

House Study Bill 144 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the sale, lease, or rental of water
2 treatment systems.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 714.16, subsection 2, paragraph h, Code
2 2015, is amended to read as follows:

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

8 (1) ~~Has been performance tested by a third-party testing~~
9 ~~agency that has been authorized by the Iowa department of~~
10 ~~public health. Alternatively, in all claims or representations~~
11 of removing health-related contaminants certified by a
12 certification body accredited by the American national
13 standards institute. If all water treatment system claims or
14 representations of removing health-related contaminants are
15 certified by a certification body accredited by the American
16 national standards institute, the manufacturer shall not
17 be required to register a water treatment system with the
18 Iowa department of public health. In lieu of third-party
19 ~~performance testing of the manufacturer's water treatment~~
20 ~~system certification by a certification body accredited by the~~
21 American national standards institute, the manufacturer may
22 rely upon the manufacturer's own test data after approval of
23 the data by an accepted third-party evaluator as provided in
24 this subparagraph. The Iowa department of public health shall
25 ~~review the qualifications of a third-party evaluator proposed~~
26 ~~by the manufacturer. The department may accept or reject a~~
27 ~~proposed third-party evaluator based upon the required review.~~
28 If a third-party evaluator, accepted by the Iowa department
29 of public health, finds that the manufacturer's test data is
30 reliable, adequate, and fairly presented, the manufacturer
31 may rely upon that data to satisfy the requirements of this
32 subparagraph after filing a copy of the test data and the
33 report of the third-party evaluator with the Iowa department of
34 public health. The testing agency shall use, or the evaluator
35 shall review for the use of, approved methods of performance

1 testing determined to be appropriate by the state hygienic
2 laboratory.

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

5 (3) Bears a conspicuous and legible label stating,
6 "IMPORTANT NOTICE — Read the Manufacturer's Performance Data
7 Sheet" and is accompanied by a manufacturer's performance data
8 sheet.

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

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

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

17 (c) Performance and test data including, but not limited
18 to, the list of contaminants certified to be reduced by
19 the water treatment system; the test influent concentration
20 level of each contaminant or surrogate for that contaminant;
21 the percentage reduction or effluent concentration of each
22 contaminant or surrogate; where applicable, the maximum
23 contaminant level (MCL) or a treatment technique requirement or
24 an action level established in lieu of a maximum contaminant
25 level (MCL) specified in the national primary drinking water
26 regulations; where applicable, the approximate capacity in
27 gallons; where applicable, the period of time during which
28 the unit is effective in reducing contaminants based upon the
29 contaminant or surrogate influent concentrations used for the
30 performance tests; where applicable, the flow rate, pressure,
31 and operational temperature of the water during the performance
32 tests.

33 (d) Installation instructions.

34 (e) The recommended operational procedures and requirements
35 necessary for the proper operation of the unit including, but

1 not limited to, electrical requirements; maximum and minimum
2 pressure; flow rate; temperature limitations; maintenance
3 requirements; and where applicable, replacement frequencies.

4 (f) The seller's limited warranty.

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

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

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the sale, lease, or rental of water
20 treatment systems.

21 Under current law, it is an unlawful practice for a person to
22 sell, lease, rent, or advertise the sale, lease, or rental of
23 a water treatment system for which claims or representations
24 of removing health-related contaminants are made, unless
25 either the water treatment system is performance tested by a
26 third-party testing agency authorized by the department of
27 public health or the manufacturer tested the system and the
28 manufacturer's data is accepted by a third-party evaluator
29 which was approved by the department of public health.

30 Under Code section 714.16, the attorney general may
31 investigate a person the attorney general believes is engaged
32 in an unlawful practice and seek and obtain injunctive relief
33 against a person who is engaged in an unlawful practice. Code
34 section 714.16 also permits a court to impose a civil penalty
35 against a person who committed an unlawful practice.

1 The bill provides that it is not an unlawful practice if the
2 seller, lessor, or renter of a water treatment system have the
3 claims and representations related to removal of health-related
4 contaminants certified by a certification body accredited by
5 the American national standards institute. If a certification
6 body so certifies the water treatment system, the manufacturer
7 is not required to register a water treatment system with the
8 department of public health.

9 The bill provides that a third-party testing agency is not
10 required to be authorized by the department of public health,
11 and that a third-party evaluator is not required to be approved
12 by the department of public health.

13 Under current law, it is an unlawful practice for a person to
14 sell, lease, rent, or advertise the sale, lease, or rental of a
15 water treatment system unless the manufacturer's performance
16 data sheet of the water treatment system and a consumer
17 information pamphlet compiled by the department of public
18 health are provided to the consumer. The bill eliminates these
19 requirements.