

ASSEMBLY BILL

No. 2723

Introduced by Assembly Member Wesson

February 25, 2000

An act to amend Sections 111080, 111170, 111175, 111180, and 111185 of, and to add Sections 111172, 111178, 111192, and 111193 to, the Health and Safety Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2723, as introduced, Wesson. Bottled water.

Existing law contains labeling requirements for bottled water, including requirements relating to the source of the water.

Existing law also contains bottled water quality standards.

This bill would modify labeling requirements pertaining to the source of the water, would enact bottled water contaminant labeling requirements, and would make technical nonsubstantive changes in bottled water quality standards.

Under existing law, the State Department of Health Services licenses water bottling plants.

This bill would also permit the department, by written permission, to allow a person to package water for use in public emergencies without obtaining a water bottling plant license, where the emergency has resulted in the interruption, or has compromised the quality of, the public drinking water supply.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 111080 of the Health and Safety
2 Code is amended to read:
3 111080. The quality standard requirements for
4 bottled water and vended water, including mineral
5 water, shall include all standards prescribed by Section
6 ~~403.35~~ 165.110 of Subpart B of Part ~~103~~ 165 of Title 21 of
7 the Code of Federal Regulations, except that water
8 labeled as mineral water shall exceed 500 milligrams per
9 liter of total dissolved solids and may exceed the quality
10 standards for chloride, copper, manganese, iron, sulfate,
11 and zinc prescribed in Section ~~403.35~~ 165.110 of
12 *Subparagraph B of Part 165* of Title 21 of the Code of
13 Federal Regulations. The department may develop
14 additional standards for chloride, copper, manganese,
15 iron, sulfate, or zinc in mineral water that the department
16 determines are reasonably necessary to protect the
17 public health. In addition, bottled water and vended
18 water, when bottled, shall comply with the following
19 quality standards and any additional quality standards
20 adopted by regulation that the department determines
21 are reasonably necessary to protect the public health:
22 (a) Bottled water and vended water shall meet all
23 maximum contaminant levels set for public drinking
24 water that the department determines, after public
25 comment, are necessary or appropriate so that bottled
26 water may present no adverse effect on public health.
27 New or revised maximum contaminant levels or
28 monitoring provisions adopted for bottled water by the
29 United States Food and Drug Administration under the
30 federal Food, Drug and Cosmetic Act that are more
31 stringent than the state requirements for bottled water
32 are incorporated into this chapter and are effective on the
33 date established by the federal provisions unless
34 otherwise established by regulations of the department.
35 (b) Bottled and vended water shall not exceed 10 parts
36 per billion of total trihalomethanes or five parts per
37 billion of lead unless the department establishes a lower
38 level by regulation.



1 (c) Bottled and vended water shall contain no
2 chemicals in concentrations that the United States Food
3 and Drug Administration or the state department has
4 determined may have an adverse effect on public health.

5 (d) Mineral water producers that bottle 5,000 gallons,
6 or less, per week shall have until February 1, 1990, to
7 comply with the quality standards for bottled water
8 pursuant to this paragraph. Mineral water producers may
9 present to the department data on consumption of
10 mineral water and the health effects of inorganic
11 elements that may be present as listed in the bottled
12 water quality standards prescribed by Section ~~103.35~~
13 *165.110* of Subpart B of Part ~~403~~ *165* of Title 21 of the Code
14 of Federal Regulations.

15 SEC. 2. Section 111170 of the Health and Safety Code
16 is amended to read:

17 111170. (a) Labeling and advertising of bottled
18 water and vended water shall conform with this section
19 and Chapter 4 (commencing with Section 110290) and
20 Part 101 of Title 21 of the Code of Federal Regulations.

21 (b) Each container of bottled water sold in this state,
22 each water-vending machine, and each container
23 provided by retail water facilities located in this state shall
24 be clearly labeled in an easily readable format. Retail
25 water facilities that do not provide labeled containers
26 shall post, in a location readily visible to consumers, a sign
27 conveying required label information.

28 (c) Water-vending machines, retail water facilities,
29 and private water sources that sell water at retail shall
30 display in a position clearly visible to customers the
31 following information:

32 (1) The name and address of the operator.

33 (2) The fact that the water is obtained from an
34 approved public water supply or licensed private water
35 source.

36 (3) A statement describing the treatment process
37 used.

38 (4) If no treatment process is utilized a statement to
39 that effect.



1 (5) A telephone number that may be called for further
2 information, service, or complaints.

3 (d) Bottled water may be labeled “drinking water,”
4 notwithstanding the source or characteristics of the
5 water, only if it is processed pursuant to the Food and
6 Drug Administration Good Manufacturing Practices
7 contained in Section ~~103.35~~ 165.110 and Parts 110 and 129
8 of Title 21 of the Code of Federal Regulations, Sections
9 12235 to 12285, inclusive, of Title 17 of the California Code
10 of Regulations, and any other requirements established
11 by the department pursuant to Sections 111145, 111150,
12 and 111155. Any vended water and any water from a retail
13 water facility may be labeled “drinking water,”
14 notwithstanding the source or characteristics of the
15 water, only if it is processed pursuant to Article 10
16 (commencing with Section 114200) of Chapter 4 of Part
17 7 and any other requirements established by the
18 department pursuant to Sections 111145, 111150, and
19 111155.

20 SEC. 3. Section 111172 is added to the Health and
21 Safety Code, to read:

22 111172. (a) The labeling on bottled water sold in this
23 state shall include all of the following:

- 24 (1) The date of bottling.
- 25 (2) The statement “refrigerate after opening.”
- 26 (3) A statement describing the treatment process used
27 and if no treatment process is utilized a statement to that
28 effect.
- 29 (4) The city and state where the water was bottled.

30 (5) A telephone number of the bottler that may be
31 called for further information.

32 (b) The labeling on bottled water sold in this state may
33 also include additional bottler contact information,
34 including, but not limited to, the bottler’s street address,
35 website or E-mail address.

36 SEC. 4. Section 111175 of the Health and Safety Code
37 is amended to read:

38 111175. (a) In addition to the requirements of
39 Section 111170, if a bottler, distributor, water hauler,
40 retail water facility operator, or vending machine



1 operator provides information in the labeling or
2 advertising stating or implying that this water is of a
3 specific water type (for example, “spring water”) or
4 treated in a specific manner (for example, “purified”),
5 the type or treatment shall be clearly labeled in an easily
6 readable format. In order to be so labeled, the source or
7 treatment shall conform to the following criteria:

8 (1) “Artesian well water” means water from a well
9 tapping an aquifer in which the water level will stand
10 above the bottom of the confining bed of the aquifer, and
11 in which the hydraulic pressure of the water in the
12 aquifer is greater than the force of gravity. Artesian well
13 water shall not be altered by the addition or deletion of
14 minerals or by blending it with water from a nonartesian
15 well water source, except that artesian well water may be
16 filtered and shall be treated with ozone or an equivalent
17 disinfection process.

18 (2) “Fluoridated water” means water containing
19 naturally occurring or added fluoride. The label shall
20 specify whether fluoride is naturally occurring or is
21 added. Any water that meets the designation of this
22 paragraph shall contain not less than 1.0 milligrams per
23 liter fluoridization and otherwise comply with the Food
24 and Drug Administration quality standards set forth in
25 Section ~~103.35(d)(2)~~ 165.110(b)(4)(ii)(A) of Title 21 of
26 the Code of Federal Regulations.

27 (3) “Mineral water” means bottled water or vended
28 water containing more than 500 milligrams per liter of
29 total dissolved solids and originating entirely from an
30 underground source, that may be a well, artesian well, or
31 spring. Bottled or vended mineral water may be derived
32 from a natural orifice or from a bore hole adjacent to the
33 natural orifice. If it is derived from a natural orifice or
34 from a bore hole adjacent to the natural orifice, the water
35 shall be from the same underground stratum and be of
36 the same quality and composition as the water derived
37 from the natural orifice without external force. Mineral
38 water may not be altered by the addition or deletion of
39 minerals or by blending it with water from a nonmineral
40 water source, except that mineral water may be filtered



1 and shall be treated with ozone or an equivalent
2 disinfection process approved by the department and
3 shall be treated to reduce the concentrations of any
4 naturally occurring substance that exceeds the bottled
5 water safety standards established by the department.
6 Mineral water may be collected and transported by pipes,
7 tunnels, trucks, or similar devices. Any water that meets
8 the criteria of this paragraph may also be labeled “natural
9 mineral water.”

10 (A) Mineral water that contains carbon dioxide as it
11 emerges from the source and is bottled directly with its
12 entrapped gas, or from which the gas is mechanically
13 separated and later reintroduced into the water at the
14 time of bottling shall be labeled “naturally carbonated”
15 or “naturally sparkling.”

16 (B) Mineral water that contains carbon dioxide, other
17 than that naturally occurring in the source product, shall
18 be labeled with the words “carbonation added” or
19 “carbon dioxide added” when the carbonation is obtained
20 from a natural or manufactured source.

21 (4) “Mineralized water” means bottled or vended
22 water that meets the requirements of “mineral water”
23 except that the water contains added minerals.

24 (5) “Natural water” means bottled or vended spring,
25 artesian well, or well water that is unmodified by mineral
26 addition or deletion, except “natural water” may be
27 filtered and shall be sanitized with ozone or an equivalent
28 disinfection process and treated to reduce the
29 concentration of any substance that exceeds safety
30 standards established by the department.

31 (6) “Naturally sparkling water” means bottled water
32 or vended water with a carbon dioxide content from the
33 same source as the water. “Sparkling,” “carbonated,” or
34 “carbonation added” means bottled water or vended
35 water that contains carbon dioxide.

36 (7) “Purified water” means water produced by
37 distillation, deionization, reverse osmosis, or other
38 method meeting the definition of purified water in the
39 21st edition of the United States Pharmacopeia. Water
40 that meets the designation of this paragraph, and is



1 vaporized, then condensed, may be labeled “distilled
2 water.”

3 (8) “Spring water” means water that issues by natural
4 forces out of the earth at a particular place. Bottled or
5 vended spring water may be derived from the natural
6 orifice or from a bore hole adjacent to the natural orifice.
7 If it is derived from the natural orifice by external force
8 or from a bore hole adjacent to the natural orifice, the
9 water shall be from the same underground stratum and
10 be of the same quality and composition as the water
11 derived from the natural orifice without external force.
12 Spring water may not be altered by the addition or
13 deletion of minerals or by blending it with water from a
14 nonspring water source, except that spring water may be
15 filtered and shall be treated with ozone or an equivalent
16 disinfection process. Spring water may be collected and
17 transported by pipes, tunnels, trucks, or similar devices.

18 (9) “Well water” means water from a hole bored into
19 the ground that taps the water of an aquifer, except that
20 well water may be filtered and shall be treated with ozone
21 or an equivalent disinfection process. Well water may not
22 be altered by the addition or deletion of minerals or by
23 blending it with water from a nonwell water source.

24 (10) Notwithstanding any other provision of this
25 section, water from a public water system that is
26 unprocessed by the bottler or vendor shall be labeled as
27 “unprocessed public drinking water.”

28 SEC. 5. Section 111178 is added to the Health and
29 Safety Code, to read:

30 111178. (a) The labeling on all bottled water sold in
31 this state shall indicate every contaminant included in
32 subsection (b) of Section 165.110 of Subpart B of Part 165
33 of the Code of Federal Regulations and which is
34 contained in the water in an amount equal to or in excess
35 of the detection level for that contaminant, as prescribed
36 in consumer confidence regulations adopted pursuant to
37 Section 116470.

38 (b) With respect to each contaminant whose presence
39 is required to be indicated on the label in accordance with
40 this section, the label shall include the name of the



1 contaminant, the level of the contaminant found in the
2 water, the corresponding public health goal (PHG) or
3 maximum contaminant level goal (MCLG) if no public
4 health goal has been established, and the primary
5 maximum contaminant level (MCL), as stated in the
6 same whole numbered units.

7 (c) If the acronyms PHG, MCLG, or MCL are used on
8 the label, those terms shall be required to be spelled out
9 in at least one place on the label.

10 SEC. 6. Section 111180 of the Health and Safety Code
11 is amended to read:

12 111180. Except as provided in Section 111080, any
13 bottled water or vended water, the quality of which is
14 below the quality required by this article, shall be labeled
15 with a statement of substandard quality, as prescribed by
16 *subsection (b) of Section ~~103.35~~ 165.110 of Subpart B of*
17 *Part 165* of Title 21 of the Code of Federal Regulations.

18 SEC. 7. Section 111185 of the Health and Safety Code
19 is amended to read:

20 111185. (a) Any bottler, distributor, vendor of
21 bottled water, or owner or operator of any water-vending
22 machine or retail water facility, whose corporate name or
23 trademark contains the words “spring” or “springs,” or
24 any derivative of either of these words, or “well,”
25 “artesian well,” or “natural” shall label each bottle or
26 vending machine with the source of the water in typeface
27 at least equal to the size of the typeface of the corporate
28 name or trademark, if the source of the bottled or vended
29 water is different from the source stated in the corporate
30 name or trademark. Retail water facilities that do not
31 provide labeled containers shall post, in a location readily
32 visible to consumers, a sign conveying required label
33 information.

34 (b) (1) *Any bottler, distributor, vendor of bottled*
35 *water, or owner or operator of any water-vending*
36 *machine or retail water facility shall, if the source of the*
37 *water is a public water system, identify on the label the*
38 *public water system.*

39 (2) *Any bottler, distributor, vendor of bottled water,*
40 *or owner or operator of any water-vending machine or*



1 *retail water facility shall, if the source of the water is a*
2 *private water system identify the private water source on*
3 *the label. If the private water source has a proper or*
4 *common name, such as a lake or river, the proper or*
5 *common name of that source shall be sufficient to meet*
6 *the requirements of this paragraph. If the water being*
7 *used is from more than one source, all sources shall be*
8 *listed on the label.*

9 SEC. 8. Section 111192 is added to the Health and
10 Safety Code, to read:

11 111192. (a) Delivered bottled water haulers and
12 water haulers that distribute directly to consumers shall
13 be required to provide to new consumers and in
14 consumer bills at least once annually all information
15 required to be included on bottled water labels pursuant
16 to this article.

17 (b) Water vending machines shall display the same
18 information on the machines that is required to be placed
19 on bottled water labels pursuant to this article.

20 (c) Retail water facilities shall provide new customers
21 the same information required to be placed on bottled
22 water labels pursuant to this article. These facilities shall
23 also display this information in a take-home format.

24 SEC. 9. Section 111193 is added to the Health and
25 Safety Code, to read:

26 111193. (a) The department may by written
27 permission allow a person to package water for use in
28 public emergencies without obtaining a water bottling
29 license, where the emergency has resulted in the
30 interruption of, or has compromised the quality of, the
31 public drinking water supply. This permission may
32 authorize the suspension of any provision of this chapter
33 and related regulations.

34 (b) (1) The department may at any time change or
35 impose on the permittee any requirements such as
36 testing, equipment, and documentation that the
37 department deems necessary to protect public health but
38 in doing so shall consider the effect of those requirements
39 in light of the urgency of the situation. The department
40 may grant or withdraw this permission at any time.



1 (2) Packing, distribution, and use of water under this
2 permit shall only be allowed during the emergency
3 period and shall end upon the restoration of adequate
4 public drinking supplies as determined by the
5 department. Distribution shall be limited to the area
6 affected. Water so packaged shall be prominently labeled
7 “drinking water”, “for emergency use only”, and “not for
8 sale”, or similar wording approved by the department.

9 (c) This section shall not be construed to restrict
10 licensed water bottling plants from providing water
11 processed in accordance with this chapter in emergency
12 situations.

