

CHAPTER 751

S.B. No. 812

AN ACT

relating to regulation of the sale of plumbing fixtures, pipe, and pipe fitting containing lead for plumbing applications; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 372, Health and Safety Code, is amended by adding Section 372.0035 to read as follows:

Sec. 372.0035. **LEAD IN PLUMBING FIXTURES, PIPE, AND PIPE FITTING.** (a) A person may not sell or offer for sale a plumbing fixture, pipe, or pipe fitting that contains more than eight percent lead for installing or repairing:

(1) a public drinking water system; or

(2) plumbing that provides water for human consumption and is connected to a public drinking water system.

(b) A person may not sell or offer for sale solder or flux that contains more than two-tenths percent lead for installing or repairing:

(1) a public drinking water system; or

(2) *plumbing that provides water for human consumption and is connected to a public drinking water system.*

(c) *For purposes of this section, a person engaged in the business of installing or repairing plumbing is considered to have sold or offered for sale a plumbing fixture, pipe, pipe fitting, solder, or flux if the person uses or offers to use the fixture, pipe, fitting, solder, or flux to install or repair plumbing.*

(d) *This section does not prohibit the sale or offer for sale of a lead joint necessary for the repair of cast-iron pipe. The board shall adopt rules to implement this subsection.*

(e) *The board may adopt rules to implement this section.*

(f) *If a person licensed under The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes) violates this section, the Texas State Board of Plumbing Examiners may discipline the person under Section 9 of that Act as if a violation of this section were a violation of that Act.*

(g) *A person commits an offense if the person violates Subsection (a) or (b). An offense under this subsection is a Class C misdemeanor. Each violation is a separate offense and each day of a continuing violation is a separate offense.*

(h) *A field representative of the Texas State Board of Plumbing Examiners or, within the jurisdiction of a municipality, a municipal plumbing inspector may issue a citation to a person who violates this section.*

SECTION 2. The heading of Chapter 372, Health and Safety Code, is amended to read as follows:

**CHAPTER 372. ENVIRONMENTAL [~~WATER SAVING~~] PERFORMANCE
STANDARDS FOR PLUMBING FIXTURES**

SECTION 3. This Act takes effect September 1, 1993, and applies only to conduct occurring on or after the effective date of this Act.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 21, 1993: Yeas 30, Nays 0; passed the House on May 26, 1993, by a non-record vote.

Approved June 17, 1993.

Effective Sept. 1, 1993.