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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3891

02/27/2020 Authored by Dehn; Hornstein; Sauke; Carlson, L.; Gomez and others
The bill was read for the first time and referred to the Committee on Commerce

1.1 A bill for an act
1.2 relating to commerce; prohibiting the sale of water in plastic containers; proposing
1.3 coding for new law in Minnesota Statutes, chapter 325E.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 325E.047] BOTTLED WATER; PROHIBITION OF SALE.

1.6 Subdivision 1. Prohibition. A manufacturer, wholesaler, or retailer is prohibited from
1.7 selling or offering for sale bottled water in Minnesota.

1.8 Subd. 2. Definitions. (a) For the purposes of this section, the following terms have the
1.9 meanings given them.

1.10 (b) "Bottled water" means water contained in a formed or molded container that:

1.11 (1) is comprised primarily of plastic resin;

1.12 (2) is sealed; and

1.13 (3) holds one gallon or less when full.

1.14 (c) "Water" means any of the following, if intended for human consumption: natural
1.15 spring or well water; water from municipal or private utility systems or other sources;
1.16 distilled, deionized, filtered, or other purified water; mineral water; carbonated, sparkling,
1.17 or tonic water; or any of the foregoing to which a chemical or flavoring is added. Water
1.18 does not include products that are not marketed as water.

1.19 Subd. 3. Enforcement; civil penalty; injunctive relief. (a) A manufacturer, wholesaler,
1.20 or retailer that violates subdivision 1 is subject to a civil penalty of \$50 for each prepackaged

2.1 saleable unit offered for sale, up to a maximum penalty of \$500, and may be enjoined from
2.2 the violations.

2.3 (b) The attorney general may bring an action in the name of the state in a court of
2.4 competent jurisdiction to recover civil penalties or for injunctive relief as provided in this
2.5 subdivision. The attorney general may accept an assurance of discontinuance of acts in
2.6 violation of subdivision 1 in the manner provided in section 8.31, subdivision 2b.

2.7 **EFFECTIVE DATE.** This section is effective January 1, 2021.