

ASSEMBLY BILL

No. 301

Introduced by Assembly Member Fuentes

February 17, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 301, as introduced, Fuentes. Vended water.

Existing law, the Sherman Food Drug, and Cosmetic Law, prescribes various quality, reporting, and labeling standards for bottled water and private water sources 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.

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.

Because this bill would create a new crime, it imposes 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:

SECTION 1. Section 111130 of the Health and Safety Code is amended to read:

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

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

Table 1
License Fees

License Class	Annual Fee
Water-Bottling Plant	
Category 1	\$310
Category 2	875
Water-Vending Machine	40
Water Hauler	310
Retail Water Facility	310
Private Water Source Operator	310
Bottled Water Distributor	310

~~(c) The owners or operators of each water-bottling plant, retail water facility, private water source, each water hauler in California and bottlers or distributors of water bottled out-of-state shall make application for a license on forms provided by the department. Applications and license fees shall be submitted annually. Applicants shall provide to the department, in electronic format, the serial number of each machine, and the street address, city, ZIP Code, and county where the machine is located.~~

~~(d) Each water-vending machine owner or operator shall make application annually for a license for all machines on forms~~

1 ~~provided by the department. A decal or seal provided by the~~
2 ~~department indicating a license fee has been paid shall be affixed~~
3 ~~in a prominent place to each water-vending machine in service.~~
4 ~~The duty to display the decal or seal shall apply only on and after~~
5 ~~the decal has been received by the operator.~~

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

8 111131. (a) The owners or operators of each water-bottling
9 plant, retail water facility, private water source, each water hauler
10 in the state, and bottlers or distributors of water bottled out of state
11 shall submit an application for a license on forms provided by the
12 department. Applications and license fees shall be submitted
13 annually. Applicants shall provide to the department, in electronic
14 format, the serial number of each machine, and the street address,
15 city, ZIP Code, and county where the machine is located.

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

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

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

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

32 (3) The county in which the source identified in paragraph (2)
33 is located and whether this source is privately or publicly owned
34 and operated.

35 (d) The department shall annually compile a listing of the
36 information reported pursuant to subdivision (c) for each licensee
37 and make this compilation available to the public. In its report, the
38 department shall ensure that the compilation of information
39 reported pursuant to subdivision (c) does not contain duplicative
40 data as to applicants who apply for both a water-bottling plant

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

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