

HOUSE BILL No. 4278

February 15, 1991, Introduced by Reps. Randall, Bender, Ouwinga, London, Gnodtke, Brackenridge, DeLange, Dalman, Strand and McBryde and referred to the Committee on Agriculture, Forestry and Minerals.

A bill to amend Act No. 39 of the Public Acts of 1968, entitled

"Michigan food law of 1968,"

as amended, being sections 289.701 to 289.727 of the Michigan Compiled Laws, by adding section 15a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 39 of the Public Acts of 1968, as
2 amended, being sections 289.701 to 289.727 of the Michigan
3 Compiled Laws, is amended by adding section 15a to read as
4 follows:

5 SEC. 15A. (1) AS USED IN THIS SECTION:

6 (A) "ARTESIAN WELL WATER" MEANS WATER FROM A WELL TAPPING AN
7 AQUIFER IN WHICH THE WATER LEVEL RISES ABOVE THE TOP OF THE
8 CONFINING BED OF THE AQUIFER, AND IN WHICH THE HYDRAULIC PRESSURE

1 OF THE WATER IN THE AQUIFER IS GREATER THAN THE FORCE OF
2 GRAVITY.

3 (B) "BOTTLED WATER" MEANS WATER THAT IS PLACED IN A SEALED
4 CONTAINER AT A WATER-BOTTLING PLANT AND THAT HAS UNDERGONE PURI-
5 FICATION OR TREATMENT BEYOND THAT PERFORMED BY A PUBLIC WATER
6 SYSTEM TO BE USED FOR DRINKING, COOKING, OR OTHER PURPOSES
7 INVOLVING A LIKELIHOOD OF THE WATER BEING INGESTED BY HUMANS.

8 (C) "CARBONATED" OR "CARBONATION ADDED" MEANS BOTTLED WATER
9 OR VENDED WATER THAT CONTAINS CARBON DIOXIDE OTHER THAN THE
10 CARBON DIOXIDE NATURALLY OCCURRING IN THE SOURCE PRODUCT.

11 (D) "DISTILLED WATER" MEANS PURIFIED WATER AS DESCRIBED IN
12 SUBDIVISION (J) THAT IS VAPORIZED AND THEN CONDENSED.

13 (E) "FLUORIDATED WATER" MEANS WATER CONTAINING NATURALLY
14 OCCURRING OR ADDED FLUORIDE IN A CONCENTRATION OF NOT LESS THAN
15 1.0 MILLIGRAMS OF FLUORIDE PER LITER OF WATER AND THAT COMPLIES
16 WITH THE QUALITY STANDARDS SET FORTH BY THE DEPARTMENT OF PUBLIC
17 HEALTH.

18 (F) "MINERAL WATER" OR "NATURAL MINERAL WATER" MEANS BOTTLED
19 WATER OR VENDED WATER CONTAINING MORE THAN 500 MILLIGRAMS OF
20 TOTAL DISSOLVED SOLIDS PER LITER OF WATER AND ORIGINATING
21 ENTIRELY FROM AN UNDERGROUND SOURCE THAT MAY BE A WELL, ARTESIAN
22 WELL, OR SPRING.

23 (G) "MINERALIZED WATER" MEANS BOTTLED WATER OR VENDED WATER
24 THAT MEETS THE DESCRIPTION OF MINERAL WATER AS DESCRIBED IN SUB-
25 DIVISION (F), EXCEPT THAT THE WATER CONTAINS ADDED MINERALS.

1 (H) "NATURAL WATER" MEANS BOTTLED WATER OR VENDED WATER FROM
2 A SPRING, ARTESIAN WELL, OR WELL THAT IS UNMODIFIED BY MINERAL
3 ADDITION OR DELETION.

4 (I) "NATURALLY SPARKLING" OR "NATURALLY CARBONATED" MEANS
5 BOTTLED WATER OR VENDED WATER WITH A CARBON DIOXIDE CONTENT FROM
6 THE SAME SOURCE AS THE WATER.

7 (J) "PURIFIED WATER" MEANS WATER PRODUCED BY DISTILLATION,
8 DEIONIZATION, REVERSE OSMOSIS, OR OTHER METHOD MEETING THE DEFINITION OF PURIFIED WATER IN THE UNITED STATES PHARMACOPOEIA AND
9 NATIONAL FORMULARY.

11 (K) "RETAIL WATER FACILITY" MEANS A COMMERCIAL ESTABLISHMENT
12 WHERE VENDED WATER IS SOLD AND PLACED IN A CONSUMER'S CONTAINER
13 OR PLACED IN A CONTAINER SOLD OR GIVEN TO A CONSUMER WHO COMES TO
14 THE ESTABLISHMENT TO OBTAIN WATER.

15 (L) "SPARKLING" MEANS BOTTLED WATER OR VENDED WATER THAT
16 CONTAINS CARBON DIOXIDE OTHER THAN THAT NATURALLY OCCURRING IN
17 THE SOURCE PRODUCT.

18 (M) "SPRING WATER" MEANS WATER THAT ISSUES BY NATURAL FORCES
19 OUT OF THE EARTH AT A PARTICULAR PLACE.

20 (N) "UNPROCESSED PUBLIC DRINKING WATER" MEANS WATER FROM A
21 PUBLIC WATER SYSTEM THAT IS UNPROCESSED BY A BOTTLER OR VENDOR.

22 (O) "VENDED WATER" MEANS WATER THAT IS DISPENSED BY A
23 WATER-VENDING MACHINE, RETAIL WATER FACILITY, OR WATER FROM A
24 PRIVATE WATER SOURCE THAT IS NOT PLACED BY A BOTTLER IN A SEALED
25 CONTAINER FOR DRINKING, COOKING, OR OTHER PURPOSES INVOLVING A
26 LIKELIHOOD OF THE WATER BEING INGESTED BY HUMANS. VENDED WATER
27 DOES NOT INCLUDE UNPROCESSED PUBLIC DRINKING WATER.

1 (P) "WATER-VENDING MACHINE" MEANS A SELF-SERVICE DEVICE THAT
2 UPON INSERTION OF A COIN OR TOKEN, OR UPON RECEIPT OF PAYMENT BY
3 OTHER MEANS, DISPENSES A UNIT VOLUME OF WATER TO BE USED FOR
4 DRINKING, COOKING, OR OTHER PURPOSES INVOLVING A LIKELIHOOD OF
5 THE WATER BEING INGESTED BY HUMANS.

6 (Q) "WELL WATER" MEANS WATER FROM A HOLE BORED INTO THE
7 GROUND THAT TAPS THE WATER OF AN AQUIFER.

8 (2) IF BOTTLED WATER OR VENDED WATER IS FROM 1 OF THE FOL-
9 LOWING SPECIFIC WATER SOURCES OR HAS UNDERGONE 1 OR MORE OF THE
10 FOLLOWING SPECIFIC TREATMENTS FOR WHICH A STANDARD OF IDENTITY IS
11 ESTABLISHED UNDER THIS SECTION, THE PERSON BOTTLING OR SELLING
12 THE BOTTLED WATER OR VENDED WATER SHALL IDENTIFY THE SPECIFIC
13 WATER SOURCE AND THE SPECIFIC TREATMENTS, IF APPLICABLE, IN
14 LABELING AND ADVERTISING THE BOTTLED WATER OR VENDED WATER AS
15 FOLLOWS:

16 (A) ARTESIAN WELL WATER.

17 (B) CARBONATED.

18 (C) CARBONATION ADDED.

19 (D) DISTILLED WATER.

20 (E) FLUORIDATED WATER.

21 (F) MINERAL WATER.

22 (G) MINERALIZED WATER.

23 (H) NATURAL WATER.

24 (I) NATURAL MINERAL WATER.

25 (J) NATURALLY CARBONATED.

26 (K) NATURALLY SPARKLING.

(L) PURIFIED WATER.

(M) SPARKLING.

(N) SPRING WATER.

(O) UNPROCESSED PUBLIC DRINKING WATER.

(P) WELL WATER.

(3) A BOTTLER SHALL CLEARLY LABEL AS REQUIRED BY THIS SECTION IN AN EASILY READABLE FORMAT EACH CONTAINER OF BOTTLED WATER SOLD IN THIS STATE. AN OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL WATER FACILITY SHALL CLEARLY LABEL AS REQUIRED BY THIS SECTION IN AN EASILY READABLE FORMAT EACH CONTAINER PROVIDED BY A WATER VENDING MACHINE OR RETAIL WATER FACILITY LOCATED IN THIS STATE. AN OWNER OR OPERATOR OF A WATER VENDING MACHINE OR A RETAIL WATER FACILITY THAT DOES NOT PROVIDE LABELED CONTAINERS SHALL POST IN A LOCATION READILY VISIBLE TO THE CUSTOMER A SIGN CONVEYING THE LABEL INFORMATION REQUIRED UNDER THIS SECTION.

(4) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR OWNER OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER FACILITY WHOSE CORPORATE NAME OR TRADEMARK CONTAINS THE WORDS "SPRING" OR "SPRINGS" OR A DERIVATIVE OF EITHER OF THESE WORDS, OR "WELL", "ARTESIAN WELL", OR "NATURAL", SHALL LABEL EACH BOTTLE OR VENDING MACHINE WITH THE SOURCE OF THE WATER IN TYPEFACE AT LEAST EQUAL TO THE SIZE OF THE TYPEFACE OF THE CORPORATE NAME OR TRADEMARK, IF THE SOURCE OF THE BOTTLED OR VENDED WATER IS DIFFERENT FROM THE SOURCE STATED IN THE CORPORATE NAME OR TRADEMARK.

1 (5) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR
2 OWNER OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER
3 FACILITY SHALL NOT ALTER ARTESIAN WELL WATER BY THE ADDITION OR
4 DELETION OF MINERALS OR BY BLENDING IT WITH WATER FROM A NONARTE-
5 SIAN WELL WATER SOURCE, EXCEPT A BOTTLER, DISTRIBUTOR, VENDOR OF
6 BOTTLED WATER, OR OWNER OR OPERATOR OF A WATER-VENDING MACHINE OR
7 RETAIL WATER FACILITY MAY FILTER ARTESIAN WELL WATER AND TREAT
8 ARTESIAN WELL WATER WITH OZONE OR AN EQUIVALENT DISINFECTION PRO-
9 CESS APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH.

10 (6) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR
11 OWNER OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER
12 FACILITY MAY DERIVE MINERAL WATER FROM A NATURAL ORIFICE OR FROM
13 A BORE HOLE ADJACENT TO THE NATURAL ORIFICE. IF IT IS DERIVED
14 FROM A NATURAL ORIFICE OR FROM A BORE HOLE ADJACENT TO THE NATU-
15 RAL ORIFICE, THE WATER SHALL BE FROM THE SAME UNDERGROUND STRATUM
16 AND OF THE SAME QUALITY AND COMPOSITION AS THE WATER DERIVED FROM
17 THE NATURAL ORIFICE WITHOUT EXTERNAL FORCE. A BOTTLER, DISTRIBUTU-
18 TOR, VENDOR OF BOTTLED WATER, OR OWNER OR OPERATOR OF A
19 WATER-VENDING MACHINE OR RETAIL WATER FACILITY SHALL NOT ALTER
20 MINERAL WATER BY THE ADDITION OR DELETION OF MINERALS OR BY
21 BLENDING IT WITH WATER FROM A NONMINERAL WATER SOURCE, EXCEPT A
22 BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR OWNER OR OPERA-
23 TOR OF A WATER-VENDING MACHINE OR RETAIL WATER FACILITY MAY
24 FILTER MINERAL WATER AND SHALL TREAT MINERAL WATER WITH OZONE OR
25 AN EQUIVALENT DISINFECTION PROCESS APPROVED BY THE DEPARTMENT OF
26 PUBLIC HEALTH AND SHALL TREAT MINERAL WATER TO REDUCE THE
27 CONCENTRATIONS OF ANY NATURALLY OCCURRING SUBSTANCE THAT EXCEEDS

1 THE BOTTLED WATER SAFETY STANDARDS ESTABLISHED BY THE DEPARTMENT
2 OF PUBLIC HEALTH. MINERAL WATER MAY BE COLLECTED AND TRANSPORTED
3 BY PIPES, TUNNELS, TRUCKS, OR SIMILAR DEVICES.

4 (7) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR
5 OWNER OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER
6 FACILITY MAY FILTER NATURAL WATER AND SHALL SANITIZE NATURAL
7 WATER WITH OZONE OR AN EQUIVALENT DISINFECTION PROCESS APPROVED
8 BY THE DEPARTMENT OF PUBLIC HEALTH AND SHALL TREAT NATURAL WATER
9 TO REDUCE THE CONCENTRATION OF ANY SUBSTANCE WHICH EXCEEDS SAFETY
10 STANDARDS ESTABLISHED BY THE DEPARTMENT OF PUBLIC HEALTH.

11 (8) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR
12 OWNER OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER
13 FACILITY MAY DERIVE SPRING WATER FROM THE NATURAL ORIFICE OR FROM
14 A BORE HOLE ADJACENT TO THE NATURAL ORIFICE. IF IT IS DERIVED
15 FROM THE NATURAL ORIFICE BY EXTERNAL FORCE OR FROM A BORE HOLE
16 ADJACENT TO THE NATURAL ORIFICE, THE WATER SHALL BE FROM THE SAME
17 UNDERGROUND STRATUM AND OF THE SAME QUALITY AND COMPOSITION AS
18 THE WATER DERIVED FROM THE NATURAL ORIFICE WITHOUT EXTERNAL
19 FORCE. A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR OWNER
20 OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER FACILITY
21 SHALL NOT ALTER SPRING WATER BY THE ADDITION OR DELETION OF MIN-
22 ERALS OR BY BLENDING IT WITH WATER FROM A NONSPRING WATER SOURCE,
23 EXCEPT A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR OWNER
24 OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER FACILITY
25 MAY FILTER SPRING WATER AND SHALL TREAT SPRING WATER WITH OZONE
26 OR AN EQUIVALENT DISINFECTION PROCESS APPROVED BY THE DEPARTMENT

1 OF PUBLIC HEALTH. SPRING WATER MAY BE COLLECTED AND TRANSPORTED
2 BY PIPES, TUNNELS, TRUCKS, OR SIMILAR DEVICES.

3 (9) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR
4 OWNER OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER
5 FACILITY SHALL NOT ALTER WELL WATER BY THE ADDITION OR DELETION
6 OF MINERALS OR BY BLENDING IT WITH WATER FROM A NONWELL WATER
7 SOURCE, EXCEPT A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER,
8 OR OWNER OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER
9 FACILITY MAY FILTER WELL WATER AND SHALL TREAT WELL WATER WITH
10 OZONE OR AN EQUIVALENT DISINFECTION PROCESS APPROVED BY THE
11 DEPARTMENT OF PUBLIC HEALTH.