

By Ms. Amick, a petition (accompanied by bill, Senate, No. 428) of Carol C. Amick, Jonathan L. Healy, Steven Angelo, Carmen D. Buell, Robert C. Buell, other members of the General Court and others for legislation to ensure the purity of bottled water sold commercially in the Commonwealth. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT TO ENSURE THE PURITY OF BOTTLED WATER SOLD COMMERCIALY IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94 of the General Laws, as most recently
2 amended by chapter 41 of the acts of 1945, is hereby further
3 amended by striking out section 10A and inserting in place thereof
4 the following: —

5 Section 10A. No person shall engage within the common-
6 wealth in the business of manufacturing or bottling carbonated
7 non-alcoholic beverages, or water for human consumption with-
8 out a permit to do so from the board of health in the town where
9 his plant is, or is to be located, and no person engaged without the
10 commonwealth in said business shall sell any such beverage within
11 the commonwealth without a permit from the state department of
12 public health, and no person shall sell or exchange, deliver, adver-
13 tise, or offer for sale or exchange, or attempt to deliver, or have in
14 his possession with intent to do so, any such beverage unless the
15 manufacturer and bottler thereof is the holder of a permit issued
16 under the authority of section ten B and in full force at the time of
17 sale, exchange or delivery.

1 SECTION 2. Said chapter 94 is hereby amended by striking
2 section 10E and inserting in place thereof the following: —

3 Section 10E. The state department of public health and the
4 local boards of health may make rules and regulations to carry out
5 the provisions of the previous four sections and of section ten L
6 and ten M.

1 SECTION 3. Said chapter 94 is hereby further amended by
2 inserting after section 10K the following:—

3 Section 10L. All persons permitted to manufacture, bottle, or
4 sell water intended for human consumption under section 10A or
5 10B shall, at least annually, cause to be tested by an approved
6 laboratory the water contained in their finished bottle water prod-
7 uct. If the water source or sources from which their product is
8 derived is located within the commonwealth, the laboratory per-
9 forming the tests must be certified by the department of environ-
10 mental quality engineering to perform those tests for water quality
11 purposes. If the water source or sources from which their product
12 is derived is located without the commonwealth, the laboratory
13 performing the tests must be certified to perform those tests for
14 water quality testing purposes by the appropriate agency in that
15 state or jurisdiction. The testing for finished product bottled
16 waters shall include those physical, chemical, microbiological and
17 radiological test parameters required by the department of envi-
18 ronmental quality engineering for the testing of public water sup-
19 plies. The department of public health in consultation with the
20 department of environmental quality engineering, may from time
21 to time require by regulation such additional tests as it deems
22 necessary for the protection of public health.

23 The department of public health may require any persons manu-
24 facturing, bottling, or selling water to test for physical, chemical
25 and microbiological parameters more frequently than annually,
26 but in no case may said tests be performed less frequently than
27 annually. The department of public health may require that radio-
28 logical testing of the finished product be done more frequently
29 than once every four years, but in no event may the test be
30 performed less frequently than once every four years. Test results
31 shall be submitted to the department of public health on or before
32 November the first of each year. The department of public health
33 shall make available to the public any test results submitted upon
34 receipt of a reasonable request and payment of a reasonable fee.

35 Section 10M. The department of public health shall establish
36 by regulation water standards and labeling requirements for fin-
37 ished bottled water products which meet, at a minimum, the
38 labeling requirements and quality standards for bottled waters set
39 by the Federal Food and Drug Administration; provided, how-
40 ever, that the department may by further regulation establish
41 criteria and standards which would require a label bearing a
42 statement of sodium content per serving of certain bottled waters.

