

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1418

H.P. 914

House of Representatives, March 30, 2023

An Act Concerning Single-use Disposable Water Bottles and Water Refill Stations

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator BENNETT of Oxford and
Representatives: DOUDERA of Camden, GEIGER of Rockland, JAUCH of Topsham,
LOOKNER of Portland, SAYRE of Kennebunk, Speaker TALBOT ROSS of Portland,
WARREN of Scarborough, Senator: INGWERSEN of York.

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

2 **Sec. 1. 38 MRSA §1617** is enacted to read:

3 **§1617. Sale and purchase of water in single-use containers; water refill stations**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Beverage container" means a bottle, can, jar, package or other container made of
7 glass, metal, plastic or other material that has been sealed by a beverage manufacturer
8 and at the time of sale contains one liter or less of a beverage.

9 B. "Consumer" means an individual who purchases or accepts food or beverages for
10 use or consumption.

11 C. "Food service" means an individual, sole proprietorship, partnership, association,
12 corporation or agency of the State or a political subdivision of the State that sells, offers
13 to sell, engages in the sale of or engages in the provision of food or beverages to
14 consumers.

15 D. "Political subdivision" has the same meaning as in Title 14, section 8102, subsection
16 3.

17 E. "Retail establishment" has the same meaning as in section 1611, subsection 1,
18 paragraph F.

19 F. "Single-use beverage container" means a beverage container that, after being used
20 by a consumer, is not designed by the beverage container manufacturer to be reused as
21 a beverage container.

22 G. "State" has the same meaning as in Title 14, section 8102, subsection 4.

23 H. "Water refill station" means a publicly accessible machine, device, structure or
24 container that is designed to supply uncarbonated, unflavored drinking water in a
25 manner that allows a user to consume the water from the machine, device, structure or
26 container or to fill a beverage container with the water. "Water refill station" includes,
27 but is not limited to, a water fountain, a water cooler and a water dispenser.

28 **2. Sales and purchasing prohibitions; state and political subdivisions.** Beginning
29 January 1, 2024:

30 A. A food service providing or serving individual portions of food or a beverage at a
31 facility or function of the State or of a political subdivision may not sell, offer for sale
32 or provide to a consumer uncarbonated, unflavored drinking water in a single-use
33 beverage container; and

34 B. An agency, department, board, commission or institution of the State or of a
35 political subdivision may not purchase uncarbonated, unflavored drinking water in
36 single-use beverage containers.

37 The prohibitions in this subsection do not apply during an event for which a Governor's
38 state of emergency proclamation has been issued pursuant to Title 37-B, section 742.

39 **3. Water refill stations; state and political subdivisions.** Beginning January 1, 2024,
40 each facility or function of the State or of a political subdivision that is open to the public

1 or that is regularly used by employees of the State or of a political subdivision must include
2 a reasonably accessible water refill station.

3 **4. Water refill stations; retail establishments.** This subsection governs water refill
4 stations at retail establishments.

5 A. Beginning January 1, 2024, a retail establishment that makes available to the public
6 free of charge a water refill station within the retail establishment must post in a
7 prominent and easily visible location near the water refill station and near any location
8 in the store where uncarbonated, unflavored drinking water in single-use beverage
9 containers are offered or displayed for sale a sign that describes the location of the
10 water refill station and notifies consumers that they may consume water or refill a
11 beverage container with water free of charge at the water refill station.

12 B. Beginning January 1, 2027, a retail establishment that sells or offers for sale
13 uncarbonated, unflavored drinking water in single-use beverage containers must make
14 available to the public free of charge a reasonably accessible water refill station within
15 the retail establishment and post the notices required under paragraph A.

16 C. The department shall engage in education and outreach activities with retail
17 establishments regarding the requirements of this subsection and shall investigate any
18 complaints received regarding noncompliance by a retail establishment with the
19 requirements of this subsection.

20 SUMMARY

21 This bill enacts the following measures concerning single-use disposable water bottles.

22 1. It provides that, beginning January 1, 2024, a food service providing or serving
23 individual portions of food or a beverage at a facility or function of the State or of a political
24 subdivision may not sell, offer for sale or provide to a consumer uncarbonated, unflavored
25 drinking water in a single-use beverage container containing one liter or less of water.

26 2. It provides that, beginning January 1, 2024, an agency, department, board,
27 commission or institution of the State or of a political subdivision may not purchase
28 uncarbonated, unflavored drinking water in single-use beverage containers containing one
29 liter or less of water.

30 3. It provides that, beginning January 1, 2024, each facility or function of the State or
31 of a political subdivision that is open to the public or that is regularly used by employees
32 of the State or of a political subdivision must include a reasonably accessible water refill
33 station.

34 4. It provides that, beginning January 1, 2024, a retail establishment that makes
35 available to the public free of charge a water refill station within the retail establishment
36 must post signs within the store describing the location of the refill station and notifying
37 consumers that they may consume water or refill a beverage container with water free of
38 charge at the refill station.

39 5. It provides that, beginning January 1, 2027, a retail establishment that sells or offers
40 for sale uncarbonated, unflavored drinking water in single-use beverage containers
41 containing one liter or less of water must make available to the public free of charge a
42 reasonably accessible water refill station within the retail establishment and post signs
43 within the store describing the location of the refill station and notifying consumers that

1 they may consume water or refill a beverage container with water free of charge at the refill
2 station.

3 6. It provides that the Department of Environmental Protection must engage in
4 education and outreach activities with retail establishments regarding the water refill station
5 requirements and must investigate any complaints received regarding noncompliance by a
6 retail establishment with those requirements.