



## 2025 South Dakota Legislature

# Senate Bill 133

Introduced by: **Senator Perry**

1 **An Act to repeal enforcement provisions and modify requirements related to the**  
 2 **fluoridation of public water supplies.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 34-24A-1 be AMENDED:**

5 **34-24A-1.** Any person, ~~firm, limited liability company, corporation,~~ or municipality  
 6 having jurisdiction over a municipal water supply, whether publicly or privately owned or  
 7 operated, shall control the quantities of fluoride in the water so as to maintain ~~a minimum~~  
 8 ~~fluoride content prescribed by the South Dakota Department of Agriculture and Natural~~  
 9 ~~Resources~~ a fluoride level that does not exceed 4.0 milligrams per liter.

10 **Section 2. That § 34-24A-2 be AMENDED:**

11 **34-24A-2.** The Department of Agriculture and Natural Resources shall, in  
 12 ~~compliance~~ accordance with chapter 1-26, promulgate rules relating to ~~the fluoridation of~~  
 13 fluoride control in public water supplies ~~which shall include, but not be limited to the~~  
 14 following to address:

- 15 (1) The means by which fluoride is controlled;  
 16 (2) The methods of testing the fluoride content; and  
 17 (3) The records to be kept relating to ~~fluoridation~~ fluoride levels.

18 **Section 3. That § 34-24A-1.1 be REPEALED.**

19 ~~The Department of Agriculture and Natural Resources shall perform all the~~  
 20 ~~functions of the Public Health Advisory Committee, the state health officer, and the~~  
 21 ~~Department of Health with respect to water hygiene programs authorized under, but not~~  
 22 ~~limited to, this chapter, except that the Board of Minerals and Environment shall perform~~  
 23 ~~any advisory functions as defined in § 1-32-1.~~

1 **Section 4. That § 34-24A-3 be REPEALED.**

2           ~~The Department of Agriculture and Natural Resources shall enforce the provisions~~  
3 ~~of §§ 34-24A-1 and 34-24A-2. In so doing it shall require the fluoridation of water in all~~  
4 ~~municipal water supplies serving a population of five hundred or more. The department~~  
5 ~~may not require the fluoridation of water in any municipal water supply where such water~~  
6 ~~supply in the state of nature contains sufficient fluorides to conform with the rules of the~~  
7 ~~department.~~