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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 103. DISEASE PREVENTION AND HEALTH PROMOTION [104100 - 106036]** ( *Division 103 added by Stats. 1995, Ch. 415, Sec. 5. )*

**PART 3. RISK REDUCTION [104350 - 104895]** ( *Part 3 added by Stats. 1995, Ch. 415, Sec. 5. )*

**CHAPTER 3. Oral Health [104750 - 104865]** ( *Chapter 3 added by Stats. 1995, Ch. 415, Sec. 5. )*

**ARTICLE 4. Topical Dental Decay Inhibitors [104830 - 104865]** ( *Article 4 added by Stats. 1995, Ch. 415, Sec. 5. )*

**104830.** Pupils of public and private elementary and secondary schools, except pupils of community colleges, shall be provided the opportunity to receive within the school year the topical application of fluoride, including fluoride varnish, or other decay-inhibiting agent to the teeth in the manner approved by the department. The program of topical application shall be under the general direction of a dentist licensed in the state. Topical application of fluoride may include, according to the prescription and protocol established by the dentist, self-application or application by another person.

(*Amended by Stats. 2009, Ch. 119, Sec. 3. (AB 667) Effective January 1, 2010.*)

**104835.** Treatment as specified in this article shall be evidenced by a written record made on a form prescribed by the department. A copy of the record shall be given to the parent or guardian of the child, or if the person receiving the treatment is an adult, the copy shall be given to him or her.

(*Added by Stats. 1995, Ch. 415, Sec. 5. Effective January 1, 1996.*)

**104840.** The county health officer of each county shall organize and operate a program so that treatment is made available to all persons specified in Section 104830. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons treated, the cost shall be paid by the county in the same manner as other expenses of the county are paid.

(*Added by Stats. 1995, Ch. 415, Sec. 5. Effective January 1, 1996.*)

**104845.** The governing board of each school district and the governing authority of each private school shall cooperate with the county health officer in carrying out the program in any school under its jurisdiction. The governing board of any school district may use any funds, property, and personnel of the district for that purpose.

(*Added by Stats. 1995, Ch. 415, Sec. 5. Effective January 1, 1996.*)

**104850.** Treatment shall be provided for a person only if the parent or guardian or responsible relative or adult who has assumed responsibility for his or her care and custody (in the case of a minor), or the person (if an adult), files with the governing board of the school district or the governing authority of the private school, as the case may be, a letter provided by the district or authority pursuant to Section 104855, stating that such treatment is desired.

(*Added by Stats. 1995, Ch. 415, Sec. 5. Effective January 1, 1996.*)

**104855.** The governing board of each school district and the governing authority of each private school shall distribute to each pupil's parent or guardian or responsible relative or adult who has assumed responsibility for his or her care and custody (in the case of a minor), or the pupil (if an adult), a letter which may be returned to such district or authority in which the person to receive the letter may indicate that the treatment is desired and the pupil is to receive the treatment or that the pupil is not to receive the treatment for one of the following reasons: (i) the pupil has received the treatment from a dentist, or (ii) the treatment is not desired.

(*Added by Stats. 1995, Ch. 415, Sec. 5. Effective January 1, 1996.*)

**104860.** The department shall adopt and enforce all regulations necessary to carry out this article.

*(Added by Stats. 1995, Ch. 415, Sec. 5. Effective January 1, 1996.)*

**104865.** In enacting this article, it is the intent of the Legislature to provide a means for the eventual achievement of the topical application of fluoride or other decay-inhibiting agent to the teeth of all school pupils in this state. However, it is understood that this treatment is not a substitute for regular professional dental care. This article is designed to provide for the keeping of adequate records of treatment so that appropriate public agencies and the persons treated will be able to ascertain that a person has been so treated.

*(Added by Stats. 1995, Ch. 415, Sec. 5. Effective January 1, 1996.)*