

**DEPARTMENT OF HEALTH AND HOSPITALS
OFFICE OF PUBLIC HEALTH
FOOD & DRUG UNIT**

**BASIC REQUIREMENTS FOR PROSPECTIVE WATER VENDING MACHINE
OPERATORS**
(Revised 3/5/10)

Water vending machines in Louisiana must comply with the following laws and regulations contained in this information packet:

- Water Vending Machine Law (LSA R.S. 40: 701 *et seq*)
- State of Louisiana Water Vending Machine Regulations (49:2.1200-1230)

The procedure for obtaining a tag for a new water-vending unit is as follows:

- 1) If this is a new unit never before approved for use in the state, or you are applying for a tag for a dispensing unit within a water store, you must first submit plans and specifications for the facility and/or unit, including the plumbing, electrical, mechanical, HVAC (if applicable), as well as a schedule of finished materials, maintenance and cleaning schedules, post-anomaly procedures (flood, loss of water pressure, loss of power), a plans review questionnaire document (for stores), and documentation that the unit or store equipment is constructed to NSF or NAMA standards. These items should be submitted to the Program Manager for Ice- and Water-Vending at the Central Office for review.
- 2) Once the preliminary review is complete, the Program Manager will issue a letter to the unit manufacturer or putative store operator indicating approval or disapproval of the submission. Revise and/or resubmit documents as needed.
- 3) In addition, the local Parish Health Unit should be contacted regarding the approval status of the source of potable water and the method of wastewater disposal. Note that all water-vending units are required by law to be tied into a community water system as a potable water source. A link to the locations of Parish Health Units may be found here:
<http://www.dhh.louisiana.gov/offices/?ID=223>.
- 4) When an approval has been issued, the Central Office will issue a tag to the district sanitarian covering the area where your device or facility will be located. You should contact the district sanitarian when the facility and/or unit is ready for inspection. You will need to have a partially-completed FD-26 form, a check or money order for \$100 per unit payable to DHH, and a parish utility letter at the time of inspection. If the inspection notes no major defects (at the discretion of the inspector), the sanitarian will assist you in completing the FD-26 on site and issue the tag.

- 5) For a unit whose model has been previously approved, you may start the process at step 3, requesting that Central Office issue a tag to the relevant sanitarian and contacting him/her to set up an inspection when the unit is in place.

STATE OF LOUISIANA
FOOD, DRUG, AND COSMETIC LAW
Chapter 4, Part III-A

SUBPART B. WATER VENDING MACHINES

§701. Definitions

As used in this Sub-Part:

- (1) "Department" means the Department of Health and Hospitals.
- (2) "Water vending machine", hereinafter referred to as machine, means any machine connected to a water supply which filters or purifies water for the purpose of selling such water for human consumption.

Added by Acts 1983, No. 510, §1.

§701.1. Permit; application; fees; renewal

A. The department shall require each owner or operator of water vending machines to obtain a permit for each machine prior to the installation of such machine; however, any machine currently in operation may continue in operation until permits for such machine can be obtained under the provisions of this Sub-Part; however, such period shall not exceed one calendar year from the effective date of this Sub-Part.

B. The department shall establish written rules and regulations for the issuance of such permits including but not limited to machine construction, installation, performance, control, and maintenance criteria. Any applicant who meets the criteria established by the department shall be issued a permit.

C. The department shall collect a fee of one hundred dollars for each permit issued.

D. Permits issued under the provisions of this Sub-Part shall be valid for one calendar year from the date of issue unless sooner revoked as provided in R.S. 40:701.2 and shall be renewed annually thereafter.

Added by Acts 1983, No. 510, §1; Acts 2000, 1st Ex. Sess., No. 125, §1, eff. July 1, 2000.

§701.2. Revocation of permit

A. The department shall revoke any permit issued pursuant to the provisions of this Sub-Part for noncompliance with the provisions of R.S. 40:701.2 at any time a machine is

found to be in noncompliance with the provisions of this Sub-Part or the rules and regulations established by the department.

B. The department may revoke any such permit either temporarily until there is compliance with the provisions of this Sub-Part and with the rules and regulations as established by the department or permanently for the unexpired period of the permit.

C. Any person whose permit for a water vending machine has been revoked shall discontinue the operation of the machine until the machine has been brought into compliance with this Sub-Part and he shall have obtained a new permit to operate from the department.

Added by Acts 1983, No. 510, §1.

§701.3. Labeling

Notwithstanding the issuance of any permit, every machine as defined herein shall have a label which shall be displayed prominently on the machine indicating the source of the water dispensed, the methods used to treat the water to reduce or eliminate impurities, and the chemical names and concentrations of any preservatives or additives.

Added by Acts 1983, No. 510, §1.

§701.4. Penalty for violations

Whoever violates any provision of this Sub-Part shall be fined one thousand dollars for each offense. Each violation shall constitute a separate offense.

Added by Acts 1983, No. 510, §1.

§701.5. Injunction proceedings

A. In order to avoid multiplicity of criminal prosecutions, the district courts may, for cause, restrain any person by temporary or permanent injunction from the continued operation of a water vending machine for which a permit has not been issued under the provisions of R.S. 40:701.1 or which does not display the label required by R.S. 40:701.3.

B. Violation of any injunction issued pursuant to this Section shall be summarily tried and punished by the court as a contempt. The contempt proceedings may be instituted by order of the court or by the filing of a bill of information by the district attorney. Process of the court for the arrest of the violator may be served at any place in the state.

Added by Acts 1983, No. 510, §1.

STATE OF LOUISIANA
FOOD, DRUG, AND COSMETIC REGULATIONS
Chapter 4, Part I

Water Vending Machine Regulations

49:2.1200 Definitions

- (A) "Water vending machine" shall mean any self-service device which, upon insertion of money or tokens or upon receipt of payment by other means, dispenses unit servings of water in bulk into a container, without the necessity of refilling the machine between each operation.
- (B) "Permit" shall mean and be limited to a permit issued under and pursuant to the provisions of these regulations.
- (C) "Vended water" shall mean that water dispensed by means of a water vending machine.
- (D) "Person" shall mean any individual, public or private corporation, company, association, partnership, municipality, or any other legal entity or its legal representative, agent or assigns.
- (E) "Operator" shall mean any person who owns or operates a water vending machine.
- (F) "Potable water" shall mean water that meets the requirements of Part XII of the Louisiana State Sanitary Code of January 1, 1997 and any subsequent revisions.
- (G) "Spring water" shall mean water obtained from a water source which flows naturally from an underground spring or is obtained from such a spring by means of drilling and/or pumps.
- (H) "United States Pharmacopeia" shall mean "the Pharmacopeia of the United States Pharmacopeia Convention"; a book of standards for drugs, tests, waters, and reagents.
- (I) "Purified water" shall mean water produced by distillation, deionization, reverse osmosis, or other methods as defined in the current edition of the "United States Pharmacopeia."
- (J) "Nontoxic materials" shall mean materials which are free of substances which may render the water injurious to health or which may adversely affect the flavor, color, odor, or microbiological quality of the water.
- (K) "Approved" means approved in writing by the designated representative of the State Health Officer.
- (L) "Sanitary" shall mean promoting or pertaining to health and therefore, free of harmful or deleterious contaminants.

49:2.1210 Operating Requirements

Each water vending machine operator shall:

- (A) obtain a permit for each water vending machine operated.
- (B) Install each water vending machine to a potable water supply in accordance with the State Sanitary Code and any applicable, local plumbing codes.
- (C) Operate and maintain all water vending machines in a sanitary manner.
- (D) Maintain adequate water quality monitoring by analyzing one sample every three months for bacteriological contaminants for each water vending machine.
- (E) Take investigative or corrective action, in cooperation with the Food and Drug Unit, as necessary when a water vending machine malfunctions to assure that pure, wholesome, and potable water is supplied to consumers.

49:2.1220 Permits

- (A) Each person desiring to operate a water vending machine in Louisiana shall, prior to such operation, apply to the State Health Officer for a permit.
- (B) Any application for a permit shall be on a form as prescribed by the State Health Officer and shall contain the following:
 - 1) Name and principal address of the applicant
 - 2) Address of the proposed water vending machine location (**a separate permit application must be submitted for each machine address**)
 - 3) Signature of responsible officer of the firm and his/her title
 - 4) Any additional information needed for the orderly maintenance of records and data processing requirements
 - 5) The model number and/or name of the water vending machine
 - 6) evidence with respect to each model to be used that:
 - a) said model complies with the construction standards of the National Sanitation Foundation (NSF) and/or the National Automated Merchandising Association (NAMA); such standards are available from the National Sanitation Foundation, 3475 Plymouth Road, Ann Arbor, Michigan 48105 and the National Automated Merchandising Association, 7 S. Dearborn Street, Chicago, Illinois 60603
 - b) all exterior and interior surfaces and component parts of said machine are designed and constructed to permit easy maintenance and cleaning
 - c) all parts and surfaces of said machine with which water comes into contact are nontoxic, corrosion-resistant, non-absorbent material capable of withstanding repeated cleaning and sanitizing treatment

- d) said machine has a recessed or guarded corrosion-resistant spout
- e) all treatment of the vended water by distillation, ion-exchange filtration, ultraviolet light, reverse osmosis, mineral addition, of any other process is done in a manner so as to accomplish its intended purpose of purifying water
- f) said machine is located in an area that can be maintained in a clean condition and in a manner that avoids rodent and insect harborage
- g) the source of water is a community water supply approved by the State Health Officer, as defined in Part XII of the Louisiana State Sanitary Code
- h) said machine has a system of collection and handling of drip, spillage, and overflow of water
- i) all connections to a public water supply have backflow prevention devices approved by the State Health Officer
- j) said machine displays, in a position clearly visible to customers, the following information: the name, license number, and address of the operator; the fact that the water is obtained from a public water supply; a statement describing the treatment process or a statement that no treatment process is utilized; chemical names and concentrations of any preservatives or additives; and a local telephone number for further information, complaints, service, or inquiries
- k) prior to delivery to the consumer, vended water is disinfected by ultraviolet light or other method approved by the State Health Officer
- l) said machine is equipped with a monitoring device that will cease operations if the disinfection unit malfunctions
- m) said machine is equipped with a self-closing, tight-fitting door on the vending compartment
- n) said machine may not describe vended water as “spring water” or “purified water” unless it conforms to the definitions given above
- o) activated carbon, if used, complies with the American Water Works Association (AWWA) specifications for granular, activated carbon used in the treatment of potable water (AWWA B604-74)
- p) said machine is maintained in a clean and sanitary condition, free from dirt and vermin

7. Evidence that the applicant has:

- a) a competent and responsible staff approved by the State Health Officer for the local supervision of the operation of the machines; competent staff shall be construed to mean a

- person or persons with at least one year's experience concerning the proper operation of the type of water vending machine they will operate or similar training or experience
- b) an acceptable maintenance program for the routine servicing of water vending machines including servicing instructions for the operator, technical manuals for the machine and the water treatment appurtenances utilized, and regularly scheduled service visits

- (C) Issuance of permit; the State Health Officer, after a reasonable period of time, shall grant or deny an applicant a permit
- (D) Permit revocation and cancellation; Each permit issued in accordance with the provisions of this Part shall be for a period of one year and shall remain in force and effect for that period unless terminated, revoked, or cancelled upon due notice and a hearing
- (E) Fees; Each person applying for a Permit to Operate a water vending machine within Louisiana shall pay an initial and an annual permit fee of \$100
- (F) Each water vending machine permitted for use in Louisiana shall display, in the upper righthand corner of the front panel, a permit decal furnished by the State Health Officer

49:2.1230 Service, Sampling, and Records

- (A) All parts and surfaces of the water vending machines shall be maintained in clean condition by the water vending machine operator. The vending chamber and vending nozzle of each machine shall be cleaned and sanitized each time the machine is serviced. A record of cleaning and maintenance operations shall be kept by the operator for each water vending machine.
- (B) The vended water from each water vending machine shall be analyzed once every three months for total coliform bacteria. The analysis shall be performed by a laboratory approved by the State Health Officer in accordance with the provisions of the EPA Manual #600/8-78-008 entitled "Manual for the Interim Certification of Laboratories Involved in Analyzing Public Water Supplies – Criteria and Procedures, May 1978." This manual is prepared by the U.S. EPA, 1201 Elm Street, Dallas, Texas 75270.
- (C) The vended water from each water vending machine utilizing silver-impregnated carbon filters in the treatment process shall be analyzed once every three months for silver. The analysis shall be performed by a laboratory approved by the State Health Officer in accordance with the provisions of the EPA manual cited in Part (B) above.
- (D) A more frequent analysis of the above parameters, or additional analyses, may be required by the State Health Officer if there is some presumption of unfitness of the vended water because of the presence of undesirable elements, compounds, or materials caused by the passage of the water through the machine.