

24:12-9

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2005 **CHAPTER:** 325
NJSA: 24:12-9 (Provides that label of bottled water contain date on which water was bottled)
BILL NO: S1311 (Substituted for A2623)

SPONSOR(S): Vitale and others

DATE INTRODUCED: March 8, 2004

COMMITTEE: **ASSEMBLY:**
SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2006
SENATE: January 5, 2006

DATE OF APPROVAL: January 12, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

S1311

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A2623

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#) [Yes](#)**

[SENATE:](#) No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government

Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

IS 2/6/08

P.L. 2005, CHAPTER 325, *approved January 12, 2006*
Senate, No. 1311 (*First Reprint*)

1 AN ACT concerning bottled water and amending P.L.1987, c.227.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. Section 2 of P.L.1987, c.227 (C.24:12-9) is amended to read as
7 follows:

8 2. a. Bottled water which is manufactured, distributed or sold
9 within this State, in addition to complying with the standards
10 governing the manufacturing, storage and distribution of bottled water
11 promulgated by the Department of Health and Senior Services
12 pursuant to R.S. 24:2-1, shall comply with the regulations concerning
13 drinking water quality standards adopted by the Department of
14 Environmental Protection pursuant to the "Safe Drinking Water Act,"
15 P.L.1977, c.224 (C.58:12A-1 et seq.) [and shall not be sold more than
16 two years after the date on which it is sealed in its bottle, package, or
17 container].

18 b. ¹[All bottles, packages, or containers of bottled water sold,
19 offered for sale, or bottled in this State shall bear a clear and
20 prominent label indicating the specific location at which the water was
21 obtained, including the address of a water purveyor, artesian or driven
22 well, spring, or other point of origin. This label shall also classify the
23 bottled water as demineralized water, distilled water, purified water,
24 drinking water, light mineral water, mineral water, or spring water and
25 shall contain]¹ [an expiration date of two years from]¹ [the date on
26 which the water was bottled.] (Deleted by amendment, P.L. , c. .)¹
27 (cf: P.L.1987, c.227, s.2)

28

29 2. This act shall take effect immediately.

30

31

32

33

34 Provides that label of bottled water contain date on which water was
35 bottled.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted May 10, 2004.

SENATE, No. 1311

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 8, 2004

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

SYNOPSIS

Provides that label of bottled water contain date on which water was bottled.

CURRENT VERSION OF TEXT

As introduced.



S1311 VITALE, KARCHER

2

1 AN ACT concerning bottled water and amending P.L.1987, c.227.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. Section 2 of P.L.1987, c.227 (C.24:12-9) is amended to read as
7 follows:

8 2. a. Bottled water which is manufactured, distributed or sold
9 within this State, in addition to complying with the standards
10 governing the manufacturing, storage and distribution of bottled water
11 promulgated by the Department of Health and Senior Services
12 pursuant to R.S. 24:2-1, shall comply with the regulations concerning
13 drinking water quality standards adopted by the Department of
14 Environmental Protection pursuant to the "Safe Drinking Water Act,"
15 P.L.1977, c.224 (C.58:12A-1 et seq.) [and shall not be sold more than
16 two years after the date on which it is sealed in its bottle, package, or
17 container].

18 b. All bottles, packages, or containers of bottled water sold,
19 offered for sale, or bottled in this State shall bear a clear and
20 prominent label indicating the specific location at which the water was
21 obtained, including the address of a water purveyor, artesian or driven
22 well, spring, or other point of origin. This label shall also classify the
23 bottled water as demineralized water, distilled water, purified water,
24 drinking water, light mineral water, mineral water, or spring water and
25 shall contain [an expiration date of two years from] the date on which
26 the water was bottled.

27 (cf: P.L.1987, c.227, s.2)

28

29 2. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill requires that the label on all bottles, packages or containers
35 of bottled water sold, offered for sale or bottled in this State shall
36 contain the date on which the water was bottled. The bill eliminates
37 the requirements that the label contain a two-year expiration date and
38 that the water cannot be sold more than two years after the date it was
39 bottled.

40 The federal Food and Drug Administration (FDA) considers bottled
41 water to have an indefinite shelf life if it is produced in accordance
42 with the FDA's *Current Good Manufacturing Practice* and is stored
43 in an unopened, properly sealed container. Although there is virtually

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

S1311 VITALE, KARCHER

3

1 no evidence that drinking bottled water beyond the two-year
2 expiration date has any adverse impact on a person's health, it is noted
3 that long-term storage of bottled water may result in aesthetic defects,
4 such as off-odor and taste, so bottlers may voluntarily put expiration
5 dates on their labels. Eliminating the requirement that all bottled
6 water sold in the State have an expiration date would not preclude a
7 bottler from establishing its own expiration date or "best if used by"
8 date, for marketing purposes, if the bottler determines that the taste or
9 appearance of the water may change over time.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1311

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 2004

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1311.

As amended, this bill eliminates the State's requirement that all bottles, packages or containers of bottled water sold, offered for sale or bottled in this State bear a clear and prominent label indicating the specific location at which the water was obtained, including the address of a water purveyor, artesian or driven well, spring, or other point of origin; classifying the bottled water as demineralized water, distilled water, purified water, drinking water, light mineral water, mineral water, or spring water; and containing an expiration date of two years from the date on which the water was bottled. In so doing, the bill recognizes that the regulations of the federal Food and Drug Administration (FDA), which were promulgated after the 1987 State law amended by the bill, provide ample protection to consumers as to the bottled water products they purchase.

The committee amended the bill to eliminate all State labeling requirements, not only the requirement for a two-year expiration date, as the bill provided when introduced. Federal regulation (21 CFR s. 129.80(e) requires that each unit of a continuous run of bottled water must be identified by a production code identifying a particular batch or segment of a continuous production run and the day produced. The bottling plant must then record and maintain information as to the kind of product, lot code, and distribution to wholesale and retail outlets. Because of this federal regulation, the State's labeling requirements were superseded and at this point, New Jersey stood alone as the only state with a statutory requirement that bottled water labels include an expiration date of any duration.

ASSEMBLY, No. 2623

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MAY 3, 2004

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblyman LOUIS MANZO

District 31 (Hudson)

SYNOPSIS

Provides that label of bottled water contain date on which water was bottled.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning bottled water and amending P.L.1987, c.227.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. Section 2 of P.L.1987, c.227 (C.24:12-9) is amended to read as
7 follows:

8 2. a. Bottled water which is manufactured, distributed or sold
9 within this State, in addition to complying with the standards
10 governing the manufacturing, storage and distribution of bottled water
11 promulgated by the Department of Health and Senior Services
12 pursuant to R.S.24:2-1, shall comply with the regulations concerning
13 drinking water quality standards adopted by the Department of
14 Environmental Protection pursuant to the "Safe Drinking Water Act,"
15 P.L.1977, c.224 (C.58:12A-1 et seq.) [and shall not be sold more than
16 two years after the date on which it is sealed in its bottle, package, or
17 container].

18 b. All bottles, packages, or containers of bottled water sold,
19 offered for sale, or bottled in this State shall bear a clear and
20 prominent label indicating the specific location at which the water was
21 obtained, including the address of a water purveyor, artesian or driven
22 well, spring, or other point of origin. This label shall also classify the
23 bottled water as demineralized water, distilled water, purified water,
24 drinking water, light mineral water, mineral water, or spring water and
25 shall contain [an expiration date of two years from] the date on which
26 the water was bottled.

27 (cf: P.L.1987, c.227, s.2)

28

29 2. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill requires that the label on all bottles, packages or containers
35 of bottled water sold, offered for sale or bottled in this State shall
36 contain the date on which the water was bottled. The bill eliminates
37 the requirements that the label contain a two-year expiration date and
38 that the water cannot be sold more than two years after the date it was
39 bottled.

40 The federal Food and Drug Administration (FDA) considers bottled
41 water to have an indefinite shelf life if it is produced in accordance
42 with the FDA's *Current Good Manufacturing Practice* and is stored
43 in an unopened, properly sealed container. Although there is virtually

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 no evidence that drinking bottled water beyond the two-year
2 expiration date has any adverse impact on a person's health, it is noted
3 that long-term storage of bottled water may result in aesthetic defects,
4 such as off-odor and taste, so bottlers may voluntarily put expiration
5 dates on their labels. Eliminating the requirement that all bottled
6 water sold in the State have an expiration date would not preclude a
7 bottler from establishing its own expiration date or "best if used by"
8 date, for marketing purposes, if the bottler determines that the taste or
9 appearance of the water may change over time.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2623

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 2004

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2623.

As amended, Assembly Bill No. 2623 eliminates the State's requirement that all bottles, packages or containers of bottled water sold, offered for sale or bottled in this State bear a clear and prominent label indicating the specific location at which the water was obtained, including the address of a water purveyor, artesian or driven well, spring, or other point of origin; classifying the bottled water as demineralized water, distilled water, purified water, drinking water, light mineral water, mineral water, or spring water; and containing an expiration date of two years from the date on which the water was bottled. In so doing, the bill recognizes that the regulations of the federal Food and Drug Administration (FDA), which were promulgated after the 1987 State law amended by the bill, provide ample protection to consumers as to the bottled water products they purchase.

COMMITTEE AMENDMENTS

At the sponsor's request, the committee amended the bill to eliminate all State labeling requirements, not only the requirement for a two-year expiration date, as the bill provided when introduced. Federal regulation (21 CFR §129.80(e)) requires that each unit of a continuous run of bottled water must be identified by a production code identifying a particular batch or segment of a continuous production run and the day it was produced. The bottling plant must then record and maintain information as to the kind of product, lot code, and distribution to wholesale and retail outlets. In addition, federal regulation (21 CFR §165.110) sets precise quality standards for bottled water and specifically outlines exactly what information must be included on the labels of all bottled water. Because of this federal regulation, the State's labeling requirements were superseded and at this point, New Jersey stood alone as the only state with a statutory requirement that bottled water labels include an expiration date of any duration.