

ACT No. 836

Regular Session, 2014

HOUSE BILL NO. 1048

BY REPRESENTATIVES PONTI AND ORTEGO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

AN ACT

To amend and reenact R.S. 40:5, 1722(B)(2), 1723(B), 1730.22(A) and (C), 1730.26, 1730.28(A)(introductory paragraph), (1), (3)(a), and (5), and 1730.29(A)(introductory paragraph), to enact R.S. 40:4(C), (D), and (E), 1730.22.1, 1730.23(I), 1730.28(D), 1730.28.1, 1730.28.2, 1730.28.3, 1730.40.1, and 1730.40.2, to repeal R.S. 40:4(A)(7), 1722(D), 1730.22.1, 1730.28(A)(3)(h), and Part XIV (Plumbing) of Title 51, comprised of LAC 51:XIV.101 through 1813, relative to the regulation of plumbing; to require the Louisiana State Uniform Construction Code Council to adopt certain provisions relative to plumbing; to provide for membership of the Louisiana State Uniform Construction Code Council; to create the Plumbing Transition Commission; to terminate the Plumbing Transition Commission; to provide relative to the duties of the state health officer and the Department of Health and Hospitals; to provide relative to the authority of local building officials; to provide relative to certain plumbing codes in instances of court orders or consent decrees; to provide for certain terms, conditions, procedures, prohibitions, requirements, and applicability of provisions relating to plumbing; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.22(A) and 1730.26 are hereby amended and reenacted and R.S. 40:1730.28.1, 1730.28.2, 1730.28.3, 1730.40.1, and 1730.40.2 are hereby enacted to read as follows:

1 §1730.28.1. Mandatory adoption of plumbing provisions of certain nationally
2 recognized codes and standards; amendments; effective date

3 A. Notwithstanding R.S. 40:1730.28, the council shall evaluate, adopt, and
4 amend the latest editions of the following as part of the State Uniform Construction
5 Code:

6 (1) The International Building Code, Chapter 29-Plumbing Systems.

7 (2) The International Residential Code, Part VII-Plumbing.

8 (3) The International Plumbing Code.

9 B. The codes listed in Subsection A of this Section as adopted by the council
10 shall become effective January 1, 2016.

11 C.(1)(a) The Plumbing Transition Commission, provided for in R.S.
12 40:1730.22.1, hereinafter in this Section referred to as the "commission", may
13 provide the council with amendments to include in the plumbing provisions adopted
14 pursuant to this Section.

15 (i) The council shall include amendments in the plumbing provisions
16 adopted pursuant to this Section that are provided by the commission pursuant to
17 R.S. 40:1730.22.1(B)(2)(a).

18 (ii) The council shall vote, in accordance with the voting requirements in
19 R.S. 40:1730.28(B), on whether or not to include amendments which are provided
20 pursuant to R.S. 40:1730.22.1(B)(2)(b) in the plumbing provisions adopted pursuant
21 to this Section.

22 (b) The council shall be in receipt of all amendments from the commission
23 to be included in the plumbing provisions to be adopted pursuant to this Section by
24 June 15, 2015. The commission shall not provide any further amendments to the
25 council for the plumbing provisions adopted pursuant to this Section after June 15,
26 2015.

27 D. Nothing in this Section nor any provisions adopted pursuant to this
28 Section shall lessen the licensing qualifications and requirements provided in R.S.
29 37:1361 et seq.

1 sewer system; however, such connection shall be completed and maintained by a
 2 Louisiana licensed plumber.

3 Section 2. R.S. 40:1730.22.1 is hereby enacted to read as follows:

4 §1730.22.1. Plumbing Transition Commission; members; purpose; procedure;
 5 termination

6 A.(1) The Plumbing Transition Commission, hereinafter in this Section
 7 referred to as the "commission", is hereby created and shall be composed of the
 8 following members:

9 (a) A designee of the Mechanical Contractors Association of Louisiana, Inc.

10 (b) A designee of the Louisiana State Plumbing Board.

11 (c) A designee of Louisiana Associated General Contractors, Inc.

12 (d) A designee of the Louisiana Home Builders Association.

13 (e) A designee of the Louisiana AFL-CIO.

14 (f) A designee of the Building Officials of Louisiana, Inc.

15 (g) A designee of the AIA Louisiana, the Louisiana Architects Association.

16 (h) A designee of the Department of Health and Hospitals.

17 (2)(a) Each of the entities named in Subparagraphs(1)(a) through (h) of this
 18 Subsection shall submit the name of the entity's designee to the chairman of the
 19 council on or before September 1, 2014.

20 (b) The members of the commission shall not be subject to Senate
 21 confirmation.

22 (c) The term of each member shall end on January 1, 2016.

23 (d) A vacancy shall be filled in the same manner as the original appointment.

24 B.(1) The primary function of the commission shall be to provide
 25 amendments to the codes delineated in R.S. 40:1730.28.1(A)(1) through (3) to the
 26 council in order to address plumbing issues that the Louisiana State Plumbing Code
 27 [Part XIV (Plumbing) of the State Sanitary Code] addresses, but for which the codes
 28 delineated in R.S. 40:1730.28.1(A)(1) through (3) do not address.

29 (2) A vote on proposed amendments shall only take place when a quorum
 30 of the commission members are present. Six members shall constitute a quorum.

1 (2) To take such action as is necessary to accomplish the subsidence and
2 suppression of diseases of all kinds in order to prevent their spread.

3 (3) To enforce a sanitary code for the entire state containing provisions for
4 the improvement and amelioration of the hygienic and sanitary conditions of the
5 state.

6 (4) To enact provisions regulating the standards of health and decency and
7 building regulations of all prisons, jails, lock-ups, and camps where prisoners are
8 detained or confined.

9 (5) To supervise, inspect, and issue sanitation permits for water supplies,
10 slaughterhouses, cold storage plants, all places of public accommodation, and the
11 handling and control of hygienic conditions with respect to all food.

12 (6) To take such action as may be authorized by the administrator of the
13 Environmental Protection Agency under the federal Safe Drinking Water Act of
14 1974, as amended.

15 (7) To make all sanitary inspections and provide for the issuance of health
16 permits.

17 (8) Over the enforcement of controls and issuance of permits for the
18 distribution and handling of dangerous drugs.

19 (9) Over the treatment and disposal of municipal or domestic sewage.

20 (10) Over the reporting of communicable diseases.

21 (11) Over the gathering, keeping, reporting, and tabulating of vital and
22 mortality records and statistics for all parishes of the state.

23 (12) Over the providing of facilities for vaccination.

24 (13) To assist in the supervision and operation of parish and municipal health
25 units and departments.

26 (14) Over the regulation of the carriage and transportation of persons,
27 freight, and dead bodies brought into the state or transported through or in the state
28 as they may affect public health.

29 (15) Over the sanitary inspection of meat, milk, and other products which
30 may affect public health and safety.

1 (16) Over the sanitary conditions required at any public gathering or
2 meeting.

3 (17) Over the adoption of rules and regulations regarding public health,
4 sanitary, and hygienic subjects, including those for standards governing noxious
5 odors.

6 (18) To promulgate rules and regulations in accordance with the
7 Administrative Procedure Act to establish a fee schedule, based on ability to pay or
8 eligibility for third party reimbursement, for services provided by the handicapped
9 children's services program and maternal and child health programs in the office of
10 public health.

11 (19) To conduct health inspections and issue health permits through state
12 employed licensed sanitarians, or by licensed sanitarians of parish health units or
13 departments.

14 (20) Over those functions of the state provided by law relating to
15 environmental quality and pollution control which are related to the public health and
16 which are specifically assigned to the department by statute.

17 (21)(a) To conduct health, safety, and sanitation inspections, through state
18 employed licensed sanitarians, of any place upon receipt of a complaint that the
19 department determines shows appropriate and sufficient grounds to indicate a health
20 hazard or sanitary code violation may exist, regardless of whether such place is
21 licensed or not, or otherwise regulated.

22 (b) In order to comply with the provisions of Subparagraph (a) of this
23 Paragraph, a licensed sanitarian may, if necessary, seek and obtain an appropriate
24 order or warrant from the state district court for the judicial district in which the
25 place to be inspected is located to enter, examine, and inspect such place for a health
26 hazard or sanitary code violation.

27 B. Nothing in this Section shall grant or be interpreted as to grant the state
28 health officer or the office of public health of the Department of Health and
29 Hospitals the authority to supercede the authority of municipalities or parishes to
30 enforce the State Uniform Construction Code provided for in Part IV-A of Chapter

1 8 of this Title. The building official for the parish, municipality, or regional planning
 2 commission, as authorized in R.S. 40:1730.24 and appointed pursuant to R.S.
 3 40:1730.25, or a qualified building code enforcement officer designated by the
 4 building official, shall have the authority to enforce the plumbing provisions adopted
 5 pursuant to Part IV-A of Chapter 8 of this Title.

6 * * *

7 §1722. Louisiana Building Code

8 * * *

9 B. The Louisiana Building Code shall consist of the following designated
10 and described codes and standards:

11 * * *

12 (2) ~~Part XIV (Plumbing) of the State Sanitary Code as promulgated by the~~
 13 ~~secretary of the Department of Health and Hospitals. The International Plumbing~~
 14 ~~Code, the International Building Code, Chapter 29-Plumbing Systems, and the~~
 15 ~~International Residential Code, Part VII-Plumbing.~~

16 * * *

17 §1723. Administration; exception

18 * * *

19 B. However, nothing contained herein shall affect the state fire marshal and
 20 his jurisdiction on matters of life safety and related areas as provided by Part III of
 21 Chapter 7 of this Title, ~~and the secretary of the Department of Health and Hospitals~~
 22 ~~shall administer the provisions of Part XIV(Plumbing) of the State Sanitary Code.~~

23 * * *

24 §1730.22. Louisiana State Uniform Construction Code Council; membership;
 25 function of council; meeting requirements; immunity

26 * * *

27 C. The primary function of the council is to review and adopt the ~~state~~
 28 ~~uniform construction code~~ State Uniform Construction Code, provide for training
 29 and education of code officials, and accept all requests for amendments of the code;
 30 ~~except the Louisiana State Plumbing Code [Part XIV (Plumbing) of the State~~

1 ~~Sanitary Code~~. Specifically, the council shall establish the requirements and
 2 process for the certification and continuing education of code enforcement officers,
 3 code enforcement inspectors, and building officials and determine if any
 4 amendments to the state uniform construction code are justified. If the council
 5 determines that an amendment is justified, it may enact such an amendment after a
 6 finding on the record that the modification provides a reasonable degree of public
 7 health, safety, affordability, and welfare. The council shall adopt rules in accordance
 8 with the Administrative Procedure Act in order to implement the provisions of this
 9 Part.

* * *

§1730.23. Enforcement of building codes by municipalities and parishes

* * *

13 I. The building official for the parish, municipality, or regional planning
 14 commission, as authorized in R.S. 40:1730.24 and appointed pursuant to R.S.
 15 40:1730.25, or a qualified building code enforcement officer designated by the
 16 building official, shall have the authority to enforce the plumbing provisions adopted
 17 pursuant to this Part.

* * *

19 §1730.28. Mandatory adoption of certain nationally recognized codes and standards
 20 as the state uniform construction code; adoption by reference

21 A. Except as provided in Subsection C of this Section, the council shall
 22 evaluate, adopt, and amend only the latest editions of the following as the ~~state~~
 23 ~~uniform construction code~~ State Uniform Construction Code:

24 (1) International Building Code, not including Parts I-Administrative,
 25 Chapter 11-Accessibility, and Chapter 27-Electrical ~~and Chapter 29-Plumbing~~
 26 ~~Systems~~. The applicable standards referenced in that code are included for
 27 regulation of construction within this state. The appendices of that code may be
 28 adopted as needed, but the specific appendix or appendices shall be referenced by
 29 name or letter designation at the time of adoption.

* * *

1 (3)(a) International Residential Code, not including ~~Parts I-Administrative,~~
2 Part I-Administration ~~VH-Plumbing~~, and VIII-Electrical. The applicable standards
3 referenced in that code are included for regulation of construction within this state.
4 The enforcement of such standards shall be mandatory only with respect to new
5 construction, reconstruction, additions to homes previously built to the International
6 Residential Code, and extensive alterations; however, a municipality, parish, or
7 regional planning commission may enforce Appendix J of the code at its option. The
8 appendices of that code may be adopted as needed, but the specific appendix or
9 appendices ~~must~~ shall be referenced by name or letter designation at the time of
10 adoption, with the exception of Appendix J, Existing Buildings and Structures, which
11 shall not be adopted by the council and may be adopted and enforced only at the
12 option of a parish, municipality, or regional planning commission. For the purposes
13 of this Part, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall
14 apply only to the International Residential Code, 2003 edition:

* * *

16 (5) ~~The Louisiana State Plumbing Code [Part XIV (Plumbing) of the state~~
17 ~~Sanitary Code] as amended by the state health officer acting through the office of~~
18 ~~public health of the Department of Health and Hospitals. Nothing in this Part shall~~
19 ~~be construed so as to prevent the state health officer from enforcing Part XIV~~
20 ~~(Plumbing) of the state Sanitary Code the enforcement of which is his statutory and~~
21 ~~regulatory responsibility.~~ The International Plumbing Code. The appendices of that
22 code may be adopted as needed, but the specific appendix or appendices shall be
23 referenced by name or letter designation at the time of adoption.

* * *

25 D.(1) The state health officer may provide the council with recommended
26 amendments to the plumbing provisions adopted pursuant to this Section. All
27 recommended amendments provided to the council by the state health officer shall
28 be presented to the council for review. The council shall review recommended
29 amendments and vote on whether or not to include such amendments as part of the

1 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
2 by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____