CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE
Karen Ross, Secretary

February 25, 2013

DMS NOTICE
D - 13 - 03
DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Non-Coin Operated Water Dispenser Vending Machines

The Division of Measurement Standards (Division) has been made aware that there are water vending machines installed in retail establishments that dispense unmeasured water without a representation of quantity. The devices simply have an on and off button for dispensing water into a container. Empty containers (one-gallon or larger) are typically located next to the dispenser and available for sale. The customer may use and reuse these containers or provide their own containers. The customer is charged for the water at the cash register since there are no coin, cash, or card acceptors incorporated or attached to the dispenser.

The amount of water dispensed does not affect the price to pay according to the dispenser manufacturer and subsequently verified by the Division's Type Evaluation Program staff.

The Division does not consider the water dispensers described above as commercial measuring devices since they do not fall within the definition of a commercial measuring device in California Business and Professions Code (BPC), Division 5, Chapter 5, Sections 12500(b), and 12500(e). Therefore, these measuring instruments are not subject to type approval requirements in BPC Section 12500.5, the inspection requirements in BPC Section 12210(a), or the annual registration requirements in BPC Section 12240.

However, the one-gallon or larger measured containers that are available for sale and adjacent to these water vending machines may be subject to weights and measures inspection in BPC Section 12210(a). Although the dispensed water is not metered to the customer, these dispensers may have water meters in them to determine the throughput of water and a subsequent charge to the owner or retail establishment using them. These meters are commercial devices and are subject to registration and inspection.

If you have any questions regarding this notice, please contact Kevin Batchelor at Kevin.batchelor@cdfa.ca.gov or (916) 229-3000.

Sincerely,

Kristin J. Macey
Director

cc: Gary Leslie, Acting County/State Liaison, CDFA