

# HOUSE BILL No. 5709

March 19, 1992, Introduced by Reps. Alley and Hickner and referred to the Committee on Agriculture, Forestry and Minerals.

A bill to amend the title of 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; and to add sections 22a, 22b, 22c, 22d, 22e, 22f, 22g, 22h, 22i, 22j, 22k, 22l, and 22m.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. The title of Act No. 39 of the Public Acts of  
2 1968, as amended, being sections 289.701 to 289.727 of the  
3 Michigan Compiled Laws, is amended and sections 22a, 22b, 22c,  
4 22d, 22e, 22f, 22g, 22h, 22i, 22j, 22k, 22l, and 22m are added to  
5 read as follows:

## 1 TITLE

2 An act to regulate the manufacture, distribution, and sale  
3 of food for protection of the consuming public and to prevent  
4 fraud and deception by prohibiting the misbranding, adulteration,  
5 manufacture, distribution, and sale of foods in violation of this  
6 act; TO PRESCRIBE THE POWERS AND DUTIES OF CERTAIN STATE DEPART-  
7 MENTS AND PERSONS; to provide for enforcement of the act; to pro-  
8 vide penalties AND REMEDIES for violation of the act; and to  
9 repeal certain acts and parts of acts.

10 SEC. 22A. AS USED IN THIS SECTION AND SECTIONS 22B TO 22M:

11 (A) "APPROVED LABORATORY" MEANS A LABORATORY APPROVED BY THE  
12 DEPARTMENT OF PUBLIC HEALTH. IN APPROVING LABORATORIES, THE  
13 DEPARTMENT OF PUBLIC HEALTH SHALL CONSIDER LABORATORIES CERTIFIED  
14 BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, LABORATO-  
15 RIES CERTIFIED BY THE PRIMARY ENFORCEMENT AUTHORITY IN ANY STATE  
16 THAT HAS BEEN GRANTED PRIMACY BY THE UNITED STATES ENVIRONMENTAL  
17 PROTECTION AGENCY, AND LABORATORIES CERTIFIED OR ACCREDITED BY A  
18 THIRD-PARTY ORGANIZATION ACCEPTABLE TO A PRIMACY STATE.

19 (B) "APPROVED SOURCE" MEANS A WATER SUPPLY THAT HAS BEEN  
20 APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH AND THAT IS IN COM-  
21 PLIANCE WITH THE SAFE DRINKING WATER ACT, ACT NO. 399 OF THE  
22 PUBLIC ACTS OF 1976, BEING SECTIONS 325.1001 TO 325.1023 OF THE  
23 MICHIGAN COMPILED LAWS, AND ALL APPLICABLE RULES PROMULGATED  
24 UNDER THAT ACT.

25 (C) "ARTESIAN WELL WATER" MEANS WATER FROM A WELL TAPPING A  
26 CONFINED AQUIFER IN WHICH THE WATER LEVEL RISES ABOVE THE TOP OF  
27 THE CONFINING BED OF THE AQUIFER AND IN WHICH THE HYDRAULIC

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

3 (D) "BOTTLED WATER" MEANS WATER THAT IS PLACED IN A SEALED  
4 CONTAINER OFFERED FOR SALE FOR DRINKING, COOKING, OR OTHER PUR-  
5 POSES INVOLVING A LIKELIHOOD OF THE WATER BEING INGESTED BY  
6 HUMANS. BOTTLED WATER INCLUDES, BUT IS NOT LIMITED TO, WATER  
7 THAT IS DISPENSED BY A WATER VENDING MACHINE OR RETAIL WATER  
8 FACILITY, OR WATER VENDED FROM A PRIVATE WATER SOURCE THAT IS NOT  
9 PLACED BY A BOTTLER IN A SEALED CONTAINER. BOTTLED WATER MAY BE  
10 WITH OR WITHOUT NATURAL OR ADDED CARBONATION AND MAY BE PREPARED  
11 WITH ADDED FLAVORS, EXTRACTS, OR ESSENCES DERIVED FROM A SPICE OR  
12 FRUIT AND COMPRISING LESS THAN 1% BY WEIGHT OF THE FINAL PRODUCT,  
13 OR A COMBINATION THEREOF. THE PRODUCTS SHALL NOT CONTAIN SWEET-  
14 ENERS, ACIDULANTS, OR ADDITIVES OTHER THAN THE FLAVORS, EXTRACTS,  
15 OR ESSENCES.

16 (E) "BOTTLED WATER PLANT" MEANS ANY PLACE OR ESTABLISHMENT  
17 IN WHICH BOTTLED WATER IS PREPARED FOR SALE.

18 (F) "CARBONATED" OR "CARBONATION ADDED" MEANS BOTTLED WATER  
19 THAT CONTAINS CARBON DIOXIDE OTHER THAN THE CARBON DIOXIDE NATU-  
20 RALLY OCCURRING IN THE SOURCE PRODUCT.

21 (G) "DISTILLED WATER" MEANS PURIFIED BOTTLED WATER AS  
22 DEFINED IN SUBDIVISION (N) THAT IS VAPORIZED AND THEN CONDENSED.

23 (H) "DRINKING WATER" MEANS BOTTLED WATER OBTAINED FROM AN  
24 APPROVED SOURCE THAT HAS AT A MINIMUM UNDERGONE TREATMENT CON-  
25 SISTING OF FILTRATION, WHETHER ACTIVATED CARBON OR PARTICULATE,  
26 AND OZONATION OR AN EQUIVALENT DISINFECTION PROCESS.

1 (I) "FLUORIDATED WATER" MEANS BOTTLED WATER CONTAINING  
2 FLUORIDE. THE LABEL SHALL SPECIFY WHETHER THE FLUORIDE IS  
3 NATURALLY OCCURRING OR ADDED. WATER THAT MEETS THE DEFINITION OF  
4 THIS SUBDIVISION SHALL CONTAIN NOT LESS THAN 0.8 MILLIGRAMS PER  
5 LITER FLUORIDE ION AND OTHERWISE COMPLY WITH THE FOOD AND DRUG  
6 ADMINISTRATION QUALITY STANDARDS SET FORTH ON THE EFFECTIVE DATE  
7 OF THE AMENDATORY ACT THAT ADDED THIS SECTION IN 21  
8 C.F.R. 103.25(d)(2).

9 (J) "IMMINENT HAZARD" MEANS THAT IN THE JUDGMENT OF THE  
10 DIRECTOR THERE IS A VIOLATION, OR A CONDITION THAT MAY CAUSE A  
11 VIOLATION, OF THE STATE DRINKING WATER STANDARDS AT A PUBLIC  
12 WATER SUPPLY REQUIRING IMMEDIATE ACTION TO PREVENT ENDANGERING  
13 THE HEALTH OF PEOPLE.

14 (K) "MINERAL WATER" MEANS BOTTLED WATER COMING FROM AN  
15 APPROVED SOURCE TAPPED AT 1 OR MORE BOREHOLES OR NATURAL SPRINGS,  
16 ORIGINATING FROM A GEOLOGICALLY AND PHYSICALLY PROTECTED UNDER-  
17 GROUND WATER SOURCE. MINERAL WATER SHALL BE CLEARLY DISTINGUISH-  
18 ABLE FROM OTHER TYPES OF WATER BY ITS SPECIFIC CONTENT OF MINER-  
19 ALS AND TRACE ELEMENTS WHICH IN THE ORIGINAL STATE AT THE POINT  
20 OF EMERGENCE REMAIN CONSTANT. THE TOTAL DISSOLVED SOLIDS (TDS)  
21 OF NATURAL MINERAL WATER SHALL APPEAR ON A LABEL OF THE BOTTLE  
22 AND BE STATED IN MILLIGRAMS PER LITER.

23 (L) "MINERALIZED WATER" MEANS BOTTLED WATER OR VENDED WATER  
24 THAT MEETS THE DESCRIPTION OF MINERAL WATER AS DEFINED IN SUBDI-  
25 VISION (J), EXCEPT THAT THE WATER CONTAINS ADDED MINERALS.

26 (M) "MULTIPLE SERVICE CONTAINER" MEANS A CONTAINER INTENDED  
27 TO BE USED MORE THAN 1 TIME.

1 (N) "MULTIPLE SERVICE PRIMARY CONTAINER" MEANS AN IMMEDIATE  
2 CONTAINER IN WHICH THE PRODUCT IS PACKAGED THAT IS INTENDED TO BE  
3 USED MORE THAN 1 TIME.

4 (O) "NATURAL WATER" MEANS BOTTLED WATER FROM A SPRING, ARTE-  
5 SIAN WELL, OR WELL THAT IS UNMODIFIED BY MINERAL ADDITION OR  
6 DELETION AND IS NOT DERIVED FROM A MUNICIPAL SYSTEM OR PUBLIC  
7 WATER SUPPLY.

8 (P) "NATURALLY CARBONATED", "NATURALLY SPARKLING", OR  
9 "SPARKLING" MEANS BOTTLED WATER THAT CONTAINS CARBON DIOXIDE.

10 (Q) "PURIFIED WATER" MEANS WATER THAT IS PRODUCED BY DISTIL-  
11 LATION, DEIONIZATION, ION EXCHANGE, REVERSE OSMOSIS, OR AN EQUIV-  
12 ALENT PROCESS AND THAT CONTAINS NOT MORE THAN 10 PARTS PER  
13 1,000,000 TOTAL DISSOLVED SOLIDS AND NO ADDED SUBSTANCE.

14 (R) "RETAIL WATER FACILITY" MEANS A COMMERCIAL ESTABLISHMENT  
15 WHERE VENDED WATER IS SOLD AND PLACED IN A CONSUMER'S CONTAINER  
16 OR PLACED IN A CONTAINER SOLD OR GIVEN TO A CONSUMER WHO COMES TO  
17 THE ESTABLISHMENT TO OBTAIN WATER.

18 (S) "SINGLE SERVICE CONTAINER" MEANS A CONTAINER INTENDED TO  
19 BE USED ONLY 1 TIME.

20 (T) "SPRING WATER" MEANS WATER DERIVED FROM AN UNDERGROUND  
21 FORMATION THAT ISSUES BY NATURAL FORCES OUT OF THE EARTH AT A  
22 PARTICULAR PLACE.

23 (U) "UNPROCESSED PUBLIC DRINKING WATER" MEANS WATER FROM A  
24 PUBLIC WATER SYSTEM THAT IS UNPROCESSED BY A BOTTLER OR VENDOR.

25 (V) "WATER VENDING MACHINE" MEANS A SELF-SERVICE DEVICE THAT  
26 UPON INSERTION OF A COIN OR TOKEN, OR UPON RECEIPT OF PAYMENT BY  
27 OTHER MEANS, DISPENSES A UNIT VOLUME OF WATER TO BE USED FOR

1 DRINKING, COOKING, OR OTHER PURPOSES INVOLVING A LIKELIHOOD OF  
2 THE WATER BEING INGESTED BY HUMANS.

3 (W) "WELL WATER" MEANS WATER FROM A HOLE BORED INTO THE  
4 GROUND THAT TAPS THE WATER OF AN AQUIFER.

5 SEC. 22B. (1) IF BOTTLED WATER IS FROM 1 OF THE WATER  
6 SOURCES SPECIFIED IN SUBDIVISIONS (A) THROUGH (P) OR HAS UNDER-  
7 GONE 1 OR MORE OF THE SPECIFIC TREATMENTS FOR WHICH A STANDARD OF  
8 IDENTITY IS ESTABLISHED UNDER THIS SECTION, THE PERSON BOTTLING  
9 OR SELLING THE BOTTLED WATER OR VENDED WATER SHALL IDENTIFY THE  
10 SPECIFIC WATER SOURCE AND THE SPECIFIC TREATMENTS, IF APPLICABLE,  
11 IN LABELING AND ADVERTISING THE BOTTLED WATER OR VENDED WATER AS  
12 FOLLOWS:

- 13 (A) ARTESIAN WELL WATER.
- 14 (B) CARBONATED.
- 15 (C) CARBONATION ADDED.
- 16 (D) DISTILLED WATER.
- 17 (E) DRINKING WATER.
- 18 (F) FLUORIDATED WATER.
- 19 (G) MINERAL WATER.
- 20 (H) MINERALIZED WATER.
- 21 (I) NATURAL WATER.
- 22 (J) NATURALLY CARBONATED.
- 23 (K) NATURALLY SPARKLING.
- 24 (L) PURIFIED WATER.
- 25 (M) SPARKLING.
- 26 (N) SPRING WATER.

(O) UNPROCESSED PUBLIC DRINKING WATER.

(P) WELL WATER.

(2) A BOTTLER SHALL CLEARLY LABEL AS REQUIRED BY SUBSECTION (1) IN AN EASILY READABLE FORMAT EACH CONTAINER OF BOTTLED WATER SOLD IN THIS STATE. EXCEPT AS PROVIDED IN THIS SUBSECTION, AN OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL WATER FACILITY SHALL CLEARLY LABEL AS REQUIRED BY SUBSECTION (1) 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.

(3) 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 AND WHICH HAS THE SAME BACKGROUND OF CONTRASTING COLOR AS DO THE WORDS IN THE CORPORATE NAME IF THE SOURCE OF THE BOTTLED OR VENDED WATER IS DIFFERENT FROM THE SOURCE STATED IN THE CORPORATE NAME OR TRADEMARK.

(4) A BOTTLER SHALL INCLUDE ON THE LABEL OF EACH CONTAINER BOTTLED WATER SOLD IN THIS STATE THE AMOUNT, BY WEIGHT, OF SODIUM AND POTASSIUM IN THE CONTAINER. A LABEL SHALL NOT IDENTIFY WATER

1 AS SODIUM FREE UNLESS IT CONTAINS LESS THAN 20 MILLIGRAMS PER  
2 LITER OR LESS THAN 5 MILLIGRAMS PER 8-OUNCE SERVING.

3 (5) DETECTABLE LEVELS OF SYNTHETIC ORGANIC COMPOUNDS IDENTI-  
4 FIED IN THE SAFE WATER DRINKING ACT, ACT NO. 399 OF THE PUBLIC  
5 ACTS OF 1976, BEING SECTIONS 325.1001 TO 325.1023 OF THE MICHIGAN  
6 COMPILED LAWS, IN THE BOTTLED WATER SHALL BE DECLARED ON THE  
7 PRODUCT LABEL IN PARTS PER BILLION.

8 SEC. 22C. (1) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED  
9 WATER, OR OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL  
10 WATER FACILITY MAY FILTER ARTESIAN WELL WATER AND TREAT ARTESIAN  
11 WELL WATER WITH OZONE OR AN EQUIVALENT DISINFECTION PROCESS  
12 APPROVED BY THE DEPARTMENT AND SHALL TREAT ARTESIAN WELL WATER TO  
13 REDUCE THE CONCENTRATIONS OF ANY NATURALLY OCCURRING SUBSTANCE  
14 THAT EXCEEDS THE BOTTLED WATER SAFETY STANDARDS ESTABLISHED BY  
15 THE DEPARTMENT OF PUBLIC HEALTH.

16 (2) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR  
17 OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL WATER  
18 FACILITY MAY DERIVE MINERAL WATER FROM A NATURAL ORIFICE OR FROM  
19 A BOREHOLE ADJACENT TO THE NATURAL ORIFICE. IF MINERAL WATER IS  
20 DERIVED FROM A NATURAL ORIFICE OR FROM A BOREHOLE ADJACENT TO THE  
21 NATURAL ORIFICE, THE WATER SHALL BE FROM THE SAME UNDERGROUND  
22 STRATUM AND OF THE SAME QUALITY AND COMPOSITION AS THE WATER  
23 DERIVED FROM THE NATURAL ORIFICE WITHOUT EXTERNAL FORCE. MINERAL  
24 WATER MAY BE COLLECTED AND TRANSPORTED BY PIPES, TUNNELS, TRUCKS,  
25 OR SIMILAR DEVICES.

26 (3) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR  
27 OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL WATER



1 FACILITY SHALL NOT ALTER MINERAL WATER BY THE ADDITION OR  
2 DELETION OF MINERALS OR BY BLENDING IT WITH WATER FROM A NONMIN-  
3 ERAL WATER SOURCE. HOWEVER, A BOTTLER, DISTRIBUTOR, VENDOR OF  
4 BOTTLED WATER, OR OWNER OR OPERATOR OF A WATER VENDING MACHINE OR  
5 RETAIL WATER FACILITY SHALL FILTER MINERAL WATER AND SHALL TREAT  
6 MINERAL WATER WITH OZONE OR AN EQUIVALENT DISINFECTION PROCESS  
7 APPROVED BY THE DEPARTMENT AND SHALL TREAT MINERAL WATER TO  
8 REDUCE THE CONCENTRATIONS OF ANY NATURALLY OCCURRING SUBSTANCE  
9 THAT EXCEEDS THE BOTTLED WATER SAFETY STANDARDS ESTABLISHED BY  
10 THE DEPARTMENT.

11 (4) MINERALIZED WATER SHALL BE LABELED "MINERAL WATER" OR  
12 "MINERALIZED WATER". MINERALIZED WATER SHALL BE LABELED WITH THE  
13 TOTAL SODIUM CONTENT STATED IN MILLIGRAMS PER SPECIFIED SERVING  
14 DECLARED TO THE NEAREST MULTIPLE OF 5 MILLIGRAMS AND THE TOTAL  
15 DISSOLVED SOLIDS IN PARTS PER 1,000,000. MINERALIZED WATER SHALL  
16 BE LABELED WITH THE STATEMENT, "PERCENTAGE OF U.S. RECOMMENDED  
17 DAILY ALLOWANCE (U.S. RDA)" FOLLOWED BY A STATEMENT OF THE AMOUNT  
18 PER SERVING OF CALCIUM, IRON, PHOSPHORUS, MAGNESIUM, COPPER, AND  
19 ZINC, OR SHALL BE LABELED WITH THE STATEMENT, "CONTAINS 0% OF THE  
20 U.S. RECOMMENDED DAILY ALLOWANCE (U.S. RDA) FOR CALCIUM, IRON,  
21 PHOSPHORUS, MAGNESIUM, COPPER, AND ZINC."

22 (5) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR  
23 OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL WATER  
24 FACILITY SHALL FILTER NATURAL WATER AND SHALL TREAT NATURAL WATER  
25 WITH OZONE OR AN EQUIVALENT DISINFECTION PROCESS APPROVED BY THE  
26 DEPARTMENT AND SHALL TREAT NATURAL WATER TO REDUCE THE

1 CONCENTRATION OF ANY SUBSTANCE THAT EXCEEDS SAFETY STANDARDS  
2 ESTABLISHED BY THE DEPARTMENT.

3 (6) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR  
4 OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL WATER  
5 FACILITY MAY DERIVE SPRING WATER FROM THE NATURAL ORIFICE OR FROM  
6 A BOREHOLE ADJACENT TO THE NATURAL ORIFICE. IF SPRING WATER IS  
7 DERIVED FROM THE NATURAL ORIFICE BY EXTERNAL FORCE OR FROM A  
8 BOREHOLE ADJACENT TO THE NATURAL ORIFICE, THE WATER SHALL BE FROM  
9 THE SAME UNDERGROUND STRATUM AND OF THE SAME QUALITY AND COMPOSI-  
10 TION AS THE WATER DERIVED FROM THE NATURAL ORIFICE WITHOUT EXTER-  
11 NAL FORCE. SPRING WATER MAY BE COLLECTED AND TRANSPORTED BY  
12 PIPES, TUNNELS, TRUCKS, OR SIMILAR DEVICES.

13 (7) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR  
14 OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL WATER  
15 FACILITY SHALL NOT ALTER SPRING WATER BY THE ADDITION OR DELETION  
16 OF MINERALS OR BY BLENDING IT WITH WATER FROM A NONSPRING WATER  
17 SOURCE. HOWEVER, A BOTTLER DISTRIBUTOR, VENDOR OF BOTTLED WATER,  
18 OR OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL WATER  
19 FACILITY SHALL FILTER SPRING WATER AND SHALL TREAT SPRING WATER  
20 WITH OZONE OR AN EQUIVALENT DISINFECTION PROCESS APPROVED BY THE  
21 DEPARTMENT AND SHALL TREAT ARTESIAN WELL WATER TO REDUCE THE CON-  
22 CENTRATIONS OF ANY NATURALLY OCCURRING SUBSTANCE THAT EXCEEDS THE  
23 BOTTLED WATER SAFETY STANDARDS ESTABLISHED BY THE DEPARTMENT OF  
24 PUBLIC HEALTH.

25 (8) A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED WATER, OR  
26 OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL WATER  
27 FACILITY SHALL NOT ALTER WELL WATER BY THE ADDITION OR DELETION

1 OF MINERALS OR BY BLENDING IT WITH WATER FROM A NONWELL WATER  
2 SOURCE. HOWEVER, A BOTTLER, DISTRIBUTOR, VENDOR OF BOTTLED  
3 WATER, OR OWNER OR OPERATOR OF A WATER VENDING MACHINE OR RETAIL  
4 WATER FACILITY SHALL FILTER WELL WATER AND SHALL TREAT WELL WATER  
5 WITH OZONE OR AN EQUIVALENT DISINFECTION PROCESS APPROVED BY THE  
6 DEPARTMENT AND SHALL TREAT ARTESIAN WELL WATER TO REDUCE THE CON-  
7 CENTRATIONS OF ANY NATURALLY OCCURRING SUBSTANCE THAT EXCEEDS THE  
8 BOTTLED WATER SAFETY STANDARDS ESTABLISHED BY THE DEPARTMENT OF  
9 PUBLIC HEALTH.

10 SEC. 22D. (1) BOTTLED WATER SHALL BE OBTAINED FROM AN  
11 APPROVED SOURCE AND MEET THE QUALITY STANDARDS PRESCRIBED IN 21  
12 C.F.R. 103.35 AND THE STANDARDS ESTABLISHED IN THE SAFE DRINKING  
13 WATER ACT, ACT NO. 399 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS  
14 325.1001 TO 325.1023 OF THE MICHIGAN COMPILED LAWS, EXCEPT THAT  
15 MINERAL WATER AND MINERALIZED WATER MAY CONTAIN MORE TOTAL DIS-  
16 SOLVED SOLIDS THAN THE LIMITATION SPECIFIED IN 21  
17 C.F.R. 103.35(d).

18 (2) A COPY OF THE CURRENT SANITARY SURVEY REPORT FROM THE  
19 DEPARTMENT OF PUBLIC HEALTH UNDER THE SAFE DRINKING WATER ACT,  
20 ACT NO. 399 OF THE PUBLIC ACTS OF 1976, AND THE WATER SAMPLE  
21 RESULTS REQUIRED UNDER THAT ACT SHALL BE AVAILABLE AT THE BOTTL-  
22 ING PLANT FOR THE DIRECTOR TO DEMONSTRATE APPROVAL OF THE SOURCE  
23 AND SUPPLY OF THE WATER.

24 (3) BOTTLED WATER SHALL NOT CONTAIN ANY SUBSTANCE IN EXCESS  
25 OF THE MAXIMUM CONTAMINANT LEVEL ADOPTED FOR DRINKING WATER UNDER  
26 THE SAFE DRINKING WATER ACT, ACT NO. 399 OF THE PUBLIC ACTS OF  
27 1976.

1 (4) AN ANALYSIS TO DETERMINE THE CONCENTRATION OF A  
2 CONTAMINANT UNDER SUBSECTION (3) SHALL BE CONDUCTED IN ACCORDANCE  
3 WITH THE APPLICABLE METHODS ESTABLISHED IN THE SAFE DRINKING  
4 WATER ACT, ACT NO. 399 OF THE PUBLIC ACTS OF 1976. THE ANALYSIS  
5 SHALL BE CONDUCTED AS FREQUENTLY AS PUBLIC DRINKING WATER SUP-  
6 PLIES ARE TESTED.

7 SEC. 22E. (1) A BUILDING IN WHICH A BOTTLED WATER OPERATION  
8 IS CONDUCTED SHALL BE CONSTRUCTED OF SUITABLE MATERIALS WITH SUF-  
9 FICIENT SPACE FOR THE PLACEMENT AND STORAGE OF EQUIPMENT AND  
10 MATERIALS TO FACILITATE THE MAINTENANCE AND SANITARY OPERATION OF  
11 THE BOTTLED WATER OPERATION. THE BOTTLING ROOM SHALL BE SEPA-  
12 RATED FROM NONFOOD OPERATIONS AND FROM STORAGE AREAS BY TIGHT  
13 WALLS, CEILINGS, AND SELF-CLOSING DOORS TO PROTECT AGAINST  
14 CONTAMINATION. CONVEYOR OPENINGS SHALL NOT BE LARGER THAN THE  
15 OPENING SIZE THAT IS REQUIRED TO PERMIT THE PASSAGE OF BOTTLED  
16 WATER CONTAINERS.

17 (2) IF PROCESSING OPERATIONS ARE CONDUCTED IN OTHER THAN A  
18 SEALED SYSTEM UNDER PRESSURE, ADEQUATE PROTECTION SHALL BE PRO-  
19 VIDED TO PREVENT THE CONTAMINATION OF THE WATER AND THE SYSTEM.

20 (3) ADEQUATE VENTILATION SHALL BE PROVIDED TO MINIMIZE CON-  
21 DENSATION IN PROCESSING ROOMS, BOTTLING ROOMS, AND IN CONTAINER  
22 WASHING AND SANITIZING AREAS.

23 (4) THE WASHING AND SANITIZING OF CONTAINERS FOR BOTTLED  
24 WATER SHALL BE PERFORMED IN AN ENCLOSED ROOM. THE WASHING AND  
25 SANITIZING OPERATION SHALL BE POSITIONED WITHIN THE ROOM TO MINI-  
26 MIZE THE POSSIBILITY OF POST-SANITIZING CONTAMINATION OF THE  
27 CONTAINERS.

1 (5) A ROOM IN WHICH PRODUCT WATER IS HANDLED, PROCESSED, OR  
2 HELD OR A ROOM IN WHICH CONTAINERS, UTENSILS, OR EQUIPMENT ARE  
3 WASHED OR HELD SHALL NOT OPEN DIRECTLY INTO A ROOM THAT IS USED  
4 FOR DOMESTIC HOUSEHOLD PURPOSES.

5 (6) IF AIR UNDER PRESSURE IS DIRECTED AT PRODUCT WATER OR A  
6 SURFACE THAT COMES IN CONTACT WITH PRODUCT WATER, THEN ALL OF THE  
7 FOLLOWING REQUIREMENTS APPLY:

8 (A) THE AIR SHALL BE FREE OF OIL, DUST, RUST, EXCESSIVE  
9 MOISTURE, AND EXTRANEOUS MATERIALS.

10 (B) THE AIR SHALL NOT AFFECT THE BACTERIOLOGICAL QUALITY OF  
11 THE WATER.

12 (C) THE AIR SHALL NOT ADVERSELY AFFECT THE FLAVOR, COLOR, OR  
13 ODOR OF THE WATER.

14 SEC. 22F. (1) ALL SURFACES THAT COME IN CONTACT WITH PROD-  
15 UCT WATER AND EQUIPMENT USED TO TRANSPORT, PROCESS, HANDLE, AND  
16 STORE PRODUCT WATER SHALL BE CLEAN AND ADEQUATELY SANITIZED. A  
17 PLANT OPERATOR SHALL INSPECT ALL SURFACES THAT COME IN CONTACT  
18 WITH PRODUCT WATER AS OFTEN AS NECESSARY TO MAINTAIN THE SANITARY  
19 CONDITION OF THOSE SURFACES AND TO ASSURE THAT THOSE SURFACES ARE  
20 FREE OF SCALE, EVIDENCE OF OXIDATION, AND OTHER RESIDUE. THE  
21 PRESENCE OF AN UNSANITARY CONDITION, SCALE, RESIDUE, OR OXIDATION  
22 SHALL BE IMMEDIATELY REMEDIED BY ADEQUATELY CLEANING AND SANITIZ-  
23 ING THE SURFACE BEFORE USE OF THE SURFACE.

24 (2) EQUIPMENT AND CONTAINERS AFTER CLEANING SHALL BE TRANS-  
25 PORTED AND STORED IN A MANNER THAT ASSURES DRAINAGE AND PROTEC-  
26 TION FROM CONTAMINATION.

1        SEC. 22G. A BOTTLED WATER PLANT SHALL BE OPERATED ONLY  
2 UNDER THE SUPERVISION OF A COMPETENT PERSON WHO IS QUALIFIED BY  
3 EXPERIENCE, EDUCATION, AND TRAINING TO OPERATE AND MAINTAIN THE  
4 PLANT.

5        SEC. 22H. (1) BOTTLED WATER PLANT EQUIPMENT SHALL BE SUIT-  
6 ABLE FOR ITS INTENDED USE. BOTTLED WATER PLANT EQUIPMENT  
7 INCLUDES COLLECTION AND STORAGE TANKS, PIPING, FITTINGS, CONNEC-  
8 TIONS, BOTTLE WASHERS, FILLERS, CAPPERS, AND OTHER EQUIPMENT THAT  
9 MAY BE USED TO STORE, HANDLE, PROCESS, PACKAGE, OR TRANSPORT  
10 PRODUCT WATER.

11        (2) ALL SURFACES THAT COME IN CONTACT WITH PRODUCT WATER  
12 SHALL BE CONSTRUCTED OF NONTOXIC AND NONABSORBENT MATERIAL THAT  
13 CAN BE ADEQUATELY CLEANED AND SANITIZED.

14        (3) A PRODUCT WATER STORAGE TANK SHALL BE OF THE TYPE THAT  
15 CAN BE CLOSED TO EXCLUDE ALL FOREIGN MATTER AND SHALL BE ADE-  
16 QUATELY VENTED.

17        SEC. 22I. (1) EXCEPT IF THE PLANT OPERATOR DEMONSTRATES TO  
18 THE DIRECTOR THAT GERMICIDAL TREATMENT IS NOT NECESSARY TO PRO-  
19 TECT THE HEALTH OF PERSONS USING THE WATER, BOTTLED WATER SHALL  
20 BE GERMICIDALLY TREATED BY OZONIZATION, ULTRAVIOLET TREATMENT,  
21 CHLORINATION, OR OTHER EQUIVALENT METHOD OF DISINFECTION THAT IS  
22 APPROVED BY THE DEPARTMENT OF AGRICULTURE. A COMPLETE TREATMENT  
23 SYSTEM SHALL BE PROVIDED FOR ALL SUPPLIES USING A SURFACE-WATER  
24 SOURCE OR ANY OTHER SOURCE THAT CANNOT BE CONTINUOUSLY PROTECTED  
25 AGAINST CONTAMINATION. THE TREATMENT OF PRODUCT WATER BY DISTIL-  
26 LATION, ION EXCHANGE, FILTRATION, ULTRAVIOLET TREATMENT, REVERSE  
27 OSMOSIS, CARBONATION, MINERAL ADDITION, OR OTHER PROCESS SHALL BE

1 DONE IN AN EFFECTIVE MANNER TO ACCOMPLISH THE INTENDED PURPOSE OF  
2 THE TREATMENT. THE TREATMENT SHALL BE PERFORMED ONLY WITH EQUIP-  
3 MENT AND SUBSTANCES THAT WILL NOT ADULTERATE THE BOTTLED WATER.  
4 THE EQUIPMENT USED IN THE TREATMENT OF PRODUCT WATER SHALL BE  
5 INSPECTED TO ASSURE ITS PERFORMANCE AND EFFECTIVENESS. A PLANT  
6 OPERATOR SHALL TAKE AND ANALYZE A PRODUCT WATER SAMPLE AFTER PRO-  
7 CESSING AND BEFORE BOTTLING AS OFTEN AS IS NECESSARY TO ASSURE  
8 UNIFORMITY AND EFFECTIVENESS OF THE TREATMENT OF PRODUCT WATER  
9 PERFORMED AT THE BOTTLED WATER PLANT.

10 (2) SINGLE SERVICE CONTAINERS AND CAPS OR SEALS SHALL BE  
11 PURCHASED AND STORED IN SANITARY CLOSURES AND KEPT IN A CLEAN,  
12 DRY PLACE UNTIL USED. SINGLE SERVICE CONTAINERS AND CAPS OR  
13 SEALS SHALL BE EXAMINED BEFORE USE AND, IF NECESSARY, WASHED,  
14 RINSED, AND SANITIZED.

15 (3) SINGLE SERVICE CONTAINERS SHALL BE FILLED, CAPPED,  
16 CLOSED, SEALED, AND PACKAGED IN A SANITARY MANNER TO PREVENT THE  
17 CONTAMINATION OF THE BOTTLED WATER.

18 (4) A MULTIPLE SERVICE CONTAINER SHALL BE MADE OF SAFE,  
19 EASILY CLEANABLE MATERIALS. A MULTIPLE SERVICE PRIMARY CONTAINER  
20 SHALL BE CLEANED, SANITIZED, AND INSPECTED IMMEDIATELY BEFORE  
21 BEING FILLED, CAPPED, AND SEALED. A MULTIPLE SERVICE CONTAINER  
22 THAT IS UNSANITARY OR DEFECTIVE SHALL BE REPROCESSED OR  
23 DISCARDED.

24 (5) A MULTIPLE SERVICE PRIMARY CONTAINER SHALL BE WASHED,  
25 RINSED, AND SANITIZED BY A MECHANICAL WASHER OR BY ANY OTHER  
26 METHOD THAT PROVIDES ADEQUATE SANITARY RESULTS. A MECHANICAL  
27 WASHER SHALL BE INSPECTED AS OFTEN AS IS NECESSARY TO ASSURE

1 ADEQUATE PERFORMANCE. A RECORD OF THE PERFORMANCE, MAINTENANCE,  
2 AND INSPECTION OF A MECHANICAL WASHER SHALL BE MAINTAINED AT THE  
3 BOTTLED WATER PLANT.

4 (6) A MULTIPLE SERVICE CONTAINER SHALL BE SANITIZED BEFORE  
5 REUSE BY IMMERSION IN A MINIMUM 3.5% CAUSTIC SOLUTION THAT IS  
6 MAINTAINED AT A TEMPERATURE OF AT LEAST 140 DEGREES FAHRENHEIT  
7 FOR AT LEAST 5 MINUTES AND PROPERLY RINSED BEFORE REUSE TO AVOID  
8 ANY PRODUCT CONTAMINATION, OR SHALL BE SANITIZED BY A METHOD THAT  
9 PROVIDES THE EQUIVALENT BACTERICIDAL EFFECT. A MULTIPLE SERVICE  
10 PRIMARY CONTAINER THAT IS SANITIZED BY CAUSTIC SOLUTION SHALL BE  
11 PERIODICALLY TESTED FOR CAUSTIC REMOVAL BEFORE FILLING AND THE  
12 TEST RESULTS SHALL BE RECORDED.

13 (7) A MULTIPLE SERVICE SHIPPING CASE SHALL BE MAINTAINED IN  
14 A CONDITION THAT WILL NOT CONTAMINATE THE MULTIPLE SERVICE PRI-  
15 MARY CONTAINER OR THE PRODUCT WATER. DRY OR WET CLEANING PROCE-  
16 DURES SHALL BE PERFORMED AS OFTEN AS NECESSARY TO MAINTAIN THE  
17 MULTIPLE SERVICE SHIPPING CASE IN A SATISFACTORY CONDITION.

18 (8) A PLANT OPERATOR SHALL SAMPLE AND TEST CLEANING AND SAN-  
19 ITIZING SOLUTIONS USED AT THE PLANT AS OFTEN AS NECESSARY TO  
20 ASSURE ADEQUATE PERFORMANCE OF THE SOLUTIONS. A RECORD OF THOSE  
21 TESTS SHALL BE MAINTAINED AT THE PLANT.

22 (9) A SANITIZING OPERATION SHALL BE CAPABLE OF SANITIZING  
23 THE SURFACE IN WHICH PRODUCT WATER COMES IN CONTACT. A SANITIZER  
24 SHALL BE USED IN A CONCENTRATION ACCORDING TO THE MANUFACTURER'S  
25 DIRECTION. THE FOLLOWING SANITIZING AGENTS SHALL BE AT A MINIMUM  
26 IN CONTACT WITH THE SURFACES BEING SANITIZED AS FOLLOWS:



1 (A) STEAM OR HOT WATER IN AN ENCLOSED SYSTEM SHALL BE NOT  
2 LESS THAN 170 DEGREES FAHRENHEIT FOR NOT LESS THAN 15 MINUTES, OR  
3 NOT LESS THAN 200 DEGREES FAHRENHEIT FOR NOT LESS THAN 5  
4 MINUTES.

5 (B) A CHEMICAL SANITIZER USED AS AN IMMERSION OR CIRCULATING  
6 SOLUTION SHALL BE THE EQUIVALENT IN BACTERICIDAL ACTION TO A  
7 2-MINUTE EXPOSURE OF 50 PARTS PER 1,000,000 OF AVAILABLE CHLORINE  
8 AT 57 DEGREES FAHRENHEIT. A CHEMICAL SANITIZER APPLIED AS A  
9 SPRAY OR FOG SHALL HAVE AT A MINIMUM 100 PARTS PER 1,000,000 OF  
10 AVAILABLE CHLORINE AT 57 DEGREES FAHRENHEIT OR ITS EQUIVALENT IN  
11 BACTERICIDAL ACTION.

12 (C) AN OZONE WATER SOLUTION IN AN ENCLOSED SYSTEM SHALL BE  
13 1/10 PART PER 1,000,000 FOR NOT LESS THAN 5 MINUTES.

14 (D) IF A CONTAINER IS SANITIZED WITH A SUBSTANCE OTHER THAN  
15 PROVIDED FOR IN 21 C.F.R. 178.1010, THE SUBSTANCE SHALL BE  
16 REMOVED FROM THE SURFACE OF THE CONTAINER BY A RINSING  
17 PROCEDURE. THE FINAL RINSE BEFORE FILLING THE CONTAINER WITH  
18 PRODUCT WATER SHALL BE PERFORMED WITH A DISINFECTED WATER RINSE  
19 THAT IS FREE OF PATHOGENIC BACTERIA OR BY AN ADDITIONAL SANITIZ-  
20 ING PROCEDURE EQUIVALENT IN BACTERICIDAL ACTION TO THAT REQUIRED  
21 IN SUBDIVISION (C).

22 (10) SINGLE SERVICE AND MULTIPLE SERVICE CONTAINERS SHALL BE  
23 NONTOKIC. DURING THE PROCESS OF FILLING, CAPPING, AND SEALING  
24 SINGLE SERVICE AND MULTIPLE SERVICE CONTAINERS, THE PERFORMANCE  
25 OF THE FILLER, CAPPER, AND SEALER SHALL BE MONITORED. THE FILLED  
26 SINGLE SERVICE AND MULTIPLE SERVICE CONTAINERS SHALL BE VISUALLY  
27 OR ELECTRONICALLY INSPECTED TO ASSURE THAT THEY ARE SOUND,

1 PROPERLY CAPPED OR SEALED, CODED, AND LABELED. UNSATISFACTORY  
2 SINGLE SERVICE AND MULTIPLE SERVICE CONTAINERS SHALL BE REPRO-  
3 CESSSED OR REJECTED.

4 (11) SINGLE SERVICE AND MULTIPLE SERVICE CONTAINERS AND CLO-  
5 SURES SHALL BE SAMPLED AND INSPECTED TO ASSURE THAT THEY ARE FREE  
6 FROM CONTAMINATION. A BACTERIOLOGICAL SWAB OR RINSE COUNT, OR  
7 BOTH, SHALL BE TAKEN AT LEAST ONCE EVERY 3 MONTHS FROM NOT LESS  
8 THAN 4 CONTAINERS AND CLOSURES SELECTED IMMEDIATELY BEFORE FILL-  
9 ING AND SEALING. MORE THAN 1 OF THE 4 SAMPLES SHALL NOT HAVE  
10 MORE THAN 1 BACTERIUM PER MILLILITER OF CAPACITY OR 1 COLONY PER  
11 SQUARE CENTIMETER OF SURFACE AREA. THE SAMPLES SHALL BE FREE OF  
12 COLIFORM ORGANISMS. THE TEST REQUIRED UNDER THIS SUBSECTION  
13 SHALL BE PERFORMED BY QUALIFIED PLANT PERSONNEL OR A COMPETENT  
14 COMMERCIAL LABORATORY.

15 SEC. 22J. (1) THE MINIMUM STANDARDS FOR WATER VENDING  
16 MACHINES, OTHER THAN COIN OPERATED SELF-SERVICE DEVICES, FROM  
17 WHICH AN OPERATOR OR CUSTOMER DISPENSES UNIT SERVINGS IN BULK  
18 SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

19 (A) WATER VENDING MACHINES SHALL BE IN COMPLIANCE WITH THE  
20 CONSTRUCTION AND PERFORMANCE STANDARDS ESTABLISHED BY THE DEPART-  
21 MENT OR BY AN INDEPENDENT AUTHORITY APPROVED BY THE DEPARTMENT.

22 (B) WATER VENDING MACHINES SHALL BE DESIGNED AND CONSTRUCTED  
23 TO PERMIT EASY CLEANING AND MAINTENANCE OF ALL EXTERIOR AND  
24 INTERIOR SURFACES.

25 (C) WATER VENDING MACHINES SHALL HAVE ALL PARTS AND SURFACES  
26 THAT COME INTO CONTACT WITH THE WATER CONSTRUCTED OF APPROVED,

1 CORROSIVE-RESISTANT AND NONABSORBENT MATERIAL CAPABLE OF  
2 WITHSTANDING REPEATED CLEANING AND SANITIZING TREATMENT.

3 (D) WATER VENDING MACHINES SHALL HAVE A RECESSED OR GUARDED  
4 CORROSION-RESISTANT DISPENSING SPOUT.

5 (E) WATER VENDING MACHINES SHALL BE DESIGNED SO ALL TREAT-  
6 MENT OF THE VENDED WATER BY DISTILLATION, ION EXCHANGE, FILTRA-  
7 TION, ULTRAVIOLET LIGHT, REVERSE OSMOSIS, MINERAL ADDITION, OR  
8 ANY OTHER ACCEPTABLE PROCESS IS DONE IN AN EFFECTIVE MANNER.

9 (F) WATER VENDING MACHINES SHALL HAVE AN EFFECTIVE SYSTEM OF  
10 HANDLING DRIP, SPILLAGE, AND OVERFLOW OF WATER.

11 (G) WATER VENDING MACHINES SHALL HAVE A BACKFLOW PREVENTION  
12 DEVICE APPROVED BY THE DEPARTMENT FOR ALL CONNECTIONS WITH THE  
13 WATER SUPPLY.

14 (H) THE VENDED WATER SHALL BE DISINFECTED BY ULTRAVIOLET  
15 LIGHT OR OTHER METHOD APPROVED BY THE DEPARTMENT BEFORE DELIVERY  
16 INTO THE CUSTOMER'S CONTAINER.

17 (I) WATER VENDING MACHINES SHALL BE EQUIPPED WITH MONITORING  
18 DEVICES DESIGNED TO SHUT DOWN OPERATION OF THE MACHINE WHEN THE  
19 DISINFECTION UNIT DESCRIBED IN SUBDIVISION (H) FAILS TO  
20 FUNCTION.

21 (J) WATER VENDING MACHINES SHALL BE EQUIPPED WITH A  
22 SELF-CLOSING, TIGHT-FITTING DOOR ON THE VENDING COMPARTMENT.

23 (K) WATER VENDING MACHINES SHALL COMPLY WITH THE AMERICAN  
24 NATIONAL STANDARD/NSF INTERNATIONAL STANDARD IN EFFECT ON  
25 DECEMBER 31, 1991 FOR GRANULAR ACTIVATED CARBON IF USED IN THE  
26 TREATMENT OF POTABLE WATER.

1 (L) WATER VENDING MACHINES SHALL BE MAINTAINED IN A CLEAN  
2 AND SANITARY CONDITION FREE FROM DIRT AND VERMIN.

3 (M) WATER VENDING MACHINES SHALL BE LOCATED IN AN AREA THAT  
4 CAN BE MAINTAINED IN A CLEAN CONDITION AND IN A MANNER THAT  
5 AVOIDS INSECT AND RODENT HARBORAGE.

6 (N) WATER VENDING MACHINES SHALL BE EQUIPPED WITH MONITORING  
7 DEVICES DESIGNED TO SHUT DOWN THE LABELED PURIFIED WATER DELIVERY  
8 SYSTEM IF TREATMENT OF WATER BY THE MACHINE DOES NOT RESULT IN A  
9 TOTAL DISSOLVED SOLIDS CONTENT OF LESS THAN 10 MILLIGRAMS PER  
10 LITER IN THE PURIFIED WATER.

11 (2) UPON THE REQUEST OF A LOCAL HEALTH OFFICER, THE DEPART-  
12 MENT MAY AUTHORIZE THE LOCAL HEALTH OFFICER TO IMPLEMENT AND  
13 ENFORCE THOSE PROVISIONS OF THIS ACT THAT RELATE TO WATER VENDING  
14 MACHINES UNDER THE TERMS AND CONDITIONS SPECIFIED BY THE  
15 DEPARTMENT.

16 SEC. 22K. (1) A BOTTLED WATER PLANT OPERATOR AT THE TIME OF  
17 BOTTLING SHALL ANALYZE DAILY FOR MICROBIOLOGICAL CONTAMINANTS A  
18 REPRESENTATIVE SAMPLE FROM A BATCH OR SEGMENT OF A CONTINUOUS  
19 PRODUCTION RUN FOR EACH TYPE OF BOTTLED WATER PRODUCED BY THE  
20 BOTTLED WATER PLANT OPERATOR. ANALYSES FOR MICROBIOLOGICAL CON-  
21 TAMINANTS SHALL INCLUDE TOTAL COUNT AS WELL AS PSEUDOMONAS AND  
22 COLOFORM. A RECORD OF THE SAMPLING AND ANALYSES SHALL BE FILED  
23 AND MAINTAINED AT THE BOTTLED WATER PLANT FOR NOT LESS THAN 2  
24 YEARS OR AS REQUIRED BY R 325.11506 OF THE MICHIGAN ADMINISTRA-  
25 TIVE CODE, WHICHEVER IS LONGER. THOSE RECORDS SHALL BE AVAILABLE  
26 FOR REVIEW BY THE DIRECTOR UPON REQUEST. SAMPLES COLLECTED ON A  
27 QUARTERLY BASIS BY THE BOTTLED WATER PLANT OPERATOR SHALL BE SENT

1 TO AN APPROVED LABORATORY FOR ANALYSIS IN ACCORDANCE WITH  
2 STANDARD ANALYTICAL METHODS. THE BOTTLED WATER PLANT OPERATOR  
3 SHALL SEND THE RESULTS OF THE QUARTERLY SAMPLINGS TO THE  
4 DEPARTMENT.

5 (2) A BOTTLED WATER PLANT OPERATOR AT THE TIME OF BOTTLING  
6 SHALL ANNUALLY COLLECT REPRESENTATIVE SAMPLES FROM A BATCH OR  
7 SEGMENT OF A CONTINUOUS PRODUCTION RUN FOR EACH TYPE OF BOTTLED  
8 WATER PRODUCED BY THE BOTTLED WATER PLANT OPERATOR AND SEND THESE  
9 SAMPLES TO AN APPROVED LABORATORY FOR ANALYSIS OF CHEMICAL, PHYS-  
10 ICAL, AND RADIOLOGICAL CONTAMINANTS IN ACCORDANCE WITH STANDARD  
11 ANALYTICAL METHODS. THE BOTTLED WATER PLANT OPERATOR SHALL SEND  
12 THE RESULTS OF THE ANNUAL SAMPLINGS TO THE DEPARTMENT.

13 (3) A BOTTLED WATER PLANT OPERATOR SHALL SUBMIT ANNUALLY TO  
14 THE DEPARTMENT EVIDENCE OF CERTIFICATION BY AN INDEPENDENT,  
15 NOT-FOR-PROFIT THIRD PARTY ORGANIZATION OPERATING A CERTIFICATION  
16 PROGRAM ACCREDITED ON THE EFFECTIVE DATE OF THE AMENDATORY ACT  
17 THAT ADDED THIS SECTION BY THE AMERICAN NATIONAL STANDARDS  
18 INSTITUTE. THE CERTIFICATION SHALL PROVIDE THAT THE BOTTLED  
19 WATER PLANT, CONTAINERS, AND CLOSURES MEET THE REQUIREMENTS OF 21  
20 C.F.R. PARTS 103, 110, AND 129 AND THAT THE BOTTLED WATER MEETS  
21 THE REQUIREMENTS OF SECTION 22D AND RULES PROMULGATED BY THE  
22 DEPARTMENT. IF DEFICIENCIES WERE NOTED BY THE CERTIFYING ORGANI-  
23 ZATION, THE BOTTLED WATER PLANT OPERATOR SHALL SUBMIT A WRITTEN  
24 EXPLANATION OF CORRECTIVE ACTION ACCEPTED BY THE THIRD PARTY  
25 ORGANIZATION WITH THE CERTIFICATION.

26 SEC. 22ℓ. (1) EACH BOTTLED WATER PLANT OPERATOR SHALL  
27 DEVELOP AND MAINTAIN PROCEDURES FOR NOTIFICATION OF THE

1 DEPARTMENT, CONSUMER NOTIFICATION, AND PRODUCT RECALL AND SHALL  
2 IMPLEMENT ANY OF THESE PROCEDURES AS NECESSARY WITH RESPECT TO A  
3 PRODUCT FOR WHICH THE OPERATOR OR DEPARTMENT KNOWS OR HAS REASON  
4 TO BELIEVE CIRCUMSTANCES EXIST THAT MAY ADVERSELY AFFECT ITS  
5 SAFETY FOR THE CONSUMER. IN ORDER TO FACILITATE PRODUCT IDENTI-  
6 FICATION OR RECALL, EACH BOTTLED WATER PRODUCT SHALL CONTAIN A  
7 CODE THAT IS DESIGNED TO REMAIN AFFIXED TO THE CONTAINER DURING  
8 USE AND WHICH CONTAINS EITHER THE DATE OF MANUFACTURE OR A LOT OR  
9 BATCH NUMBER.

10 (2) A BOTTLED WATER SUPPLIER WHO KNOWS THAT A PRIMARY MAXI-  
11 MUM CONTAMINANT LEVEL HAS BEEN EXCEEDED OR HAS REASON TO BELIEVE  
12 THAT CIRCUMSTANCES EXIST THAT MAY ADVERSELY AFFECT THE SAFETY OF  
13 BOTTLED WATER, INCLUDING, BUT NOT LIMITED TO, SOURCE CONTAMINA-  
14 TION, SPILLS, ACCIDENTS, NATURAL DISASTERS, OR BREAKDOWNS IN  
15 TREATMENT, SHALL PROMPTLY NOTIFY THE DEPARTMENT.

16 (3) IF THE DEPARTMENT DETERMINES BASED UPON REPRESENTATIVE  
17 SAMPLES, RISK ANALYSIS, INFORMATION PROVIDED BY THE BOTTLED WATER  
18 SUPPLIER, AND OTHER INFORMATION AVAILABLE TO THE DEPARTMENT, THAT  
19 THE CIRCUMSTANCES PRESENT AN IMMINENT HAZARD TO THE PUBLIC HEALTH  
20 AND THAT A FORM OF CONSUMER NOTICE OR PRODUCT RECALL CAN EFFEC-  
21 TIVELY AVOID OR SIGNIFICANTLY MINIMIZE THE THREAT TO PUBLIC  
22 HEALTH, THE DEPARTMENT MAY ORDER THE WATER SUPPLIER TO INITIATE A  
23 LEVEL OF PRODUCE RECALL APPROVED BY THE DEPARTMENT OR, IF APPRO-  
24 PRIATE, ISSUE A FORM OF NOTIFICATION TO CUSTOMERS. THE BOTTLED  
25 WATER SUPPLIER IS RESPONSIBLE FOR DISSEMINATING THE NOTICE IN A  
26 MANNER DESIGNED TO INFORM CUSTOMERS WHO MAY BE AFFECTED BY THE  
27 PROBLEM. THE BOTTLED WATER PLANT OPERATOR, IF APPROPRIATE, SHALL

1 PROVIDE THE NOTICE TO RADIO AND TELEVISION MEDIA OR TO THE  
2 NEWSPAPER SERVING THE AFFECTED PUBLIC OR, IN THE ALTERNATIVE,  
3 SHALL DIRECTLY NOTIFY AFFECTED USERS WHERE DOING SO IN A MANNER  
4 PROVIDED BY THE DEPARTMENT CAN EFFECTIVELY AVOID OR MINIMIZE THE  
5 RISK TO HEALTH. PRODUCT RECALLS SHALL CONFORM TO THE PROCEDURES  
6 AND POLICIES OF 21 C.F.R. PART 1.

7 (4) WHERE A MAXIMUM CONTAMINANT LEVEL HAS BEEN EXCEEDED BUT  
8 CIRCUMSTANCES, INCLUDING RISK ANALYSIS AND REPRESENTATIVE SAM-  
9 PLES, INDICATE THAT THE EXCEEDANCE OF THE MAXIMUM CONTAMINANT  
10 LEVEL HAS BEEN PROMPTLY CORRECTED AND THAT ALREADY DISTRIBUTED  
11 PRODUCT WILL NOT CAUSE ILLNESS AND PRESENTS NO SIGNIFICANT HEALTH  
12 RISK, A RECALL AND MEDIA NOTIFICATION OF CONSUMERS IS  
13 UNNECESSARY. IN THESE CIRCUMSTANCES WHERE A RECALL OR MEDIA  
14 NOTIFICATION IS UNNECESSARY BUT THERE MAY BE SIGNIFICANT CONSUMER  
15 COMPLAINTS OF PRODUCT TASTE OR ODOR, THE DEPARTMENT MAY ORDER THE  
16 BOTTLED WATER PLANT OPERATOR TO COMMUNICATE THE EXCEEDANCE OF THE  
17 MAXIMUM CONTAMINANT LEVELS AND THE IMPLEMENTATION OF CORRECTIVE  
18 MEASURES BY DIRECT MAILINGS TO AFFECTED CUSTOMERS.

19 SEC. 22M. THE DEPARTMENT SHALL PROMULGATE, AS NECESSARY,  
20 RULES TO IMPLEMENT SECTIONS 22A TO 22L. THESE RULES SHALL  
21 INCLUDE, BUT ARE NOT LIMITED TO, RULES TO ENSURE THAT ALL BOTTLED  
22 WATER, VENDED WATER, WATER FROM WATER HAULERS, WATER FROM RETAIL  
23 WATER FACILITIES, AND WATER FROM PRIVATE WATER SOURCES THAT IS  
24 SOLD OR OTHERWISE DISTRIBUTED IN THIS STATE IS WHOLESOME, POTABLE,  
25 AND CONTAINS NO INORGANIC CHEMICALS OR ORGANIC CHEMICALS,  
26 INCLUDING PESTICIDES AND PLASTICIZERS IN CONCENTRATIONS THAT MAY  
27 HAVE AN ADVERSE EFFECT ON PUBLIC HEALTH AND SAFETY. THE RULES

1 SHALL SPECIFY MINIMUM STANDARDS FOR THE SANITARY PRODUCTION AND  
2 DISTRIBUTION OF BOTTLED WATER WHICH SHALL INCLUDE, BUT ARE NOT  
3 LIMITED TO, ALL OF THE FOLLOWING:

4 (A) STANDARDS TO ENSURE THAT, BEFORE BOTTLING, BOTTLED WATER  
5 SHALL BE SUBJECT TO EFFECTIVE FILTRATION AND GERMICIDAL TREATMENT  
6 BY OZONE, ULTRAVIOLET, OR AN EQUIVALENT DISINFECTION PROCESS  
7 APPROVED BY THE DEPARTMENT. THE STANDARDS DEVELOPED PURSUANT TO  
8 THIS CATEGORY FOR BOTTLED WATER THAT CONTAINS CARBON DIOXIDE  
9 SHALL PRESCRIBE THAT SUFFICIENT COMPLIANCE INCLUDES MEETING THE  
10 MICROBIOLOGICAL REQUIREMENTS DESCRIBED IN 21 C.F.R. 103.35.

11 (B) STANDARDS TO ENSURE THAT DISPENSERS FOR BOTTLED WATER  
12 THAT ARE FURNISHED BY THE WATER BOTTLER OR DISTRIBUTOR SHALL BE  
13 DELIVERED TO THE CONSUMER'S PREMISES IN A CLEAN, SANITARY CONDI-  
14 TION, PROTECTED FROM DUST OR OTHER CONTAMINATION.

15 (C) STANDARDS TO ENSURE THAT OLLAS OR OTHER WATER HOLDING  
16 DISPENSERS, BOTH REFRIGERATED AND NONREFRIGERATED, SHALL BE  
17 EXAMINED FOR CLEANLINESS EACH TIME THE DISPENSER IS SERVICED BY  
18 THE REPRESENTATIVE OF THE DISTRIBUTOR OR BOTTLER. WHEN NECES-  
19 SARY, THESE DISPENSERS SHALL BE SANITIZED IN PLACE OR RETURNED TO  
20 THE BOTTLER OR DISTRIBUTOR FOR CLEANING OR SANITIZING BEFORE  
21 REUSE ACCORDING TO THE METHODS DESCRIBED IN 21 C.F.R. PART 129.

22 (D) STANDARDS FOR SANITARY TRANSFER OF WATER FROM ANY SOURCE  
23 TO STORAGE OR VEHICLE TANKS, AND FROM STORAGE OR VEHICLE TANKS TO  
24 CUSTOMER-OWNED OR CUSTOMER-USED STORAGE TANKS, VEHICLES, OR OTHER  
25 CONTAINERS, OR TO WATER VENDING MACHINES, RETAIL WATER TREATMENT  
26 PLANTS, OR WATER BOTTLING PLANTS.