

ACT 260

S.B. NO. 2007

A Bill for an Act Relating to Water Treatment Devices.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
WATER TREATMENT UNITS**

§ -1 **Short title.** This chapter shall be known and may be cited as the Hawaii Water Treatment Units Act.

§ -2 **Definitions.** As used in this chapter:

“Contaminant” shall be defined as provided in chapter 340E.

“Water treatment unit” means a product, device, or system designed for personal, family, or household use and for which a claim or claims are made stating that it will improve the quality of water by reducing one or more contaminants through mechanical, physical, chemical, or biological processes or combinations thereof.

§ -3 **Requirement for sale, lease or distribution.** No water treatment unit that claims to reduce or eliminate the concentration of one or more health related contaminants in water supplies intended for human consumption may be sold or leased, offered for sale or lease, distributed, or installed in the State unless the unit has been tested using industry accepted product testing protocols or protocols that utilize technically valid methodology using United States Environmental Protection Agency analytical testing methods for drinking water quality and maximum contaminant levels, or their equivalent.

§ -4 **Disclosure.** No person shall sell, offer for sale, rent, lease, or distribute any water treatment unit for use in this State unless written material which provides the following information is included with each unit:

- (1) The name and mailing address of the manufacturer or distributor;
- (2) The name, brand, or trademark under which the unit is sold, and its model number;
- (3) A statement listing all contaminants the unit is capable of reducing from the water;
- (4) The specifications of the unit, including:
  - (A) The filter life, if applicable;
  - (B) The approximate capacity of the unit, expressed in gallons or period of time, if applicable;

- (C) A summary of recommended operational procedures and requirements necessary for the proper operation of the unit, including, but not limited to:
  - (i) Electrical requirements;
  - (ii) Maximum and minimum operation pressure;
  - (iii) Maximum operating temperature;
  - (iv) Flow rate;
  - (v) Maintenance requirements;
  - (vi) Replacement frequencies; and
  - (vii) An explanation of any performance indicator, if available;
- (5) Installation instructions;
- (6) The manufacturer's warranty and guarantee, if applicable;
- (7) A statement that performance of the water treatment unit may vary based on local water conditions;
- (8) A statement that the unit is only intended for use with potable water, if true; and
- (9) A statement that all the contaminants reduced by the unit are not necessarily in the user's water supply, if true.

§ **-5 Prohibited practices.** (a) It shall be unlawful for any person to print or disseminate any false advertising or to use or employ any deceptive act or practice as described in subsection (b) in the conduct of any trade or commerce for the purpose of inducing the sale, lease, rental, or distribution of water treatment units.

- (b) No person shall use:
  - (1) Materially false or misleading claims concerning the quality of a prospective purchaser's public water supply or private well water;
  - (2) Materially false or misleading claims concerning the kind and degree of problems caused by water from a public water supply;
  - (3) Materially false or misleading claims of scientific certainty regarding the relationship between acute or chronic illnesses and water quality;
  - (4) Product performance claims and product benefit claims unless such claims are based on factual data obtained from tests conducted by a testing facility following scientifically valid test procedures, which data is in existence at the time such claims are made;
  - (5) Materially false or misleading pictures, exhibits, graphs, charts, or other graphic portrayals in advertisements;
  - (6) Materially false or misleading claims that serious harm may or will occur if the product is not purchased;
  - (7) Statements that the water flowing from a water treatment unit is "pure" unless such words are reasonably defined;
  - (8) Claims that a water treatment unit would provide a health benefit or diminish a health risk unless reasonably based on factual data;
  - (9) Materially false or misleading statements that the contaminants reduced by a water treatment unit are present in excess of permitted levels in the drinking water of the consumer;
  - (10) Endorsements or testimonials, unless such endorsements or testimonials state the opinion and qualifications of the person giving them, are not materially false or misleading, and accurately reflect the context in which they were made or given;
  - (11) Tests or test results of a consumer's drinking water to state or demonstrate the presence of contaminants in a prospective purchaser's

drinking water for the purpose of inducing a person to purchase a water treatment unit unless those test results have either been obtained from a certified laboratory or were performed in accordance with the United States Environmental Protection Agency approved test methods or guidelines, where applicable, and the results of the tests are not used in a materially false or misleading manner; and

- (12) Tests or test results of a consumer's drinking water without providing maximum contaminant level information.

§ **-6 Door-to-door sales.** No door-to-door sales of water treatment units shall be permitted unless a copy of data, claims, and information on water quality and health effects, as used in the sales presentation, are made a part of the contract. As used in this section, "data, claims, and information" includes but is not limited to, graphs, charts, news clippings, and other supporting information.

§ **-7 Exchanges.** Any person in the business of offering water treatment units for sale at retail who accepts the return of goods for exchange only, shall post conspicuous signs in the person's place of business bearing the words "Exchanges only," or words or phrases of similar import, to inform customers that only exchanges will be given.

§ **-8 Penalty and remedies.** (a) Any violation of the provisions of this chapter shall constitute unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce under section 480-2.

(b) The penalty provided in subsection (a) is in addition to remedies otherwise available against the same conduct under the common law or other statutes of this State."

SECTION 2. This Act shall take effect on December 1, 1991.

(Approved June 12, 1991.)