

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: S4/1/19  
**A Bill**

SENATE BILL 525

By: Senator Hester  
By: Representative Dotson

### **For An Act To Be Entitled**

AN ACT TO MODERNIZE PLUMBING PLAN REVIEW SUBMISSIONS AND RESPONSES; TO CLARIFY THAT LOCAL JURISDICTION REVIEW OF CERTAIN PLUMBING PLANS AND SPECIFICATIONS DOES NOT REQUIRE REVIEW BY THE DEPARTMENT OF HEALTH; TO CLARIFY THAT CERTAIN CONSTRUCTION PLANS ARE REQUIRED TO GO TO THE DEPARTMENT OF HEALTH FOR REVIEW; AND FOR OTHER PURPOSES.

### **Subtitle**

TO MODERNIZE PLUMBING PLAN REVIEW SUBMISSIONS AND RESPONSES; AND TO CLARIFY THAT LOCAL JURISDICTION REVIEW OF CERTAIN PLUMBING PLANS AND SPECIFICATIONS DOES NOT REQUIRE REVIEW BY THE DEPARTMENT OF HEALTH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-38-201, concerning the powers and duties of the State Board of Health relating to plumbing, is amended to add an additional subsection to read as follows:

(h) The department and the State Board of Health shall:

(1) Accept plumbing plan review documents via email, mail, or in person; and

(2) Respond to an individual or entity submitting plumbing plan review documents via email, unless the individual or entity indicates that



the individual or entity would prefer to receive the response via mail.

SECTION 2. Arkansas Code § 17-38-204(h), concerning local regulatory authority of plumbing plans and exceptions, is amended to read as follows:

(h)(1) If a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county enacts an ordinance or regulation to provide for plan reviews of plumbing plans, the entity city, town, sewerage district, water district, sewer association, water association, utility gas system, or county may have an employee who is certified as a plumbing and natural gas inspector perform plan reviews of plumbing plans.

(2)(A)(i) All plumbing plans approved under subdivision (h)(1) of this section shall not be required to be:

(a) ~~submitted~~ Submitted with a payment of a fee to the department if a fee is submitted to the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county; or

(b) Reviewed by the department if an engineer licensed in this state has prepared the plumbing plan and the employee described under subdivision (h)(1) of this section is a licensed engineer in this state.

(ii) However, a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county may submit a plumbing plan to the department for an advisory opinion.

(B) The department shall not require the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county to relinquish or surrender a fee submitted to the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county.

(C) The maximum allowable fee for a plan review under subdivision (h)(1) of this section shall not exceed the fees set out in § 20-7-123(b)(2).

(3)(A) An employee who performs a plan review under subdivision (h)(1) of this section ~~is assumed to have~~ has the responsibility to ensure that the plumbing ~~plans meet~~ plan meets state requirements.

(B) The department may audit or inspect the records of an

employee who performs a plan review under subdivision (h)(1) of this section.

(4) This section does not:

(A) Create a cause of action against a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county for any resulting damages or failures of the plumbing plan; or

(B) Prohibit a person from seeking a plan review from and paying a fee to the department in lieu of seeking a plan review from and paying a fee to a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county.

(5) A plumbing plan review under this section includes a review of the plumbing as defined in § 17-38-101 and the water supply, water lines, and sewage line designs.

SECTION 3. Arkansas Code § 20-9-217 is amended to read as follows:

20-9-217. Alterations, additions, and new construction of facilities.

(a) ~~The State Board of Health shall prescribe by regulation that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities, before~~ Before commencing ~~the~~ alterations, additions, or new construction under this subchapter, a facility shall submit plans, including a plumbing plan that includes the plumbing as defined in § 17-38-101 and the water supply line and sewage line designs, and specifications that have been prepared by a licensed architect or professional engineer for them to the Department of Health ~~for preliminary inspection and approval or recommendations~~ with respect to compliance with the ~~regulations~~ applicable codes, rules, and standards.

(b) Plans and specifications as described in subsection (a) of this section shall be submitted according to procedures of the department.

(c)(1) From time to time, the Director of the Department of Health or his or her agent shall inspect each construction project approved by the United States Surgeon General.

(2) If the inspection so warrants, the director or his or her agent shall certify to the United States Surgeon General that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due the applicant.

*/s/Hester*

**APPROVED: 4/11/19**