

Senate Study Bill 3159 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON CHAPMAN)

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. (1) 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 are
23 made, unless the water treatment system complies with one of
24 the following:

25 (a) The water treatment system has all claims or
26 representations of removing health-related contaminants
27 certified by a certification body accredited by the American
28 national standards institute.

29 (b) Alternatively, in lieu of certification by a
30 certification body accredited by the American national
31 standards institute, the manufacturer may rely upon the
32 manufacturer's own test data after approval of the data
33 by an accepted third-party evaluator as provided in this
34 subparagraph. The department of public health shall review
35 the qualifications of a third-party evaluator proposed by the

1 manufacturer. The department may accept or reject a proposed
2 third-party evaluator based upon the required review. If a
3 third-party evaluator, accepted by the department, finds that
4 the manufacturer's test data is reliable, adequate, and fairly
5 presented, the manufacturer may rely upon that data to satisfy
6 the requirements of this subparagraph after filing a copy of
7 the test data and the report of the third-party evaluator with
8 the department of public health.

9 (2) This paragraph "h" shall not be construed as limiting
10 a manufacturer's ability to make claims or representations of
11 removing contaminants that are not health-related contaminants.

12 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate
13 importance, takes effect upon enactment.

14 Sec. 6. APPLICABILITY. This Act applies on or after the
15 effective date of this Act to the sales, leases, and rentals
16 of water treatment systems, and the advertisement of the sale,
17 lease, or rental of a water treatment system, which occur on
18 or after that date.

19 EXPLANATION

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

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

24 Under current law, it is an unlawful practice for a person to
25 sell, lease, rent, or advertise the sale, lease, or rental of a
26 water treatment system for which claims or representations of
27 removing health-related contaminants are made, unless the water
28 treatment system is performance tested by a third-party testing
29 agency authorized by the department of public health or the
30 manufacturer tested the system and the manufacturer's data is
31 accepted by a third-party evaluator which was approved by the
32 department of public health; the water treatment system has met
33 the performance testing requirements specified in the testing
34 protocol; the water treatment system bears a label stating,
35 "IMPORTANT NOTICE - Read the Manufacturer's Performance Data

1 Sheet" and is accompanied by the manufacturer's performance
2 data sheet, which includes general information about the
3 water treatment system and performance and test data showing
4 the contaminants certified to be reduced; and the consumer
5 information pamphlet compiled by the department of public
6 health is included with the water treatment system.

7 Under Code section 714.16, the attorney general may
8 investigate a person the attorney general believes is engaged
9 in an unlawful practice and seek and obtain injunctive relief
10 against such a person. Code section 714.16 also permits a
11 court to impose a civil penalty against a person who committed
12 an unlawful practice.

13 The bill amends the requirements so that the sale, lease,
14 rental, or advertisement of a water treatment system is not an
15 unlawful practice if the claims and representations related
16 to removal of health-related contaminants are certified by
17 a certification body accredited by the American national
18 standards institute or if the following process is followed.
19 In lieu of certification by a certification body accredited by
20 the American national standards institute, the manufacturer may
21 rely upon the manufacturer's own test data after approval of
22 the data by an acceptable third-party evaluator, after a review
23 by the department of public health of the qualifications of the
24 third-party evaluator as proposed by the manufacturer. If such
25 a third-party evaluator finds that the manufacturer's test data
26 is reliable, adequate, and fairly presented, the manufacturer
27 may rely upon that data after filing a copy of the test data and
28 the report of the third-party evaluator with the department.

29 The bill eliminates the requirements that a consumer
30 of a water treatment system be provided the manufacturer's
31 performance data sheet or a consumer information pamphlet
32 compiled by the department of public health.

33 The bill does not affect Code section 714.16(2)(i) or Code
34 section 714.16(2)(j), both of which also relate to the sale,
35 lease, rental, or advertisement of a water treatment system.

1 Under Code section 714.16(2)(i), it is an unlawful practice for
2 a person to sell, lease, rent, or advertise a water treatment
3 system in this state for which false or deceptive claims or
4 representations of removing health-related contaminants are
5 made. Under Code section 714.16(2)(j), it is an unlawful
6 practice for a person to make any representation or claim
7 that the seller's water treatment system has been approved or
8 endorsed by any agency of the state.

9 The bill takes effect upon enactment, and applies to the
10 sales, leases, rentals, or advertisements of water treatment
11 systems which occur on or after that date.