

New York Consolidated Laws, Public Health Law - PBH § 1100-a. Fluoridation

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1. Notwithstanding any contrary provision of law, rule, regulation or code, any county, city, town or village that owns both its public water system and the water supply for such system may by local law provide whether a fluoride compound shall be added to such public water supply.

2. Any county, wherein a public authority owns both its public water system and the water supply for such system, may by local law provide whether a fluoride compound shall be added to such public water supply.

3. No county, city, town or village, including a county wherein a public authority owns both its public water system and the water supply for such system, that fluoridates a public water supply or causes a public water supply to be fluoridated, shall discontinue the addition of a fluoride compound to such public water supply unless it has first complied with the following requirements:

(a) issue a notice to the public of the preliminary determination to discontinue fluoridation for comment, which shall include the justification for the proposed discontinuance, alternatives to fluoridation available, and a summary of consultations with health professionals and the department concerning the proposed discontinuance. Such notice may, but is not required to, include publication in local newspapers. "Consultations with health professionals" may include formal studies by hired professionals, informal consultations with local public health officials or other health professionals, or other consultations, provided that the nature of such consultations and the identity of such professionals shall be identified in the public notice. "Alternatives to fluoridation" may include formal alternatives provided by or at the expense of the county, city, town or village, or other alternatives available to the public. Any public comments received in response to such notice shall be addressed by the county, city, town or village in the ordinary course of business; and

(b) provide the department at least ninety days prior written notice of the intent to discontinue and submit a plan for discontinuance that includes but is not limited to the notice that will be provided to the public, consistent with paragraph (a) of this subdivision, of the determination to discontinue fluoridation of the water supply, including the date of such discontinuance and alternatives to fluoridation, if any, that will be made available in the community, and that includes information as may be required under the Sanitary Code.

4. The commissioner is hereby authorized, within amounts appropriated therefor, to make grants to counties, cities, towns or villages that own their public water system and

the water supply for such system, including a county wherein a public authority owns both its public water system and the water supply for such system, for the purpose of providing assistance towards the costs of installation, including but not limited to technical and administrative costs associated with planning, design and construction, and start-up of fluoridation systems, and replacing, repairing or upgrading of fluoridation equipment for such public water systems. Grant funding shall not be available for assistance towards the costs and expenses of operation of the fluoridation system, as determined by the department. The grant applications shall include such information as required by the commissioner. In making the grant awards, the commissioner shall consider the demonstrated need for installation of new fluoridation equipment or replacing, repairing or upgrading of existing fluoridation equipment, and such other criteria as determined by the commissioner. Grant awards shall be made on a competitive basis and be subject to such conditions as may be determined by the commissioner.