



HOUSE BILL No. 4817

May 27, 1993, Introduced by Reps. Randall, Gnodtke, Alley and Middaugh and referred to the Committee on Agriculture and Forestry.

A bill to amend sections 22c, 22d, 22e, 22f, and 22g of Act No. 39 of the Public Acts of 1968, entitled as amended "Michigan food law of 1968," as added by Act No. 129 of the Public Acts of 1992, being sections 289.722c, 289.722d, 289.722e, 289.722f, and 289.722g of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 22c, 22d, 22e, 22f, and 22g of Act
2 No. 39 of the Public Acts of 1968, as added by Act No. 129 of the
3 Public Acts of 1992, being sections 289.722c, 289.722d, 289.722e,
4 289.722f, and 289.722g of the Michigan Compiled Laws, are amended
5 to read as follows:

6 Sec. 22c. (1) Bottled water shall be obtained from an
7 approved source and meet the quality standards prescribed in 21
8 C.F.R. 103.35 and the state drinking water standards established

1 in the safe drinking water act, Act No. 399 of the Public Acts of
2 1976, being sections 325.1001 to 325.1023 of the Michigan
3 Compiled Laws, except that mineral water and mineralized water
4 may contain more total dissolved solids than the limitation spec-
5 ified in 21 C.F.R. 103.35(d).

6 (2) A copy of the current sanitary survey report from the
7 department of public health under the safe drinking water act,
8 Act No. 399 of the Public Acts of 1976, and the water sample
9 results required under that act shall be available at the bottl-
10 ing plant for the director to demonstrate approval of the source
11 and supply of the water.

12 (3) Bottled water shall not contain any substance in excess
13 of the maximum contaminant level adopted for drinking water under
14 the safe drinking water act, Act No. 399 of the Public Acts of
15 1976.

16 (4) An analysis to determine the concentration of a contami-
17 nant under subsection (3) shall be conducted in accordance with
18 the applicable methods established in the safe drinking water
19 act, Act No. 399 of the Public Acts of 1976.

20 (5) Except for purified water, a bottler shall include on
21 the label of each container of bottled water sold in this state
22 the amount, per serving, of sodium and potassium in the container
23 IF THE PRODUCT CONTAINS NOT LESS THAN 5 MILLIGRAMS OF SODIUM OR
24 NOT LESS THAN 5 MILLIGRAMS OF POTASSIUM PER 240 MILLILITERS OR
25 8.12 FLUID OUNCES. A label shall not identify water as sodium
26 free unless it contains less than 20 milligrams per liter or less
27 than 5 milligrams per 8 ~~ounce serving~~ FLUID OUNCES.

1 Sec. 22d. (1) Subject to subsections (2) through (10),
2 bottled water shall be identified in labeling and advertising AS
3 "BOTTLED WATER", "DRINKING WATER", OR by 1 of the following dec-
4 larations of identity established under this section:

- 5 (a) Artesian well water.
- 6 (b) Artesian spring water.
- 7 (c) Demineralized water.
- 8 (d) Distilled water.
- 9 (e) Mineral added water.
- 10 (f) Mineral water.
- 11 (g) Mineralized water.
- 12 (h) Purified water.
- 13 (i) Spring water.
- 14 (j) Unprocessed public drinking water.
- 15 (k) Well water.

16 (2) Subject to section 22e(3), artesian well water shall be
17 labeled "artesian well water", "artesian drinking water", or
18 "well water".

19 (3) Carbonated water shall be labeled "carbonated",
20 "carbonation added", or "carbon dioxide added". The word
21 "sparkling" may be used as a prefix to the product name of water
22 described in this subsection.

23 (4) Naturally carbonated water shall be labeled "naturally
24 carbonated" or "naturally sparkling".

25 (5) Demineralized water shall be labeled "demineralized
26 water", and the name shall be accompanied by the phrase "prepared
27 by _____", with the blank filled in with the method of

1 preparation in letters not less than 1/2 the height of the
2 letters used in the name.

3 (6) Mineral water shall be labeled "mineral water". Mineral
4 water shall be labeled with the total dissolved solids in parts
5 per 1,000,000. Mineral water shall be labeled with the state-
6 ment, "percentage of U.S. recommended daily allowance (U.S. RDA)"
7 followed by a statement of the amount per serving of calcium,
8 iron, phosphorus, magnesium, copper, and zinc, or shall be
9 labeled with the statement, "contains 0% of the U.S. recommended
10 daily allowance (U.S. RDA) for calcium, iron, phosphorus, magne-
11 sium, copper, and zinc."

12 (7) Mineralized water shall be labeled "mineralized water"
13 or "mineral added water". Mineralized water shall be labeled
14 with the total dissolved solids in parts per 1,000,000.
15 Mineralized water shall be labeled with the statement,
16 "percentage of U.S. recommended daily allowance (U.S. RDA)" fol-
17 lowed by a statement of the amount per serving of calcium, iron,
18 phosphorus, magnesium, copper, and zinc, or shall be labeled with
19 the statement, "contains 0% of the U.S. recommended daily allow-
20 ance (U.S. RDA) for calcium, iron, phosphorus, magnesium, copper,
21 and zinc."

22 (8) Purified water shall be labeled "purified water", and
23 the name shall be accompanied by the phrase "prepared by
24 _____", with the blank filled in with the method of prepara-
25 tion in letters not less than 1/2 the height of the letters used
26 in the name, except that purified water produced by distillation
27 may be labeled "distilled water".

1 (9) Spring water shall be labeled "spring water". The word
2 "spring" shall not be used to describe water that is not spring
3 water.

4 (10) Well water shall be labeled "well water".

5 Sec. 22e. (1) The term "spring", "spring water",
6 "artesian", "well", or "natural" shall not be used in a brand
7 name on labels — if the water was obtained from a source other
8 than stated or implied by the brand name.

9 (2) If the word "spring", "well", "artesian", "mineral",
10 "natural", or any derivative of those words appears in the com-
11 pany name or trademark, the typeface of the declaration of iden-
12 tity on the product label shall be at least equal in size to the
13 company name or trademark, whichever is larger, shall be in the
14 same type style and color, and shall have the same background of
15 contrasting color as other words in the company name.

16 (3) Water that is spring water and artesian well water may
17 be labeled "artesian spring water".

18 (4) Bottled water that has more than 1 applicable declara-
19 tion of identity under section 22d may be identified by 1 or more
20 applicable declarations of identity if the bottled water as iden-
21 tified is not a misleading characterization of the basic nature
22 or property of the water.

23 (5) Water that is natural may be labeled with the word
24 "natural" as a prefix to the declaration of identity.

25 (6) IF BOTTLED WATER COMES FROM A MUNICIPAL SOURCE AND HAS
26 NOT BEEN TREATED TO MEET THE DEFINITION OF DISTILLED WATER OR
27 PURIFIED WATER IN SECTION 22A, THE LABEL SHALL STATE "FROM A

1 MUNICIPAL SOURCE" ON THE PRINCIPAL DISPLAY PANEL OR PANELS. THIS
2 STATEMENT SHALL IMMEDIATELY AND CONSPICUOUSLY PRECEDE OR FOLLOW
3 THE NAME OF THE FOOD WITHOUT INTERVENING WRITTEN, PRINTED, OR
4 GRAPHIC MATTER, OTHER THAN STATEMENTS REQUIRED BY THIS SECTION
5 AND SECTION 22D, IN TYPE SIZE OF A LEAST 1/2 OF THE DECLARATION
6 OF IDENTITY, BUT IN NO CASE LESS THAN 1/16 OF AN INCH.

7 (7) IF THE LABEL OR LABELING CHARACTERIZES THE BOTTLED WATER
8 IN ANY MANNER, FOR EXAMPLE, THROUGH LABEL STATEMENTS OR VIGNETTES
9 WITH REFERENCES TO INFANTS, AS FOR USE IN FEEDING INFANTS, AND
10 THE PRODUCT IS NOT STERILE, THE PRINCIPAL DISPLAY PANEL SHALL
11 BEAR CONSPICUOUSLY THE PHRASE "NOT STERILE, USE AS DIRECTED BY
12 PHYSICIAN OR BY LABELING DIRECTIONS FOR USE OF INFANT FORMULA".

13 (8) ~~(6)~~ A claim of a medical or health-giving property
14 shall not be used in a label or in an advertisement for bottled
15 water.

16 (9) ~~(7)~~ An analysis conducted to determine compliance with
17 this section and sections 22b and 22d shall be made according to
18 the methods ~~described in 21 C.F.R. 103.35~~ ESTABLISHED UNDER THE
19 SAFE DRINKING WATER ACT, ACT NO. 399 OF THE PUBLIC ACTS OF 1976,
20 BEING SECTIONS 325.1001 TO 325.1023 OF THE MICHIGAN COMPILED
21 LAWS.

22 Sec. 22f. (1) Each principal display panel on all contain-
23 ers of bottled water shall clearly and conspicuously provide all
24 of the following information:

25 (a) The declaration of identity of the product as provided
26 in section 22d.

1 ~~(b) The name and address of the manufacturer or~~
2 ~~distributor.~~

3 (B) ~~(c)~~ A declaration regarding carbon dioxide, if
4 required, preceding or following the identity of the product in
5 letters that are not less than 1/2 of the height of those in the
6 product name.

7 (2) The declaration of sodium content, if required, shall
8 appear on the principal display panel or the information panel.
9 The statement shall be complete on that panel and shall be
10 printed in not less than 1/16-inch type.

11 ~~(3) Detectable levels, as determined by the United States~~
12 ~~environmental protection agency, of synthetic organic compounds~~
13 ~~identified in the safe drinking water act, Act No. 399 of the~~
14 ~~Public Acts of 1976, being sections 325.1001 to 325.1023 of the~~
15 ~~Michigan Compiled Laws, in the bottled water shall be declared on~~
16 ~~the product label in parts per billion.~~

17 (3) ~~(4)~~ The information panel of the label shall be imme-
18 diately contiguous and to the right of the principal display
19 panel as observed by an individual facing the principal display
20 panel.

21 (4) ~~(5)~~ Supplemental printed information and graphics con-
22 cerning recognized uses of the water may appear on the label, but
23 shall not imply properties of the product or preparation methods
24 that are not factual or are prohibited by law.

25 (5) ~~(6)~~ The principal display panel shall be large enough
26 to accommodate all required label information in a clear and
27 conspicuous manner without obscuring the design or vignettes and

1 without crowding. If more than 1 principal display panel is on a
2 package, each principal display panel shall provide all of the
3 information required under this section.

4 (6) ~~(7)~~ A water dispensing machine shall be clearly and
5 conspicuously labeled with the declaration of identity of the
6 product dispensed.

7 Sec. 22g. (1) A person shall not operate a bottled water
8 plant or bottle water for the purpose of sale or distribution in
9 this state without first demonstrating to the department of agri-
10 culture that the source, bottling facility, treatment and bottl-
11 ing practices pursuant to 21 C.F.R. part 129, and product water
12 meet the requirements of sections 22a to 22k.

13 (2) A BOTTLED WATER PLANT OPERATOR AT THE TIME OF BOTTLING
14 SHALL ANALYZE DAILY FOR MICROBIOLOGICAL CONTAMINANTS A REPRESEN-
15 TATIVE SAMPLE FROM A BATCH OR SEGMENT OF A CONTINUOUS PRODUCTION
16 RUN FOR EACH TYPE OF BOTTLED WATER PRODUCED BY THE BOTTLED WATER
17 PLANT OPERATOR. ANALYSES FOR MICROBIOLOGICAL CONTAMINANTS SHALL
18 INCLUDE TOTAL COUNT AND COLIFORM COUNT. A RECORD OF THE SAMPLING
19 AND ANALYSES SHALL BE FILED AND MAINTAINED AT THE BOTTLED WATER
20 PLANT FOR NOT LESS THAN 2 YEARS OR AS REQUIRED BY R 325.11506 OF
21 THE MICHIGAN ADMINISTRATIVE CODE, WHICHEVER IS LONGER. THOSE
22 RECORDS SHALL BE AVAILABLE FOR REVIEW BY THE DIRECTOR UPON
23 REQUEST. SAMPLES COLLECTED ON A QUARTERLY BASIS BY THE BOTTLED
24 WATER PLANT OPERATOR SHALL BE SENT TO AN APPROVED LABORATORY FOR
25 ANALYSIS IN ACCORDANCE WITH STANDARD ANALYTICAL METHODS. THE
26 BOTTLED WATER PLANT OPERATOR SHALL SEND THE RESULTS OF THE
27 QUARTERLY SAMPLINGS TO THE DEPARTMENT.

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

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