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# A BILL FOR AN ACT

RELATING TO BOTTLED WATER.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Americans send more  
2 than thirty-eight billion water bottles to landfills every year,  
3 while only thirty per cent of water bottles are placed in a  
4 recycling bin. Aluminum cans, however, are recycled twice as  
5 often as plastic, glass, and cartons. Unlike single-use plastic  
6 bottles, one hundred per cent of the aluminum can is recyclable,  
7 meaning the material from one aluminum can or bottle can be used  
8 to make another aluminum can without any new material. This  
9 closed loop cycle can take as little as sixty days.

10           The legislature further finds that many carbonated soft  
11 drink companies in other states also produce canned  
12 noncarbonated water with the same equipment used to make their  
13 other products. However, existing state law expressly prohibits  
14 carbonated soft drink, juice, and beer operations from using the  
15 same equipment to can noncarbonated bottled water. This  
16 restriction unfairly and unnecessarily limits local beverage  
17 filling companies that manufacture other products from providing



1 noncarbonated water in aluminum cans to consumers as an  
2 alternative to single-use plastic water bottles.

3       The legislature notes that the soft drink companies in  
4 other states use antimicrobial agents such as ozone during the  
5 can water production process. The ozonated water passing  
6 throughout the entire filling operation at these companies  
7 effectively eliminates microbiological contamination of the  
8 finished product.

9       The purpose of this Act is to repeal the requirement that  
10 noncarbonated bottled water be bottled in or through lines or  
11 equipment through which only water is passed.

12       SECTION 2. Section 328D-2, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14       "(a) All bottled water shall be from an approved source  
15 and shall not contain any constituent in quantities that may be  
16 injurious to health, as established by rules adopted by the  
17 department or other government agency or agencies having  
18 jurisdiction. All bottled water shall meet standards prescribed  
19 by the FDA in 21 C.F.R. section [~~103.35, except that the total~~  
20 ~~dissolved solids limitation of section 103.35(d) shall not apply~~  
21 ~~to mineral water.~~] 165.110."



1 SECTION 3. Section 328D-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Bottled water production, including transporting,  
4 processing, packaging, and storage, shall be conducted under  
5 ~~[such]~~ conditions and controls ~~[as are]~~ necessary to minimize  
6 the potential for microbiological contamination of the finished  
7 product. These conditions and controls shall include the  
8 following:

- 9 (1) Bottled water shall be subject to effective germicidal  
10 treatment by ozonation or carbonation at a minimum of  
11 three volumes of carbon dioxide or other equivalent  
12 disinfection approved by the department or government  
13 agency or agencies having jurisdiction; and
- 14 (2) Bottled water shall not be transported or stored in  
15 bulk tanks or processed or bottled through equipment  
16 or lines used for any nonfood product ~~[, and~~
- 17 ~~(3) For optimum consumer protection, in order to minimize~~  
18 ~~the potential for microbiological contamination of the~~  
19 ~~finished product, noncarbonated bottled water shall~~  
20 ~~not be transported, stored, processed, or bottled in~~



1           ~~or through lines or equipment through which any food~~  
2           ~~product other than water is passed]."~~

3           SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Noncarbonated Bottled Water; Aluminum Cans; Manufacturing

**Description:**

Repeals the requirement that noncarbonated bottled water be transported, stored, processed, or bottled through lines or equipment through which only water is passed. Updates the requirement that all bottled water shall meet standards prescribed by the United States Food and Drug Administration rules regarding product quality standards for bottled water.  
(SD1)

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