

SENATE FILE 2267
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

Approved by
(formerly 558 2249)
substituted for SF 2417

Passed Senate, Date 3/14/88 *(p.792)*

Passed House, Date 3/16/88 *(p.830)*

Vote: Ayes 47 Nays 0

Vote: Ayes 85 Nays 11

Approved March 29, 1988

A BILL FOR

1 An Act relating to residential water treatment systems,
2 incorporating a penalty, and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2267

1 Section 1. Section 714.16, subsection 1, Code Supplement
2 1987, is amended by adding the following new lettered
3 paragraphs:

4 NEW LETTERED PARAGRAPH. h. "Water treatment system" means
5 a device or assembly for which a claim is made that it will
6 improve the quality of drinking water by reducing one or more
7 contaminants through mechanical, physical, chemical, or
8 biological processes or combinations of the processes. As
9 used in this paragraph and in subsection 2, paragraph "h",
10 each model of a water treatment system shall be deemed a
11 distinct water treatment system.

12 NEW LETTERED PARAGRAPH. i. "Contaminant" means any
13 particulate, chemical, microbiological, or radiological
14 substance in water which has a potentially adverse health
15 effect and for which a maximum contaminant level (MCL) has
16 been specified in the national primary drinking water
17 regulations.

18 NEW LETTERED PARAGRAPH. j. "Label" means the written,
19 printed, or graphic matter permanently affixed or attached to
20 or printed on the water treatment system.

21 NEW LETTERED PARAGRAPH. k. "Manufacturer's performance
22 data sheet" means a booklet, document, or other printed
23 material containing, at a minimum, the information required
24 pursuant to section 714.16, subsection 2, paragraph "h".

25 NEW LETTERED PARAGRAPH. l. "Seller" means the person
26 offering the water treatment system for sale, lease, or rent.

27 NEW LETTERED PARAGRAPH. m. "Buyer" means the person to
28 whom the water system is being sold, leased, or rented.

29 NEW LETTERED PARAGRAPH. n. "Consummation of sale" means
30 completion of the act of selling, leasing, or renting.

31 NEW LETTERED PARAGRAPH. o. "Consumer information
32 pamphlet" means a publication which explains water quality,
33 health effects, quality expectations for drinking water, and
34 the effectiveness of water treatment systems.

35 Sec. 2. Section 714.16, subsection 2, Code 1987, is

1 amended by adding the following new lettered paragraphs:

2 NEW LETTERED PARAGRAPH. h. It is an unlawful practice and
3 a public offense for a person to sell, lease, rent, or
4 advertise the sale, lease, or rental of a water treatment
5 system in this state, for which claims or representations of
6 removing health-related contaminants are made, unless the
7 water treatment system:

8 (1) Complies with testing protocol determined to be
9 appropriate by the state hygienic laboratory.

10 (2) Has been tested and evaluated by a third-party testing
11 agency that has been authorized by the department of health to
12 conduct testing. The testing agency shall use approved
13 methods of analysis and shall be evaluated by the state
14 hygienic laboratory.

15 (3) Bears a conspicuous and legible label stating,
16 "IMPORTANT NOTICE - Read the Manufacturer's Performance Data
17 Sheet" and is accompanied by a manufacturer's performance data
18 sheet.

19 The manufacturer's performance data sheet shall be given to
20 the buyer and shall be signed and dated by the buyer and the
21 seller prior to the consummation of the sale of the water
22 treatment system. The manufacturer's performance data sheet
23 shall contain information including, but not limited to:

24 (a) The name, address, and telephone number of the seller.

25 (b) The name, brand, or trademark under which the unit is
26 sold, and its model number.

27 (c) Performance and test data including, but not limited,
28 to the list of contaminants certified to be reduced by the
29 water treatment system; the test influent concentration level
30 of each contaminant or surrogate for that contaminant; the
31 percentage reduction or effluent concentration of each
32 contaminant or surrogate; where applicable, the maximum
33 contaminant level (MCL) specified in the national primary
34 drinking water regulations; where applicable, the approximate
35 capacity in gallons; where applicable, the period of time

1 during which the unit is effective in reducing contaminants
2 based upon the contaminant or surrogate influent
3 concentrations used for the performance tests; where
4 applicable, the flow rate, pressure, and operational
5 temperature of the water during the performance tests.

6 (d) Installation instructions.

7 (e) The recommended operational procedures and require-
8 ments necessary for the proper operation of the unit includ-
9 ing, but not limited to, electrical requirements; maximum and
10 minimum pressure; flow rate; temperature limitations;
11 maintenance requirements; and where applicable, replacement
12 frequencies.

13 (f) The seller's limited warranty.

14 (4) Is accompanied by the consumer information pamphlet
15 compiled by the department of health.

16 The consumer information pamphlet provided to the buyer of
17 a water treatment system shall be compiled by the department
18 of health and updated as necessary, and at a minimum, on an
19 annual basis. The consumer information pamphlet shall be
20 distributed to persons selling water treatment systems and the
21 costs of the consumer information pamphlet shall be borne by
22 persons selling water treatment systems.

23 The department of health shall charge all fees necessary to
24 administer this section.

25 NEW LETTERED PARAGRAPH. i. It is an unlawful practice and
26 a public offense for a person to sell, lease, rent, or
27 advertise the sale, lease, or rental of a water treatment
28 system in this state for which false or deceptive claims or
29 representations of removing health-related contaminants are
30 made.

31 Sec. 3. This Act takes effect July 1, 1988, except that
32 the labeling requirements contained in section 714.16,
33 subsection 2, paragraph "h" do not take effect until July 1,
34 1989.

35 However, currently available water treatment systems

1 without testing protocols shall comply within one year after
2 the establishment of the appropriate testing protocols but no
3 later than July 1, 1990.

4 EXPLANATION

5 This bill provides that it is an unlawful practice and a
6 public offense to sell, lease, rent, or advertise the sale,
7 lease, or rental of a water treatment system for the removal
8 of health-related contaminants without the specified labeling
9 which certifies the system's performance in tests made to
10 determine the removal of those contaminants. Enforcement is
11 through the attorney general's office under the consumer fraud
12 statute. Among other possible sanctions, a violation is a
13 simple misdemeanor pursuant to section 701.8. The bill is
14 mainly effective July 1, 1988, with certain sections of the
15 bill taking effect after the general effective date.

16 SUCCESSOR TO SSB 2249 (LSB 8406SC)

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SENATE FILE 2267

S-5322

- 1 Amend Senate File 2267 as follows:
2 1. Page 1, line 18, by inserting after the word
3 ""Label"" the following: ", as used in subsection 2,
4 paragraph "h",".
5 2. Page 1, line 25, by inserting after the word
6 ""Seller"" the following: ", as used in subsection 2,
7 paragraph "h",".
8 3. Page 1, line 27, by inserting after the word
9 ""Buyer"" the following: ", as used in subsection 2,
10 paragraph "h",".
11 4. Page 2, lines 2 and 3 by striking the words
12 "and a public offense".
13 5. Page 2, by striking lines 8 through 14 and
14 inserting the following:
15 "(1) Has been performance tested by a third-party
16 testing agency that has been authorized by the Iowa
17 department of public health. The testing agency shall
18 use approved methods of performance testing determined
19 to be appropriate by the state hygienic laboratory.
20 (2) Has met the performance testing requirements
21 specified in the testing protocol."
22 6. Page 2, lines 27 and 28, by striking the words
23 "limited, to" and inserting the following: "limited
24 to,".
25 7. Page 3, by striking line 15 and inserting the
26 following: "compiled by the Iowa department of public
27 health."
28 8. Page 3, by striking lines 17 through 19 and
29 inserting the following: "a water treatment system
30 shall be compiled by the Iowa department of public
31 health, reviewed annually, and updated as necessary.
32 The consumer information pamphlet shall be".
33 9. Page 3, by striking line 23 and inserting the
34 following: "The Iowa department of public health
35 shall adopt rules pursuant to chapter 17A and charge
36 all fees necessary to".
37 10. Page 3, lines 25 and 26, by striking the
38 words "and a public offense".
39 11. Page 3, by inserting after line 30, the
40 following:
41 "NEW LETTERED PARAGRAPH. j. It is an unlawful
42 practice for a person to make any representation or
43 claim that the seller's water treatment system has
44 been approved or endorsed by any agency of the state."

S-5322
Filed March 10, 1988

BY MICHAEL E. GRONSTAL

SENATE FILE 2267
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

Substituted for H.F. 2417

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1988)

_____ - New Language by the Senate

* - Language Stricken by the Senate

Passed Senate, Date 3/14/88 (p. 792) Passed House, Date 3/12/88 (p. 850)

Vote: Ayes 47 Nays 0 Vote: Ayes 85 Nays 11

Approved March 29, 1988 (p. 1145)

A BILL FOR

1 An Act relating to residential water treatment systems,
2 incorporating a penalty, and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 714.16, subsection 1, Code Supplement
2 1987, is amended by adding the following new lettered
3 paragraphs:

4 NEW LETTERED PARAGRAPH. h. "Water treatment system" means
5 a device or assembly for which a claim is made that it will
6 improve the quality of drinking water by reducing one or more
7 contaminants through mechanical, physical, chemical, or
8 biological processes or combinations of the processes. As
9 used in this paragraph and in subsection 2, paragraph "h",
10 each model of a water treatment system shall be deemed a
11 distinct water treatment system.

12 NEW LETTERED PARAGRAPH. i. "Contaminant" means any
13 particulate, chemical, microbiological, or radiological
14 substance in water which has a potentially adverse health
15 effect and for which a maximum contaminant level (MCL) has
16 been specified in the national primary drinking water
17 regulations.

18 NEW LETTERED PARAGRAPH. j. "Label", as used in subsection
19 2, paragraph "h", means the written, printed, or graphic
20 matter permanently affixed or attached to or printed on the
21 water treatment system.

22 NEW LETTERED PARAGRAPH. k. "Manufacturer's performance
23 data sheet" means a booklet, document, or other printed
24 material containing, at a minimum, the information required
25 pursuant to section 714.16, subsection 2, paragraph "h".

26 NEW LETTERED PARAGRAPH. l. "Seller", as used in
27 subsection 2, paragraph "h", means the person offering the
28 water treatment system for sale, lease, or rent.

29 NEW LETTERED PARAGRAPH. m. "Buyer", as used in subsection
30 2, paragraph "h", means the person to whom the water system is
31 being sold, leased, or rented.

32 NEW LETTERED PARAGRAPH. n. "Consummation of sale" means
33 completion of the act of selling, leasing, or renting.

34 NEW LETTERED PARAGRAPH. o. "Consumer information
35 pamphlet" means a publication which explains water quality,

1 health effects, quality expectations for drinking water, and
2 the effectiveness of water treatment systems.

3 Sec. 2. Section 714.16, subsection 2, Code 1987, is
4 amended by adding the following new lettered paragraphs:

* 5 NEW LETTERED PARAGRAPH. h. It is an unlawful practice for
6 a person to sell, lease, rent, or advertise the sale, lease,
7 or rental of a water treatment system in this state, for which
8 claims or representations of removing health-related
9 contaminants are made, unless the water treatment system:

10 (1) Has been performance tested by a third-party testing
11 agency that has been authorized by the Iowa department of
12 public health. The testing agency shall use approved methods
13 of performance testing determined to be appropriate by the
14 state hygienic laboratory.

15 (2) Has met the performance testing requirements specified
16 in the testing protocol.

17 (3) Bears a conspicuous and legible label stating,
18 "IMPORTANT NOTICE - Read the Manufacturer's Performance Data
19 Sheet" and is accompanied by a manufacturer's performance data
20 sheet.

21 The manufacturer's performance data sheet shall be given to
22 the buyer and shall be signed and dated by the buyer and the
23 seller prior to the consummation of the sale of the water
24 treatment system. The manufacturer's performance data sheet
25 shall contain information including, but not limited to:

26 (a) The name, address, and telephone number of the seller.

27 (b) The name, brand, or trademark under which the unit is
28 sold, and its model number.

29 (c) Performance and test data including, but not limited,
30 to the list of contaminants certified to be reduced by the
31 water treatment system; the test influent concentration level
32 of each contaminant or surrogate for that contaminant; the
33 percentage reduction or effluent concentration of each
34 contaminant or surrogate; where applicable, the maximum
35 contaminant level (MCL) specified in the national primary

1 drinking water regulations; where applicable, the approximate
2 capacity in gallons; where applicable, the period of time
3 during which the unit is effective in reducing contaminants
4 based upon the contaminant or surrogate influent
5 concentrations used for the performance tests; where
6 applicable, the flow rate, pressure, and operational
7 temperature of the water during the performance tests.

8 (d) Installation instructions.

9 (e) The recommended operational procedures and require-
10 ments necessary for the proper operation of the unit includ-
11 ing, but not limited to, electrical requirements; maximum and
12 minimum pressure; flow rate; temperature limitations;
13 maintenance requirements; and where applicable, replacement
14 frequencies.

15 (f) The seller's limited warranty.

16 (4) Is accompanied by the consumer information pamphlet
17 compiled by the Iowa department of public health.

18 The consumer information pamphlet provided to the buyer of
19 a water treatment system shall be compiled by the Iowa
20 department of public health, reviewed annually, and updated as
21 necessary. The consumer information pamphlet shall be
22 distributed to persons selling water treatment systems and the
23 costs of the consumer information pamphlet shall be borne by
24 persons selling water treatment systems. The Iowa department
25 of public health shall adopt rules pursuant to chapter 17A and
26 charge all fees necessary to administer this section.

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29 or rental of a water treatment system in this state for which
30 false or deceptive claims or representations of removing
31 health-related contaminants are made.

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33 a person to make any representation or claim that the seller's
34 water treatment system has been approved or endorsed by any
35 agency of the state.

1 Sec. 3. This Act takes effect July 1, 1988, except that
2 the labeling requirements contained in section 714.16,
3 subsection 2, paragraph "h" do not take effect until July 1,
4 1989.

5 However, currently available water treatment systems
6 without testing protocols shall comply within one year after
7 the establishment of the appropriate testing protocols but no
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9 SUCCESSOR TO SSB 2249 (LSB 8406SC)

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SSB 2249
ENVIRONMENT &
ENERGY UTILITIES

SENATE FILE 2267

BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
UTILITIES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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2 incorporating a penalty, and providing effective dates.
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9 used in this paragraph and in subsection 2, paragraph "h",
10 each model of a water treatment system shall be deemed a
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24 pursuant to section 714.16, subsection 2, paragraph "h".

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26 offering the water treatment system for sale, lease, or rent.

27 NEW LETTERED PARAGRAPH. m. "Buyer" means the person to
28 whom the water system is being sold, leased, or rented.

29 NEW LETTERED PARAGRAPH. n. "Consummation of sale" means
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7 water treatment system:

8 (1) Complies with testing protocol determined to be
9 appropriate by the state hygienic laboratory.

10 (2) Has been tested and evaluated by a third-party testing
11 agency that has been authorized by the department of health to
12 conduct testing. The testing agency shall use approved
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15 (3) Bears a conspicuous and legible label stating,
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20 the buyer and shall be signed and dated by the buyer and the
21 seller prior to the consummation of the sale of the water
22 treatment system. The manufacturer's performance data sheet
23 shall contain information including, but not limited to:

24 (a) The name, address, and telephone number of the seller.

25 (b) The name, brand, or trademark under which the unit is
26 sold, and its model number.

27 (c) Performance and test data including, but not limited,
28 to the list of contaminants certified to be reduced by the
29 water treatment system; the test influent concentration level
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31 percentage reduction or effluent concentration of each
32 contaminant or surrogate; where applicable, the maximum
33 contaminant level (MCL) specified in the national primary
34 drinking water regulations; where applicable, the approximate
35 capacity in gallons; where applicable, the period of time

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3 concentrations used for the performance tests; where
4 applicable, the flow rate, pressure, and operational
5 temperature of the water during the performance tests.

6 (d) Installation instructions.

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8 ments necessary for the proper operation of the unit includ-
9 ing, but not limited to, electrical requirements; maximum and
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18 of health and updated as necessary, and at a minimum, on an
19 annual basis. The consumer information pamphlet shall be
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23 The department of health shall charge all fees necessary to
24 administer this section.

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30 made.

31 Sec. 3. This Act takes effect July 1, 1988, except that
32 the labeling requirements contained in section 714.16,
33 subsection 2, paragraph "h" do not take effect until July 1,
34 1989.

35 However, currently available water treatment systems

1 without testing protocols shall comply within one year after
2 the establishment of the appropriate testing protocols but no
3 later than July 1, 1990.

4 EXPLANATION

5 This bill provides that it is an unlawful practice and a
6 public offense to sell, lease, rent, or advertise the sale,
7 lease, or rental of a water treatment system for the removal
8 of health-related contaminants without the specified labeling
9 which certifies the system's performance in tests made to
10 determine the removal of those contaminants. Enforcement is
11 through the attorney general's office under the consumer fraud
12 statute. Among other possible sanctions, a violation is a
13 simple misdemeanor pursuant to section 701.8. The bill is
14 mainly effective July 1, 1988, with certain sections of the
15 bill taking effect after the general effective date.

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SENATE FILE 2267

AN ACT

RELATING TO RESIDENTIAL WATER TREATMENT SYSTEMS, INCORPORATING
A PENALTY, AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 714.16, subsection 1, Code Supplement 1987, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. h. "Water treatment system" means a device or assembly for which a claim is made that it will improve the quality of drinking water by reducing one or more contaminants through mechanical, physical, chemical, or biological processes or combinations of the processes. As used in this paragraph and in subsection 2, paragraph "h", each model of a water treatment system shall be deemed a distinct water treatment system.

NEW LETTERED PARAGRAPH. i. "Contaminant" means any particulate, chemical, microbiological, or radiological substance in water which has a potentially adverse health effect and for which a maximum contaminant level (MCL) has been specified in the national primary drinking water regulations.

NEW LETTERED PARAGRAPH. j. "Label", as used in subsection 2, paragraph "h", means the written, printed, or graphic matter permanently affixed or attached to or printed on the water treatment system.

NEW LETTERED PARAGRAPH. k. "Manufacturer's performance data sheet" means a booklet, document, or other printed material containing, at a minimum, the information required pursuant to section 714.16, subsection 2, paragraph "h".

NEW LETTERED PARAGRAPH. l. "Seller", as used in subsection 2, paragraph "h", means the person offering the water treatment system for sale, lease, or rent.

NEW LETTERED PARAGRAPH. m. "Buyer", as used in subsection 2, paragraph "h", means the person to whom the water system is being sold, leased, or rented.

NEW LETTERED PARAGRAPH. n. "Consummation of sale" means completion of the act of selling, leasing, or renting.

NEW LETTERED PARAGRAPH. o. "Consumer information pamphlet" means a publication which explains water quality, health effects, quality expectations for drinking water, and the effectiveness of water treatment systems.

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(1) Has been performance tested by a third-party testing agency that has been authorized by the Iowa department of public health. The testing agency shall use approved methods of performance testing determined to be appropriate by the state hygienic laboratory.

(2) Has met the performance testing requirements specified in the testing protocol.

(3) Bears a conspicuous and legible label stating,

"IMPORTANT NOTICE - Read the Manufacturer's Performance Data Sheet" and is accompanied by a manufacturer's performance data sheet.

The manufacturer's performance data sheet shall be given to the buyer and shall be signed and dated by the buyer and the seller prior to the consummation of the sale of the water treatment system. The manufacturer's performance data sheet shall contain information including, but not limited to:

(a) The name, address, and telephone number of the seller.

(b) The name, brand, or trademark under which the unit is sold, and its model number.

(c) Performance and test data including, but not limited, to the list of contaminants certified to be reduced by the water treatment system; the test influent concentration level of each contaminant or surrogate for that contaminant; the percentage reduction or effluent concentration of each contaminant or surrogate; where applicable, the maximum contaminant level (MCL) specified in the national primary drinking water regulations; where applicable, the approximate capacity in gallons; where applicable, the period of time during which the unit is effective in reducing contaminants based upon the contaminant or surrogate influent concentrations used for the performance tests; where applicable, the flow rate, pressure, and operational temperature of the water during the performance tests.

(d) Installation instructions.

(e) The recommended operational procedures and requirements necessary for the proper operation of the unit including, but not limited to, electrical requirements; maximum and minimum pressure; flow rate; temperature limitations; maintenance requirements; and where applicable, replacement frequencies.

(f) The seller's limited warranty.

(4) Is accompanied by the consumer information pamphlet compiled by the Iowa department of public health.

The consumer information pamphlet provided to the buyer of a water treatment system shall be compiled by the Iowa department of public health, reviewed annually, and updated as necessary. The consumer information pamphlet shall be distributed to persons selling water treatment systems and the costs of the consumer information pamphlet shall be borne by persons selling water treatment systems. The Iowa department of public health shall adopt rules pursuant to chapter 17A and charge all fees necessary to administer this section.

NEW LETTERED PARAGRAPH. i. It is an unlawful practice for a person to sell, lease, rent, or advertise the sale, lease, or rental of a water treatment system in this state for which false or deceptive claims or representations of removing health-related contaminants are made.

NEW LETTERED PARAGRAPH. j. It is an unlawful practice for a person to make any representation or claim that the seller's water treatment system has been approved or endorsed by any agency of the state.

Sec. 3. This Act takes effect July 1, 1988, except that the labeling requirements contained in section 714.16, subsection 2, paragraph "h" do not take effect until July 1, 1989.

However, currently available water treatment systems without testing protocols shall comply within one year after the establishment of the appropriate testing protocols but no later than July 1, 1990.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2267, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved March 29, 1988

TERRY E. BRANSTAD
Governor