

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.

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

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

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

1 emergency notification plan.

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

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

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

24 Section 30. Emergency notification plan.

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

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

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

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

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

30 (1) Comply with the construction and performance
31 standards established by the Department or by an
32 independent authority approved by the Department.

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

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

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

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

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

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

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

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

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

1 an alternative effective device approved by the
2 Department.

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

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

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

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

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

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

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

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

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

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

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

15 Section 65. Licenses required.

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

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

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

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

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

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

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

20 Section 67. Inspections and related activities.

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

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

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

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

32 (4) Obtain samples of the water supply.

33 (5) Photograph any portion of the facilities, any

1 activity, or any sample taken.

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

4 (1) Inspect any water-vending machine.

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

7 (3) Obtain samples of vended water.

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

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

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

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

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

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

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

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

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

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

26 Section 95. Fee for evaluation. The Department shall
27 charge and collect a fee for each Department evaluation
28 required to issue a new license for a water-vending machine
29 model or a retail water facility to determine compliance with
30 the standards established by this Act. The fee shall be \$100
31 and must be paid before the Department conducts the

1 evaluation.

2 Section 100. Testing required.

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

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

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

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

23 Section 105. Monitoring of water sources.

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

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

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

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

1 manufactured, stored, disposed, or shipped in the groundwater
2 recharge basin.

3 Section 110. Licensee's annual consumer confidence
4 report.

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

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

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

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

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

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

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

33 (D) The licensee's address and telephone

1 number to enable the customer to obtain further
2 information concerning contaminants and potential
3 health effects.

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

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

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

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

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

22 (1) Consumer confidence reports prepared pursuant
23 to Section 110.

24 (2) Publicly available water quality information
25 for brands of bottled water.

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

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

31 Section 120. Additional testing requirements.

32 Notwithstanding any other provision of this Act, the

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

10 Section 125. Potential contamination.

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

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

25 (c) If evidence of contamination is found, the
26 Department may, by order, require the bottler, distributor,
27 or vendor of bottled water, owner or operator of a
28 water-vending machine, water hauler, retail water facility
29 operator, or private water source operator to conduct a
30 source-and-product water analysis for the contaminants of
31 concern in accordance with conditions specified by the
32 Department. The water analysis must be conducted and
33 reported on an annual basis, unless the Department finds that

1 reasonable action requires either more frequent or less
2 frequent analysis.

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

13 Section 135. Labeling and advertising of bottled or
14 vended water.

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

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

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

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

29 (2) The source of the water.

30 (3) The fact that the water is obtained from an
31 approved public water supply or licensed private water
32 source.

1 (4) A statement describing the treatment process
2 used.

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

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

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

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

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

15 (2) The source of the water.

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

19 (4) A statement describing the treatment process
20 used.

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

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

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

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

32 Section 145. Labeling on bottled water.

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

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

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

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

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

14 (1) The source of the bottled water.

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

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

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

33 (1) "Mineralized water" means bottled or vended

1 water that meets the requirements of "mineral water"
2 except that the water contains added minerals.

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

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

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

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

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

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

28 (a) Bottled water with natural or added carbonation may
29 be prepared with added flavors, extracts, essences, or fruit
30 juice concentrates derived from a spice or fruit and
31 comprising less than 1% by weight of the final product. The
32 final product must contain no sweeteners, or additives other

1 than the flavors, extracts, essences, or fruit juice
2 concentrates and carbon dioxide, and must be designated on
3 labels and in advertising as follows:

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

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

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

16 Section 165. Billing statement contents.

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

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

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

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

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

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

32 (a) The Department, by its written permission, may allow

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

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

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

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

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

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

31 (30 ILCS 105/5.595 new)

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