousand or more inhabitants as determined by the most  
7 recent federal decennial census or the most recent revised certified  
8 count by the United States Bureau of the Census shall add fluoride to the  
9 water supply for human consumption for such city or village. Such  
10 addition of fluoride shall be as provided in the rules and regulations of  
11 the Department of Health and Human Services, except that the addition of  
12 fluoride shall not exceed seven-tenths of one milligram of fluoride per  
13 liter of water. The requirement to add fluoride as provided in this  
14 subdivision shall not apply if unless such water supply of the city or  
15 village has sufficient amounts of naturally occurring fluoride as  
16 determined by testing pursuant to the provided in such rules and  
17 regulations of the department; -

18 (b) Subdivision (1)(a) (2) Subsection (1) of this section does not  
19 apply if the voters of the city or village adopted an ordinance, after  
20 April 18, 2008, but before June 1, 2010, to prohibit the addition of  
21 fluoride to such water supply; -

22 (c) (3) If any city or village reaches a population of one thousand  
23 or more inhabitants as determined by the most recent federal decennial  
24 census or the most recent revised certified count by the United States  
25 Bureau of the Census after June 1, 2010, and is required to add fluoride  
26 to its water supply under subdivision (1)(a) subsection (1) of this  
27 section, the city or village may adopt an ordinance to prohibit the  
28 addition of fluoride to such water supply. The ordinance may be placed on  
29 the ballot by a majority vote of the governing body of the city or  
30 village or by initiative pursuant to the Municipal Initiative and  
31 Referendum Act. Such proposed ordinance shall be voted upon at the next

1 statewide general election after the population of the city or village  
2 reaches one thousand or more inhabitants as determined by the most recent  
3 federal decennial census or the most recent revised certified count by  
4 the United States Bureau of the Census; and -

5 (d) (4) Any rural water district organized under sections 46-1001 to  
6 46-1020 that supplies water for human consumption to any city or village  
7 which is required to add fluoride to such water supply under subdivision  
8 (1)(a) of this section shall not be responsible for any costs, equipment,  
9 testing, or maintenance related to such fluoridation unless such district  
10 has agreed with the city or village to assume such responsibilities.

11 (2) This subsection applies to any city or village fluoridating its  
12 water supply prior to, on, or after January 1, 2025. Beginning January 1,  
13 2025:

14 (a)(i) Any city or village may, by a majority vote of the city  
15 council or village board of trustees, adopt an ordinance to add fluoride  
16 to its water supply. Such addition of fluoride shall be at a maximum  
17 level of seven-tenths of one milligram of fluoride per liter of water. If  
18 adopted, the ordinance shall be placed on the ballot by the city council  
19 or village board for a direct vote of the electors of the city or village  
20 pursuant to the Municipal Initiative and Referendum Act.

21 (ii) Placement of the measure on the ballot by the city council or  
22 village board of trustees shall occur no later than September 1 of the  
23 year of the next-occurring statewide general election following the  
24 adoption of the ordinance by the city or village.

25 (iii) The ordinance shall become law if approved by a majority of  
26 the votes cast on such issue. If the ordinance is not approved by a  
27 majority of the votes cast on such issue, the ordinance shall not become  
28 law. If a city or village has not adopted an ordinance pursuant to this  
29 subsection and such ordinance has not been placed on the ballot in time  
30 for the statewide general election as provided in this subsection, such  
31 city or village shall cease fluoridation of its water supply;

1       (b) The city council or village board of trustees may (i) by a  
2 majority vote repeal the ordinance approved by the electors or (ii) by a  
3 two-thirds majority vote adopt the same ordinance previously rejected by  
4 the electors, but no vote pursuant to subdivision (b)(ii) of this  
5 subsection shall occur within one year after the date of rejection by the  
6 electors. Any action by the city council or village board of trustees  
7 under either subdivision (b)(i) or (b)(ii) of this subsection shall also  
8 be submitted for a direct vote of the electors in the same manner as  
9 provided under subdivision (2)(a) of this section at the next-occurring  
10 statewide general election;

11       (c) Any rural water district organized under sections 46-1001 to  
12 46-1020 that supplies water for human consumption to any city or village  
13 that has adopted an ordinance to add fluoride to such water supply  
14 pursuant to subdivision (2)(a) of this section shall not be responsible  
15 for any costs, equipment, testing, or maintenance related to such  
16 fluoridation unless such district has agreed with the city or village to  
17 assume such responsibilities; and

18       (d) Nothing in this subsection shall be construed to prohibit the  
19 right of the electors of a city or village to adopt or repeal any  
20 ordinance to add fluoride to the water supply of such city or village by  
21 initiative or referendum pursuant to the Municipal Initiative and  
22 Referendum Act. Such proposal brought by initiative or referendum  
23 petition shall be voted on at the next statewide general election. Any  
24 ordinance placed on the ballot by initiative proposing to add fluoride to  
25 the water supply of a city or village shall provide that such addition of  
26 fluoride be at a maximum level of seven-tenths of one milligram of  
27 fluoride per liter of water.

28       Sec. 2. Section 71-3306, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30       71-3306 (1) Any public or private entity not included in section  
31 71-3305 which provides a water supply for human consumption and which is

1 ~~not required to add fluoride to such water supply~~ may, upon written  
2 notification to the consumers of such water supply, add fluoride to such  
3 water supply at a maximum level of seven-tenths of one milligram of  
4 fluoride per liter of water ~~in the amount~~ and ~~in the manner~~ prescribed by  
5 the rules and regulations of the Department of Health and Human Services.

6 (2) Any such entity already adding fluoride to such water supply on  
7 the effective date of this act shall provide notification pursuant to  
8 subsection (1) of this section within thirty days after the effective  
9 date of this act.

10 Sec. 3. Original section 71-3306, Reissue Revised Statutes of  
11 Nebraska, and section 71-3305, Revised Statutes Cumulative Supplement,  
12 2022, are repealed.