

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1248

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H.P. 796

House of Representatives, March 21, 2023

### An Act to Ensure the Quality of Bottled Water

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.  
Cosponsored by Senators: BRENNER of Cumberland, CHIPMAN of Cumberland,  
Senator BENNETT of Oxford and  
Representatives: FAY of Raymond, JAUCH of Topsham, KESSLER of South Portland,  
MATHIESON of Kittery, O'NEIL of Saco, PLUECKER of Warren, SAYRE of Kennebunk,  
Senator: GROHOSKI of Hancock.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 601, sub-c. 9** is enacted to read:

3 **SUBCHAPTER 9**

4 **BOTTLED WATER**

5 **§2660-AA. Definitions**

6 As used in this subchapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Bottler.** "Bottler" means a person that extracts water in this State to be sold as  
9 bottled water.

10 **2. Community water system.** "Community water system" has the same meaning as  
11 in section 2660-B, subsection 2.

12 **3. Perfluoroalkyl and polyfluoroalkyl substances or PFAS.** "Perfluoroalkyl and  
13 polyfluoroalkyl substances" or "PFAS" means a perfluoroalkyl substance or  
14 polyfluoroalkyl substance that is detectable in drinking water using standard laboratory  
15 methods established by the United States Environmental Protection Agency, including  
16 regulated PFAS contaminants.

17 **4. Regulated PFAS contaminants.** "Regulated PFAS contaminants" means  
18 perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid,  
19 perfluorononanoic acid and perfluoroheptanoic acid.

20 **§2660-BB. Bottled water testing, reporting and sale requirements**

21 A bottler shall comply with the provisions of this section.

22 **1. Testing.** A bottler shall conduct testing for the level of PFAS applicable to a  
23 community water system detectable using standard laboratory methods established by the  
24 United States Environmental Protection Agency in effect at the time of sampling. A bottler  
25 shall conduct testing under this subsection for all regulated PFAS contaminants and  
26 additional PFAS included in the list of analytes in the standard laboratory methods  
27 established by the United States Environmental Protection Agency applicable to  
28 community water systems in effect at the time of sampling.

29 **2. Reporting.** A bottler shall report the results of testing required by this section to  
30 the department in the same manner as a community water system is required to report under  
31 department rule.

32 **3. Sale of bottled water.** A person may not sell bottled water in this State that contains  
33 a regulated PFAS contaminant in an amount that exceeds the standard applicable to a  
34 community water system, either under a standard set by this State or a federal standard,  
35 whichever requires a lower level of the contaminant.

36 **4. Labeling.** A bottler or a person who sells bottled water in this State shall indicate  
37 on the label of bottled water:

38 A. The source of the water in the bottle;

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B. The date the water was tested for PFAS contaminants; and

C. The level of PFAS contaminants present in the water or a statement that the water is free from PFAS contaminants, as applicable.

**5. Enforcement.** The department may enforce the requirements of this section in the same manner as for a violation of subchapter 2. A bottler or a person who sells bottled water may appeal the acts or decisions of the department under this section in the same manner as described in subchapter 2-A.

**6. Rules.** The department shall adopt rules to implement this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Rules.** The Department of Health and Human Services shall adopt rules as required by the Maine Revised Statutes, Title 22, section 2660-BB not later than 30 days after the date of adoption of rules required under Resolve 2021, chapter 82.

**Sec. 3. Compliance.** A person that extracts water or a person who sells bottled water in this State to be sold as bottled water is not required to comply with the provisions of the Maine Revised Statutes, Title 22, section 2660-BB until the Department of Health and Human Services has adopted rules as required under Resolve 2021, chapter 82 and Title 22, section 2660-BB.

**SUMMARY**

This bill requires persons that extract water in this State to be sold as bottled water to conduct testing for perfluoroalkyl and polyfluoroalkyl substances, or PFAS, in the bottled water. The bill prohibits the sale of bottled water that contains a PFAS contaminant in an amount that exceeds state or federal standards. The bill also imposes reporting requirements on persons that extract water in this State to be sold as bottled water and labeling requirements on bottled water sold in this State.