

NOTICE OF INTENT

Department of Public Safety and Corrections  
Office of State Fire Marshal  
Uniform Construction Code Council

State Uniform Construction Code  
(LAC Chapter 17:I.Chapter 1)

In accordance with R.S. 49:953(B) of the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of State Fire Marshal, Louisiana State Uniform Construction Code Council, hereafter referred to as the “LSUCCC” or the “Council”, proposes to amend LAC 17:I.Chapter 1 of the State Uniform Construction Code as authorized by R.S.40:1730.28. The LSUCCC proposes the adoption of amendments to the current State Uniform Construction Code, 2015 *International Plumbing Code*, Section 422.11, Handwashing Facilities, to provide greater health and safety for the public and for those providing medical care to patients. A letter from Dr. Jimmy Guidry, State Health Officer, Department of Health, was received by the LSUCCC requesting an amendment be adopted by the Council. This amendment will serve to better protect the public and to follow national guidelines from the Center for Disease Control (CDC), in addition to promoting greater access to safer hygiene practices and to insure safety to existing facilities undergoing renovations and for new proposed facilities.

In Dr. Guidry’s letter, he states the following: “In the absence of nationally mandated requirements or guidelines regarding handwashing facilities in medical office exam rooms, I've considered the minimum indications for handwashing and antisepsis, as accepted by the Center for Disease Control (CDC). The CDC recognizes hand hygiene in health-care settings, based on the recommendations of the Healthcare Infection Control Practices Advisory Council. It is my recommendation that the following language be added as an exception to the referred to section above as an Emergency Rule Amendment. This should only be acceptable in lieu of handwashing facilities alone, in a healthcare setting such as doctor's offices and clinics where there is no reasonably anticipated exposure to blood or other potentially infectious materials (OPIM).”

Title 17  
CONSTRUCTION

Part I. Uniform Construction Code

Chapter 1. Adoption of the Louisiana State Uniform Construction Code

§111. *The International Plumbing Code*  
(Formerly LAC 55:VI.301.A.5)

- A. The *International Plumbing Code*, 2015 Edition. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption (per R.S. 40:1730.28, eff. 1/1/16).

***		
Amend	Chapter 4	
***		
Adopt	Section 422.11, Handwashing Facilities.	Medical facilities, including doctor’s office and clinics, shall be provided with hand washing facilities within each patient examination and treatment room. The hand wash facility shall be provided with hot and cold water delivered via a mixing faucet.
Amend	Exception	1. In healthcare setting such as doctor's offices and clinics where there is no reasonably anticipated exposure to blood or other potentially infectious materials (OPIM), where hands are not expected to be visibly soiled and clinical situations described in items 1C-J (IA) (74,93,166,169,283,294,312,398) are followed, use of an alcohol-based hand rub for routinely decontaminating hands shall be allowed in lieu of handwashing facilities. The design professional shall provide documentation to the building official specifying the anticipated exposure.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1) and Act836 of the 2014 of the Regular Louisiana Legislative Session.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672(October 2016), LR 44:81 (January 2018), repromulgated LR 45:919 (July 2019).

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family formation/functioning, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, The Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Provider Impact Statement**

As described in HCR 170 of the 2014 Regular Legislative Session, the impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted via the U.S. Mail to Melinda L. Long, Department of Public Safety, Office of Legal Affairs, P.O. Box 66614, Baton Rouge, LA 70896. Written comments may also be hand-delivered to Melinda L. Long, Department of Public Safety, Office of Legal Affairs, 7979 Independence Boulevard, Suite 308, Baton Rouge, LA 70806. All written comments are required to be signed by the person submitting the comments, dated, and received on or before September 9, 2020 at 4:30 p.m. A public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a) if needed.

Chief H. "Butch" Browning, Jr.  
State Fire Marshal

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Chief H. "Butch" Browning, Jr.  
State Fire Marshal

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

Person Preparing Statement	<u>Melinda L. Long</u>	Dept.:	<u>Department of Public Safety</u>
Phone:	<u>(225) 925-7606</u>	Office:	<u>Office of State Fire Marshal; LA State Uniform Construction Code Council</u>
Return Address:	<u>7979 Independence Blvd.</u>	Rule Title:	<u>Handwashing sink requirements in medical facilities</u>
	<u>Baton Rouge, LA</u>	Date Rule Takes Effect:	<u>Upon promulgation</u>
	<u>70806</u>		

**SUMMARY**  
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule adopts amendments to the State Uniform Construction Code, 2015 International Plumbing Code, Section 422.11, Handwashing Facilities. At the request of Dr. Jimmy Guidry, State Health Officer at the LA Department of Health (LDH), the proposed rule amends the handwashing sink requirements and practices. The change will provide a process for the healthcare industry to provide care which meets or exceeds the CDC guidelines and provide a more consistent statewide process of handwashing practices while following CDC recommended practices.

The proposed rule is not anticipated to result in additional costs or savings for state agencies. There is an anticipated indeterminable impact on cost savings for local governmental units as a result of the proposed rule. Due to the size of governmental jurisdictions and the varying permitting and inspection process within each governmental jurisdiction, this impact is indeterminable.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

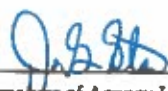
There is no anticipated impact on revenue collections for state or local governments as a result of the proposed rules.


**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)**

The adoption of the proposed rule is anticipated to impact directly affected persons or non-governmental groups. The adoption of the proposed rule is anticipated to effect jurisdictions, contractors, developers, doctors and consumers by allowing alternative methods for handwashing in medical facilities and removing the requirement to install handwashing sinks in all exam rooms. Also, the proposed rule is anticipated to reduce construction costs to existing facilities undergoing renovation while promoting greater access to safer hygiene practices; thereby allowing certain existing buildings to become healthcare facilities. These healthcare facilities will be geographically closer to those seeking or requiring medical treatment while reducing overall construction costs.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule is not anticipated to effect competition or employment. The proposed rule will provide access to more existing healthcare facilities, which may allow a potential increase in healthcare worker employment.

  
Signature of Agency Head or Designee  
Lt. Jason Starnes Dep. Supt. - CAO  
Typed Name & Title of Agency Head or Designee  
8/6/20  
Date of Signature

  
Legislative Fiscal Officer or Designee  
8/6/20  
Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The Department is promulgating this rule change to provide greater access to a larger pool of potential healthcare structures. The rule will allow the use of alternative hand sanitizing methods while following CDC and LDH guidelines. It will also amend the existing code amendment for all healthcare facilities to provide a sink in each exam room, which currently results in a greater cost for construction or remodeling.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The proposed rule is being promulgated to comply with statutes, specifically R.S. 40:1730.21, R.S. 40:1730.22, R.S. 40:1730.26 and R.S. 40:1730.28, which mandates the Louisiana State Construction Code Council review, amend and adopt the codes. The state health officer may provide the council with recommended amendments to the plumbing provisions adopted. All recommended amendments provided to the council by the state health officer shall be presented to the council for review. The council shall review recommended amendments and vote on whether or not to include such amendments as part of the State Uniform Construction Code.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_\_\_ Yes. If yes, attach documentation.

(b) \_\_\_\_\_ NO. If no, provide justification as to why this rule change should be published at this time

The question is not applicable as a result of the answer to C(1).

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 21	FY 22	FY 23
Personal Services	\$0	\$0	\$0
Operating Expenses	\$0	\$0	\$0
Professional Services	\$0	\$0	\$0
Other Charges	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Major Repairs & Constr.	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

POSITIONS (#)      No new position(s) required.

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed rule is anticipated to create no increased costs or savings to state agencies as a result of the implementation.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 21	FY 22	FY 23
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$0	\$0	
\$0			
Dedicated	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Other (Specify)	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

There are no implementation costs as a result of the proposed rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is an anticipated indeterminable impact on cost savings for state or local governments as a result of the proposed rule. Due to the size of governmental jurisdictions and the varying permitting and inspection process within each governmental jurisdiction, this impact is indeterminable.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Sources of funding cannot be determined as each jurisdiction varies based on its budget practices.



FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 21	FY 22	FY 23
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Dedicated Funds*	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There is no increase or decrease in revenue collections of state and local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET**

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS**

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The adoption of the proposed rule is anticipated to effect jurisdictions, contractors, developers, doctors and consumers by allowing alternative methods for handwashing in medical facilities and removing the requirement to install handwashing sinks in all exam rooms.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There will be no increase or decrease in receipts or income from the proposed rule change. The adoption of the proposed rule will allow more expeditious permitting and inspections in all sectors.

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no anticipated effect on competition in the public and private sector as a result of the proposed rule.

OFFICE OF THE STATE REGISTER INSERTION ORDER (eff.08/02)  
Claiborne Building 1201 North Third Street Suite 3-220 Post Office Box 94095  
Baton Rouge, LA 70804-9095 (225)342-5015 FAX (225)342-0284

(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

☐ EMERGENCY RULE ☒ NOTICE OF INTENT ☐ RULE ☐ POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) August, 20 20 *Louisiana Register* the document indicated above.

LA State Uniform Construction Code Council  
Office/Board/Commission promulgating this document

H."Butch" Browning, Jr. State Fire Marshal  
(name) (title)  
Name and title of person whose signature will appear in the publication (at the end of the document)


Dept. of Public Safety; Office of State Fire Marshal  
Department under which office/board/commission is classified

Melinda L. Long (225) 925-7606 (225) 925--  
(name) (phone) (fax)  
Name, phone number, and FAX number of person to contact regarding this document

melinda.long@la.gov  
E-mail address of contact person

Hand washing facilities  
Short descriptive listing for this document to be used in the *Louisiana Register's* TABLE OF CONTENTS/INDEX

**Important:** If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here: ☐

LSUCCC NOI Handwashing facilities  
File name  
  
Signature of Agency Head or Designee  
Lt. Jason Starnes Dep. Supt. - CAO  
Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS DOCUMENT # \_\_\_\_\_

**ISIS AGENCY:** I certify the availability of fiscal year 20-21 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

<u>422</u>	<u>UCCC</u>	<u>4930</u>		<u>8402</u>
AGENCY	ORGANIZATION #	OBJECT	SUB-OBJECT	REPORTING CATEGORY

**NON-ISIS AGENCY:** I certify the availability of fiscal year \_\_\_\_\_ appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

 225-925-6032  
Signature of Agency Head or Designee - Phone #

\_\_\_\_\_  
Agency Name  
\_\_\_\_\_  
Agency Contact Person for Billing  
\_\_\_\_\_  
Agency E-Mail Address for Billing

Lines/Other Charges \_\_\_\_\_ Typesetting \$ \_\_\_\_\_ TOTAL \$ \_\_\_\_\_

4221032580 595007 42200P0100  
cost center GL Fund #