

Introduced by Senator Denham

February 20, 2004

An act to amend Section 111080 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1589, as introduced, Denham. Bottled and vended water.

The existing Sherman Food, Drug, and Cosmetic Law regulates the packaging, labeling, and advertising of food, drugs, and cosmetics. That law also provides for the regulation by the department of persons engaged in activities relating to bottled, vended, hauled, and processed water. A violation of these provisions is a crime.

Specifically, the Sherman Food, Drug, and Cosmetic Law requires the quality and labeling standards requirements for bottled water and vended water to include standards prescribed by federal regulations. In addition, existing law requires that bottled water and vended water may not exceed 10 parts per billion of total trihalomethanes or 5 parts per billion of lead unless the State Department of Health Services establishes a lower level by regulation.

This bill would instead, require that only bottled water may not exceed 10 parts per billion of total trihalomethanes or 5 parts per billion of lead unless the department establishes a lower level by regulation. For vended water, the bill would require that it meet all maximum contaminant levels set for trihalomethanes and lead for public drinking water.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 111080 of the Health and Safety Code
2 is amended to read:

3 111080. The quality and labeling standards requirements for
4 bottled water and vended water, including mineral water, shall
5 include all standards prescribed by Section 165.110 of Title 21 of
6 the Code of Federal Regulations. In addition, bottled water and
7 vended water, when bottled, shall comply with the following
8 quality standards and any additional quality standards adopted by
9 regulation that the department determines are reasonably
10 necessary to protect the public health:

11 (a) Bottled water and vended water shall meet all maximum
12 contaminant levels set for public drinking water that the
13 department determines are necessary or appropriate so that bottled
14 water may present no adverse effect on public health. New or
15 revised allowable levels or monitoring provisions adopted for
16 bottled water by the United States Food and Drug Administration
17 under the federal Food, Drug and Cosmetic Act that are more
18 stringent than the state requirements for bottled water are
19 incorporated into this chapter and are effective on the date
20 established by the federal provisions unless otherwise established
21 by regulations of the department.

22 (b) Bottled ~~and vended~~ water ~~shall~~ may not exceed 10 parts per
23 billion of total trihalomethanes or five parts per billion of lead
24 unless the department establishes a lower level by regulation.
25 *Vended water shall meet all maximum contaminant levels set for*
26 *trihalomethanes and lead for public drinking water.*

27 (c) Bottled and vended water ~~shall~~ may not contain ~~no~~
28 chemicals in concentrations that the United States Food and Drug
29 Administration or the state department has determined may have
30 an adverse effect on public health.



1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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