

# Health (Fluoridation of Drinking Water) Amendment Bill

## Second Reading

### Legislative Statement

#### *The Health (Fluoridation of Drinking Water) Amendment Bill*

The Health (Fluoridation of Drinking Water) Amendment Bill (the Bill) amends Part 2A of the Health Act 1956 by inserting a power for District Health Boards (DHBs) to make decisions and give directions about the fluoridation of local government drinking water supplies in their areas. This power replaces territorial local authorities' decision-making responsibilities about fluoridation of drinking water.

#### *Supplementary Order Paper*

Cabinet recently agreed to propose an amendment to the Bill through a Supplementary Order Paper. The SOP confers the power to decide to direct a local authority supply to fluoridate on the Director-General of Health rather than DHBs.

Some amendments to defined terms are proposed to ensure consistency with defined terms in the Water Services Bill (such as the definition of drinking water).

Consequential amendments are also proposed for the purposes of internal consistency and for consistency with the Water Services Bill. That Bill would repeal Part 2A of the Health Act 1956. The relevant provisions (including offence provisions) are retained in a new Part, to ensure that the legislative provisions implemented by the Fluoride Bill are not affected by the proposed repeal of Part 2A of the Health Act 1956.

Transferring decision-making to the Director General is expected to enable extended fluoridation coverage, which would improve the status of oral health in New Zealand.

#### *Recommended technical amendments*

A range of minor and technical amendments to the Bill were proposed by the Select Committee report in 2017 to:

- clarify that DHBs must engage with local authorities before making a direction
- clarify that local authorities are still able to choose to fluoridate water, in the absence of a direction from a DHB
- clarify that there is no duty for local authorities who have received a direction from a DHB to consult the public
- allow for DHB directions to allow the drinking-water supplier to supply, at one or more specified sites, water to which fluoride has not been added.
- require any DHB direction to specify the level of fluoride to be added to the drinking water supply
- replacing the definition of "local government drinking water supplier" with "local authority drinking water supplier" to ensure that bulk water suppliers are captured under the definition
- require a local authority drinking-water supplier who has been directed to fluoridate to take all practicable steps to ensure that the specified level of

fluoride is present in the water before it reaches the point of supply. This change ensures that fluoride cannot be removed further down the reticulated water supply, though does not prevent individuals from filtering fluoride out of their private water supply.