

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R080-23

November 1, 2023

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1 and 2, NRS 439.200.

A REGULATION relating to bottled water; revising provisions governing permits to sell or distribute bottled water in this State; eliminating a fee for an annual permit to sell or distribute bottled water produced in a plant located outside of this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Health to adopt and amend regulations to provide for the sanitary protection of water and food supplies and to protect and promote the public health generally. (NRS 439.200) Existing regulations prohibit a person from operating a facility in which water is treated or bottled in the State without a permit issued by the health authority. (NAC 445A.545) Existing regulations prohibit the sale or distribution within this State of bottled water produced in a plant located outside of this State unless the operator or distributor has obtained a permit issued by the appropriate health authority. (NAC 445A.547) **Section 1** of this regulation revises these provisions to prohibit the sale or distribution within this State of bottled water produced in a plant located in this State unless the operator or distributor has obtained a permit issued by the appropriate health authority, as required by existing regulations, for the operation of a bottling facility. **Section 1** also revises the required contents of an application for such a permit. **Section 2** of this regulation makes a conforming change to eliminate the fee for a permit to sell or distribute bottled water produced in a plant located outside of this State, as such permits will no longer be issued.

Section 1. NAC 445A.547 is hereby amended to read as follows:

445A.547 1. No bottled water produced in a plant located ~~outside of~~ *in* this State may be sold or distributed within this State unless the operator or distributor has obtained a permit issued by the appropriate health authority ~~+~~ *pursuant to NAC 445A.545.*

2. An applicant for such a permit must submit with his or her application:

(a) A copy of the document which records the approval of the source of water by the health authority which has jurisdiction;

~~(b) A copy of the permit issued to the applicant by the state or country in which his or her plant is located;~~

~~—(c)~~ A report by the applicant regarding his or her past compliance with the applicable regulations on the quality and sampling of the water the applicant produced or distributed;

~~(d)~~ *(c)* A copy of each type of label which will be displayed with the bottled water distributed in this State;

~~(e)~~ *(d)* A copy of the most recent analysis conducted pursuant to:

(1) Paragraph (b) of subsection 1 of NAC 445A.555; and

(2) Paragraph (c) of subsection 1 of NAC 445A.555;

~~(f)~~ *(e)* Copies of the three most recent analyses conducted pursuant to paragraph (a) of subsection 1 of NAC 445A.555; and

~~(g)~~ *(f)* The fee required pursuant to NAC 445A.589.

Sec. 2. NAC 445A.589 is hereby amended to read as follows:

445A.589 The Division shall charge and collect the following fees:

For an annual permit to operate a plant.....	\$150
For an annual permit to sell or distribute bottled water produced in a plant located outside of this State.....	175
To review plans for constructing a plant.....	200
To review plans for remodeling a permitted plant.....	100