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Place On File

HOUSE FILE 2348

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(Formerly House File 2056)

Passed House, Date 3-14-86 (p. 149) Passed Senate, Date 4-8-86 <sup>(P1108)</sup>

Vote: Ayes 74 Nays 20 Vote: Ayes 24 Nays 11

Approved April 28, 1986 (A1855)

A BILL FOR

1 An Act relating to water sold in sealed containers for human  
2 consumption and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2348

1 Section 1. Section 159.5, Code 1985, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 15. Establish an inspection and  
4 regulation program regarding water sold in sealed containers  
5 for human consumption. As used in this subsection, "water  
6 sold in sealed containers for human consumption" does not  
7 include soft drinks or alcoholic beverages or other beverages  
8 which contain water but which are not sold as drinking water.  
9 The program shall include, but is not limited to, all of the  
10 following:

11 a. Establish, modify, or repeal rules relating to  
12 standards for testing for the presence of chemicals in water  
13 sold in sealed containers for human consumption. The  
14 standards for testing shall not be less stringent than the  
15 rules established for public drinking water supplies pursuant  
16 to chapter 455B.

17 b. Establish, modify, or repeal rules relating to drinking  
18 water standards for water sold in sealed containers for human  
19 consumption. The standards shall establish the maximum  
20 permissible level of any physical, chemical, biological, or  
21 radiological substance in the water and shall be as stringent  
22 as those established under the federal Food and Drug Act.

23 c. Establish, modify, or repeal rules relating to the  
24 labeling of water sold in sealed containers for human  
25 consumption including, but not limited to, requirements that  
26 water sold in this state have all of the following information  
27 appear on its label:

28 (1) The lot number of the water bottled.

29 (2) The date the water was bottled.

30 (3) The source of the water.

31 (4) The identity and location of the laboratory testing  
32 the water in the bottle.

33 (5) That if the water is bottled in Iowa and meets the  
34 standards established under this subsection a statement that  
35 the water has been approved by the Iowa department of

1 agriculture.

2 (6) That if the water is bottled outside of Iowa that the  
3 distributor affix or have affixed a label that the water has  
4 been bottled under the auspices of the Food and Drug  
5 Administration.

6 d. Establish, modify, or repeal rules relating to the  
7 frequency for which bottling facilities shall be tested. The  
8 frequency standard shall not be less stringent than the  
9 frequency standard for testing of public water supplies under  
10 chapter 455B.

11 e. Provide that enforcement of this subsection shall be  
12 pursuant to chapter 189.

13 EXPLANATION

14 This bill provides for the state department of agriculture  
15 to adopt rules relating to the inspection and regulation of  
16 water sold in sealed containers for human consumption. The  
17 rules are to include standards for testing for the presence of  
18 chemicals, drinking water standards, labeling requirements,  
19 and the frequency for which bottling facilities shall be  
20 tested.

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HOUSE FILE 2348  
BY COMMITTEE ON ENERGY AND  
ENVIRONMENTAL PROTECTION

(As Amended and Passed by the House March 14, 1986)

Passed House, Date 4-14-86 (p. 1466) Passed Senate, Date 4-8-86 (p. 1108)  
Vote: Ayes 85 Nays 8 Vote: Ayes 34 Nays 11  
Approved April 28, 1986 (p. 1855)

A BILL FOR

1 An Act relating to water sold in sealed containers for human  
2 consumption and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2348

S-5465

1 Amend House File 2348 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. By striking page 1, line 31 through page 2,  
4 line 11 and inserting the following: "water sold in  
5 this state shall have the words "Meets all F.D.A.  
6 standards" printed clearly and conspicuously on its  
7 label."

S-5465 Filed March 27, 1986  
BY GRONSTAL  
*(Adopted 4/8 (p. 1108))*

HOUSE FILE 2348

S-5632

1 Amend House File 2348 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 2, by inserting after line 27 the following:  
4 "g. The provisions of paragraphs a, b, c, and e shall  
5 not apply to ice produced from a public water supply as  
6 defined and regulated in chapter 455B. Ice sold in  
7 sealed containers shall be labeled or tagged with the  
8 name and location of the ice maker and whether it is  
9 produced from a public water supply. The department  
10 shall adopt rules relating to the packaging and handling  
11 of ice sold in sealed containers."

S-5632 Filed and adopted April 8, 1986 BY GRONSTAL  
*(Adopted 4/8 (p. 1108))*

1 Section 1. Section 159.5, Code 1985, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 15. Establish an inspection and  
4 regulation program regarding water sold in sealed containers  
5 for human consumption. As used in this subsection, "water  
6 sold in sealed containers for human consumption" includes ice  
7 sold in sealed containers and bottled water; "bottled water"  
8 means drinking water which is placed in sealed containers for  
9 the purpose of sale to the public for human consumption; and  
10 "drinking water" means water sold for drinking, culinary, or  
11 other purposes involving the likelihood of the water being  
12 ingested for human consumption but does not include distilled  
13 water, carbonated beverages, mineral water, or other beverages  
14 which contain water. The program shall include, but is not  
15 limited to, all of the following:

16 a. Establish, modify, or repeal rules relating to  
17 standards for testing for the presence of chemicals in water  
18 sold in sealed containers for human consumption. The  
19 standards for testing shall not be less stringent than the  
20 rules established for public drinking water supplies pursuant  
21 to chapter 455B.

22 b. Establish, modify, or repeal rules relating to drinking  
23 water standards for water sold in sealed containers for human  
24 consumption. The standards shall establish the maximum  
25 permissible level of any physical, chemical, biological, or  
26 radiological substance in the water and shall be as stringent  
27 as those established under the federal Food and Drug Act.

28 c. Establish, modify, or repeal rules relating to the  
29 labeling of water sold in sealed containers for human  
30 consumption including, but not limited to, requirements that  
31 water sold in this state have all of the following information  
32 appear on its label:

33 (1) The lot number of the water placed in the sealed  
34 container.

35 (2) The date the water was placed in the sealed container.

1 (3) The source of the water.

2 (4) The identity and location of the laboratory testing  
3 the water placed in the sealed container.

4 (5) That if the water was placed in a sealed container in  
5 Iowa and meets the standards established under this subsection  
6 a statement that the water has been approved by the Iowa  
7 department of agriculture.

8 (6) That if the water was placed in a sealed container  
9 outside of Iowa that the distributor affix or have affixed a  
10 label that the water has been placed in a sealed container  
11 under the auspices of the Food and Drug Administration.

12 d. Establish, modify, or repeal rules relating to the  
13 frequency for which facilities where water is placed in sealed  
14 containers including, but not limited to, ice making and  
15 bottling facilities are inspected and tested. The frequency  
16 standard shall not be less stringent than the frequency  
17 standard for testing of public water supplies under chapter  
18 455B.

19 e. A requirement that all records pertaining to sampling  
20 and analysis of water sold in sealed containers for human  
21 consumption under this subsection shall be maintained at the  
22 bottling facility or if the water is bottled outside of the  
23 state at the distributor's facility. The records shall be  
24 maintained for at least two years and shall be available upon  
25 request for review by officials of the department.

26 f. Provide that enforcement of this subsection shall be  
27 pursuant to chapter 189.

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**FISCAL NOTE TO**

**HOUSE FILE 2348**

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In compliance with a written request received March 26, 1986, a fiscal note for HOUSE FILE 2348 AS PASSED BY THE HOUSE is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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HOUSE FILE 2348 requires the Department of Agriculture to adopt rules relating to the inspection and regulation of water sold in sealed containers for human consumption, including ice sold in sealed containers and bottled water. The rules are to include standards for testing for the presence of chemicals, drinking water standards, labeling requirements, and the frequency with which facilities should be tested.

**FISCAL EFFECT**

The Department of Agriculture estimates that the cost of inspecting and regulating bottled water would not exceed \$9,000. The industry (currently numbering six plants in Iowa) will be responsible for having their own sampling done by a certified laboratory. The Department of Agriculture currently inspects these establishments once a year and would include a review of sampling records as a part of their routine inspection. The \$9,000 estimated cost would cover any further sampling that the Department of Agriculture felt necessary if a problem were revealed in the course of inspection.

The Department of Agriculture currently inspects establishments that make and sell ice. It is anticipated that the regulations required by House File 2348 for ice sold in sealed containers would be carried out at minimal cost within the Department's current inspection activities.

SOURCE: Department of Agriculture

(LSB 8204H.2, RLB)

Filed April 4, 1986 BY HULTMAN

DENNIS C. PROUTY, DIRECTOR, LEGISLATIVE  
FISCAL BUREAU

## SENATE AMENDMENT TO HOUSE FILE 2348

H-5801

1 Amend House File 2348 as amended, passed and re-  
2 printed by the House as follows:

3 1. By striking page 1, line 31 through page 2,  
4 line 11 and inserting the following: "water sold in  
5 this state shall have the words "Meets all F.D.A.  
6 standards" printed clearly and conspicuously on its  
7 label."

8 2. Page 2, by inserting after line 27 the following:

9 "g. The provisions of paragraphs a, b, c, and e shall  
10 not apply to ice produced from a public water supply as  
11 defined and regulated in chapter 455B. Ice sold in  
12 sealed containers shall be labeled or tagged with the  
13 name and location of the ice maker and whether it is  
14 produced from a public water supply. The department  
15 shall adopt rules relating to the packaging and handling  
16 of ice sold in sealed containers."

17 3. By renumbering, relettering, or redesignating  
18 and correcting internal references as necessary.

H-5801 FILED APRIL 10, 1986 RECEIVED FROM THE SENATE

*House concurred 4/14 (p. 1466)*

HOUSE FILE 2348

H-5252

1 Amend House File 2348 as follows:

2 1. Page 1, by striking lines 6 through 8 and  
3 inserting the following: "sold in sealed containers  
4 for human consumption" includes ice sold in sealed  
5 containers and bottled water; "bottled water" means  
6 drinking water which is placed in sealed containers  
7 for the purpose of sale to the public for human  
8 consumption; and "drinking water" means water sold for  
9 drinking, culinary, or other purposes involving the  
10 likelihood of the water being ingested for human  
11 consumption but does not include distilled water,  
12 carbonated beverages, mineral water, or other  
13 beverages which contain water but which are not sold  
14 for human consumption."

15 2. Page 1, line 28, by striking the word  
16 "bottled" and inserting the following: "placed in the  
17 sealed container".

18 3. Page 1, line 29, by striking the word  
19 "bottled" and inserting the following: "placed in the  
20 sealed container".

21 4. Page 1, by striking line 32 and inserting the  
22 following: "the water placed in the sealed  
23 container."

24 5. Page 1, by striking line 33 and inserting the  
25 following:

26 "(5) That if the water was placed in a sealed  
27 container in Iowa and meets the".

28 6. Page 2, by striking line 2 and inserting the  
29 following:

30 "(6) That if the water was placed in a sealed  
31 container outside of Iowa that the".

32 7. Page 2, line 4, by striking the word "bottled"  
33 and inserting the following: "placed in a sealed  
34 container".

35 8. Page 2, by striking line 7 and inserting the  
36 following: "frequency for which facilities where  
37 water is placed in sealed containers including, but  
38 not limited to, ice making and bottling facilities are  
39 inspected and tested. The".

40 9. Page 2, by inserting after line 10, the  
41 following:

42 "\_\_\_\_\_. A requirement that all records pertaining to  
43 sampling and analysis of water sold in sealed  
44 containers for human consumption under this subsection  
45 shall be maintained at the bottling facility or if the  
46 water is bottled outside of the state at the  
47 distributor's facility. The records shall be  
48 maintained for at least two years and shall be  
49 available upon request for review by officials of the  
50 department."

1 10. Renumber as necessary.

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BY HATCH of Polk

H-5252 FILED MARCH 6, 1986

PAULIN of Plymouth

*Adopted as amended by 5.281 3/14 (7+9)*

HOUSE FILE 2348

H-5281

1 Amend amendment H-5252 to House File 2348 as  
2 follows:

3 1. Page 1, by striking lines 13 and 14 and  
4 inserting the following: "beverages which contain  
5 water."

H-5281 FILED MARCH 10, 1986 BY HATCH of Polk

*Adopted 3/14 (7749)*

HOUSE FILE 2348

H-5281

1 Amend amendment H-5252 to House File 2348 as  
2 follows:

3 1. Page 1, by striking lines 13 and 14 and  
4 inserting the following: "beverages which contain  
5 water."

H-5281 FILED MARCH 10, 1986 BY HATCH of Polk

*Adopted 3/14 (p 749)*

HOUSE FILE 2348

AN ACT

RELATING TO WATER SOLD IN SEALED CONTAINERS FOR HUMAN CONSUMPTION AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 159.5, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Establish an inspection and regulation program regarding water sold in sealed containers for human consumption. As used in this subsection, "water sold in sealed containers for human consumption" includes ice sold in sealed containers and bottled water; "bottled water" means drinking water which is placed in sealed containers for the purpose of sale to the public for human consumption; and "drinking water" means water sold for drinking, culinary, or other purposes involving the likelihood of the water being ingested for human consumption but does not include distilled

water, carbonated beverages, mineral water, or other beverages which contain water. The program shall include, but is not limited to, all of the following:

a. Establish, modify, or repeal rules relating to standards for testing for the presence of chemicals in water sold in sealed containers for human consumption. The standards for testing shall not be less stringent than the rules established for public drinking water supplies pursuant to chapter 4559.

b. Establish, modify, or repeal rules relating to drinking water standards for water sold in sealed containers for human consumption. The standards shall establish the maximum permissible level of any physical, chemical, biological, or radiological substance in the water and shall be as stringent as those established under the federal Food and Drug Act.

c. Establish, modify, or repeal rules relating to the labeling of water sold in sealed containers for human consumption including, but not limited to, requirements that water sold in this state shall have the words "Meets all F.D.A. standards" printed clearly and conspicuously on its label.

d. Establish, modify, or repeal rules relating to the frequency for which facilities where water is placed in sealed containers including, but not limited to, ice making and bottling facilities are inspected and tested. The frequency standard shall not be less stringent than the frequency standard for testing of public water supplies under chapter 455B.

e. A requirement that all records pertaining to sampling and analysis of water sold in sealed containers for human consumption under this subsection shall be maintained at the bottling facility or if the water is bottled outside of the state at the distributor's facility. The records shall be maintained for at least two years and shall be available upon request for review by officials of the department.

f. Provide that enforcement of this subsection shall be pursuant to chapter 189.

g. The provisions of paragraphs "a", "b", "c", and "e" shall not apply to ice produced from a public water supply as defined and regulated in chapter 455B. Ice sold in sealed containers shall be labeled or tagged with the name and location of the ice maker and whether it is produced from a public water supply. The department shall adopt rules relating to the packaging and handling of ice sold in sealed containers.

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2348, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 28, 1986

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TERRY E. BRANSTAD  
Governor