
SUBSTITUTE SENATE BILL 6015

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr, Madsen, Gaspard and Rasmussen)

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) "Artesian well water" means water from a hole bored, drilled,
10 or otherwise constructed in the ground that taps the water of an
11 aquifer from which water flows to the surface through the bore hole.

12 (3) "Board" means the state board of health.

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

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

6 (6) "Department" means the department of agriculture.

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

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

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

17 (10) "Natural water" means bottled spring, mineral, artesian, or
18 well water that is derived from an underground formation and may be
19 derived from a municipal system or public water supply only if that
20 supply has a single source such as an actual spring, artesian well, or
21 pumped well.

22 (11) "Plant operator" means a person who owns or operates a bottled
23 water plant.

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

1 (13) "Spring water" means water derived from an underground
2 formation from which water flows naturally to the surface of the earth.
3 "Spring water" shall meet the requirements of "natural water."

4 (14) "Water dealer" means a person who imports bottled water or
5 causes bulk water to be transported for bottling for human consumption
6 or other consumer uses.

7 (15) "Well water" means water from a hole bored, drilled, or
8 otherwise constructed in the ground that taps the water of an aquifer.
9 "Well water" shall meet the requirements of "natural water."

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

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

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

17 For the purposes of this chapter:

18 (1) "Department" means the department of agriculture of the state
19 of Washington;

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

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

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

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

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

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

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

1 (8) "Person" means an individual, partnership, corporation, or
2 association.

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

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

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

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

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

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

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

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

1 instruction, the director of labor and industries, the director of
2 ecology, and the director of agriculture;

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

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

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

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

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

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

22 (ii) Drinking water quality standards, monitoring requirements, and
23 laboratory certification requirements;

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

25 (iv) Public water system planning and emergency response
26 requirements;

27 (v) Public water system operation and maintenance requirements;
28 ~~((and))~~

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

1 (vii) Quality standards for the source or supply, or both, of
2 bottled water plants.

3 (b) Adopt rules ~~((and regulations))~~ and standards for prevention,
4 control, and abatement of health hazards and nuisances related to the
5 disposal of wastes, solid and liquid, including but not limited to
6 sewage, garbage, refuse, and other environmental contaminants; adopt
7 standards and procedures governing the design, construction, and
8 operation of sewage, garbage, refuse and other solid waste collection,
9 treatment, and disposal facilities;

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

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

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

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

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

27 (4) All local boards of health, health authorities and officials,
28 officers of state institutions, police officers, sheriffs, constables,
29 and all other officers and employees of the state, or any county, city,
30 or township thereof, shall enforce all rules ~~((and regulations))~~

1 adopted by the state board of health. In the event of failure or
2 refusal on the part of any member of such boards or any other official
3 or person mentioned in this section to so act, he shall be subject to
4 a fine of not less than fifty dollars, upon first conviction, and not
5 less than one hundred dollars upon second conviction.

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

8 NEW SECTION. **Sec. 5.** In such cases where a bottled water
9 plant operator or water dealer knows or has reason to believe that a
10 contaminant not otherwise monitored is present in the source water
11 because of spill, release of a hazardous substance, or otherwise, and
12 the contaminant's presence would create a potential health hazard to
13 consumers, the plant operator or water dealer must report such an
14 occurrence to the department of health.

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

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

21 (2) Spring water may be labeled "spring water" or "natural spring
22 water."

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

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

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

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

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

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

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

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

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

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

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