

Senate File 2330 - Introduced

SENATE FILE 2330
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3159)

A BILL FOR

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

1 Section 1. Section 714.16, subsection 1, paragraphs b, c, d,
2 g, h, and l, Code 2018, are amended by striking the paragraphs.

3 Sec. 2. Section 714.16, subsection 1, paragraph e, Code
4 2018, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 e. "*Contaminant*" means any physical, chemical, biological,
7 or radiological substance in water.

8 Sec. 3. Section 714.16, subsection 1, Code 2018, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *Og.* "*Health-related contaminant*" means a
11 contaminant which has a potentially adverse health effect and
12 for which a maximum contaminant level or treatment technique
13 requirement or an action level established in lieu of a maximum
14 contaminant level has been specified in the national primary
15 drinking water regulations.

16 Sec. 4. Section 714.16, subsection 2, paragraph h, Code
17 2018, is amended by striking the paragraph and inserting in
18 lieu thereof the following:

19 h. It is an unlawful practice for a person to sell,
20 lease, rent, or advertise the sale, lease, or rental of a
21 water treatment system in this state, for which claims or
22 representations of removing health-related contaminants
23 are made, unless the water treatment system has all claims
24 or representations of removing health-related contaminants
25 certified by a certification body accredited by the American
26 national standards institute. This paragraph shall not be
27 construed as limiting a manufacturer's ability to make claims
28 or representations of removing contaminants that are not
29 health-related contaminants.

30 Sec. 5. EFFECTIVE DATE. This Act takes effect January 1,
31 2019.

32 Sec. 6. APPLICABILITY. This Act applies on or after the
33 effective date of this Act to the sales, leases, and rentals
34 of water treatment systems, and the advertisement of the sale,
35 lease, or rental of a water treatment system, which occur on

1 or after that date.

2

EXPLANATION

3

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

5

This bill relates to the sale, lease, rental, or
6 advertisement of water treatment systems.

7 Under current law, it is an unlawful practice for a person to
8 sell, lease, rent, or advertise the sale, lease, or rental of a
9 water treatment system for which claims or representations of
10 removing health-related contaminants are made, unless the water
11 treatment system is performance tested by a third-party testing
12 agency authorized by the department of public health or the
13 manufacturer tested the system and the manufacturer's data is
14 accepted by a third-party evaluator which was approved by the
15 department of public health; the water treatment system has met
16 the performance testing requirements specified in the testing
17 protocol; the water treatment system bears a label stating,
18 "IMPORTANT NOTICE - Read the Manufacturer's Performance Data
19 Sheet" and is accompanied by the manufacturer's performance
20 data sheet, which includes general information about the
21 water treatment system and performance and test data showing
22 the contaminants certified to be reduced; and the consumer
23 information pamphlet compiled by the department of public
24 health is included with the water treatment system.

25 Under Code section 714.16, the attorney general may
26 investigate a person the attorney general believes is engaged
27 in an unlawful practice and seek and obtain injunctive relief
28 against such a person. Code section 714.16 also permits a
29 court to impose a civil penalty against a person who committed
30 an unlawful practice.

31 The bill amends the requirements so that the sale, lease,
32 rental, or advertisement of a water treatment system is not an
33 unlawful practice if the claims and representations related
34 to removal of health-related contaminants are certified by
35 a certification body accredited by the American national

1 standards institute.

2 The bill eliminates the requirements that a consumer
3 of a water treatment system be provided the manufacturer's
4 performance data sheet or a consumer information pamphlet
5 compiled by the department of public health.

6 The bill does not affect Code section 714.16(2)(i) or Code
7 section 714.16(2)(j), both of which also relate to the sale,
8 lease, rental, or advertisement of a water treatment system.
9 Under Code section 714.16(2)(i), it is an unlawful practice for
10 a person to sell, lease, rent, or advertise a water treatment
11 system in this state for which false or deceptive claims or
12 representations of removing health-related contaminants are
13 made. Under Code section 714.16(2)(j), it is an unlawful
14 practice for a person to make any representation or claim
15 that the seller's water treatment system has been approved or
16 endorsed by any agency of the state.

17 The bill takes effect January 1, 2019, and applies to the
18 sales, leases, rentals, or advertisements of water treatment
19 systems which occur on or after that date.