

1                                   AMENDMENT TO SENATE BILL 996

2           AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 996 by replacing  
3 the title with the following:

4           "AN ACT in relation to public health."; and

5 by replacing everything after the enacting clause with the  
6 following:

7           "Section 1. Short title. This Act may be cited as the  
8 Safe Bottled and Vended Water Act.

9           Section 5. Legislative findings. The General Assembly  
10 finds and declares all of the following:

11                   (1) The general public perception is that bottled  
12 water and vended water products are safer, or are of  
13 higher quality, than tap water. However, the water  
14 quality requirements for bottled water are, in many  
15 cases, less stringent than those for tap water.

16                   (2) Bottled water products are not subject to water  
17 quality "right to know" consumer reporting requirements  
18 such as consumer confidence report requirements,  
19 resulting in a lack of reliable and credible information  
20 for consumers concerning the contents of bottled water

1 and vended water products.

2 (3) It is necessary to enact legislation to improve  
3 consumer protection and ensure that the consumers of  
4 bottled water are afforded the same water quality "right  
5 to know" protections and regulatory oversight of bottled  
6 water products as those established for tap water.

7 Section 10. Definitions. In this Act:

8 "Bottled water" means any water that is placed in a  
9 sealed container at a water-bottling plant to be used for  
10 drinking, culinary, or other purposes involving a likelihood  
11 of the water being ingested by humans. "Bottled water" does  
12 not include water packaged with the approval of the  
13 Department for use in a public emergency.

14 "Bottled water distributor" means any person, other than  
15 an employee or representative of a bottled water plant, who  
16 delivers bottled water directly to customers.

17 "Department" means the Department of Public Health.

18 "Private water source" means a privately owned source of  
19 water, other than a public water system, that is used for  
20 bottled or vended water and meets the requirements of an  
21 approved source for bottled water as defined in Section 129.3  
22 of Title 21 of the Code of Federal Regulations.

23 "Retail water facility" means any commercial  
24 establishment where vended water is sold, and placed in  
25 customers' containers, or placed in containers sold or given  
26 to customers who come to the establishment to obtain water.

27 "Vended water" means any water that is dispensed by a  
28 water-vending machine or retail water facility, or water from  
29 a private water source, or other water as described in  
30 Section 135 that is not placed by a bottler in sealed  
31 containers, and that is dispensed by a water-vending machine,  
32 retail water facility, water hauler, or any other person or  
33 facility for drinking, culinary, or other purposes involving

1 a likelihood of the water being ingested by humans. "Vended  
2 water" does not include water from a public water system that  
3 has not undergone additional treatment. Water sold without  
4 further treatment is not "vended water" and shall be labeled  
5 in accordance with Section 135.

6 "Water-bottling plant" means any facility in which  
7 bottled water is produced.

8 "Water hauler" means any person who hauls water in bulk  
9 by any means of transportation if the water is to be used for  
10 drinking, culinary, or other purposes involving a likelihood  
11 of the water being ingested by humans. As used in this  
12 paragraph, "in bulk" means containers having capacities of  
13 250 gallons or greater.

14 "Water-vending machine" means any self-service device  
15 that, upon insertion of a coin, coins, or token, or upon  
16 receipt of payment by any other means, dispenses a unit  
17 volume of water to be used for drinking, culinary, or other  
18 purposes involving a likelihood of the water being ingested  
19 by humans.

20 Section 15. Processing, distribution, and storage of  
21 bottled or vended water.

22 (a) Any person who processes, packages, distributes,  
23 transfers, or stores bottled water or vended water shall  
24 comply with the good manufacturing practices described in  
25 Part 129 of Title 21 of the Code of Federal Regulations.

26 (b) Prior to bottling or vending water, the water shall  
27 be subjected to filtration and effective germicidal treatment  
28 by ozone, ultraviolet, carbon dioxide, or an equivalent  
29 disinfection process approved by the Department, except that  
30 the requirements for filtration and germicidal treatment  
31 shall not apply to mineral water as defined in, and from a  
32 source that is subject to, the council directive of the  
33 European Economic Community pertaining to natural mineral

1 waters, dated July 15, 1980, or that is subject to any other  
2 natural mineral water standard in the country of origin that  
3 prohibits filtration and germicidal treatment, so long as  
4 both of the following conditions are met:

5 (1) The source and product are certified by the  
6 responsible authority in the country of origin as  
7 complying with microbiological standards at least equal  
8 to the standards of this Act.

9 (2) The product complies with the microbiological  
10 standards of this Act.

11 (c) Bottled or vended water that originates from a  
12 surface water source that is not protected from surface  
13 contamination shall be subjected to ozonation, filtration, or  
14 another effective process that removes or destroys the cysts  
15 of the parasite *Giardia lamblia*. For the purposes of this  
16 Section, a spring house, catchment basin, storage tank, or  
17 bore hole adjacent to a natural spring water source is not a  
18 surface water source.

19 (d) Ollas or other water-holding dispensers, both  
20 refrigerated and nonrefrigerated, water-vending machines, and  
21 water dispensers in retail water facilities, shall be  
22 examined for cleanliness each time they are serviced by the  
23 distributor, bottler, retail water facility, or water-vending  
24 machine operator. When necessary, these dispensers shall be  
25 sanitized according to the methods described in Part 129 of  
26 Title 21 of the Code of Federal Regulations.

27 (e) Sanitary operations, equipment procedures, and  
28 process controls used in the treatment, storage, transport,  
29 or dispensing of water at a retail water facility shall  
30 comply with the good manufacturing practices described in the  
31 following provisions of Part 129 of Title 21 of the Code of  
32 Federal Regulations: subdivisions (a) through (c) of Section  
33 129.37; Section 129.40; and subdivisions (a), (c), (d), and  
34 (h) of Section 129.80.

1 (f) Sanitary operations, equipment, procedures, and  
2 process controls used in the treatment, storage, transfer,  
3 transport, or dispensing of water by water haulers shall  
4 comply with the good manufacturing practices described in the  
5 following provisions of Part 129 of Title 21 of the Code of  
6 Federal Regulations: subdivisions (a) and (b) of Section  
7 129.37; Section 129.40; and subdivisions (a), (c), (d), and  
8 (h) of Section 129.89.

9 (g) The design and construction of wells, bore holes,  
10 catchment basins, spring houses, storage tanks, or other  
11 water-contact equipment used by private water sources shall  
12 comply with the requirements of law. Sanitary operations,  
13 equipment procedures, and transfer controls used in the  
14 treatment, storage, transfer, or dispensing of water by  
15 private water source operators shall comply with the good  
16 manufacturing practices described in the following provisions  
17 of Part 129 of Title 21 of the Code of Federal Regulations:  
18 subdivision (a) of Section 129.37; Section 129.40; and  
19 subdivisions (a), (c), (d), (g), and (h) of Section 129.80.

20 (h) Bottled water may be processed through lines used  
21 also for other food products under the following conditions:

22 (1) Process lines, including storage tanks and  
23 associated equipment, shall be used exclusively for the  
24 production of bottled water, except for filling  
25 equipment, which may be used also for filling other food  
26 products.

27 (2) Before being used for the bottling of water,  
28 filling equipment that is designed to be cleaned in-place  
29 and that is used for filling other food products shall be  
30 thoroughly cleansed and sanitized in-place in accordance  
31 with the manufacturer's specifications and in compliance  
32 with Section 129.80 of Title 21 of the Code of Federal  
33 Regulations and the supplementary procedures contained in  
34 paragraphs (3) through (7).

1           (3) Immediately following completion of filling  
2 operations for any other food product other than water,  
3 the filler shall be thoroughly rinsed internally and  
4 externally with potable water.

5           (4) In accordance with the filler manufacturer's  
6 instructions, any parts that are not designed to be  
7 cleaned in-place shall be disassembled and removed. All  
8 of these parts shall be cleansed and sanitized prior to  
9 reassembly using appropriate cleansing and sanitizing  
10 procedures, as specified in subdivisions (c) and (d) of  
11 Section 129.80 of Title 21 of the Code of Federal  
12 Regulations.

13           (5) All surfaces of the filler that do not contact  
14 food products shall be cleaned manually so as to render  
15 all surfaces clean and free of any residues.

16           (6) The filler shall be prepared and all  
17 appropriate connections made in accordance with the  
18 filler manufacturer's instructions to place the filler in  
19 the clean-in-place mode. The following procedures shall  
20 be followed:

21           (A) An alkaline cleaning solution of  
22 appropriate strength shall be recirculated through  
23 the filler to provide effective cleaning of all  
24 product contact surfaces, with a minimum  
25 recirculation time of 20 minutes at a temperature  
26 between 140 and 170 degrees Fahrenheit.

27           (B) The cleaning solution shall be drained and  
28 followed with a potable water rinse-to-drain for the  
29 removal of all residual cleaner alkalinity. This  
30 step may be supplemented by the application of an  
31 acidified rinse prior to the potable water rinse in  
32 order to neutralize any residual alkalinity on  
33 product contact surfaces.

34           (7) Following reassembly of all parts to place the

1 filler into the product mode and just prior to bottling  
2 water, the filler shall be sanitized in-place in  
3 accordance with procedures specified in subdivision (d)  
4 of Section 129.80 of Title 21 of the Code of Federal  
5 Regulations.

6 (8) Any alternate cleaning, rinsing, or sanitizing  
7 operations or processes not described in this Section  
8 shall be approved in writing by the Department.

9 (i) Bottled water and bulk waters sold at retail shall  
10 not contact equipment, lines, tanks, or vehicles used for  
11 processing, packaging, holding, or hauling of any nonfood  
12 product.

13 Section 20. Quality and labeling standards. The quality  
14 and labeling standards requirements for bottled water and  
15 vended water, including mineral water, shall include all  
16 standards prescribed by Section 165.110 of Title 21 of the  
17 Code of Federal Regulations. In addition, bottled water and  
18 vended water, when bottled, shall comply with the following  
19 quality standards and any additional quality standards  
20 adopted by regulation that the Department determines are  
21 reasonably necessary to protect the public health:

22 (1) Bottled water and vended water shall meet all  
23 maximum contaminant levels set for public drinking water  
24 that the State determines are necessary or appropriate so  
25 that bottled water may present no adverse effect on  
26 public health. New or revised allowable levels or  
27 monitoring provisions adopted for bottled water by the  
28 United States Food and Drug Administration under the  
29 federal Food, Drug and Cosmetic Act that are more  
30 stringent than the State requirements for bottled water  
31 are incorporated into this Act and are effective on the  
32 date established by the federal provisions unless  
33 otherwise established by regulations of the Department.

1           (2) Bottled and vended water shall not exceed 10  
2 parts per billion of total trihalomethanes or 5 parts per  
3 billion of lead unless the Department establishes a lower  
4 level by regulation.

5           (3) Bottled and vended water shall contain no  
6 chemicals in concentrations that the United States Food  
7 and Drug Administration or the Department has determined  
8 may have an adverse effect on public health.

9           Section 25. Licensee's failure to comply with maximum  
10 contaminant levels; notices.

11          (a) When a licensee has not complied with any maximum  
12 contaminant level set for public drinking water standards, as  
13 provided in paragraph (1) of Section 20, or when a monitoring  
14 requirement specified by the Department is not performed by a  
15 licensee, the licensee shall notify the Department and shall  
16 give notice to consumers of that fact in the manner  
17 prescribed by the Department. When a variance is granted,  
18 the licensee shall give notice to consumers of that fact.

19          (b) When a licensee determines that a significant rise  
20 in the bacterial count of water has occurred in its bottled  
21 or vended water, the licensee shall provide, at its own  
22 expense, a report on the rise in bacterial count of the  
23 water, together with the results of an analysis of the water,  
24 within 24 hours to the Department and, where appropriate, to  
25 the local health officer.

26          (c) When the Department receives the information  
27 described in subsection (b) and determines that it  
28 constitutes an immediate danger to health, the Department  
29 shall immediately notify the licensee to implement the  
30 emergency notification plan required by this Act.

31          (d) In the case of a failure to comply with any maximum  
32 contaminant level set for public drinking water that  
33 represents an imminent danger to the health of consumers, the



1 licensee shall notify consumers as provided in the approved  
2 emergency notification plan.

3 (e) In addition, the same notification shall be required  
4 in any instance in which the Department or the local health  
5 officer recommends to the licensee that it notify its  
6 customers to avoid internal consumption of the bottled or  
7 vended water and to use an alternative source of drinking  
8 water due to a chemical contamination problem that may pose a  
9 health risk.

10 (f) The content of the notices required by this Section  
11 shall be approved by the Department. Notice shall be  
12 repeated at intervals, as required by the Department, until  
13 the Department concludes that there is compliance with its  
14 standards or requirements. Notices may be given by the  
15 Department.

16 (g) In any case in which consumer notification is  
17 required by this Section because a contaminant is present in  
18 bottled or vended water at a level in excess of a maximum  
19 contaminant level set for public drinking water, the  
20 notification shall include identification of the contaminant,  
21 information on possible effects of the contaminant on human  
22 health, and information on specific measures that should be  
23 taken by persons or populations who might be more acutely  
24 affected than the general population.

25 Section 30. Emergency notification plan.

26 (a) No person may operate a facility licensed under  
27 Section 65 without an emergency notification plan that has  
28 been submitted to, and approved by, the Department. The  
29 emergency notification plan shall provide for immediate  
30 notice to the licensee's consumers of any significant rise  
31 in the bacterial count of water or other failure to comply  
32 with any maximum contaminant level set for public drinking  
33 water that represents an imminent danger to the health of

1 consumers.

2 (b) No license or variance may be issued or amended  
3 under this Act until an emergency notification plan has been  
4 approved by the Department.

5 (c) The Department shall adopt regulations to implement  
6 this Section. The regulations may provide for the exclusion  
7 of licensees from the requirements of this Section when, in  
8 the judgment of the Department, the exclusion will best serve  
9 the public interest.

10 Section 35. Polycarbonate resins. Polycarbonate resins  
11 manufactured after January 1, 2004 and intended for use in  
12 fabricating containers for water products defined in this Act  
13 shall not contain in excess of 3 parts per million residual  
14 methylene chloride or in excess of 200 parts per million  
15 residual monochlorobenzene unless the Department establishes  
16 a lower level by regulation. For the purpose of monitoring  
17 compliance with this Section, the concentration of methylene  
18 chloride and monochlorobenzene shall not exceed one part per  
19 billion in water. For purposes of this Section,  
20 "polycarbonate resins" means the substances defined by  
21 Section 177.1580 of Title 21 of the Code of Federal  
22 Regulations, except as modified by this Section.

23 Section 40. Water-vending machines. Any owner or  
24 operator of a water-vending machine or other device from  
25 which any operator or customer dispenses vended water shall  
26 comply with the following standards of design, construction,  
27 and sanitation and any additional standards adopted by  
28 regulation that the Department determines are reasonably  
29 necessary to protect the public health. The water-vending  
30 machines or devices shall do all of the following:

31 (1) Comply with the construction and performance  
32 standards established by the Department or by an

1 independent authority approved by the Department.

2 (2) Be designed and constructed to permit easy  
3 cleaning and maintenance of all exterior and interior  
4 surfaces.

5 (3) Have all parts and surfaces that come into  
6 contact with the water constructed of approved,  
7 corrosive-resistant, and nonabsorbent material capable of  
8 withstanding repeated cleaning and sanitizing treatment.

9 (4) Have a recessed or guarded corrosion-resistant  
10 dispensing spout.

11 (5) Be designed so that all treatment of the vended  
12 water by distillation, ion exchange, filtration,  
13 ultraviolet light, reverse osmosis, mineral addition, or  
14 any other acceptable process is done in an effective  
15 manner.

16 (6) Have an effective system of handling drip,  
17 spillage, and overflow of water.

18 (7) Have a backflow prevention device approved by  
19 the Department for all connections with the water supply.

20 (8) Dispense water disinfected by ultraviolet light  
21 or other method approved by the Department prior to  
22 delivery into the customer's container.

23 (9) Be equipped with monitoring devices designed to  
24 shut down operation of the machine when the disinfection  
25 unit fails to function. Alternatively, machines shall be  
26 monitored daily at startup and manually shut down  
27 whenever the unit fails to function.

28 (10) Be equipped with either a self-closing,  
29 tight-fitting door on the vending compartment or an  
30 enclosed vending spout in order to protect the vending  
31 spout when the water-vending machine is not in use. As  
32 an alternative, water-vending machines or other  
33 water-dispensing devices may be enclosed in a room with  
34 tight-fitting walls, ceilings, and one of the following:

1 a self-closing door, an effective air screen device, or  
2 an alternative effective device approved by the  
3 Department.

4 (11) Comply with the American Water Works  
5 Association (AWWA) specifications for granular activated  
6 carbon if used in the treatment of potable water (AWWA  
7 B604-74).

8 (12) Be maintained in a clean and sanitary  
9 condition, free from dirt and vermin.

10 (13) Use a State-approved and regulated public  
11 water supply or private water source.

12 (14) Be located in an area that can be maintained  
13 in a clean condition and in a manner that avoids insect  
14 and rodent harborage.

15 (15) Be equipped with monitoring devices designed  
16 to shut down the labeled purified water delivery system  
17 if treatment of water by the machine does not result in a  
18 total dissolved solids content of less than 10 milligrams  
19 per liter in the purified water. Alternatively, machines  
20 shall be monitored daily at startup and manually shut  
21 down whenever the total dissolved solids content exceeds  
22 10 milligrams per liter in the purified water.

23 Section 45. Compliance with minimum health standards.  
24 It is unlawful to operate a water-bottling plant,  
25 water-vending machine, retail water facility, or private  
26 water source in violation of the minimum health standards  
27 prescribed by this Act.

28 Section 50. Compliance with minimum standards for  
29 water-vending machines.

30 (a) It is unlawful for any person to operate a water  
31 vending machine in this State that does not satisfy the  
32 minimum standards prescribed by this Act for the design,

1 construction, and sanitation of water-vending machines.

2 (b) No water-vending machine may be used in this State  
3 that does not at least satisfy the minimum standards adopted  
4 by the Department.

5 Section 55. Local enforcement. The Department, upon the  
6 request of a local health officer, may authorize the local  
7 health officer to implement and enforce those provisions of  
8 this Act that relate to water-vending machines, retail water  
9 facilities, and water haulers under the terms and conditions  
10 specified by the Department.

11 Section 60. Cleanliness and sanitation required. The  
12 Department shall require that each water-vending machine,  
13 retail water treatment plant, water hauler vehicle and  
14 facility, and private water source be maintained in a clean  
15 and sanitary condition at all times.

16 Section 65. Licenses required.

17 (a) No person may operate a water-bottling plant or a  
18 private water source, or be a bottled water distributor in  
19 this State, except pursuant to a license issued by the  
20 Department. If a person has a valid water-bottling plant  
21 license issued by the Department, additional license fees for  
22 a private water source operator, a retail water facility  
23 operator, a water hauler, or a bottled water distributor  
24 based and operating at the same address shall not be  
25 required.

26 (b) No person may own or operate a water-vending machine  
27 or a retail water facility or be a water hauler, except  
28 pursuant to a license issued by the Department or a permit  
29 issued by a local health department.

30 (c) It is unlawful for any person to bottle, collect,  
31 treat, hold, distribute, haul, vend, or sell bottled water or

1 vended water, operate a retail water facility, or operate a  
2 private water source without a license as required by this  
3 Act. Any bottled water or vended water dispensed by a retail  
4 water facility or a private water source that is not licensed  
5 in compliance with this Act is misbranded and may be  
6 embargoed pursuant to subsection (e).

7 (d) It is unlawful for a water bottler, distributor, or  
8 vendor, retail water facility operator, or private water  
9 source operator to sell or otherwise distribute water that is  
10 unsafe for use or that is adulterated or misbranded as  
11 provided in the Illinois Food, Drug and Cosmetic Act.

12 (e) For the purposes of enforcing this Section, water  
13 may be embargoed in its immediate container, well, spring,  
14 spring vault, holding tank, water hauling vehicle, retail  
15 water treatment system, spigot, or pipe if there is  
16 reasonable cause to believe that it is adulterated.

17 (f) Any retail water facility, water vendor, or water  
18 hauler that violates this Act may be subjected to the same  
19 penalty and enforcement procedure provided for violation of  
20 this Act by a water-bottling plant.

21 Section 67. Inspections and related activities.

22 (a) In order to carry out the purposes of this Act, any  
23 duly authorized representative of the Department may, at any  
24 reasonable hour of the day, do any of the following:

25 (1) Enter and inspect any licensed facility or any  
26 place where bottled water or vended water records are  
27 stored, kept, or maintained.

28 (2) Inspect and copy any records, reports, test  
29 results, or other information required to implement this  
30 Act.

31 (3) Set up and maintain monitoring equipment for  
32 purposes of assessing compliance with this Act.

33 (4) Obtain samples of the water supply.

1 (5) Photograph any portion of the facilities, any  
2 activity, or any sample taken.

3 (b) Any duly authorized representative of the Department  
4 may, at any time, do any of the following:

5 (1) Inspect any water-vending machine.

6 (2) Set up and maintain monitoring equipment for  
7 purposes of assessing compliance with this Act.

8 (3) Obtain samples of vended water.

9 (4) Photograph any portion of the water-vending  
10 machine, any activity, or any samples taken.

11 (c) The Department shall inspect every water-bottling  
12 plant, water-vending machine, retail water facility, and  
13 private water source, as well as every facility and vehicle  
14 involved in bottled water distribution or water hauling, at  
15 least once each year. The Department shall provide an  
16 opportunity for a representative of the water-bottling plant,  
17 water-vending machine owner or operator, water hauler, retail  
18 water facility operator, private water source operator, or  
19 bottled water distributor to accompany the Department's  
20 representative during the inspection.

21 (d) Any person who prevents, interferes with, or  
22 attempts to impede in any way any duly authorized  
23 representative of the Department from undertaking any  
24 activity authorized by this Section is guilty of a Class A  
25 misdemeanor.

26 Section 70. Bottled water from outside Illinois. No  
27 bottled water produced in an out-of-State bottling plant may  
28 be sold or distributed within this State unless either the  
29 out-of-State bottler or the distributor has first obtained a  
30 bottler's or distributor's license under this Act.

31 Section 75. License fee. The fee for any license issued  
32 under this Act is \$1,000. The fee must be paid to the

1 Department before a license may be issued.

2 Section 80. Civil action; litigation costs. In any  
3 civil action brought to enforce this Act, the prevailing  
4 party or parties shall be awarded litigation costs,  
5 including, but not limited to, salaries, benefits, travel  
6 expenses, operating equipment, overhead, other litigation  
7 costs, and attorney's fees, as determined by the court.  
8 Litigation costs awarded to the Department by the court shall  
9 be deposited into the Safe Bottled and Vended Water Fund.

10 Section 85. Safe Bottled and Vended Water Fund. The Safe  
11 Bottled and Vended Water Fund is established as a special  
12 fund in the State treasury. All moneys received by the  
13 Department under this Act shall be deposited into the fund.  
14 Moneys in the fund shall be used by the Department, upon  
15 appropriation, for the purpose of administering this Act.

16 Section 90. Denial, revocation, or suspension of  
17 license.

18 (a) The Department may deny any license application or  
19 revoke or suspend any license issued under this Act for  
20 cause. The Department shall inform the applicant or license  
21 holder of the denial, revocation, or suspension in writing,  
22 stating with particularity the reasons for the denial,  
23 revocation, or suspension.

24 (b) For purposes of this Section, "cause" means a  
25 violation of any provision of this Act or any regulation  
26 adopted pursuant to this Act.

27 Section 95. Fee for evaluation. The Department shall  
28 charge and collect a fee for each Department evaluation  
29 required to issue a new license for a water-vending machine  
30 model or a retail water facility to determine compliance with



1 the standards established by this Act. The fee shall be \$100  
2 and must be paid before the Department conducts the  
3 evaluation.

4 Section 100. Testing required.

5 (a) The Department shall require each bottler,  
6 distributor, or vendor of bottled water, each owner or  
7 operator of any water-vending machine, and each water hauler,  
8 retail water facility operator, private water source  
9 operator, and applicant for a license to test for all  
10 substances necessary to establish conformance to standards  
11 adopted pursuant to Section 20 at the times and frequencies  
12 the Department may reasonably establish.

13 (b) Each product dispensed by a water-vending machine or  
14 a retail water facility must be sampled and analyzed for  
15 coliform bacteria at least once every 6 months. The analysis  
16 shall be submitted to the Department and shall indicate  
17 whether the water is pure and wholesome.

18 (c) Purified waters from retail water facilities must be  
19 analyzed by the operator for dissolved solids by conductivity  
20 measurement not less frequently than once every 7 days.

21 (d) Purified water from vending machines must be  
22 analyzed by the operator for the dissolved solids by  
23 conductivity measurement each time the vending machine is  
24 serviced.

25 Section 105. Monitoring of water sources.

26 (a) All sources of bottled water, vended water, and  
27 water dispensed by a retail water facility must be monitored  
28 annually for the presence of volatile organic compounds of  
29 potential public health concern, as specified by the United  
30 States Environmental Protection Agency in Tables 2 and 14  
31 contained in Volume 50 of the Federal Register on pages  
32 46904, 46923, and 46924 on November 13, 1985, or as

1 reasonably specified by the Department as a condition of  
2 licensure.

3 (b) In lieu of source water monitoring required by this  
4 Section, a water bottler, water vendor, or retail water  
5 facility may document that the source monitoring required by  
6 this Section is conducted by another entity approved by the  
7 Department, or may comply with the treatment requirements of  
8 subsection (c).

9 (c) Detection in the source water of a volatile organic  
10 compound, except trihalomethanes, for which source monitoring  
11 is required pursuant to this Section shall be followed  
12 immediately by a program of periodic monitoring by the water  
13 bottler, water vendor, or retail water facility to confirm  
14 the presence or absence in the source water of the volatile  
15 organic compound. If the volatile organic compound is  
16 confirmed to be present in the source water, it shall be  
17 treated using granular activated carbon treatment or an  
18 equivalent treatment operated in accordance with good  
19 manufacturing practices as provided in Section 129.80 of  
20 Title 21 of the Code of Federal Regulations until the time  
21 that the concentration of the volatile organic compound does  
22 not exceed either one part per billion, or any United States  
23 Environmental Protection Agency or United States Food and  
24 Drug Administration level for drinking water, or a maximum  
25 contaminant level established by the Department for bottled  
26 water.

27 (d) The Department may exempt any water bottler, water  
28 vendor, or retail water facility from the monitoring  
29 requirements of this Section for any source based on a  
30 showing satisfactory to the Department that the source (i)  
31 does not contain the volatile organic compound for which  
32 monitoring is required and (ii) is not vulnerable to  
33 contamination by the volatile organic compound because, for  
34 surface water sources, the compounds are not applied,

1 manufactured, stored, disposed, or shipped upstream, and, for  
2 groundwater sources, the compounds are not applied,  
3 manufactured, stored, disposed, or shipped in the groundwater  
4 recharge basin.

5 Section 110. Licensee's annual consumer confidence  
6 report.

7 (a) As a condition of licensure under this Act, each  
8 licensee must annually prepare a consumer confidence report  
9 and make that report available to each customer as required  
10 under this Act, and to the Department, which shall make the  
11 information available on its Web site. The report must  
12 include all of the following information:

13 (1) The source of the bottled or vended water.

14 (2) A brief and plainly worded definition of the  
15 term "maximum contaminant level".

16 (3) If any regulated contaminant is detected in the  
17 bottled or vended water during the past year, the report  
18 must include all of the following information:

19 (A) The level of the contaminant found in the  
20 bottled or vended water, and the corresponding  
21 public health goal and primary drinking water  
22 standard for that contaminant.

23 (B) Any violations of the primary drinking  
24 water standard that have occurred as a result of the  
25 presence of the contaminant in the bottled or vended  
26 water and a brief and plainly worded statement of  
27 health concerns that resulted in the regulation of  
28 the contaminant.

29 (C) Brief and plainly worded statements of  
30 health effects that resulted in the regulation of a  
31 contaminant for any contaminant for which a public  
32 water system is required by State or federal law to  
33 include a statement of health effects upon detection

1 of that particular contaminant.

2 (D) The licensee's address and telephone  
3 number to enable the customer to obtain further  
4 information concerning contaminants and potential  
5 health effects.

6 (4) Information on the levels of unregulated  
7 contaminants, if any, for which monitoring is required  
8 pursuant to State or federal law or regulation.

9 (b) The consumer confidence report must include  
10 information in Spanish expressing the importance of the  
11 report or offering additional information.

12 (c) Bottlers, bottled water distributors, and water  
13 haulers that distribute directly to consumers must annually  
14 mail or deliver a copy of the consumer confidence report to  
15 each customer.

16 Section 115. Licensee's toll-free telephone hotline.

17 (a) Each licensee must establish a toll-free telephone  
18 hotline for consumers to request additional information  
19 regarding water quality. The toll-free telephone hotline  
20 must have multilingual capabilities and must allow consumers  
21 to request complete information regarding the quality of the  
22 licensee's bottled or vended water product or products,  
23 including, but not limited to, all of the following:

24 (1) Consumer confidence reports prepared pursuant  
25 to Section 110.

26 (2) Publicly available water quality information  
27 for brands of bottled water.

28 (3) Information from local health departments  
29 regarding the quality of vended water, if applicable.

30 (b) If a licensee has a Web site presence, it must  
31 provide active linkages on its Web site to the information  
32 available on the toll-free telephone hotline.

1 Section 120. Additional testing requirements.  
2 Notwithstanding any other provision of this Act, the  
3 Department may require any bottler, distributor, or vendor of  
4 bottled water, any owner or operator of a water-vending  
5 machine, any water hauler, any retail water facility  
6 operator, any private water source operator, or any applicant  
7 for a license to (i) test for any substance, including  
8 organic chemical contaminants, at any time the Department  
9 believes that the substance may be present in the water  
10 source and threaten the public health, and (ii) submit the  
11 test results to the Department.

12 Section 125. Potential contamination.

13 (a) Upon a determination by the Department that a  
14 particular water source is subject to potential  
15 contamination, the Department shall notify the appropriate  
16 bottler, distributor, or vendor of bottled water, owner or  
17 operator of a water-vending machine, water hauler, retail  
18 water facility operator, or private water source operator of  
19 the specific contaminants or class of contaminants that pose  
20 a potential health risk.

21 (b) Within 90 days after notification by the Department,  
22 the bottler, distributor, or vendor of bottled water, owner  
23 or operator of a water-vending machine, water hauler, retail  
24 water facility operator, or private water source operator  
25 must conduct an analysis of the water source and submit the  
26 results of the analysis to the Department.

27 (c) If evidence of contamination is found, the  
28 Department may, by order, require the bottler, distributor,  
29 or vendor of bottled water, owner or operator of a  
30 water-vending machine, water hauler, retail water facility  
31 operator, or private water source operator to conduct a  
32 source-and-product water analysis for the contaminants of  
33 concern in accordance with conditions specified by the

1 Department. The water analysis must be conducted and  
2 reported on an annual basis, unless the Department finds that  
3 reasonable action requires either more frequent or less  
4 frequent analysis.

5 Section 130. Testing laboratories. All testing of  
6 bottled water, bottled water sources, water distributed by  
7 water haulers, water from retail water facilities, and water  
8 from vending machines must be done by laboratories approved  
9 by the Department, laboratories certified by the United  
10 States Environmental Protection Agency, laboratories  
11 certified by the primary enforcement authority in states that  
12 have been granted primacy by the United States Environmental  
13 Protection Agency, or laboratories certified or accredited by  
14 a third-party organization acceptable to a primacy state.

15 Section 135. Labeling and advertising of bottled or  
16 vended water.

17 (a) Labeling and advertising of bottled water and vended  
18 water must conform with this Act and with applicable portions  
19 of Part 101 of Title 21 of the Code of Federal Regulations.

20 (b) Every container of bottled water sold in this State,  
21 every water-vending machine, and every container provided by  
22 retail water facilities located in this State must be clearly  
23 labeled in an easily readable format. Retail water facilities  
24 that do not provide labeled containers must post, in a  
25 location readily visible to consumers, a sign conveying  
26 required label information.

27 (c) Retail water facilities and private water sources  
28 that sell water at retail must display the following  
29 information in a position clearly visible to customers:

- 30 (1) The name and address of the operator.
- 31 (2) The source of the water.
- 32 (3) The fact that the water is obtained from an

1 approved public water supply or licensed private water  
2 source.

3 (4) A statement describing the treatment process  
4 used.

5 (5) If no treatment process is utilized, a  
6 statement to that effect.

7 (6) A telephone number that customers may call for  
8 further information, service, or complaints.

9 (7) The means by which a customer may order or  
10 download consumer information relating to water quality,  
11 including the consumer confidence report prepared under  
12 Section 110.

13 Section 140. Information displayed on water-vending  
14 machines. Water-vending machines must display the following  
15 information in a position clearly visible to customers:

16 (1) The name and address of the operator.

17 (2) The source of the water.

18 (3) The fact that the water is obtained from an  
19 approved public water supply or licensed private water  
20 source.

21 (4) A statement describing the treatment process  
22 used.

23 (5) If no treatment process is utilized, a  
24 statement to that effect.

25 (6) A telephone number that customers may call for  
26 further information, service, or complaints.

27 (7) The means by which a customer may order or  
28 download consumer information relating to water quality,  
29 including the consumer confidence report prepared under  
30 Section 110. The information required by this paragraph  
31 (7) must also be displayed in Spanish.

32 (8) The date on which the water-vending machine was  
33 last cleaned and serviced by the owner or operator.

1 Section 145. Labeling on bottled water.

2 (a) The labeling on bottled water sold at retail or  
3 wholesale in this State in a plastic beverage container must  
4 include one of the following:

5 (1) A telephone number of the bottler or brand  
6 owner.

7 (2) The bottler's or brand owner's mailing address.

8 (b) Bottlers or brand owners may also include other  
9 forms of contact, including, but not limited to, the  
10 bottler's or brand owner's E-mail address or Web site.

11 (c) Notwithstanding subsections (a) and (b), the  
12 labeling on bottled water sold at retail or wholesale in this  
13 State in a plastic beverage container must also include the  
14 following:

15 (1) The source of the bottled water.

16 (2) The means by which a customer may order or  
17 download consumer information relating to water quality,  
18 including the consumer confidence report prepared under  
19 Section 110.

20 Section 150. Labeling of specific water type or  
21 treatment.

22 (a) In addition to the other requirements of this Act,  
23 if a bottler, distributor, water hauler, retail water  
24 facility operator, or vending machine operator provides  
25 information in the labeling or advertising stating or  
26 implying that water is of a specific water type (for example,  
27 "spring water") or treated in a specific manner (for example,  
28 "purified"), the type or treatment must be clearly labeled in  
29 an easily readable format. In order to be so labeled, the  
30 source or treatment must conform with the definitions  
31 established in Section 165.110 of Title 21 of the Code of  
32 Federal Regulations or, if not defined in that Section, with  
33 the following criteria:



1 (1) "Mineralized water" means bottled or vended  
2 water that meets the requirements of "mineral water"  
3 except that the water contains added minerals.

4 (2) "Natural water" means bottled or vended spring,  
5 artesian well, or well water that is unmodified by  
6 mineral addition or deletion, except that "natural water"  
7 may be filtered and must be sanitized with ozone or an  
8 equivalent disinfection process and treated to reduce the  
9 concentration of any substance that exceeds safety  
10 standards established by the Department.

11 (3) "Naturally sparkling water" means bottled water  
12 or vended water with a carbon dioxide content from the  
13 same source as the water.

14 (4) "Sparkling", "carbonated", or "carbonation  
15 added" means that the bottled water or vended water  
16 contains carbon dioxide.

17 (b) Notwithstanding any other provision of this Section,  
18 water from a public water system that is unprocessed by the  
19 bottler or vendor must comply with Section 165.110(a)(3)(ii)  
20 of Title 21 of the Code of Federal Regulations.

21 Section 155. Water of substandard quality. Except as  
22 provided in Section 20, any bottled water or vended water,  
23 the quality of which is below the quality required by this  
24 Act, must be labeled with a statement of substandard quality,  
25 as prescribed by subsection (b) of Section 165.110 of Subpart  
26 B of Part 165 of Title 21 of the Code of Federal Regulations.

27 Section 160. Bottled water with carbonation and added  
28 flavors.

29 (a) Bottled water with natural or added carbonation may  
30 be prepared with added flavors, extracts, essences, or fruit  
31 juice concentrates derived from a spice or fruit and  
32 comprising less than 1% by weight of the final product. The

1 final product must contain no sweeteners, or additives other  
2 than the flavors, extracts, essences, or fruit juice  
3 concentrates and carbon dioxide, and must be designated on  
4 labels and in advertising as follows:

5 (1) The common or usual name of the characterizing  
6 flavor must accompany the designation of the bottled  
7 water product type, as specified in Section 150.

8 (2) The product may be designated as "natural" only  
9 if (i) it meets the requirements for the designation as  
10 provided in Section 150 and (ii) naturally derived  
11 flavors, extracts, or essences are used.

12 (b) Products labeled under this Section must comply with  
13 all other provisions of this Act. Products with one type or  
14 one source of bottled water that are labeled under this  
15 Section may not be blended with water that is not bottled  
16 water or that is of another bottled water type.

17 Section 165. Billing statement contents.

18 (a) Bottlers and water haulers that distribute directly  
19 to consumers must provide information on each billing  
20 statement that includes the following:

21 (1) A telephone number of the bottler or brand  
22 owner.

23 (2) The bottler's or brand owner's mailing address.

24 (3) The means by which a customer may order or  
25 download consumer information relating to water quality,  
26 including the consumer confidence report prepared under  
27 Section 110.

28 (b) Bottlers or brand owners may also include other  
29 forms of contact, including, but not limited to, the  
30 bottler's or brand owner's E-mail address or Web site.

31 Section 170. Water packaged for use in public  
32 emergencies.

1           (a) The Department, by its written permission, may allow  
2 a person to package water for use in public emergencies  
3 without obtaining a water bottling license if the emergency  
4 has resulted in the interruption of, or has compromised the  
5 quality of, the public drinking water supply. The  
6 Department's permission may authorize the suspension of any  
7 provision of this Act and related regulations.

8           (b) The Department may at any time change or impose on  
9 the permittee any requirements, such as requirements  
10 concerning testing, equipment, and documentation, that the  
11 Department deems necessary to protect public health, but in  
12 doing so, the Department must consider the effect of those  
13 requirements in light of the urgency of the situation. The  
14 Department may grant or withdraw this permission at any time.

15           (c) Packing, distribution, and use of water under a  
16 permit shall be allowed only during the emergency period and  
17 shall end upon the restoration of adequate public drinking  
18 supplies as determined by the Department. Distribution of the  
19 packaged water shall be limited to the area affected. Water  
20 so packaged shall be prominently labeled "drinking water",  
21 "for emergency use only", and "not for sale", or similar  
22 wording approved by the Department.

23           (d) This Section shall not be construed to restrict  
24 licensed water-bottling plants from providing water processed  
25 in accordance with this Act in emergency situations.

26           Section 175. Review of labels. Before issuing a license  
27 under this Act, the Department must review all labels  
28 prepared pursuant to this Act and may require any changes in  
29 order to comply with this Act.

30           Section 900. The State Finance Act is amended by adding  
31 Section 5.595 as follows:

1 (30 ILCS 105/5.595 new)

2 Sec. 5.595. The Safe Bottled and Vended Water Fund."