

REFERENCE TITLE: water efficient plumbing fixtures

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2761

Introduced by
Representatives Mathis: Abraham, Andrade, Butler, Cano, Epstein, Hernandez
M, Liguori, Powers Hannley, Schwiebert, Solorio

AN ACT

**AMENDING SECTIONS 45-311, 45-312, 45-313, 45-313.01 AND 45-319, ARIZONA
REVISED STATUTES; RELATING TO WATER CONSERVATION PLUMBING REQUIREMENTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 45-311, Arizona Revised Statutes, is amended to
3 read:

4 45-311. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Commercial, industrial ~~and~~ OR public construction" means
7 buildings used for commercial, industrial or public purposes, including
8 restaurants, bars, nightclubs, public buildings, comfort stations,
9 schools, gymnasias, factories, offices, athletic clubs, hotels and motels.

10 2. "Person" means an individual, public or private corporation,
11 company, partnership, firm, association, society, estate or trust, any
12 other private organization or enterprise, the United States, any state,
13 territory or country or a governmental entity, political subdivision or
14 municipal corporation organized under or subject to the constitution and
15 laws of this state.

16 3. "Plumbing fixture" means a lavatory faucet, lavatory faucet
17 replacement aerator, kitchen faucet, kitchen faucet replacement aerator,
18 shower head, urinal, water closet, evaporative cooler or decorative
19 fountain. Plumbing fixture does not include parts necessary for routine
20 maintenance.

21 ~~4. "PSI" means pounds per square inch of water pressure.~~

22 ~~5.~~ 4. "Residential construction" or "residential dwelling" means
23 buildings used for temporary or permanent human habitation, including
24 single family residences and accessory guest houses, ~~multi-family~~
25 MULTIFAMILY dwellings, townhouses, condominiums, apartments, the sleeping
26 quarters of hotels and motels, dormitories and group housing units.

27 ~~6.~~ 5. "Urinal" means a fixture that consists of a water flushed
28 bowl, and any associated flush valve, and that is used for the disposal of
29 human urine.

30 ~~7.~~ 6. "Water closet" means a fixture that consists of a water
31 flushed bowl, and any associated flush valve, and that is used for the
32 disposal of all wastes from the human body.

33 ~~8.~~ 7. "Water free urinal" means a plumbing fixture that ~~does not~~
34 ~~require a water supply or flushing device~~ IS DESIGNED to receive and
35 convey only liquid waste through a trap seal and into the gravity drainage
36 system WITHOUT THE USE OF WATER for such function and that meets the
37 requirements of the American society of mechanical engineers (ASME)
38 standard ~~A112.19.2M-95 or the American national standards institute (ANSI)~~
39 ~~standard Z124.9-94 or any equivalent standard~~ A112.19.19 AS IN EFFECT ON
40 JANUARY 1, 2023.

41 8. "WATERSENSE-LABELED PLUMBING FIXTURE" MEANS A PLUMBING FIXTURE
42 THAT HAS BEEN TESTED AND CERTIFIED PURSUANT TO THE WATERSENSE PROGRAM AND
43 THAT IS AUTHORIZED TO USE THE WATERSENSE LABEL.

1 9. "WATERSENSE PROGRAM" MEANS THE UNITED STATES ENVIRONMENTAL
2 PROTECTION AGENCY'S WATERSENSE PROGRAM ESTABLISHED UNDER AMERICA'S WATER
3 INFRASTRUCTURE ACT OF 2018 (P.L. 115-270; 132 STAT. 376).

4 Sec. 2. Section 45-312, Arizona Revised Statutes, is amended to
5 read:

6 45-312. Prohibited plumbing fixtures; residential
7 construction

8 Except as provided in sections 45-315 and 45-319, beginning January
9 1, ~~1994~~ 2024, ~~no~~ A person may NOT distribute, sell, offer for sale, import
10 or install any plumbing fixture for use in this state in any new
11 residential construction or for replacing plumbing fixtures in existing
12 residential construction, unless the ~~fixtures meet the following water~~
13 ~~saving performance standards~~ PLUMBING FIXTURE IS ONE OF THE FOLLOWING:

14 ~~1. Lavatory faucets and replacement aerators shall be designed to~~
15 ~~deliver no more than an average of three gallons of water per minute at a~~
16 ~~pressure of eighty PSI or shall be equipped with permanent flow control~~
17 ~~devices that allow delivery of no more than an average of three gallons of~~
18 ~~water per minute at a pressure of eighty PSI.~~

19 ~~2. Kitchen faucets and replacement aerators shall be designed to~~
20 ~~deliver no more than an average of three gallons of water per minute at a~~
21 ~~pressure of eighty PSI or shall be equipped with permanent flow control~~
22 ~~devices that allow delivery of no more than an average of three gallons of~~
23 ~~water per minute at a pressure of eighty PSI.~~

24 ~~3. Shower heads shall be designed to deliver no more than an~~
25 ~~average of three gallons of water per minute at a pressure of eighty PSI.~~

26 ~~4. Water closets shall be designed to use no more than an average~~
27 ~~of one and six-tenths gallons of water per flush.~~

28 ~~5. Urinals shall be designed to use no more than an average of one~~
29 ~~gallon of water per flush. No urinals may be installed that use a timing~~
30 ~~device to flush periodically regardless of demand.~~

31 1. A WATERSENSE-LABELED PLUMBING FIXTURE.

32 2. A PLUMBING FIXTURE THAT MEETS OR EXCEEDS THE WATER EFFICIENCY
33 CRITERIA ESTABLISHED BEFORE JANUARY 1, 2024 BY THE WATERSENSE PROGRAM.

34 3. A PLUMBING FIXTURE FOR WHICH THE WATER EFFICIENCY CRITERIA ARE
35 NOT ESTABLISHED BEFORE JANUARY 1, 2024 BY THE WATERSENSE PROGRAM.

36 ~~6.~~ 4. AN evaporative cooling ~~systems and~~ SYSTEM OR decorative
37 ~~fountains shall be~~ FOUNTAIN equipped with A water recycling or reuse
38 ~~systems~~ SYSTEM.

39 Sec. 3. Section 45-313, Arizona Revised Statutes, is amended to
40 read:

41 45-313. Prohibited plumbing fixtures; commercial, industrial
42 and public construction

43 Except as provided in sections 45-315 and 45-319, beginning January
44 1, ~~1994~~ 2024, ~~no~~ A person may NOT distribute, sell, offer for sale, import
45 or install any plumbing ~~fixtures~~ FIXTURE for use in this state in any new

1 commercial, industrial or public construction or for replacing plumbing
2 fixtures in existing commercial, industrial or public construction, unless
3 the ~~fixtures meet the following water saving performance standards~~
4 PLUMBING FIXTURE IS ONE OF THE FOLLOWING:

5 ~~1. Lavatory faucets shall be equipped with a mechanism that causes~~
6 ~~the faucet to close automatically after delivering no more than one-fourth~~
7 ~~gallon of water or shall be designed to deliver no more than an average of~~
8 ~~one-half gallon of water per minute at a pressure of eighty PSI.~~

9 ~~2. Shower heads shall be designed to deliver no more than an~~
10 ~~average of three gallons of water per minute at a pressure of eighty PSI.~~

11 ~~3. Water closets shall be designed to use no more than an average~~
12 ~~of one and six-tenths gallons of water per flush.~~

13 ~~4. Urinals shall be designed to use no more than an average of one~~
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15 ~~device to flush periodically regardless of demand.~~

16 1. A WATERSENSE-LABELED PLUMBING FIXTURE.

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21 ~~5.~~ 4. AN evaporative cooling ~~systems and~~ SYSTEM OR decorative
22 ~~fountains shall be~~ FOUNTAIN equipped with A water recycling or reuse
23 ~~systems~~ SYSTEM.

24 Sec. 4. Section 45-313.01, Arizona Revised Statutes, is amended to
25 read:

26 45-313.01. Water free urinals; state buildings

27 Every effort shall be made to install water free urinals in all new
28 state buildings constructed after ~~the effective date of this section~~
29 AUGUST 25, 2004 that constitute capital projects as defined in section
30 41-790 and to install water free urinals in existing state buildings. The
31 director of the department of administration shall endeavor to install as
32 many water free urinals in as many state buildings as possible ~~if the~~
33 ~~director determines that, given all of the circumstances, their use is in~~
34 ~~the best interest of this state.~~

35 Sec. 5. Section 45-319, Arizona Revised Statutes, is amended to
36 read:

37 45-319. Exception; waiver; preemption

38 A. The requirements of this article do not apply to AND DO NOT
39 PROHIBIT THE SALE OF any plumbing fixture that is documented to have been
40 purchased by a plumbing wholesaler, retailer or end user and that is
41 actually located in this state before January 1, ~~1994~~ 2024.

42 B. THE DIRECTOR MAY WAIVE THE APPLICABILITY OF THIS ARTICLE TO
43 HISTORIC FIXTURES AS DETERMINED BY THE DIRECTOR BY RULE.

1 ~~B.~~ C. An ordinance adopted by a county, city or town relating to
2 water conserving low-flow plumbing fixtures is not preempted by this
3 article to the extent that the ordinance sets forth requirements that are
4 at least as restrictive as the requirements of this article or regulates
5 fixtures that are not specified in this article, but any such ordinance is
6 preempted to the extent that its requirements are less restrictive than
7 the requirements of this article.

8 Sec. 6. Effective date

9 A. Section 45-311, Arizona Revised Statutes, as amended by this
10 act, is effective from and after December 31, 2022.

11 B. Sections 45-312, 45-313, 45-313.01 and 45-319, Arizona Revised
12 Statutes, as amended by this act, are effective from and after December
13 31, 2023.