

AMENDED IN ASSEMBLY APRIL 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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

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

111131. (a) The owners or operators of each water-bottling plant, retail water facility, private water source, each water hauler in the state, and bottlers or distributors of water bottled out of state shall submit an application for a license on forms provided by the department. Applications and license fees shall be submitted

1 annually. Applicants shall provide to the department, in electronic
2 format, the serial number of each machine, and the street address,
3 city, ZIP Code, and county where the machine is located.

4 (b) Each water-vending machine owner or operator shall
5 annually submit an application for a license for all machines on
6 forms provided by the department. A decal or seal provided by the
7 department indicating a license fee has been paid shall be affixed
8 in a prominent place to each water-vending machine in service.
9 The duty to display the decal or seal shall apply only on and after
10 the date that the decal has been received by the operator.

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

14 (1) The total volume of water bottled or sold either for wholesale
15 or retail use. ~~New applicants shall make their use in the~~
16 *department-specified 12-month period prior to submittal of the*
17 *application. A new applicant shall make the applicant's best*
18 *estimate of this information the total volume of water that the*
19 *applicant expects to bottle or sell for wholesale or retail use in*
20 *the 12-month period of licensure.*

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

24 (3) The county in which the source identified in paragraph (2)
25 is located and whether this source is privately or publicly owned
26 and operated.

27 (d) The department shall annually compile a listing of the
28 information reported pursuant to subdivision (c) for each licensee
29 and make this compilation available to the public. In its report, the
30 department shall ensure that the compilation of information
31 reported pursuant to subdivision (c) does not contain duplicative
32 data as to applicants who apply for both a water-bottling plant
33 license and a private water source license. Water from a private
34 water source that is sold or delivered to a water-bottling plant shall
35 be reported separately from water sold or delivered for other uses
36 from that same private water source.

37 SEC. 3. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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