

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2747

Chapter 34, Laws of 1992

52nd Legislature
1992 Regular Session

BOTTLED WATER

EFFECTIVE DATE: 6/11/92

Passed by the House March 7, 1992
Yeas 96 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1992
Yeas 46 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 26, 1992

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2747 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

March 26, 1992 - 11:09 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2747

AS AMENDED BY THE SENATE

Passed Legislature - 1992 Regular Session

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; adding new sections
3 to chapter 69.07 RCW; and adding a new section to chapter 70.119A RCW.

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

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

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

12 (3) "Carbonated water" or "sparkling water" means bottled water
13 containing carbon dioxide.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 For the purposes of this chapter:

15 (1) "Department" means the department of agriculture of the state
16 of Washington;

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

18 (3) "Food" means any substance used for food or drink by any
19 person, including ice, bottled water, and any ingredient used for
20 components of any such substance regardless of the quantity of such
21 component;

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

25 (5) "Food processing" means the handling or processing of any food
26 in any manner in preparation for sale for human consumption: PROVIDED,
27 That it shall not include fresh fruit or vegetables merely washed or

1 trimmed while being prepared or packaged for sale in their natural
2 state;

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

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

21 For the purpose of this chapter any custom cannery or processing
22 plant where raw food products, food, or food products are processed for
23 the owner thereof, or the food processing facilities are made available
24 to the owners or persons in control of raw food products or food or
25 food products for processing in any manner, shall be considered to be
26 food processing plants;

27 (8) "Person" means an individual, partnership, corporation, or
28 association.

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

3 (1) The state board of health shall provide a forum for the
4 development of health policy in Washington state. It is authorized to
5 recommend to the secretary means for obtaining appropriate citizen and
6 professional involvement in all health policy formulation and other
7 matters related to the powers and duties of the department. It is
8 further empowered to hold hearings and explore ways to improve the
9 health status of the citizenry.

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

12 (b) Every two years, in coordination with the development of the
13 state biennial budget, the state board shall prepare the state health
14 report that outlines the health priorities of the ensuing biennium.
15 The report shall:

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

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

18 (iii) Be based on the best available information collected and
19 reviewed according to RCW 43.70.050 and recommendations from the
20 council;

21 (iv) Be developed with the input of state health care agencies. At
22 least the following directors of state agencies shall provide timely
23 recommendations to the state board on suggested health priorities for
24 the ensuing biennium: The secretary of social and health services, the
25 health care authority administrator, the insurance commissioner, the
26 administrator of the basic health plan, the superintendent of public
27 instruction, the director of labor and industries, the director of
28 ecology, and the director of agriculture;

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

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

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

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

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

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

18 (ii) Drinking water quality standards, monitoring requirements, and
19 laboratory certification requirements;

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

21 (iv) Public water system planning and emergency response
22 requirements;

23 (v) Public water system operation and maintenance requirements;
24 (~~and~~)

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

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

29 (b) Adopt rules (~~and regulations~~) and standards for prevention,
30 control, and abatement of health hazards and nuisances related to the

1 disposal of wastes, solid and liquid, including but not limited to
2 sewage, garbage, refuse, and other environmental contaminants; adopt
3 standards and procedures governing the design, construction, and
4 operation of sewage, garbage, refuse and other solid waste collection,
5 treatment, and disposal facilities;

6 (c) Adopt rules (~~and regulations~~) controlling public health
7 related to environmental conditions including but not limited to
8 heating, lighting, ventilation, sanitary facilities, cleanliness and
9 space in all types of public facilities including but not limited to
10 food service establishments, schools, institutions, recreational
11 facilities and transient accommodations and in places of work;

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

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

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

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

23 (4) All local boards of health, health authorities and officials,
24 officers of state institutions, police officers, sheriffs, constables,
25 and all other officers and employees of the state, or any county, city,
26 or township thereof, shall enforce all rules (~~and regulations~~)
27 adopted by the state board of health. In the event of failure or
28 refusal on the part of any member of such boards or any other official
29 or person mentioned in this section to so act, he shall be subject to

1 a fine of not less than fifty dollars, upon first conviction, and not
2 less than one hundred dollars upon second conviction.

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

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.119A
6 RCW to read as follows:

7 In such cases where a bottled water plant operator or water dealer
8 knows or has reason to believe that a contaminant is present in the
9 source water because of spill, release of a hazardous substance, or
10 otherwise, and the contaminant's presence would create a potential
11 health hazard to consumers, the plant operator or water dealer must
12 report such an occurrence to the state's department of health.

13 NEW SECTION. **Sec. 6.** All bottled water must conform to
14 applicable federal and state labeling laws and be labeled in compliance
15 with the following standards:

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

19 (2) Spring water may be labeled "spring water" or "natural spring
20 water."

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

26 (4) Bottled water that contains carbon dioxide other than that
27 naturally occurring in the source of the product shall be labeled with

1 the words "carbonated," "carbonation added," or "sparkling" if the
2 carbonation is obtained from a natural or manufactured source.

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

4 (6) Artesian water may be labeled "artesian water" or "natural
5 artesian water."

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

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

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

13 (10) A product meeting more than one of the definitions in section
14 1 of this act may be identified by any of the applicable product types
15 defined in section 1 of this act, except where otherwise specifically
16 prohibited.

17 (11) Supplemental printed information and graphics may appear on
18 the label but shall not imply properties of the product or preparation
19 methods that are not factual.

20 NEW SECTION. **Sec. 7.** Bottled soft drinks, soda, or seltzer
21 products commonly recognized as soft drinks and identified on the
22 product identity panel with a common or usual name other than one of
23 those specified in section 1 of this act are exempt from the
24 requirements of section 6 of this act. Water that is not in compliance
25 with the requirements of section 6 of this act may not be identified,
26 labeled, or advertised as "artesian water," "bottled water," "distilled
27 water," "natural water," "purified water," "spring water," or "well
28 water."

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

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

Passed the House March 7, 1992.

Passed the Senate March 4, 1992.

Approved by the Governor March 26, 1992.

Filed in Office of Secretary of State March 26, 1992.