

ACT 161

S.B. NO. 348

A Bill for an Act Relating to Bottled Water.

Be It Enacted by the Legislature of the State of Hawaii:

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

The legislature further finds that many carbonated soft drink companies in other states also produce canned noncarbonated water with the same equipment used to make their other products. However, existing state law expressly prohibits carbonated soft drink, juice, and beer operations from using the same equipment to can noncarbonated bottled water. This restriction unfairly and unnecessarily limits local beverage filling companies that manufacture other products from providing noncarbonated water in aluminum cans to consumers as an alternative to single-use plastic water bottles.

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

The purpose of this Act is to:

- (1) Update a reference to federal bottled water standards; and
- (2) Repeal the requirement that noncarbonated bottled water be bottled in or through lines or equipment through which only water is passed.

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

“(a) All bottled water shall be from an approved source and shall not contain any constituent in quantities that may be injurious to health, as established by rules adopted by the department or other government agency or agencies having jurisdiction. All bottled water shall meet standards prescribed by the FDA in title 21 C.F.R. section [403.35, except that the total dissolved solids limitation of section 403.35(d) shall not apply to mineral water.] 165.110.”

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

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

- (1) Bottled water shall be subject to effective germicidal treatment by ozonation or carbonation at a minimum of three volumes of carbon dioxide or other equivalent disinfection approved by the department or government agency or agencies having jurisdiction; and
- (2) Bottled water shall not be transported or stored in bulk tanks or processed or bottled through equipment or lines used for any non-food product~~]; and~~
- (3) ~~For optimum consumer protection, in order to minimize the potential for microbiological contamination of the finished product, noncarbonated bottled water shall not be transported, stored, processed, or bottled in or through lines or equipment through which any food product other than water is passed].”~~

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

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

(Approved July 1, 2021.)