

HOUSE BILL No. 6104

September 26, 1990, Introduced by Reps. Randall, DeMars, Hickner, Giese and Gnodtke and referred to the Committee on Agriculture.

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 STANDS ABOVE THE BOTTOM 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 THAT CONTAINS NOT LESS THAN 1.0 MIL-
15 LIGRAMS PER LITER OF FLUORIDE AND OTHERWISE COMPLIES WITH THE
16 QUALITY STANDARDS SET FORTH BY THE DEPARTMENT OF PUBLIC HEALTH.

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

21 (G) "MINERALIZED WATER" MEANS BOTTLED OR VENDED WATER THAT
22 MEETS THE REQUIREMENTS OF MINERAL WATER AS DESCRIBED IN SUBDIVI-
23 SION (F), EXCEPT THAT THE WATER CONTAINS ADDED MINERALS.

24 (H) "NATURAL WATER" MEANS BOTTLED OR VENDED SPRING, ARTESIAN
25 WELL, OR WELL WATER THAT IS UNMODIFIED BY MINERAL ADDITION OR
26 DELETION.

1 (I) "NATURALLY SPARKLING" OR "NATURALLY CARBONATED" MEANS
2 BOTTLED WATER OR VENDED WATER WITH A CARBON DIOXIDE CONTENT FROM
3 THE SAME SOURCE AS THE WATER.

4 (J) "PURIFIED WATER" MEANS WATER PRODUCED BY DISTILLATION,
5 DEIONIZATION, REVERSE OSMOSIS, OR OTHER METHOD MEETING THE DEFINI-
6 TION OF PURIFIED WATER IN THE UNITED STATES PHARMACOPOEIA AND
7 NATIONAL FORMULARY.

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

12 (L) "SPARKLING" MEANS BOTTLED WATER OR VENDED WATER THAT
13 CONTAINS CARBON DIOXIDE OTHER THAN THAT NATURALLY OCCURRING IN
14 THE SOURCE PRODUCT.

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

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

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

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

5 (2) IF BOTTLED WATER OR VENDED WATER IS FROM 1 OF THE FOL-
6 LOWING SPECIFIC WATER SOURCES OR HAS UNDERGONE 1 OR MORE OF THE
7 FOLLOWING SPECIFIC TREATMENTS FOR WHICH A STANDARD OF IDENTITY IS
8 ESTABLISHED UNDER THIS SECTION, THE PERSON BOTTLING OR SELLING
9 THE BOTTLED WATER OR VENDED WATER SHALL IDENTIFY THE SPECIFIC
10 WATER SOURCE AND THE SPECIFIC TREATMENTS, IF APPLICABLE, IN
11 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) FLUORIDATED WATER.

18 (F) MINERAL WATER.

19 (G) MINERALIZED WATER.

20 (H) NATURAL WATER.

21 (I) NATURAL MINERAL WATER.

22 (J) NATURALLY CARBONATED.

23 (K) NATURALLY SPARKLING.

24 (L) PURIFIED WATER.

25 (M) SPARKLING.

26 (N) SPRING WATER.

1 (O) UNPROCESSED PUBLIC DRINKING WATER.

2 (P) WELL WATER.

3 (3) EACH CONTAINER OF BOTTLED WATER SOLD IN THIS STATE AND
4 EACH CONTAINER PROVIDED BY A WATER VENDING MACHINE OR A RETAIL
5 WATER FACILITY LOCATED IN THIS STATE SHALL BE CLEARLY LABELED AS
6 REQUIRED BY THIS SECTION IN AN EASILY READABLE FORMAT. A PERSON
7 WHO OWNS OR OPERATES A WATER VENDING MACHINE OR A RETAIL WATER
8 FACILITY THAT DOES NOT PROVIDE LABELED CONTAINERS SHALL POST IN A
9 LOCATION READILY VISIBLE TO THE CUSTOMER A SIGN CONVEYING THE
10 LABEL INFORMATION REQUIRED UNDER THIS SECTION.

11 (4) A BOTTLER, DISTRIBUTOR, VENDER OF BOTTLED WATER, OR
12 OWNER OR OPERATOR OF A WATER-VENDING MACHINE OR RETAIL WATER
13 FACILITY WHOSE CORPORATE NAME OR TRADEMARK CONTAINS THE WORDS
14 "SPRING" OR "SPRINGS" OR A DERIVATIVE OF EITHER OF THESE WORDS,
15 OR "WELL", "ARTESIAN WELL", OR "NATURAL", SHALL LABEL EACH BOTTLE
16 OR VENDING MACHINE WITH THE SOURCE OF THE WATER IN TYPEFACE AT
17 LEAST EQUAL TO THE SIZE OF THE TYPEFACE OF THE CORPORATE NAME OR
18 TRADEMARK, IF THE SOURCE OF THE BOTTLED OR VENDED WATER IS DIF-
19 FERENT FROM THE SOURCE STATED IN THE CORPORATE NAME OR
20 TRADEMARK.

21 (5) ARTESIAN WELL WATER SHALL NOT BE ALTERED BY THE ADDITION
22 OR DELETION OF MINERALS OR BY BLENDING IT WITH WATER FROM A NON-
23 ARTESIAN WELL WATER SOURCE, EXCEPT THAT ARTESIAN WELL WATER MAY
24 BE FILTERED AND SHALL BE TREATED WITH OZONE OR AN EQUIVALENT DIS-
25 INFECTION PROCESS.

26 (6) MINERAL WATER MAY BE DERIVED FROM A NATURAL ORIFICE OR
27 FROM A BORE HOLE ADJACENT TO THE NATURAL ORIFICE. IF IT IS

1 DERIVED FROM A NATURAL ORIFICE OR FROM A BORE HOLE ADJACENT TO
2 THE NATURAL ORIFICE, THE WATER SHALL BE FROM THE SAME UNDERGROUND
3 STRATUM AND BE OF THE SAME QUALITY AND COMPOSITION AS THE WATER
4 DERIVED FROM THE NATURAL ORIFICE WITHOUT EXTERNAL FORCE. MINERAL
5 WATER SHALL NOT BE ALTERED BY THE ADDITION OR DELETION OF MINER-
6 ALS OR BY BLENDING IT WITH WATER FROM A NONMINERAL WATER SOURCE,
7 EXCEPT THAT MINERAL WATER MAY BE FILTERED AND SHALL BE TREATED
8 WITH OZONE OR AN EQUIVALENT DISINFECTION PROCESS APPROVED BY THE
9 DEPARTMENT OF PUBLIC HEALTH AND SHALL BE TREATED TO REDUCE THE
10 CONCENTRATIONS OF ANY NATURALLY OCCURRING SUBSTANCE WHICH EXCEEDS
11 THE BOTTLED WATER SAFETY STANDARDS ESTABLISHED BY THE DEPARTMENT
12 OF PUBLIC HEALTH. MINERAL WATER MAY BE COLLECTED AND TRANSPORTED
13 BY PIPES, TUNNELS, TRUCKS, OR SIMILAR DEVICES.

14 (7) NATURAL WATER MAY BE FILTERED AND SHALL BE SANITIZED
15 WITH OZONE OR AN EQUIVALENT DISINFECTION PROCESS AND TREATED TO
16 REDUCE THE CONCENTRATION OF ANY SUBSTANCE WHICH EXCEEDS SAFETY
17 STANDARDS ESTABLISHED BY THE DEPARTMENT OF PUBLIC HEALTH.

18 (8) SPRING WATER MAY BE DERIVED FROM THE NATURAL ORIFICE OR
19 FROM A BORE HOLE ADJACENT TO THE NATURAL ORIFICE. IF IT IS
20 DERIVED FROM THE NATURAL ORIFICE BY EXTERNAL FORCE OR FROM A BORE
21 HOLE ADJACENT TO THE NATURAL ORIFICE, THE WATER SHALL BE FROM THE
22 SAME UNDERGROUND STRATUM AND BE OF THE SAME QUALITY AND COMPOSI-
23 TION AS THE WATER DERIVED FROM THE NATURAL ORIFICE WITHOUT EXTER-
24 NAL FORCE. SPRING WATER SHALL NOT BE ALTERED BY THE ADDITION OR
25 DELETION OF MINERALS OR BY BLENDING IT WITH WATER FROM A NON-
26 SPRING WATER SOURCE, EXCEPT THAT SPRING WATER MAY BE FILTERED AND
27 SHALL BE TREATED WITH OZONE OR AN EQUIVALENT DISINFECTION

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

3 (9) WELL WATER MAY BE FILTERED AND SHALL BE TREATED WITH
4 OZONE OR AN EQUIVALENT DISINFECTION PROCESS. WELL WATER SHALL
5 NOT BE ALTERED BY THE ADDITION OR DELETION OF MINERALS OR BY
6 BLENDING IT WITH WATER FROM A NONWELL WATER SOURCE.