

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
269-37 (COR)	Sabina Flores Perez	AN ACT TO <i>ADD</i> A NEW ARTICLE 2 TO CHAPTER 53, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO STANDARDIZING LABELING AND TESTING OF BOTTLED WATER.	4/15/24 8:00 a.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 269-37 (COR)

Introduced by:

Sabina Flores Perez /SFP

**AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 53,
TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO
STANDARDIZING LABELING AND TESTING OF
BOTTLED WATER.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 2 is added to Chapter 53, Title 10, Guam Code Annotated is hereby *added* or read as follows:

“Article 2

Bottled Water

§53201. Definitions.

§53202. Bottled water labeling standards.

**§ 53203. Bottled Soft Drinks, Soda, or Seltzer Exempt From Bottled
Water Labeling Requirements.**

§ 53204. Water Bottled on Guam.

**§ 53205. Random Testing of Bottled Water for Regulated
Contaminants.**

§53201. Definitions.

As used in this Article,

(a) “Artesian water” means bottled water from a well tapping a confined
aquifer in which the water level stands above the water table and shall
meet the requirements of natural water.

- 1 (b) “Bottled water” means water that is placed in a sealed container or
2 package and is offered for sale for human consumption or other
3 consumer uses.
- 4 (c) “Carbonated water” or “sparkling water” means bottled water
5 containing carbon dioxide.
- 6 (d) “Department” means the Department of Public Health and Social
7 Services.
- 8 (e) “Drinking water” means bottled water obtained from an approved
9 source that has at a minimum undergone treatment consisting of
10 filtration, activated carbon or particulate, and ozonization or an
11 equivalent disinfection process, or that meets the requirements of the
12 federal Safe Drinking Water Act of 1974, as amended and complies
13 with all administrative rules and regulations regarding drinking water.
- 14 (f) “Mineral water” means bottled water that contains not less than five
15 hundred parts per million total dissolved solids. “Natural mineral
16 water” shall meet the requirements of “natural water.”
- 17 (g) “Natural water” means bottled spring, mineral, artesian, or well water
18 that is derived from an underground formation and may be derived
19 from a public water system only if that supply has a single source
20 such as an actual spring, artesian, well, or pumped well, and has not
21 undergone any treatment that changes its original chemical makeup
22 except ozonization or an equivalent disinfection process.
- 23 (h) “Plant operator” means a person who owns or operates a bottled water
24 plant.
- 25 (i) “Purified water” means bottled water produced by distillation,
26 deionization, reverse osmosis, or other suitable process and that meets
27 the definition of purified water in the most recent edition of the United

1 States Pharmacopeia. Water that meets this definition and is
2 vaporized, then condensed, may be labeled “distilled water.”

3 (j) “Spring water” means water derived from an underground formation
4 from which water flows naturally to the surface of the earth. “Spring
5 water” shall meet the requirements of “natural water.”

6 (k) “Water dealer” means a person who imports bottled water or causes
7 bulk water to be transported for bottling for human consumption or
8 other consumer uses.

9 (l) “Well water” means water from a hole bored, drilled, or otherwise
10 constructed in the ground that taps the water of an aquifer. “Well
11 water” shall meet the requirements of “natural water.”

12 (m) “Public water system” means any system, excluding a system serving
13 only one single-family residence and a system with four or fewer
14 connections all of which serve residences on the same farm, providing
15 water for human consumption through pipes or other constructed
16 conveyances, including any collection, treatment, storage, or
17 distribution facilities under control of the purveyor and used primarily
18 in connection with the system; and collection or pretreatment storage
19 facilities not under control of the purveyor but primarily used in
20 connection with the system, including:

21 (1) Any collection, treatment, storage, and distribution facilities
22 under control of the purveyor and used primarily in connection with
23 such system; and

24 (2) Any collection or pretreatment storage facilities not under
25 control of the purveyor which are primarily used in connection with
26 such system.

27 **§53202. Bottled water labeling standards.**

1 All bottled water must conform to applicable federal and local labeling laws
2 and be labeled in compliance with the following standards:

3 (a) Mineral water may be labeled “mineral water.” Bottled water to which
4 minerals are added shall be labeled as to disclose that minerals are added
5 and may not be labeled “natural mineral water.”

6 (b) Spring water may be labeled “spring water” or “natural spring water.”

7 (c) Water containing carbon dioxide that emerges from source and is bottled
8 directly with its entrapped gas or from which the gas is mechanically
9 separated and later reintroduced at a level not higher than naturally
10 occurring in the water may bear on its label the words “naturally
11 carbonated” or “naturally sparkling.”

12 (d) Bottled water that contains carbon dioxide other than that naturally
13 occurring in the source of the product shall be labeled with the words
14 "carbonated," "carbonation added," or "sparkling" if the carbonation is
15 obtained from a natural or manufactured source.

16 (e) Well water may be labeled "well water" or "natural well water."

17 (f) Artesian water may be labeled "artesian water" or "natural artesian
18 water."

19 (g) Purified water may be labeled "purified water" and the method of
20 preparation shall be stated on the label, except that purified water
21 produced by distillation may be labeled as "distilled water."

22 (h) Drinking water may be labeled "drinking water."

23 (i) The use of the word "spring," or any derivative of "spring" other than in a
24 trademark, trade name, or company name, to describe water that is not
25 spring water is prohibited.

26 (j) A product meeting more than one of the definitions in § 53201, *supra*,
27 may be identified by any of the applicable product types defined in §
28 53201, *supra*, except where otherwise specifically prohibited.

1 (k) Supplemental printed information and graphics may appear on the label
2 but shall not imply properties of the product or preparation methods that
3 are not factual.

4 **§ 53203. Bottled soft drinks, soda, or seltzer exempt from bottled water**
5 **labeling requirements.**

6 Bottled soft drinks, soda, or seltzer products commonly recognized as soft
7 drinks and identified on the product identity panel with a common or usual name
8 other than one of those specified in § 52201, *supra*, are exempt from the
9 requirements of § 52202, *supra*. Water that is not in compliance with the
10 requirements of 52202, *supra*, may not be identified, labeled, or advertised as
11 "artesian water," "bottled water," "distilled water," "natural water," "purified
12 water," "spring water," or "well water."

13 **§ 53204. Water Bottled on Guam.**

14 Water bottled on Guam shall conform to the labeling requirements of §
15 52202, *supra*. Additionally, water bottling companies shall conform to any
16 applicable administrative rules and regulations of the Guam Environmental
17 Protection Agency and the Department of Public Health and Social Services.

18 **§ 53205. Random Testing of Bottled Water for Regulated**
19 **Contaminants.**

20 (a) The Guam Environmental Protection Agency shall conduct, once
21 annually, random inspections on bottled water products that are subject to
22 regulations by the Food and Drug Administration (FDA) under the Federal Food,
23 Drug, and Cosmetic Act (FFDCA).

24 (b) The Guam Environmental Protection Agency shall conduct, four (4)
25 times annually, random inspections on bottled water products that are not subject
26 to regulations by the Food and Drug Administration (FDA) under the Federal
27 Food, Drug, and Cosmetic Act (FFDCA).

1 (c) The inspections, *supra*, are for levels of contaminants levels in excess of
2 those allowed under the federal Safe Drinking Water Act of 1974, as amended and
3 applicable United States Environmental Protection Agency (USEPA) rules and
4 regulations. The Department of Public Health and Social Services shall issue a
5 recall of any lot of bottled water that has tested above the USEPA established
6 contaminant levels or if guidance was received from any federal agency if a lot of
7 any bottled water was found to be in violation the USEPA established contaminant
8 levels in other jurisdiction nationally or internationally.”