
SUBSTITUTE HOUSE BILL 2747

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Fraser, McLean, Valle, Miller, Rayburn, Edmondson, Winsley, Scott, Basich and Jacobsen)

Read first time 02/07/92.

1 AN ACT Relating to bottled water; amending RCW 69.04.008 and
2 69.07.010; reenacting and amending RCW 43.20.050; and adding a new
3 chapter to Title 69 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** As used in this chapter:

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

9 (2) "Board" means the state board of health.

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

13 (4) "Carbonated water" or "sparkling water" means bottled water
14 containing carbon dioxide.

1 (5) "Department" means the department of agriculture.

2 (6) "Distilled water" means bottled water that has been produced by
3 a process of distillation and meets the definition of purified water in
4 the most recent edition of the United States Pharmacopeia.

5 (7) "Drinking water" means bottled water obtained from an approved
6 source that has at minimum undergone treatment consisting of
7 filtration, activated carbon or particulate, and ozonation or an
8 equivalent disinfection process.

9 (8) "Mineral water" means bottled water that contains not less than
10 five hundred parts per million total dissolved solids. "Natural
11 mineral water" shall meet the requirements of "natural water."

12 (9) "Natural water" means bottled spring, mineral, artesian, or
13 well water that is derived from an underground formation and is not
14 derived from a municipal system or public water supply.

15 (10) "Plant operator" means a person who owns or operates a bottled
16 water plant.

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

22 (12) "Spring water" means water derived from an underground
23 formation from which water flows naturally to the surface of the earth.
24 "Spring water" shall meet the requirements of "natural water."

25 (13) "Water dealer" means a person who imports bottled water or
26 causes bulk water to be transported for bottling for human consumption
27 or other consumer uses.

28 (14) "Well water" means water from a hole bored, drilled, or
29 otherwise constructed in the ground that taps the water of an aquifer.
30 "Well water" shall meet the requirements of "natural water."

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

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

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

8 For the purposes of this chapter:

9 (1) "Department" means the department of agriculture of the state
10 of Washington;

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

12 (3) "Food" means any substance used for food or drink by any
13 person, including ice, bottled water, and any ingredient used for
14 components of any such substance regardless of the quantity of such
15 component;

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

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

24 (6) "Food processing plant" includes but is not limited to any
25 premises, plant, establishment, building, room, area, facilities and
26 the appurtenances thereto, in whole or in part, where food is prepared,
27 handled or processed in any manner for distribution or sale for resale
28 by retail outlets, restaurants, and any such other facility selling or
29 distributing to the ultimate consumer: PROVIDED, That, as set forth

1 herein, establishments processing foods in any manner for resale shall
2 be considered a food processing plant as to such processing;

3 (7) "Food service establishment" shall mean any fixed or mobile
4 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,
5 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail
6 lounge, night club, roadside stand, industrial-feeding establishment,
7 retail grocery, retail food market, retail meat market, retail bakery,
8 private, public, or nonprofit organization routinely serving food,
9 catering kitchen, commissary or similar place in which food or drink is
10 prepared for sale or for service on the premises or elsewhere, and any
11 other eating or drinking establishment or operation where food is
12 served or provided for the public with or without charge.

13 For the purpose of this chapter any custom cannery or processing
14 plant where raw food products, food, or food products are processed for
15 the owner thereof, or the food processing facilities are made available
16 to the owners or persons in control of raw food products or food or
17 food products for processing in any manner, shall be considered to be
18 food processing plants;

19 (8) "Person" means an individual, partnership, corporation, or
20 association.

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

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

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

3 (b) Every two years, in coordination with the development of the
4 state biennial budget, the state board shall prepare the state health
5 report that outlines the health priorities of the ensuing biennium.
6 The report shall:

7 (i) Consider the citizen input gathered at the health forums;

8 (ii) Be developed with the assistance of local health departments;

9 (iii) Be based on the best available information collected and
10 reviewed according to RCW 43.70.050 and recommendations from the
11 council;

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

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

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

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

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

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

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

9 (ii) Drinking water quality standards, monitoring requirements, and
10 laboratory certification requirements;

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

12 (iv) Public water system planning and emergency response
13 requirements;

14 (v) Public water system operation and maintenance requirements;
15 (~~and~~)

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

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

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

27 (c) Adopt rules (~~and regulations~~) controlling public health
28 related to environmental conditions including but not limited to
29 heating, lighting, ventilation, sanitary facilities, cleanliness and
30 space in all types of public facilities including but not limited to

1 food service establishments, schools, institutions, recreational
2 facilities and transient accommodations and in places of work;

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

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

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

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

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

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

25 NEW SECTION. **Sec. 5.** In such cases where a bottled water
26 plant operator or water dealer knows or has reason to believe that a
27 contaminant is present in the source water because of spill, release of
28 a hazardous substance, or otherwise, and the contaminant's presence
29 would create a potential health hazard to consumers, the plant operator

1 or water dealer must report such an occurrence to the state's
2 department of health.

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

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

9 (b) Spring water may be labeled "spring water" or "natural spring
10 water."

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

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

20 (e) Well water may be labeled "well water" or "natural well water."

21 (f) Artesian water may be labeled "artesian water" or "natural
22 artesian water."

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

26 (h) Drinking water may be labeled "drinking water."

27 (i) A bottler, distributor, or vendor of bottled water whose
28 corporate name, brand name, or trademark contains the word "spring,"
29 "well," "artesian," "mineral," or "natural" or any derivative of those

1 words shall label each bottle with the type of bottled water as defined
2 in section 1 of this act in typeface at least equal to the size of the
3 typeface of the corporate name, brand name, or trademark, if the type
4 of the bottled water is different from the type stated or implied in
5 the corporate name, brand name, or trademark.

6 (j) The use of the word "spring," or any derivative of "spring"
7 other than in a trademark, trade name, or company name, to describe
8 water that is not spring water is prohibited.

9 (k) A product meeting more than one of the definitions in section
10 1 of this act may be identified by any of the applicable product types
11 defined in section 1 of this act, except where otherwise specifically
12 prohibited.

13 (l) Supplemental printed information and graphics may appear on the
14 label but shall not imply properties of the product or preparation
15 methods that are not factual.

16 (m) The labeling requirements of this section do not apply to a
17 vendor at retail who sells bottled water only to consumers and who has
18 not labeled the bottled water or participated in the labeling.

19 (2) The legislature finds that the practices covered by this
20 chapter are matters vitally affecting the public interest for the
21 purpose of applying the consumer protection act, chapter 19.86 RCW.
22 Violations of this chapter are not reasonable in relation to the
23 development and preservation of business. A violation of this chapter
24 is an unfair or deceptive act in trade or commerce and an unfair method
25 of competition for the purpose of applying the consumer protection act,
26 chapter 19.86 RCW.

27 NEW SECTION. **Sec. 7.** Bottled soft drinks, soda, or seltzer
28 products commonly recognized as soft drinks and identified on the
29 product identity panel with a common or usual name other than one of

1 those specified in section 1 of this act are exempt from the
2 requirements of this chapter. Water that is not in compliance with the
3 requirements of this chapter may not be identified, labeled, or
4 advertised as "artesian water," "bottled water," "distilled water,"
5 "natural water," "purified water," "spring water," or "well water."

6 NEW SECTION. **Sec. 8.** Sections 1 and 5 through 7 of this act
7 shall constitute a new chapter in Title 69 RCW.

8 NEW SECTION. **Sec. 9.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.