

HOUSE BILL REPORT

SHB 2747

As Amended by the Senate

Title: An act relating to bottled water.

Brief Description: Regulating bottled water.

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

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, February 6, 1992, DPS;
Appropriations, February 9, 1992, DPS(AG);
Passed House, February 17, 1992, 94-0;
Amended by Senate.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Rayburn, Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Minority Report: *Without recommendation.* Signed by 1 member: Representative Kremen, Vice Chair.

Staff: Kenneth Hirst (786-7105).

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill by Committee on Agriculture & Rural Development be substituted therefor and the substitute bill do pass.* Signed by 25 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Brekke; Carlson; Dorn; Ebersole; Hine; Lisk; May; Mielke; Nealey; Peery; Pruitt; Rust; D. Sommers; H. Sommers; Valle; Vance; and Wang.

Staff: Maureen Morris (786-7152).

Background: The Department of Agriculture regulates intrastate commerce in food products under the state's food processing act and food, drug, and cosmetics act. The department regulates certain specific food products, such as dairy, meat, and poultry products under other state laws as well.

The state's Consumer Protection Act declares unfair methods of competition and unfair or deceptive acts or practices in the conduct of commerce to be unlawful. The act authorizes the attorney general to bring action in the name of the state to prevent persons from doing such unlawful acts, and authorizes the court to order the restoration of money or property. The act permits the court to award attorney's fees and damages. The act also authorizes the imposition of civil penalties.

Summary of Bill: Standards are established for the following forms of bottled water: artesian or natural artesian water, distilled water, mineral water, spring or natural spring water, naturally carbonated or naturally sparkling water, purified water, and well water. A bottler, distributor, or vendor of bottled water whose corporate name, brand name, or trademark contains these names (except "distilled" or "purified" water) must list on its bottled water the regulated name of the water in type at least as large as the corporate or brand name or trademark. Supplemental information or graphics must not imply properties which are not factual. Soft drinks, soda, and seltzer products commonly recognized as soft drinks and identified with a name other than these names for bottled water are exempted from these requirements. Standards and labeling requirements are also established for bottled drinking water and for bottled water to which carbon dioxide has been added. None of the labeling requirements apply to a retailer's retail sales if the retailer has not labeled or participated in labeling the bottled water.

Bottled water is expressly added to the foods which are regulated by the Department of Agriculture under the state's food processing act and food, drug, and cosmetics act. In addition, the Board of Health is directed to set by rule quality standards for the source or supply of water for bottled water plants.

If a water dealer or operator of a bottled water plant knows or has reason to believe that a contaminant is present in the dealer's or plants's water source and its presence would create a potential health hazard to consumers, the dealer or

operator must report the occurrence to the Department of Health.

Violations of these requirements regarding the standards and labeling requirements for bottled water or for reporting potential contaminants are unfair or deceptive acts in trade or commerce and unfair methods of competition under the state's Consumer Protection Act.

EFFECT OF SENATE AMENDMENT(S): Violations of the requirements established in the bill for labeling bottled water or reporting potential contamination are no longer violations of the Consumer Protection Act. Removed from the bill are: a requirement that bottled water displaying a corporate or brand name or trademark containing a name for water which is different than the regulated name for the water in the bottle also be labeled with the regulated name; and providing retailers a limited exemption from liability regarding labeling. Water derived from a public water system may be labeled as being natural, spring, artesian, well, or mineral water if the system's supply is a single source such as an actual spring, artesian well, or pumped well, it has not undergone any treatment which changes its original chemical makeup except ozonization or an equivalent disinfection process, and the water otherwise satisfies the standards established for such waters.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Agriculture & Rural Development) (1) In some instances, the label on bottled water does not properly identify the contents of the bottle. This is a consumer protection bill which would prevent such practices. (2) The Department of Agriculture currently regulates bottled water as a food for safety purposes. It does not regulate the labels on such bottles.

(Appropriations) None.

Testimony Against: (Agriculture & Rural Development) (1) If a city's water system gets all of its water from a spring, it is spring water just like water from a private spring, but could not be labeled as such under this bill. (2) A retailer should not be responsible for the labels put on bottled water by other entities.

(Appropriations) None.

Witnesses: (Agriculture & Rural Development) Representative Fraser (in favor); Dave Monthie, Department of Health (in favor); Jeff Cox, Washington Retail Dealers Association and Jim Boldt, Washington Food Dealers (opposed to retailer liability provisions); William Bechtel and Allen Bechtel, Pure Water Corporation (opposed to certain labeling restrictions for bottled spring water); and Mike Schwisow and Vern Hedland, Department of Agriculture.

(Appropriations) Representative Karen Fraser (in favor).

VOTE ON FINAL PASSAGE:

Yeas 94; Excused 4

Excused: Representatives Locke, Mielke, Riley, Sommers H