

1 AN ACT relating to water fluoridation programs.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 211.190 is amended to read as follows:

4 The cabinet shall provide public health services, including:

- 5 (1) Administrative, consultative, technical, professional, and other services needed to
6 assist local health departments in the effective maintenance and operation of their
7 departments;
- 8 (2) Administrative, investigative, and clerical services required by the secretary of the
9 Cabinet for Health and Family Services, and may upon request provide these
10 services to any other agency of this Commonwealth authorized to control the
11 practice of any other healing art;
- 12 (3) Administration of grants, gifts, or contributions from the federal government, or
13 from other sources, for the purpose of carrying out the provisions of Pub. L. No.
14 725 (79th Congress, 2nd Session, chapter 958), or any other acts for the same or
15 similar purposes;
- 16 (4) Central registrations of births, deaths, and other vital records and the furnishing of
17 copies thereof to the general public in the manner prescribed by law;
- 18 (5) Statistical services, including the compilation, analysis, and maintenance of
19 statistics on matters related to public health, and may provide these services to
20 organizations and persons interested in public health;
- 21 (6) Education of the public concerning all matters relating to health, including the
22 publication and dissemination of health information, and the stimulation of citizen
23 support for the promotion and maintenance of high standards of public health
24 throughout the Commonwealth;
- 25 (7) Survey and study of the needs of medical and hospital facilities in the interest of the
26 health of the general public;
- 27 (8) Establishment, maintenance, and operation of public health laboratories and such

1 branches thereof as may be needed;

2 (9) Establishment, maintenance, and operation of training facilities and schools for
3 employees of the cabinet and of local health departments;

4 (10) Tabulating, duplicating, and other ancillary services as are necessary to the
5 operation of the cabinet, including the keeping of adequate financial, personnel, and
6 other records; and

7 (11) **(a)** Establishment, maintenance, monitoring, and enforcement of **optional** water
8 fluoridation programs for the protection of dental health, **participation in**
9 **which shall solely be decided by the governing body of a water system that is**
10 **subject to regulation by the cabinet.**

11 **(b) A fluoridation program for a water system in place on the effective date of**
12 **this Act shall continue until action is taken by its governing body to end its**
13 **participation.**

14 **(c) Any decision made by the governing body of a water system regarding its**
15 **participation in a water fluoridation program established under this**
16 **subsection shall be binding on all water systems whose water is supplied by**
17 **that water system.**

18 **(d) A governing body, a member or employee of a governing body, or any**
19 **public entity or person that may be held liable for the actions of a governing**
20 **body of a water system that makes a decision at any time under this**
21 **subsection to continue its participation, end its participation, or to begin**
22 **participation in an optional water fluoridation program shall be immune**
23 **from liability under KRS 65.2003 in any civil or criminal action for both its**
24 **exercise of discretion regarding the water system's optional participation in**
25 **the program and for any discretionary act or acts performed to implement**
26 **its decision regarding its optional participation.**