ENROLLED

Regular Session, 2011

HOUSE BILL NO. 471

BY REPRESENTATIVE GUILLORY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 40:1299.28 and to enact R.S. 40:1299.27.1, relative to lead-free pipes, fittings, fixtures, solder, or flux; to provide for the use, introduction into commerce, and sale of certain pipes, fittings, fixtures, solder, or flux; to require lead-free pipes, fittings, fixtures, solder, or flux; to provide for exclusions; to provide for labeling; to provide for definitions; to provide for the authority of the Department of Health and Hospitals; to provide for enforcement; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1299.28 is hereby amended and reenacted and R.S. 40:1299.27.1 is hereby enacted to read as follows:

§1299.27.1. Lead-free pipe, fitting, fixture, solder, or flux; exclusions; definitions

A.(1) No person shall use any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except when necessary for the repair of leaded joints of cast iron pipes.

(2) No person shall introduce into commerce any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption

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through drinking or cooking that is not lead free, including kitchen faucets, bathroom faucets, and any other end-use devices intended to convey or dispense water for human consumption through drinking or cooking.

(3) The provisions of this Subsection shall not apply to the following:

(a) Pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption.

(b) Toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, showers, safety shower flushes, service saddles, or water distribution main gate valves that are two inches in diameter or larger.

(c) Materials purchased or acquired by public water systems prior to January 1, 2013.

B.(1) No person engaged in the business of selling plumbing supplies, except a manufacturer, shall sell solder or flux that is not lead free.

(2) No person shall introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

C. For the purposes of this Section, "lead free" means not more than 0.2 percent lead when used with respect to solder and flux and not more than a weighted average of 0.25 percent when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. The weighted average lead content of a pipe and pipe fitting, plumbing fitting, and fixture shall be calculated by using the following formula: The percentage of lead content within each component that comes into contact with water shall be multiplied by the percent of the total wetted surface of the entire pipe and pipe fitting, plumbing fitting, or fixture represented in each component containing lead. These percentages shall be added and the sum shall

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constitute the weighted average lead content of the pipe and pipe fitting, plumbing fitting, or fixture.

D. All pipe, pipe or plumbing fittings or fixtures, solder, or flux shall be certified by an independent American National Standards Institute (ANSI) accredited third party as being in compliance with this Section.

E. The Department of Health and Hospitals shall promulgate rules and regulations implementing the provisions of this Section.

§1299.28. Violations; enforcement

A. Any violation of R.S. 40:1299.26 ~~and R.S. 40:1299.27~~, 1299.27, or 1299.27.1 may be treated by any party as a violation of the state, municipal, or parochial health codes and all procedures and remedies applicable to such violations of ~~said~~ the codes shall be available to correct, deter, or punish violations of ~~said~~ the provisions. The district and appellate courts shall have jurisdiction to enforce the ~~said~~ provisions to the same extent that ~~said~~ the courts have jurisdiction to enforce ~~said~~ the codes.

B. All local health officers, health unit supervisors, or other code enforcement agencies shall enforce R.S. 40:1299.26 ~~and R.S. 40:1299.27~~, 1299.27, and 1299.27.1 in the same manner and with the same authority as they may enforce the health code.

C. The state health officer shall have concurrent responsibility and authority to enforce R.S. 40:1299.26 ~~and R.S. 40:1299.27~~, 1299.27, and 1299.27.1 and in so doing shall have available to him all powers and authority which shall be available to local health officers and health unit supervisors. The state health officer's responsibility with respect to objects sold or placed into commerce in violation of R.S. 40:1299.27.1 is limited to those instances where the state officer or his personnel are notified of such violation.

D. Violations of R.S. 40:1299.26 ~~and R.S. 40:1299.27~~, 1299.27, and 1299.27.1 shall be treated as emergency matters, and shall be given preference by

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enforcing agencies and speedy hearings by district and appellate courts.

Section 2. This Act shall become effective on January 1, 2013.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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