

2 SHB 2747 - S COMM AMD
3 By Committee on Agriculture & Water Resources

4 ADOPTED 3/4/92

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. As used in sections 6 and 7 of this act:

8 (1) "Artesian water" means bottled water from a well tapping a
9 confined aquifer in which the water level stands above the water table.
10 "Artesian water" shall meet the requirements of "natural water."

11 (2) "Bottled water" means water that is placed in a sealed
12 container or package and is offered for sale for human consumption or
13 other consumer uses.

14 (3) "Carbonated water" or "sparkling water" means bottled water
15 containing carbon dioxide.

16 (4) "Department" means the department of agriculture.

17 (5) "Distilled water" means bottled water that has been produced by
18 a process of distillation and meets the definition of purified water in
19 the most recent edition of the United States Pharmacopeia.

20 (6) "Drinking water" means bottled water obtained from an approved
21 source that has at minimum undergone treatment consisting of
22 filtration, activated carbon or particulate, and ozonization or an
23 equivalent disinfection process, or that meets the requirements of the
24 federal safe drinking water act of 1974 as amended and complies with
25 all department of health rules regarding drinking water.

26 (7) "Mineral water" means bottled water that contains not less than
27 five hundred parts per million total dissolved solids. "Natural
28 mineral water" shall meet the requirements of "natural water."

1 (8) "Natural water" means bottled spring, mineral, artesian, or
2 well water that is derived from an underground formation and may be
3 derived from a public water system as defined in RCW 70.119A.020 only
4 if that supply has a single source such as an actual spring, artesian
5 well, or pumped well, and has not undergone any treatment that changes
6 its original chemical makeup except ozonization or an equivalent
7 disinfection process.

8 (9) "Plant operator" means a person who owns or operates a bottled
9 water plant.

10 (10) "Purified water" means bottled water produced by distillation,
11 deionization, reverse osmosis, or other suitable process and that meets
12 the definition of purified water in the most recent edition of the
13 United States Pharmacopeia. Water that meets this definition and is
14 vaporized, then condensed, may be labeled "distilled water."

15 (11) "Spring water" means water derived from an underground
16 formation from which water flows naturally to the surface of the earth.
17 "Spring water" shall meet the requirements of "natural water."

18 (12) "Water dealer" means a person who imports bottled water or
19 causes bulk water to be transported for bottling for human consumption
20 or other consumer uses.

21 (13) "Well water" means water from a hole bored, drilled, or
22 otherwise constructed in the ground that taps the water of an aquifer.
23 "Well water" shall meet the requirements of "natural water."

24 **"Sec. 2.** RCW 69.04.008 and 1945 c 257 s 9 are each amended to read
25 as follows:

26 The term "food" means (1) articles used for food or drink for
27 (~~man~~) people or other animals, (2) bottled water, (3) chewing gum,
28 and (~~(+3)~~) (4) articles used for components of any such article."

1 **"Sec. 3.** RCW 69.07.010 and 1991 c 137 s 2 are each amended to read
2 as follows:

3 For the purposes of this chapter:

4 (1) "Department" means the department of agriculture of the state
5 of Washington;

6 (2) "Director" means the director of the department;

7 (3) "Food" means any substance used for food or drink by any
8 person, including ice, bottled water, and any ingredient used for
9 components of any such substance regardless of the quantity of such
10 component;

11 (4) "Sale" means selling, offering for sale, holding for sale,
12 preparing for sale, trading, bartering, offering a gift as an
13 inducement for sale of, and advertising for sale in any media;

14 (5) "Food processing" means the handling or processing of any food
15 in any manner in preparation for sale for human consumption: PROVIDED,
16 That it shall not include fresh fruit or vegetables merely washed or
17 trimmed while being prepared or packaged for sale in their natural
18 state;

19 (6) "Food processing plant" includes but is not limited to any
20 premises, plant, establishment, building, room, area, facilities and
21 the appurtenances thereto, in whole or in part, where food is prepared,
22 handled or processed in any manner for distribution or sale for resale
23 by retail outlets, restaurants, and any such other facility selling or
24 distributing to the ultimate consumer: PROVIDED, That, as set forth
25 herein, establishments processing foods in any manner for resale shall
26 be considered a food processing plant as to such processing;

27 (7) "Food service establishment" shall mean any fixed or mobile
28 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,
29 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail
30 lounge, night club, roadside stand, industrial-feeding establishment,

1 retail grocery, retail food market, retail meat market, retail bakery,
2 private, public, or nonprofit organization routinely serving food,
3 catering kitchen, commissary or similar place in which food or drink is
4 prepared for sale or for service on the premises or elsewhere, and any
5 other eating or drinking establishment or operation where food is
6 served or provided for the public with or without charge.

7 For the purpose of this chapter any custom cannery or processing
8 plant where raw food products, food, or food products are processed for
9 the owner thereof, or the food processing facilities are made available
10 to the owners or persons in control of raw food products or food or
11 food products for processing in any manner, shall be considered to be
12 food processing plants;

13 (8) "Person" means an individual, partnership, corporation, or
14 association."

15 **"Sec. 4.** RCW 43.20.050 and 1989 1st ex.s. c 9 s 210 and 1989 c 207
16 s 1 are each reenacted and amended to read as follows:

17 (1) The state board of health shall provide a forum for the
18 development of health policy in Washington state. It is authorized to
19 recommend to the secretary means for obtaining appropriate citizen and
20 professional involvement in all health policy formulation and other
21 matters related to the powers and duties of the department. It is
22 further empowered to hold hearings and explore ways to improve the
23 health status of the citizenry.

24 (a) At least every five years, the state board shall convene
25 regional forums to gather citizen input on health issues.

26 (b) Every two years, in coordination with the development of the
27 state biennial budget, the state board shall prepare the state health
28 report that outlines the health priorities of the ensuing biennium.
29 The report shall:

1 (i) Consider the citizen input gathered at the health forums;
2 (ii) Be developed with the assistance of local health departments;
3 (iii) Be based on the best available information collected and
4 reviewed according to RCW 43.70.050 and recommendations from the
5 council;

6 (iv) Be developed with the input of state health care agencies. At
7 least the following directors of state agencies shall provide timely
8 recommendations to the state board on suggested health priorities for
9 the ensuing biennium: The secretary of social and health services, the
10 health care authority administrator, the insurance commissioner, the
11 administrator of the basic health plan, the superintendent of public
12 instruction, the director of labor and industries, the director of
13 ecology, and the director of agriculture;

14 (v) Be used by state health care agency administrators in preparing
15 proposed agency budgets and executive request legislation;

16 (vi) Be submitted by the state board to the governor by June 1 of
17 each even-numbered year for adoption by the governor. The governor, no
18 later than September 1 of that year, shall approve, modify, or
19 disapprove the state health report.

20 (c) In fulfilling its responsibilities under this subsection, the
21 state board shall create ad hoc committees or other such committees of
22 limited duration as necessary. Membership should include legislators,
23 providers, consumers, bioethicists, medical economics experts, legal
24 experts, purchasers, and insurers, as necessary.

25 (2) In order to protect public health, the state board of health
26 shall:

27 (a) Adopt rules ~~((and regulations))~~ necessary to assure safe and
28 reliable public drinking water and to protect the public health. Such
29 rules ~~((and regulations))~~ shall establish requirements regarding:

1 (i) The design and construction of public water system facilities,
2 including proper sizing of pipes and storage for the number and type of
3 customers;

4 (ii) Drinking water quality standards, monitoring requirements, and
5 laboratory certification requirements;

6 (iii) Public water system management and reporting requirements;

7 (iv) Public water system planning and emergency response
8 requirements;

9 (v) Public water system operation and maintenance requirements;

10 (~~and~~)

11 (vi) Water quality, reliability, and management of existing but
12 inadequate public water systems; and

13 (vii) Quality standards for the source or supply, or both source
14 and supply, of water for bottled water plants.

15 (b) Adopt rules (~~and regulations~~) and standards for prevention,
16 control, and abatement of health hazards and nuisances related to the
17 disposal of wastes, solid and liquid, including but not limited to
18 sewage, garbage, refuse, and other environmental contaminants; adopt
19 standards and procedures governing the design, construction, and
20 operation of sewage, garbage, refuse and other solid waste collection,
21 treatment, and disposal facilities;

22 (c) Adopt rules (~~and regulations~~) controlling public health
23 related to environmental conditions including but not limited to
24 heating, lighting, ventilation, sanitary facilities, cleanliness and
25 space in all types of public facilities including but not limited to
26 food service establishments, schools, institutions, recreational
27 facilities and transient accommodations and in places of work;

28 (d) Adopt rules (~~and regulations~~) for the imposition and use of
29 isolation and quarantine;

1 (e) Adopt rules (~~and regulations~~) for the prevention and control
2 of infectious and noninfectious diseases, including food and vector
3 borne illness, and rules (~~and regulations~~) governing the receipt and
4 conveyance of remains of deceased persons, and such other sanitary
5 matters as admit of and may best be controlled by universal rule; and

6 (f) Adopt rules for accessing existing data bases for the purposes
7 of performing health related research.

8 (3) The state board may delegate any of its rule-adopting authority
9 to the secretary and rescind such delegated authority.

10 (4) All local boards of health, health authorities and officials,
11 officers of state institutions, police officers, sheriffs, constables,
12 and all other officers and employees of the state, or any county, city,
13 or township thereof, shall enforce all rules (~~and regulations~~)
14 adopted by the state board of health. In the event of failure or
15 refusal on the part of any member of such boards or any other official
16 or person mentioned in this section to so act, he shall be subject to
17 a fine of not less than fifty dollars, upon first conviction, and not
18 less than one hundred dollars upon second conviction.

19 (5) The state board may advise the secretary on health policy
20 issues pertaining to the department of health and the state."

21 "NEW SECTION. Sec. 5. A new section is added to chapter 70.119A
22 RCW to read as follows:

23 In such cases where a bottled water plant operator or water dealer
24 knows or has reason to believe that a contaminant is present in the
25 source water because of spill, release of a hazardous substance, or
26 otherwise, and the contaminant's presence would create a potential
27 health hazard to consumers, the plant operator or water dealer must
28 report such an occurrence to the state's department of health."

1 "NEW SECTION. Sec. 6. All bottled water must conform to
2 applicable federal and state labeling laws and be labeled in compliance
3 with the following standards:

4 (1) Mineral water may be labeled "mineral water." Bottled water to
5 which minerals are added shall be labeled so as to disclose that
6 minerals are added, and may not be labeled "natural mineral water."

7 (2) Spring water may be labeled "spring water" or "natural spring
8 water."

9 (3) Water containing carbon dioxide that emerges from the source
10 and is bottled directly with its entrapped gas or from which the gas is
11 mechanically separated and later reintroduced at a level not higher
12 than naturally occurring in the water may bear on its label the words
13 "naturally carbonated" or "naturally sparkling."

14 (4) Bottled water that contains carbon dioxide other than that
15 naturally occurring in the source of the product shall be labeled with
16 the words "carbonated," "carbonation added," or "sparkling" if the
17 carbonation is obtained from a natural or manufactured source.

18 (5) Well water may be labeled "well water" or "natural well water."

19 (6) Artesian water may be labeled "artesian water" or "natural
20 artesian water."

21 (7) Purified water may be labeled "purified water" and the method
22 of preparation shall be stated on the label, except that purified water
23 produced by distillation may be labeled as "distilled water."

24 (8) Drinking water may be labeled "drinking water."

25 (9) The use of the word "spring," or any derivative of "spring"
26 other than in a trademark, trade name, or company name, to describe
27 water that is not spring water is prohibited.

28 (10) A product meeting more than one of the definitions in section
29 1 of this act may be identified by any of the applicable product types

1 defined in section 1 of this act, except where otherwise specifically
2 prohibited.

3 (11) Supplemental printed information and graphics may appear on
4 the label but shall not imply properties of the product or preparation
5 methods that are not factual."

6 "NEW SECTION. Sec. 7. Bottled soft drinks, soda, or seltzer
7 products commonly recognized as soft drinks and identified on the
8 product identity panel with a common or usual name other than one of
9 those specified in section 1 of this act are exempt from the
10 requirements of section 6 of this act. Water that is not in compliance
11 with the requirements of section 6 of this act may not be identified,
12 labeled, or advertised as "artesian water," "bottled water," "distilled
13 water," "natural water," "purified water," "spring water," or "well
14 water."

15 "NEW SECTION. Sec. 8. Sections 1, 6, and 7 of this act are
16 each added to chapter 69.07 RCW."

17 "NEW SECTION. Sec. 9. If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected."

21 **SHB 2747** - S COMM AMD
22 By Committee on Agriculture & Water Resources

23 ADOPTED 3/4/92

24 On page 1, line 1 of the title, after "water;" strike the remainder
25 of the title and insert "amending RCW 69.04.008 and 69.07.010;
26 reenacting and amending RCW 43.20.050; adding new sections to chapter

1 69.07 RCW; and adding a new section to chapter 70.119A RCW."