



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4321

Introduced 1/14/2026, by Rep. Jed Davis

SYNOPSIS AS INTRODUCED:

New Act
415 ILCS 40/7a

from Ch. 111 1/2, par. 121g1

Creates the Fluoridation Local Authority Act. Provides that public water providers may opt in or out of the State's fluoridation requirements without penalty from a State agency, including the Department of Public Health. Requires the public water providers to (1) publish notice of the proposed action at least 7 days before the vote; (2) allow public comment on the proposed action; and (3) post its decision on the public water provider's website or other public platform within 5 days of its decision. Limits the concurrent exercise of home rule powers. Defines "governing body" and "public water provider". Amends the Public Water Supply Regulation Act. Provides that, except as otherwise provided in the Fluoridation Local Authority Act, owners or official custodians of public water supplies shall be in compliance with optimal fluoridation recommendations for community water levels. Effective January 1, 2027.

LRB104 17039 RTM 30454 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Fluoridation Local Authority Act.

6 Section 5. Findings and purpose.

7 (a) The General Assembly finds that:

8 (1) Illinois law currently imposes statewide
9 fluoridation requirements on public water systems.

10 (2) Local conditions, infrastructure, budgets, and
11 community preferences vary widely among municipalities,
12 water districts, and private water providers.

13 (3) Local governing bodies are best positioned to
14 evaluate whether fluoridation is appropriate for their
15 water systems and their residents.

16 (b) The purpose of this Act is to restore local control by
17 allowing all public water providers to opt in or to opt out of
18 State fluoridation requirements without penalty.

19 Section 10. Definitions. As used in this Act:

20 "Governing body" means the board, council, commission, or
21 ownership authority responsible for decisions related to water
22 treatment for a public water system.

1 "Public water provider" means any municipality, county,
2 township, public water district, water commission, or
3 privately owned public water system regulated by the State.

4 Section 15. Local authority to elect fluoridation.

5 (a) Notwithstanding any other provision of law, the
6 governing body of a public water provider may elect to opt in
7 or to opt out of statewide fluoridation requirements for the
8 public water system over which it exercises decision-making
9 authority.

10 (b) The governing body shall make this determination by
11 majority vote at a public meeting.

12 (c) A public water provider that opts out is relieved of
13 all duties under any fluoridation mandate in State statute or
14 administrative rule.

15 Section 20. Notice requirements.

16 (a) Before electing to opt in or to opt out of statewide
17 fluoridation requirements, the governing body shall:

18 (1) publish notice of the proposed action at least 7
19 days before the vote;

20 (2) allow public comment on the proposed action; and

21 (3) post its decision on the public water provider's
22 website or other public platform within 5 days of its
23 decision.

24 (b) No referendum is required.

1 Section 25. Prohibition on penalties or enforcement.

2 (a) No State agency, including the Department of Public
3 Health, may impose penalties, withhold funding, assign
4 violations, or take enforcement action against a public water
5 provider solely for choosing to opt out of statewide
6 fluoridation requirements.

7 (b) Any existing administrative rule that is contrary to
8 this Act is unenforceable notwithstanding any other law.

9 Section 30. Liability protections. A public water provider
10 that opts in or opts out of statewide fluoridation
11 requirements in accordance with this Act:

12 (1) shall not be subject to civil liability for
13 decisions made under this Act; and

14 (2) shall be considered in full compliance with State
15 water treatment standards.

16 Section 35. Rulemaking. The Department of Public Health
17 shall adopt any revisions to the rules concerning fluoridation
18 that are necessary to reflect the local authority established
19 under this Act. No rule adopted under this Act may restrict or
20 override local decision-making.

21 Section 40. Home rule. A home rule unit may not regulate
22 public water system fluoridation in a manner inconsistent with

1 the regulation by the State of public water system
2 fluoridation under this Act. This Section is a limitation
3 under subsection (i) of Section 6 of Article VII of the
4 Illinois Constitution on the concurrent exercise by home rule
5 units of powers and functions exercised by the State.

6 Section 95. The Public Water Supply Regulation Act is
7 amended by changing Section 7a as follows:

8 (415 ILCS 40/7a) (from Ch. 111 1/2, par. 121g1)

9 Sec. 7a. Except as otherwise provided in the Fluoridation
10 Local Authority Act ~~In order to protect the dental health of~~
11 ~~all citizens, especially children,~~ the owners or official
12 custodians of public water supplies shall be in compliance
13 with the recommendations on optimal fluoridation for community
14 water levels as proposed and adopted by the U.S. Department of
15 Health and Human Services and the Centers for Disease Control
16 and Prevention and the rules and regulations adopted by the
17 Illinois Environmental Protection Agency and the Pollution
18 Control Board.

19 (Source: P.A. 99-529, eff. 7-8-16.)

20 Section 99. Effective date. This Act takes effect on
21 January 1, 2027.