

131st MAINE LEGISLATURE

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H.P. 796

House of Representatives, March 21, 2023

An Act to Ensure the Quality of Bottled Water

Reference to the Committee on Health and Human Services suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative GRAMLICH of Old Orchard Beach. Cosponsored by Senators: BRENNER of Cumberland, CHIPMAN of Cumberland, Senator BENNETT of Oxford and Representatives: FAY of Raymond, JAUCH of Topsham, KESSLER of South Portland, MATHIESON of Kittery, O'NEIL of Saco, PLUECKER of Warren, SAYRE of Kennebunk, Senator: GROHOSKI of Hancock.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 22 MRSA c. 601, sub-c. 9 is enacted to read:
3	SUBCHAPTER 9
4	BOTTLED WATER
5 6	<u>Section A. Definitions</u> As used in this subchapter, unless the context otherwise indicates, the following terms
7 8 9	have the following meanings. <u>1. Bottler.</u> "Bottler" means a person that extracts water in this State to be sold as bottled water.
10 11	<u>2.</u> Community water system. "Community water system" has the same meaning as in section 2660-B, subsection 2.
12 13 14 15 16	3. Perfluoroalkyl and polyfluoroalkyl substances or PFAS. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a perfluoroalkyl substance or polyfluoroalkyl substance that is detectable in drinking water using standard laboratory methods established by the United States Environmental Protection Agency, including regulated PFAS contaminants.
17 18 19	<u>4. Regulated PFAS contaminants.</u> "Regulated PFAS contaminants" means perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid and perfluoroheptanoic acid.
20	§2660-BB. Bottled water testing, reporting and sale requirements
21	A bottler shall comply with the provisions of this section.
22 23 24 25 26 27 28	1. Testing. A bottler shall conduct testing for the level of PFAS applicable to a community water system detectable using standard laboratory methods established by the United States Environmental Protection Agency in effect at the time of sampling. A bottler shall conduct testing under this subsection for all regulated PFAS contaminants and additional PFAS included in the list of analytes in the standard laboratory methods established by the United States Environmental Protection Agency applicable to community water systems in effect at the time of sampling.
29 30 31	2. Reporting. A bottler shall report the results of testing required by this section to the department in the same manner as a community water system is required to report under department rule.
32 33 34 35	3. Sale of bottled water. A person may not sell bottled water in this State that contains a regulated PFAS contaminant in an amount that exceeds the standard applicable to a community water system, either under a standard set by this State or a federal standard, whichever requires a lower level of the contaminant.
36 37	4. Labeling. A bottler or a person who sells bottled water in this State shall indicate on the label of bottled water:
38	A. The source of the water in the bottle;

1	B. The date the water was tested for PFAS contaminants; and
2 3	<u>C.</u> The level of PFAS contaminants present in the water or a statement that the water is free from PFAS contaminants, as applicable.
4 5 6 7	5. Enforcement. The department may enforce the requirements of this section in the same manner as for a violation of subchapter 2. A bottler or a person who sells bottled water may appeal the acts or decisions of the department under this section in the same manner as described in subchapter 2-A.
8 9 10	6. Rules. The department shall adopt rules to implement this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
11 12 13	Sec. 2. Rules. The Department of Health and Human Services shall adopt rules as required by the Maine Revised Statutes, Title 22, section 2660-BB not later than 30 days after the date of adoption of rules required under Resolve 2021, chapter 82.
14 15 16 17 18	Sec. 3. Compliance. A person that extracts water or a person who sells bottled water in this State to be sold as bottled water is not required to comply with the provisions of the Maine Revised Statutes, Title 22, section 2660-BB until the Department of Health and Human Services has adopted rules as required under Resolve 2021, chapter 82 and Title 22, section 2660-BB.
19	SUMMARY
20 21 22 23 24 25	This bill requires persons that extract water in this State to be sold as bottled water to conduct testing for perfluoroalkyl and polyfluoroalkyl substances, or PFAS, in the bottled water. The bill prohibits the sale of bottled water that contains a PFAS contaminant in an amount that exceeds state or federal standards. The bill also imposes reporting requirements on persons that extract water in this State to be sold as bottled water and labeling requirements on bottled water sold in this State.