

AMENDED IN SENATE JUNE 18, 2008

AMENDED IN SENATE JUNE 4, 2008

AMENDED IN ASSEMBLY APRIL 7, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2275

Introduced by Assembly Member Fuentes
(Principal coauthor: Senator Corbett)

February 21, 2008

An act to amend ~~Section 111130~~ *Sections 111130 and 111170* of, and to add Section 111131 to, the Health and Safety Code, relating to vended water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2275, as amended, Fuentes. Vended water.

Existing law prescribes various quality and labeling standards for bottled water and vended water, including mineral water, and limits the levels of certain contaminants that may be contained in those water products. Violation of these provisions is a crime. Existing law requires the State Department of Public Health to perform various duties under these provisions.

Existing law requires, as a condition of licensure, a water-bottling plant, as defined, to annually prepare a bottled water report, as specified, to make the report available to each customer, upon request, and to prepare the report in English, Spanish, and in other languages that exceed 10% of the state's population.

Existing law requires, commencing January 1, 2009, each label on bottled water sold at retail or wholesale in this state in a beverage container to include the name and contact information for the bottler or brand owner, the source of the bottled water, and a statement that contains specified information, as provided.

Existing law requires that each water-vending machine, retail water facility, and private water source that sells water at retail display prescribed information, including, but not limited to, a local or toll-free telephone number for further information, service, or complaints.

This bill would require each applicant for a license as a water-bottling plant or a private water source to provide to the department specified information and would require the department to annually compile a listing of this information and make it available to the public, as provided.

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 111130 of the Health and Safety Code
2 is amended to read:

3 111130. (a) The department shall charge and collect a fee for
4 each license application submitted in accordance with the fee
5 schedule in Table 1, that shall be an amount reasonably necessary
6 to produce sufficient revenue to enforce this article. The fees
7 collected shall be adjusted annually as required by Section 100425.
8 New applicants for a ~~water-bottling~~ *water-bottling* plant license
9 shall pay Category 2 fees for the first license year.

10 (b) The water-bottling plant and bottled water distributor
11 categories shall be determined by dividing by 52 the number of
12 gallons produced or shipped into California during the previous
13 year. If the result is an average of 5,000 gallons or less per week,
14 the firm is Category 1. If the average exceeds 5,000 gallons per
15 week, the firm is Category 2.

16

17

Table 1
License Fees

18

19

License Class

Annual Fee

20

Water-Bottling Plant

21

Category 1

\$310

1	Category 2	875
2	Water-Vending Machine	40
3	Water Hauler	310
4	Retail Water Facility	310
5	Private Water Source Operator	310
6	Bottled Water Distributor	310

7
8 SEC. 2. Section 111131 is added to the Health and Safety Code,
9 to read:

10 111131. (a) The owners or operators of each water-bottling
11 plant, retail water facility, private water source, each water hauler
12 in the state, and bottlers or distributors of water bottled out of state
13 shall submit an application for a license on forms provided by the
14 department. Applications and license fees shall be submitted
15 annually. Applicants shall provide to the department, in electronic
16 format, the serial number of each machine, and the street address,
17 city, ZIP Code, and county where the machine is located.

18 (b) Each water-vending machine owner or operator shall
19 annually submit an application for a license for all machines on
20 forms provided by the department. A decal or seal provided by the
21 department indicating a license fee has been paid shall be affixed
22 in a prominent place to each water-vending machine in service.
23 The duty to display the decal or seal shall apply only on and after
24 the date that the decal has been received by the operator.

25 (c) Applicants for a license as a water-bottling plant or a private
26 water source in the state shall also provide to the department, at
27 the time of submittal of the application, all of the following:

28 (1) The total volume of water bottled or sold either for wholesale
29 or retail use. New applicants shall make their best estimate of this
30 information.

31 (2) Whether the source of the water bottled or sold is a public
32 or private water agency or an artesian well, lake, river, spring, or
33 well, as appropriate.

34 (3) The location of the source identified in paragraph (2) and
35 whether this source is privately or publicly owned and operated.

36 (d) The department shall annually compile a listing of the
37 information reported pursuant to subdivision (c) for each licensee
38 and make this compilation available to the public. In its report, the
39 department shall ensure that the compilation of information
40 reported pursuant to subdivision (c) does not contain duplicative

1 data as to applicants who apply for both a water-bottling plant
2 license and a private water source license. Water from a private
3 water source that is sold or delivered to a water-bottling plant shall
4 be reported separately from water sold or delivered for other uses
5 from that same private water source.

6 *SEC. 3. Section 111170 of the Health and Safety Code, as*
7 *amended by Section 6 of Chapter 575 of the Statutes of 2007, is*
8 *amended to read:*

9 111170. (a) Labeling and advertising of bottled water and
10 vended water shall conform with this section, Chapter 4
11 (commencing with Section 110290), and applicable portions of
12 Part 101 of Title 21 of the Code of Federal Regulations.

13 (b) Each container of bottled water sold in this state, each
14 water-vending machine, and each container provided by retail
15 water facilities located in this state shall be clearly labeled in an
16 easily readable format. Retail water facilities that do not provide
17 labeled containers shall post, in a location readily visible to
18 consumers, a sign conveying required label information.

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

- 22 (1) The name and address of the operator.
- 23 (2) The fact that the water is obtained from an approved public
24 water supply or licensed private water source.
- 25 (3) A statement describing the treatment process used.
- 26 (4) If no treatment process is utilized, a statement to that effect.
- 27 (5) A toll-free telephone number or a local telephone number
28 within the area code in which the machine is located that may be
29 called for further information, service, or complaints, and the
30 toll-free telephone number of the department’s food and drug
31 branch that may be called for complaints or questions.
- 32 (6) A sign or label indicating the date on which the
33 water-vending machine was last sanitized and serviced by the
34 operator or maintenance personnel as required pursuant to
35 paragraph (1) of subdivision (b) of Section 111115.
- 36 (7) A notice to consumers listing the industry’s
37 recommendations for the type and condition of container suitable
38 for use with the water-vending machine.
- 39 (8) A valid decal or seal received from the department indicating
40 that a license fee has been paid and a license issued for the

1 water-vending machine as set forth in subdivision (d) of Section
2 111130.

3 (d) The information required pursuant to subdivision (c) shall
4 be displayed in both English and Spanish.

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

19 (f) Each container of bottled water sold at retail or wholesale
20 in this state in a beverage container shall include on its label, or
21 on an additional label affixed to the bottle, or on a package insert
22 or attachment, all the following:

23 (1) The name and contact information for the bottler or brand
24 owner.

25 (2) The source of the bottled water, in compliance with
26 applicable state and federal regulations.

27 (3) A clear and conspicuous statement that informs consumers
28 about how to access water quality information contained in the
29 bottled water report required by Section 111071.

30 (A) The statement shall contain all of the following:

31 (i) It shall include the ~~term “water quality and information”~~
32 *terms “water quality” and “information”* appropriately, while
33 informing customers about methods of gaining access to the full
34 bottled water report.

35 (ii) It shall provide a telephone number, where information can
36 be requested from the bottled water company and one other means
37 of contact for the bottled water company, including, but not limited
38 to, a mailing address, e-mail address, or the bottled water
39 company’s *Internet* Web site.

1 (B) The following statement may be used to fulfill the
2 requirements of this paragraph:

3 “For more information and to obtain additional consumer
4 information relating to water quality, including a bottled water
5 report, contact [name of bottled water company] at [telephone
6 number or toll-free telephone number] and [at least one of the
7 following: mailing address, e-mail address, or the bottled water
8 company’s Web site].”

9

10 (g) Bottlers that distribute bottled or vended water directly to
11 consumers shall provide a statement on each billing statement that
12 includes both of the following:

13 (1) A telephone number and mailing address of the bottler or
14 brand owner.

15 (2) The means by which a consumer may obtain consumer
16 information relating to water quality, including a bottled water
17 report, as described in Section 111071.

18 (h) Amendments made to this section by SB 220 of the 2007–08
19 Regular Session shall only apply to bottled water that was bottled
20 on or after January 1, 2009.

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