

Louisiana State Plumbing Code as Promulgated by the Department of Health and Hospitals: Status and Changes

Prior law required the state health officer through the office of public health (OPH) of the Dept. of Health and Hospitals (DHH) to prepare and promulgate all rules and regulations necessary to assure safe building plumbing systems, including but not limited to the building water supply piping system, the building drain system, and the building mechanical piping system.

New law repeals prior law.

Existing law requires the state health officer to prepare and promulgate rules and regulations within the state's Sanitary Code covering all matters within his jurisdiction.

New law provides that existing law shall not permit the state health officer to establish rules, regulations, policies, or interpretations that supercede or circumvent or seek to supercede or circumvent the International Plumbing Code, as adopted and promulgated by the La. State Uniform Construction Code Council (LSUCCC).

New law provides that in all cases of conflict between the rules and regulations promulgated pursuant to the rules and regulations within the state's Sanitary Code as promulgated by the state health officer and the International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, or the International Residential Code, Part VII-Plumbing, as adopted and promulgated by the LSUCCC, the provisions of the International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, or the International Residential Code, Part VII-Plumbing, as adopted and promulgated by the LSUCCC shall apply.

Existing law provides that the state health officer and the OPH of DHH have the exclusive jurisdiction, control, and authority of a number of matters that relate to plumbing.

New law provides that nothing in existing law shall grant the state health officer or the OPH of DHH the authority to supercede the authority of municipalities or parishes to enforce the plumbing provisions of the State Uniform Construction Code.

New law, as of Jan. 1, 2016, repeals Part XIV (Plumbing) of Title 51, comprised of LAC 51:XIV.101-1813, as amended by the state health officer acting through the OPH of the DHH.

New law provides that as of Jan. 1, 2016, the state health officer may provide the La. State Uniform Construction Code Council with recommended amendments to the plumbing provisions of the La. State Uniform Construction Code which the La. State Uniform Construction Code Council shall review and vote on.

Membership and Function of the Louisiana State Uniform Construction Code Council

Prior law provided that the LSUCCC shall consist of 19 members with each member of the council to be appointed by the governor and confirmed by the Senate.

New law provides that the LSUCCC shall consist of 20 members including the state health officer or his designee and that the state health officer or his designee shall not be subject to Senate confirmation for purposes of membership on the LSUCCC.

Prior law provided that the primary function of the LSUCCC is to review and adopt the State Uniform Construction Code, provide for training and education of code officials, and accept all requests for amendments of the code, except the La. State Plumbing Code Part XIV (Plumbing) of the state Sanitary Code.

New law removes the exception for the La. State Plumbing Code.

Adoption, Promulgation, and Enforcement of Rules and Regulations by the Louisiana State Uniform Construction Code Council and Oversight

Prior law required the LSUCCC to evaluate, adopt, and amend only the latest editions of the State Uniform Construction Code with the exception of the La. State Plumbing Code Part XIV (Plumbing) of the state Sanitary Code which shall be promulgated and amended by the state health officer acting through OPH of DHH.

New law removes the exception for the La. State Plumbing Code.

Prior law was not to be construed so as to prevent the state health officer from enforcing the La. State Plumbing Code, the enforcement of which is his statutory and regulatory responsibility.

New law removes prior law and requires the LSUCCC to evaluate, adopt, and amend the International Plumbing Code, the International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing as part of the State Uniform Construction Code and that the building official or his designee shall have the authority to enforce these codes.

Existing law provides oversight of the rules and regulations promulgated by the LSUCCC to the House Committee on Commerce and Senate Committee on Commerce.

New law adds that the Senate Committee on Commerce, Consumer Protection, and International Affairs, House Committee on Commerce, Senate Committee on Health and Welfare, and House Committee on Health and Welfare shall have oversight of the initial adoption of the portions of the State Uniform Construction Code relative to plumbing.

New law provides that the building official or his designee shall have the authority to enforce the plumbing provisions of the State Uniform Construction Code.

Plumbing Transition Commission

New law creates the Plumbing Transition Commission (PTC) and provides for membership of the commission, function of the commission, operational procedures of the commission, and for the termination of the commission on Jan. 1, 2016.

New law provides that a designee of each of the following groups shall be members of the PTC:

- (1) Mechanical Contractors Association of La., Inc.
- (2) La. State Plumbing Board
- (3) La. Associated General Contractors, Inc.
- (4) La. Home Builders Association
- (5) La. AFL-CIO
- (6) Building Officials of La., Inc.
- (7) AIA La., the La. Architects Association
- (8) DHH

New law provides that each of the entities named above shall submit the name of its designee to the chairman of the LSUCCC on or before Sept. 1, 2014, that the members shall not be subject to Senate confirmation, that the term of each member shall expire on Jan. 1, 2016, and that a vacancy shall be filled in the same manner as the original appointment.

New law provides that the primary function of the PTC shall be to provide amendments to the codes delineated in new law provisions of R.S. 40:1730.28.1(A)(1) through (3) (International Building Code, Chapter 29-Plumbing Systems, International Residential Code,

Part VII-Plumbing, International Plumbing Code) to the LSUCCC in order to address plumbing issues that the La. State Plumbing Code [Part XIV (Plumbing) of the State Sanitary Code] addresses, but for which the codes delineated in the new provisions of R.S. 40:1730.28.1(A)(1)-(3) do not address.

New law provides that the PTC shall only vote on proposed amendments when a quorum of the commission members are present and that six members of the PTC shall constitute a quorum.

New law provides that the PTC shall provide amendments to the LSUCCC that have been approved by a majority vote of the total members of the PTC present and voting and those amendments shall be included in the plumbing provisions adopted by the LSUCCC.

New law provides that should a vote by the PTC on an amendment result in a tie, the amendment shall be provided to the LSUCCC which shall then vote on whether or not to include the amendment in the plumbing provisions to be adopted by the LSUCCC.

New law provides that the LSUCCC shall be in receipt of all amendments to be submitted by the PTC by June 15, 2015. The PTC shall not provide any further amendments to the LSUCCC after June 15, 2015.

New law provides that the first meeting of the PTC shall be called by the chairman of the LSUCCC and held no later than Oct. 1, 2014. At this meeting, the PTC shall elect from its members a chairman and vice chairman.

New law provides that a meeting of the PTC may be called by the chairman of the PTC on his own initiative and shall be called by him at the request of three or more members of the PTC within 14 days of such request.

New law provides that each member of the PTC shall be notified by the chairman of the PTC in writing of the time and place of the meeting at least seven days before the meeting.

New law provides that each meeting of the PTC shall be open to the public and any official decision of the PTC shall be made only by a vote of a majority of PTC members.

New law provides that the PTC shall cease to exist and have no authority as of Jan. 1, 2016.

Louisiana Building Code Applied to State Buildings

Prior law provided that the La. Building Code shall consist of a number of designated and described codes and standards, including Part XIV (Plumbing) of the state Sanitary Code as promulgated by the secretary of DHH.

New law removes the inclusion of Part XIV (Plumbing) of the state Sanitary Code as promulgated by the secretary of DHH and adds the International Plumbing Code, the International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing.

Existing law provides that the La. Building Code shall be administered by the facilities planning and control department of the division of administration and that nothing contained in the La. Building Code shall affect the secretary of DHH in his administration of the provisions of Part XIV(Plumbing) of the state Sanitary Code.

New law retains existing law, but deletes that nothing contained in the La. Building Code shall affect the secretary of DHH in his administration of the provisions of Part XIV(Plumbing) of the state Sanitary Code.

Miscellaneous Provisions

Prior law provided that, excluding the applicable requirements of the La. State Plumbing Code, the State Uniform Construction Code shall not apply to the construction or improvement inside the secured or fenced confines of the following types of industrial facilities that are engaged in activities defined or classified under one or more of a number

of subsectors, industry groups, or industries of the 2007 North American Industry Classification System (NAICS).

New law changes the La. State Plumbing Code to the International Plumbing Code.

Prior law provided that in cases of conflict between the state Sanitary Code and the International Mechanical Code, the state Sanitary Code would be used. In cases of conflict between the Life Safety Code and either the La. Building Code, the plumbing part of the state Sanitary Code, the International Building Code, the International Mechanical Code and the National Electric Code, the Life Safety Code would be used.

New law repeals prior law.

New law provides that the LSUCCC shall adopt, modify, or both, provisions of the State Uniform Construction Code to satisfy the requirements of any consent decrees or orders relative to maintaining or building a public sewage system which are entered in federal courts of competent jurisdiction and indicate in which municipalities of parishes those particular provisions shall apply in.

New law provides that any consent decree relative to maintaining or building a public sewage system which is entered in a federal court of competent jurisdiction shall supercede plumbing provisions of the La. State Uniform Construction Code.

New law provides that all manufactured homes that are built to federal construction standards shall only be subject to the plumbing provisions in federal law. Manufactured homes shall not be subject to state plumbing regulations, regardless if the manufactured home is connected to a public or private sewer system; however, such connection shall be completed and maintained by a La. licensed plumber.

New law provides that certain portions of existing law and new law regarding mandatory adoption of of certain codes and standards as the State Uniform Construction Code shall not lessen the licensing qualifications and requirements in R.S. 37:1362, et. seq. (laws providing relative to the La. State Plumbing Board and licensing of plumbers).

New law provides that the La. State Uniform Construction Code shall require methods of back flow prevention to prevent contaminated water from flowing back into the public water system, prohibit vent systems using air admittance valves, and require that a trap seal primer valve be installed where a trap seal is subject to loss by evaporation.

New law provides that DHH shall not be prohibited from regulating stored water temperatures through enforcement of the Sanitary Code or regulating medical gas and medical vacuum systems.

Prior law provided that all plumbing and sanitary references in Part V-Mechanical in the International Residential Code shall be replaced with the applicable provisions of the La. State Plumbing Code, Part XIV, Plumbing, of the state Sanitary Code.

New law repeals prior law.

Pertinent Effective Dates

Provides that the International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing, with any amendments, as promulgated by the LSUCCC shall be effective Jan. 1, 2016.

Repeals the La. State Plumbing Code Part XIV (Plumbing) of the state Sanitary Code as amended by the state health officer acting through the OPH of DHH as of Jan. 1, 2016.

Provides the authority of the LSUCCC to promulgate International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing shall be effective on June 23, 2014.

(Amends R.S. 40:5, 1722(B)(2), 1723(B), 1730.22(A) and (C), 1730.26, 1730.28(A)(intro.para.), (1), (3)(a), and (5), and 1730.29(A)(intro.para.); Adds R.S. 40:4(C),

(D), and (E), 1720.22.1, 1730.23(I), 1720.28(D), 1730.28.1, 1730.28.2, 1730.28.3, 1730.40.1, and 1730.40.2; Repeals R.S. 40:4(A)(7), 1722(D), 1730.221, 1730.28(A)(3)(h), and 51:XIV.101-1813)