

AMENDED IN SENATE SEPTEMBER 7, 2007

AMENDED IN SENATE JULY 2, 2007

AMENDED IN SENATE JUNE 5, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 715**

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**Introduced by Assembly Member Laird  
(Coauthors: Assembly Members Hancock, Huffman, Mullin, and  
Wolk)**

February 22, 2007

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~~An act to amend, renumber, and add Section 17921.5 of, to add and repeal Section 17921.4 of~~ *An act to amend and renumber Section 17921.5 of, to add Sections 17921.4 and 18944.11 to, and to repeal and add Section 17921.3 of, the Health and Safety Code, relating to water conservation appliances.*

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Laird. Water conservation: low-flush water closets *closets and urinals*.

(1) The State Housing Law requires all water closets sold or installed in this state to be water closets and associated flushometer valves, if any, that use no more than an average of 1.6 gallons per flush and urinals and associated flushometer valves, if any, that use no more than an average of one gallon per flush and requires these water closets, urinals, and associated flushometer valves to meet performance standards established by the American Society of Mechanical Engineers standards. Violation of the State Housing Law is punishable as a misdemeanor.

This bill would require that all water closets sold or installed in this state shall use no more than an average of 1.6 gallons per flush and that

all urinals sold or installed in this state use no more than an average of one gallon per flush. It would require that, on and after January 1, 2014, all water closets and all urinals, other than blow-out urinals, sold or installed in this state shall be high-efficiency water closets and urinals. *These provisions would remain operative only until January 1, 2014, or until the date on which the California Building Standards Commission includes standards in the California Building Standards Code that conform to these requirements, whichever date is later.*

**This**

*The bill also would require manufacturers selling water closets or urinals in this state to offer high-efficiency models for sale in a specified percentage of all models offered, including 50% by January 1, 2010, 67% by January 1, 2011, 75% by January 1, 2012, 85% by January 1, 2013, and 100% by January 1, 2014. It would require these manufacturers, by January 30 of 2010, 2011, 2012, and 2013, to inform, in writing, the California Energy Commission of the percentage of high-efficiency models it is offering for sale that year. These provisions would remain operative only until January 1, 2014, or until the date on which the California Building Standards Commission includes standards in the California Building Standards Code that conform to these requirements, whichever date is later.*

~~The bill would, until January 1, 2010, require a nonwater-supplied urinal approved for installation or sold in this state to satisfy specified requirements. The bill would require state agencies that adopt or propose building standards for plumbing systems to determine, by January 1, 2009, whether to develop building standards that would authorize the use of nonwater-supplied urinals and would require these urinals to meet certain minimal requirements.~~

*The bill would require, on or before July 1, 2009, any state agency that adopts or proposes building standards for plumbing systems to consider developing building standards that would govern the use of nonwater-supplied urinals for submission to the California Building Standards Commission, as specified.*

By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 17921.3 of the Health and Safety Code  
2 is repealed.
- 3 SEC. 2. Section 17921.3 is added to the Health and Safety  
4 Code, to read:
- 5 17921.3. (a) All water closets and urinals installed or sold in  
6 this state shall meet performance, testing, and labeling requirements  
7 established by the American Society of Mechanical Engineers  
8 standard A112.19.2-2003, or A112.19.14-2001, as applicable. No  
9 other marking and labeling requirements shall be required by the  
10 state. All water closets and urinals installed or sold in this state  
11 shall be listed by an American National Standards Institute  
12 accredited third-party certification agency to the appropriate  
13 American Society of Mechanical Engineers standards set forth in  
14 this subdivision. No other listing or certification requirements shall  
15 be required by the state.
- 16 (b) (1) All water closets sold or installed in this state shall use  
17 no more than an average of 1.6 gallons per flush. On and after  
18 January 1, 2014, all water closets, other than institutional water  
19 closets, sold or installed in this state shall be high-efficiency water  
20 closets.
- 21 (2) All urinals sold or installed in this state shall use no more  
22 than an average of one gallon per flush. On and after January 1,  
23 2014, all urinals, other than blow-out urinals, sold or installed in  
24 this state shall be high-efficiency urinals.
- 25 (3) Each manufacturer selling water closets or urinals in this  
26 state shall have not less than the following percentage of models  
27 offered for sale in this state of high-efficiency water closets plus  
28 high-efficiency urinals as compared to the total number of models  
29 of water closets plus urinals offered for sale in this state by that  
30 manufacturer:
- 31 (A) Fifty percent in 2010.  
32 (B) Sixty-seven percent in 2011.  
33 (C) Seventy-five percent in 2012.  
34 (D) Eighty-five percent in 2013.  
35 (E) One hundred percent in 2014 and thereafter.

1 (4) Each manufacturer that sells water closets or urinals in this  
2 state shall inform the ~~California Energy Commission~~ *State Energy*  
3 *Resources Conservation and Development Commission, the*  
4 *department, and the California Building Standards Commission,*  
5 in writing, of the percentage of models of high-efficiency water  
6 closets plus high-efficiency urinals offered for sale in this state as  
7 compared to the total number of models of water closets plus  
8 urinals offered for sale in this state by that manufacturer for each  
9 year 2010 to 2013, inclusive, by January 30 of that year.

10 (c) Any city, county, or city and county may enact an ordinance  
11 to allow the sale and installation of nonlow-consumption water  
12 closets or urinals upon its determination that the unique  
13 configuration of building drainage systems or portions of a public  
14 sewer system within the jurisdiction, or both, requires a greater  
15 quantity of water to flush the system in a manner consistent with  
16 public health. At the request of a public agency providing sewer  
17 services within the jurisdiction, the city, county, or city and county  
18 shall hold a public hearing on the need for an ordinance as provided  
19 in this subdivision. Prior to this hearing or to the enactment of the  
20 ordinance, those agencies responsible for the provision of water  
21 and sewer services within the jurisdiction, if other than the agency  
22 considering adoption of the ordinance, shall be given at least 30  
23 days' notice of the meeting at which the ordinance may be  
24 considered or adopted.

25 (d) Notwithstanding subdivision (b), on and after January 1,  
26 1994, water closets and urinals that do not meet the standards  
27 referenced in subdivision (b) may be sold or installed for use only  
28 under either of the following circumstances:

29 (1) Installation of the water closet or urinal to comply with the  
30 standards referenced in subdivision (b) would require modifications  
31 to plumbing system components located beneath a finished wall  
32 or surface.

33 (2) The nonlow-consumption water closets, urinals, and  
34 flushometer valves, if any, would be installed in a home or building  
35 that has been identified by a local, state, or federal governmental  
36 entity as a historical site and historically accurate water closets  
37 and urinals that comply with the flush volumes specified in  
38 subdivision (b) are not available.

39 (e) (1) This section does not preempt any actions of cities,  
40 counties, cities and counties, or districts that prescribe additional

1 or more restrictive conservation requirements affecting either of  
2 the following:

3 (A) The sale, installation, or use of low-consumption water  
4 closets, urinals, and flushometer valves that meet the standards  
5 referenced in subdivision (a), (b), or (c).

6 (B) The continued use of nonlow-consumption water closets,  
7 urinals, and flushometer valves.

8 (2) This section does not grant any new or additional powers to  
9 cities, counties, cities and counties, or districts to promulgate or  
10 establish laws, ordinances, regulations, or rules governing the sale,  
11 installation, or use of low-consumption water closets, urinals, and  
12 flushometer valves.

13 (f) The California Building Standards Commission *or the*  
14 *department* may, by regulation, reduce the quantity of water per  
15 flush required pursuant to this section if deemed appropriate in  
16 ~~light of standards to this section if deemed appropriate or not~~  
17 *inconsistent in light of other standards* referenced in the most  
18 recent version of the California Plumbing Code, and may refer to  
19 successor standards to the standards referenced in this section if  
20 determined appropriate in light of standards referenced in the most  
21 recent version of the California Plumbing Code.

22 (g) As used in this section, the following terms have the  
23 following meanings:

24 (1) “Blow-out urinal” means a urinal designed for heavy-duty  
25 commercial applications that work on a powerful nonsiphonic  
26 principle.

27 (2) “High-efficiency water closet” means a water closet that is  
28 either of the following:

29 (A) A dual flush water closet with an effective flush volume  
30 that does not exceed 1.28 gallons, where effective flush volume  
31 is defined as the composite, average flush volume of two reduced  
32 flushes and one full flush. Flush volumes shall be tested in  
33 accordance with ASME A112.19.2 and ASME A112.19.14.

34 (B) A single flush water closet where the effective flush volume  
35 shall not exceed 1.28 gallons. The effective flush volume is the  
36 average flush volume when tested in accordance with ASME  
37 A112.19.2.

38 (3) “High-efficiency urinal” means a urinal that uses no more  
39 than 0.5 gallons per flush.

1 (4) “Institutional water closet” means any water closet fixture  
 2 with a design not typically found in residential or commercial  
 3 applications or that is designed for a specialized application,  
 4 including, but not limited to, wall-mounted floor-outlet water  
 5 closets, water closets used in jails or prisons, water closets used  
 6 in bariatrics applications, and child water closets used in day care  
 7 facilities.

8 (5) “Nonlow-consumption flushometer valve,”  
 9 “nonlow-consumption urinal,” and “nonlow-consumption water  
 10 closet” mean devices that use more than 1.6 gallons per flush for  
 11 toilets and more than 1.0 gallons per flush for urinals.

12 (6) “Urinal” means a water-using urinal.

13 (7) “Wall-mounted/wall-outlet water closets” means models  
 14 that are mounted on the wall and discharge to the drainage system  
 15 through the wall.

16 (h) For purposes of this section, all consumption values shall  
 17 be determined by the test procedures contained in the American  
 18 Society of Mechanical Engineers—~~Standards~~ *standard*  
 19 A112.19.2-2003 or A112.19.14-2001.

20 *(i) This section shall remain operative only until January 1,*  
 21 *2014, or until the date on which the California Building Standards*  
 22 *Commission includes standards in the California Building*  
 23 *Standards Code that conform to this section, whichever date is*  
 24 *later.*

25 SEC. 3. Section 17921.4 is added to the Health and Safety  
 26 Code, to read:

27 17921.4. (a) A nonwater-supplied urinal approved for  
 28 installation or sold in this state shall satisfy all of the following  
 29 requirements:

30 (1) Meet performance, testing, and labeling requirements  
 31 established by the American Society of Mechanical Engineers  
 32 standard A112.19.19-2006.

33 (2) Be listed by an American National Standards Institute  
 34 accredited third-party certification agency to the American Society  
 35 of Mechanical Engineers standard A112.19.19-2006.

36 ~~(3) Provide a barrier liquid sealant to maintain a trap seal.~~

37 (3) *Provide a trap seal that complies with the California*  
 38 *Plumbing Code.*

39 (4) Permit the uninhibited flow of waste through the urinal to  
 40 the sanitary drainage system.

1 (5) Be cleaned and maintained in accordance with the  
2 manufacturer's instructions after installation.

3 (6) Be installed with a water supply rough-in to the urinal  
4 location that would allow a subsequent replacement of the  
5 nonwater-supplied urinal with a water-supplied urinal if desired  
6 by the owner or if required by the enforcement agency.

7 (b) As used in this section, the following terms have the  
8 following meanings:

9 (1) "Building" means any structure subject to this part, and any  
10 structure subject to the California Building Standards Law as set  
11 forth in Part 2.5 (commencing with Section 18901).

12 (2) "Water supply rough-in" means the installation of water  
13 distribution and fixture supply piping sized to accommodate a  
14 water-supplied urinal to an in-wall point immediately adjacent to  
15 the urinal location.

16 ~~(e) This section shall remain in effect only until January 1, 2010,~~  
17 ~~and as of that date is repealed.~~

18 *(c) Nothing in this section shall restrict the authority of the*  
19 *California Building Standards Commission to require any*  
20 *additional conditions on the installation and use of*  
21 *nonwater-supplied urinals.*

22 SEC. 4. Section 17921.5 of the Health and Safety Code is  
23 amended and renumbered to read:

24 17921.6. Except as provided in ~~Section 18930~~ *Sections 18930*  
25 *and 18949.5*, the department shall prepare and adopt minimum  
26 standards regulating the use and application of cellular concrete  
27 as it determines are reasonably necessary for the protection of life  
28 and property.

29 ~~SEC. 5. Section 17921.5 is added to the Health and Safety~~  
30 ~~Code, to read:~~

31 ~~17921.5. (a) By January 1, 2009, any state agency that adopts~~  
32 ~~or proposes building standards for plumbing systems shall~~  
33 ~~determine whether to develop building standards, for submission~~  
34 ~~to the California Building Standards Commission in accordance~~  
35 ~~with Section 18930, that would authorize the use of~~  
36 ~~nonwater-supplied urinals. If building standards are adopted that~~  
37 ~~authorize the use of nonwater-supplied urinals, the standards shall~~  
38 ~~require nonwater-supplied urinals to satisfy at least all of the~~  
39 ~~following requirements:~~

1 ~~(1) Meet performance, testing, and labeling requirements~~  
2 ~~established by the American Society of Mechanical Engineers~~  
3 ~~standard A112.19.19-2006.~~

4 ~~(2) Be listed by an American National Standards Institute~~  
5 ~~accredited third-party certification agency to the American Society~~  
6 ~~of Mechanical Engineers standard A112.19.19-2006.~~

7 ~~(3) Provide a barrier liquid sealant to maintain a trap seal.~~

8 ~~(4) Permit the uninhibited flow of waste through the urinal to~~  
9 ~~the sanitary drainage system.~~

10 ~~(5) Be cleaned and maintained in accordance with the~~  
11 ~~manufacturer’s instructions after installation.~~

12 ~~(6) Be installed with a water supply rough-in to the urinal~~  
13 ~~location that would allow a subsequent replacement of the~~  
14 ~~nonwater-supplied urinal with a water-supplied urinal if desired~~  
15 ~~by the owner or if required by the enforcement agency.~~

16 ~~(b) As used in this section, the following terms have the~~  
17 ~~following meanings:~~

18 ~~(1) “Building” means any structure subject to this part, and any~~  
19 ~~structure subject to the California Building Standards Law as set~~  
20 ~~forth in Part 2.5 (commencing with Section 18901).~~

21 ~~(2) “Water supply rough-in” means the installation of water~~  
22 ~~distribution and fixture supply piping sized to accommodate a~~  
23 ~~water-supplied urinal to an in-wall point immediately adjacent to~~  
24 ~~the urinal location.~~

25 *SEC. 5. Section 18944.11 is added to the Health and Safety*  
26 *Code, to read:*

27 *18944.11. On or before July 1, 2009, any state agency that*  
28 *adopts or proposes building standards for plumbing systems shall*  
29 *consider developing building standards that would govern the use*  
30 *of nonwater-supplied urinals for submission to the California*  
31 *Building Standards Commission in accordance with Sections*  
32 *17921.4 and 18930.*

33 *SEC. 6. No reimbursement is required by this act pursuant to*  
34 *Section 6 of Article XIII B of the California Constitution because*  
35 *the only costs that may be incurred by a local agency or school*  
36 *district will be incurred because this act creates a new crime or*  
37 *infraction, eliminates a crime or infraction, or changes the penalty*  
38 *for a crime or infraction, within the meaning of Section 17556 of*  
39 *the Government Code, or changes the definition of a crime within*

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

O