

6-8-2015

TAXES ON BOTTLED CALIFORNIA WATER. LABELING REQUIREMENTS. INITIATIVE STATUTE.

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_inits

Recommended Citation

TAXES ON BOTTLED CALIFORNIA WATER. LABELING REQUIREMENTS. INITIATIVE STATUTE. California Initiative 1684 (2015).

http://repository.uchastings.edu/ca_ballot_inits/1952

This Article is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Initiatives by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

Ms. Ashley Johansson
 Initiative Coordinator
 Office of the Attorney General
 1300 "I" Street
 Sacramento, CA 95814-2919

RECEIVED

APR 20 2015

INITIATIVE COORDINATOR
 ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Pursuant to Article II, Section 10(d) of the California Constitution, this letter respectfully requests that the Attorney General prepare a circulating title and summary of the enclosed proposed statewide initiative: "Groundwater Preservation and Water Consumer Awareness Act of 2015."

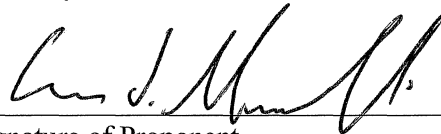
Also enclosed are the required signed statements pursuant to California Elections Code sections 9001 and 9608, and a check in the amount of \$200.

Please direct all inquiries and correspondence regarding this proposed initiative to:

Louis J. Marinelli
 President, Sovereign California
LJMarinelli@SovereignCA.org
 Sovereign California (FPPC ID: 1373550)
 P.O. Box 121165
 San Diego, California 92112-1165

Thank you for your time and attention to this matter.

Sincerely,



 Signature of Proponent

Louis J. Marinelli

Printed Name

4/20/15

 Date



FINDINGS AND DECLARATIONS

Whereas, California is facing one of the worst droughts in history;

Whereas, private companies are bottling water from California and exporting it out of state for profit;

Whereas, the International Bottled Water Association estimates that over two liters of water are used in the production of just one liter of soda and an additional 1.39 liters of water is used to produce a single liter of water for retail sale;

Whereas, many of the same companies producing soda drinks also produce bottled water;

Whereas, existing law provides that tobacco and alcohol companies include clear and conspicuous labeling referencing to the detrimental health effects that may be caused by their products;

Whereas, existing law provides that pharmaceutical companies clearly include information and make clear statements in advertisements referencing the side effects that may be caused by their products;

Whereas the availability of water is a matter of public health;

The People of California hereby submit the following initiative to impose an excise tax on water collected from California to be bottled for retail sale, remove bottled water from the list of food products exempt from state sales and use taxes, and require bottled water companies to provide greater transparency on the source of the bottled water sold in California, and for bottled water containing water from California, include a "Not Drought Friendly" logo clearly on the label so that consumers may be more informed.



California Groundwater Preservation and Water Consumer Awareness Act of 2015

SEC. 100.

It is the intent of the People of California to impose an excise tax of five cents on each ounce of water collected from the ground or municipal waters of California for the purpose of bottling for retail sale by adding Part 32 "The Bottled Water Excise Tax" to Division 2 of the Revenue and Taxation Code, as follows:

REVENUE AND TAXATION CODE - RTC
 DIVISION 2. OTHER TAXES [6001 – 65000]
 PART 32. THE BOTTLED WATER EXCISE TAX [65000 – 65001]
 CHAPTER 1. GENERAL PROVISIONS [65000]

65000.

This part is known and may be cited as the "California Groundwater Preservation and Water Consumer Awareness Act of 2015."

CHAPTER 2. BOTTLED WATER TAX [65001]

65001.

(a) An excise tax of five cents (\$0.05) is hereby imposed upon each ounce of bottled water containing any water collected in California at the point where water flows naturally to the earth's surface or from a borehole in California that taps into the underground source, or any California municipal water supply.

SEC. 200.

It is the intent of the People of California to exclude bottled water sold in the State of California from the list of food products exempt from the sales and use taxes by amending Article 1 of Chapter 4 of Part 1 of Division 2 of the Revenue and Taxation Code, as follows:

REVENUE AND TAXATION CODE - RTC
 DIVISION 2. OTHER TAXES [6001 - 60709]
 PART 1. SALES AND USE TAXES [6001 - 7176]
 CHAPTER 4. Exemptions [6351 - 6423]
 ARTICLE 1. General Exemptions [6351 - 6380]

6359.

(3) All fruit juices, vegetable juices, and other beverages, whether liquid or frozen, ~~including~~ excluding bottled water, ~~and but excluding~~ excluding spirituous, malt, or vinous liquors or carbonated beverages.

SEC. 300.

It is the intent of the People of California to provide consumers with more information as to the source of bottled water, and that purchasing bottled water from any source in California is not "drought friendly" by amending Article 12 of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, as follows:



HEALTH AND SAFETY CODE - HSC
DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119405]
PART 5. SHERMAN FOOD, DRUG, AND COSMETIC LAWS [109875 - 111915]
CHAPTER 5. Food [110425 - 111223]
ARTICLE 12. Bottled, Vended, Hauled, and Processed Water [111070 - 111198]

111170.

(f) Each container of bottled water sold at retail or wholesale in this state in a beverage container shall include on its label, or on an additional label affixed to the bottle, or on a package insert or attachment, all the following:

(1) The name and contact information for the bottler or brand owner, including, when applicable, any parent companies.

(2) The source of the bottled water, in compliance with applicable state and federal regulations. If the source of the bottled water is California, (a) a clear and conspicuous statement that informs consumers that the product is not drought-friendly, and (b) the "Not Drought Friendly" logo, as pictured, not smaller than one square inch.

(3) A clear and conspicuous statement that informs consumers about how to access water quality information contained in the bottled water report required by Section 111071.

Logo referenced in Article 12,
Sec. 111170 (f) (2) (b)



SEC. 400.

It is the intent of the People of California to reserve the sum of all sales and excise tax revenue collected by this Act into a special fund for the construction, maintenance, and repair of water infrastructure projects including dams, levies, water treatment facilities, and water desalination plants.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

TAXES ON BOTTLED CALIFORNIA WATER. LABELING REQUIREMENTS.

INITIATIVE STATUTE. Imposes a five-cent excise tax on each ounce of bottled water containing any surface, underground, or municipal water collected in California. Applies tax revenues to fund construction and maintenance of water infrastructure projects including dams, levies, water treatment facilities, and desalination plants. Requires each container of bottled California water sold in California to bear a statement and specific logo on its label identifying the product as “not drought friendly.” Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **If the measure is able to be implemented, an uncertain, but likely small, net change in state revenues, with any bottled water excise tax revenues funding water infrastructure. Potential state costs of up to millions of dollars per year to administer the excise tax. Likely reduction in fee revenue and costs for some municipal water utilities.** (15-0021.)