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113TH CONGRESS
2D SESSION

H. R. 4978

To amend the Federal Food, Drug, and Cosmetic Act to require bottled water manufacturers and distributors to disclose bottled water quality information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2014

Mrs. ELLMERS (for herself, Mr. MATHESON, and Mr. NUGENT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend the Federal Food, Drug, and Cosmetic Act to require bottled water manufacturers and distributors to disclose bottled water quality information, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bottled Water Quality Information Act''.

SEC. 2. BOTTLED WATER QUALITY REPORTS AND LABELING.

(a) IN GENERAL.—Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended by adding at the end the following:

''(c) BOTTLED WATER QUALITY REPORTS.—

''(1) IN GENERAL.—The Secretary shall, by regulation, require bottled water quality reports in accordance with paragraph (3).

''(2) REGULATIONS.—In carrying out paragraph (1), the Secretary shall—

''(A) issue proposed regulations not later than 18 months after the date of enactment of this subsection; and

''(B) issue final regulations not later than 18 months after the period for public comment on such proposed regulations has ended.

''(3) REQUIREMENTS.—The regulations promulgated under paragraph (1) shall require that each bottled water manufacturer or distributor annually prepare, and make available upon request, a bottled water quality report for each bottled water product that includes—

''(A) the name and contact information of the bottled water manufacturer or distributor;

''(B) the type of water source (such as a spring, an artesian well, or a public water system);

''(C) a brief and plainly worded definition of the terms 'Standard of Identity (SOI)' as described in section 165.110(a) of the Code of Federal Regulations, title 21 (or any successor regulations) and 'Standard of Quality (SOQ)' as defined in section 165.110(b) of the Code of Federal Regulations, title 21 (or any successor regulations) and as applied to bottled water under this Act and applicable regulations;

''(D) a brief description of the primary processing (treatment) methods used by the bottled water manufacturer (such as reverse osmosis, ozonation, ultraviolet light, and micron filtration); and

''(E) test results for the microbiological, physical, chemical, and radiological quality of bottled water, as prescribed by section 165.110(b) of the Code of Federal Regulations, title 21 (or any successor regulation).

''(d) BOTTLED WATER LABELING.—

''(1) IN GENERAL.—The Secretary shall, by regulation, require each bottled water label to in-

clude the information prescribed under paragraph (3).

''(2) REGULATIONS.—In carrying out paragraph (1), the Secretary shall—

''(A) issue proposed regulations not later than 18 months after the date of enactment of this subsection; and

''(B) issue final regulations not later than 18 months after the period for public comment on such proposed regulations has ended.

''(3) REQUIREMENTS.—The regulations promulgated under paragraph (1) shall require that each bottled water label include—

''(A) the name and contact information of the bottled water manufacturer or distributor;

''(B) a statement on how consumers may obtain, upon request, a bottled water quality report as described in subsection (c)(3); and

''(C) the type of water source (such as a spring, artesian well, or public water system).

''(4) MULTISERVICE CONTAINERS.—For refillable and reusable multiservice containers, the requirements in paragraph (3) may be satisfied by including the required information on one or more of the following:

''(A) The container label.

''(B) The cap label.

''(C) An electronic or manual billing statement provided to the consumer.

''(e) NATIONAL UNIFORM LABELING.—No State or political subdivision of a State may directly or indirectly establish or continue in effect any requirement with respect to a bottled water quality report of the type required under subsection (c), or with respect to bottled water labeling of the type required under subsection (d), that is not identical to the requirements of subsection (c) or (d), respectively.''.

(b) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(ddd) The failure by a bottled water manufacturer or distributor to maintain an annual bottled water quality report in accordance with section 410(c).''.

(c) MISBRANDING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(z) If it is bottled water and its label fails to include the information required by section 410(d).''.

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