326B.43 PLUMBING STANDARDS; RULES; AGREEMENT WITH MUNICIPALITY; EXEMPTION.

Subdivision 1. **Rules.** The Plumbing Board may, by rule, prescribe minimum standards which shall be uniform and which shall be effective for all new plumbing installations performed anywhere in the state, including additions, extensions, alterations, and replacements. Notwithstanding the provisions of Minnesota Rules, part 1300.0215, subpart 6, as they apply to review of plans and specifications, the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner.

Except for powers granted to the Plumbing Board, the commissioner of labor and industry shall administer the provisions of sections 326B.42 to 326B.49 and for such purposes may employ plumbing inspectors and other assistants.

Subd. 1a. **Licenses; experience.** All state plumbing inspectors and plumbing inspectors contracted by the department shall hold licenses as master or journeyworker plumbers and have five years of documented practical plumbing experience under this chapter.

Subd. 2. **Agreement with municipality.** The commissioner may enter into an agreement with a municipality, in which the municipality agrees to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 1300.0215, subpart 6, if:

(a) the municipality has adopted:

(1) the plumbing code;

(2) an ordinance that requires plumbing plans and specifications to be submitted to, reviewed, and approved by the municipality, except as provided in paragraph (n);

(3) an ordinance that authorizes the municipality to perform inspections required by the plumbing code; and

(4) an ordinance that authorizes the municipality to enforce the plumbing code in its entirety, except as provided in paragraph (p);

(b) the municipality agrees to review plumbing plans and specifications for all construction for which the plumbing code requires the review of plumbing plans and specifications, except as provided in paragraph (n);

(c) the municipality agrees that, when it reviews plumbing plans and specifications under paragraph (b), the review will:

(1) reflect the degree to which the plans and specifications affect the public health and conform to the provisions of the plumbing code;

(2) ensure that there is no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use; and

(3) ensure that there is no apparatus through which unsafe water may be discharged or drawn into a safe water supply system;

(d) the municipality agrees to perform all inspections required by the plumbing code in connection with projects for which the municipality reviews plumbing plans and specifications under paragraph (b);

(e) the commissioner determines that the individuals who will conduct the inspections and the plumbing plan and specification reviews for the municipality do not have any conflict of interest in conducting the inspections and the plan and specification reviews;

(f) individuals who will conduct the plumbing plan and specification reviews for the municipality are:

(1) licensed master plumbers;

(2) licensed professional engineers; or

(3) individuals who are working under the supervision of a licensed professional engineer or licensed master plumber and who are licensed master or journeyworker plumbers or hold a postsecondary degree in engineering;

(g) individuals who will conduct the plumbing plan and specification reviews for the municipality have passed a competency assessment required by the commissioner to assess the individual's competency at reviewing plumbing plans and specifications;

(h) individuals who will conduct the plumbing inspections for the municipality are licensed master or journeyworker plumbers, or inspectors meeting the competency requirements established in rules adopted under section 326B.135;

(i) the municipality agrees to enforce in its entirety the plumbing code on all projects, except as provided in paragraph (p);

(j) the municipality agrees to keep official records of all documents received, including plans, specifications, surveys, and plot plans, and of all plan reviews, permits and certificates issued, reports of inspections, and notices issued in connection with plumbing inspections and the review of plumbing plans and specifications;

(k) the municipality agrees to maintain the records described in paragraph (j) in the official records of the municipality for the period required for the retention of public records under section 138.17, and shall make these records readily available for review at the request of the commissioner;

(l) the municipality and the commissioner agree that if at any time during the agreement the municipality does not have in effect the plumbing code or any of ordinances described in paragraph (a), or if the commissioner determines that the municipality is not properly administering and enforcing the plumbing code or is otherwise not complying with the agreement:

(1) the commissioner may, effective 14 days after the municipality's receipt of written notice, terminate the agreement;

(2) the municipality may challenge the termination in a contested case before the commissioner pursuant to the Administrative Procedure Act; and

(3) while any challenge is pending under clause (2), the commissioner shall perform plan and specification reviews within the municipality under Minnesota Rules, part 1300.0215, subpart 6;

(m) the municipality and the commissioner agree that the municipality may terminate the agreement with or without cause on 90 days' written notice to the commissioner;

(n) the municipality and the commissioner agree that the municipality shall forward to the state for review all plumbing plans and specifications for the following types of projects within the municipality:

(1) state-licensed facilities as defined in section 326B.103, subdivision 13;

(2) public buildings as defined in section 326B.103, subdivision 11; and

(3) projects of a special nature for which department review is requested by either the municipality or the state;

(o) where the municipality forwards to the state for review plumbing plans and specifications, as provided in paragraph (n), the municipality shall not collect any fee for plan review, and the commissioner shall collect all applicable fees for plan review; and

(p) no municipality shall revoke, suspend, or place restrictions on any plumbing license issued by the state.

Subd. 2a. **Agreement with Department of Health.** By January 1, 2026, the commissioner must delegate plan and specification review and inspections authority to the commissioner of health for work performed by a well contractor or a limited well/boring contractor who is licensed and bonded under section 103I.525 or 103I.531 and who is performing the scope of work outlined in section 326B.46, subdivision 6, for the exclusive purposes of administering the State Plumbing Code pertaining specifically to work associated with section 326B.46, subdivision 6. Any delegation entered into under this subdivision must require the commissioner of health to:

(1) review plumbing plans and specifications, provide correction notices to applicants when construction documents do not comply with the State Plumbing Code, and approve compliant submittals;

(2) forward a plan approval letter to the commissioner when additional plumbing work is needed beyond the scope of the commissioner of health's review;

(3) issue plan approvals and perform the required field inspections for plumbing work in accordance with Minnesota Rules, part 1300.0215;

(4) enforce the State Plumbing Code in its entirety with regards to the specified work;

(5) ensure that there is no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use;

(6) ensure that there is no apparatus through which unsafe water may be discharged or drawn into a safe water supply system;

(7) ensure that the individuals who will conduct the inspections and the plumbing plan and specification reviews do not have any conflicts of interest in conducting the inspections and the plan and specification reviews;

(8) ensure that individuals who will conduct the plumbing plan and specification reviews for the Department of Health are:

(i) licensed master plumbers;

(ii) licensed professional engineers; or

(iii) individuals who are working under the supervision of a licensed master plumber or licensed professional engineer and who are licensed master or journeyworker plumbers or hold a postsecondary degree in engineering;

(9) ensure that individuals who will conduct the plumbing plan and specification reviews for the Department of Health have passed a competency assessment required by the commissioner to assess the individual's competency at reviewing plumbing plans and specifications;

(10) ensure that individuals who will conduct the plumbing inspections for the Department of Health are licensed master or journeyworker plumbers or inspectors meeting the competency requirements established in Minnesota Rules, part 1301.1400;

(11) ensure that persons, as defined in section 103I.005, subdivision 16, who are performing the work are licensed well contractors or limited licensed well contractors;

(12) include in the licensing examination for well drillers and limited well drillers State Plumbing Code criteria pertaining to work associated with section 326B.46, subdivision 6;

(13) require continuing education criteria for licensing well drillers and limited well drillers that includes State Plumbing Code criteria pertaining to work associated with section 326B.46, subdivision 6;

(14) maintain official records of all documents received, including plans, specifications, surveys, and plot plans, and of all plan reviews, permits and certificates issued, reports of inspections, and notices issued in connection with plumbing inspections and the review of plumbing plans and specifications for four years;

(15) include as a necessary term of any such delegation an agreement that if at any time during the delegation the commissioner determines that the Department of Health is not properly administering and enforcing the State Plumbing Code or is otherwise not complying with the agreement:

(i) the commissioner may, effective 28 days after the Department of Health's receipt of written notice, terminate the delegation;

(ii) the Department of Health may challenge the termination in a contested case before the commissioner pursuant to chapter 14, the Administrative Procedure Act; and

(iii) while any challenge is pending under item (ii), the commissioner must perform plan and specification reviews covered by the challenged delegation agreement under Minnesota Rules, part 1300.0215, subpart 6;

(16) include as a necessary term of any such delegation an agreement that the Department of Health may terminate the delegation with or without cause upon 90 days' written notice to the commissioner; and

(17) include as a necessary term of any such delegation an agreement that the Department of Health must forward to the state for review all plumbing plans and specifications for the following types of projects that may otherwise have been subject to the delegation:

(i) state licensed facilities, as defined in section 326B.103, subdivision 13;

(ii) public buildings, as defined in section 326B.103, subdivision 11; and

(iii) projects of a special nature for which department review is requested by either the Department of Health or the state.

Subd. 3. **Existing agreement with municipality.** Any agreement between the commissioner and a municipality in which the municipality has agreed to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 1300.0215, subpart 6, that is in effect on December 1, 2007, shall remain in effect and shall not be required to be in compliance with subdivision 2.

If any agreement to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 1300.0215, subpart 6, in effect on December 1, 2007, is later terminated by operation of the terms of the agreement or by either the commissioner or the municipality, or expires, then any new agreement between the commissioner and the municipality to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 1300.0215, subpart 6, shall comply with subdivision 2.

Subd. 4. **Standards for capacity.** All new floor-mounted water closets in areas under jurisdiction of the plumbing code may not have a flush volume of more than 1.6 gallons. The water closets must meet the standards in the plumbing code and the standards of the American National Standards Institute.

Subd. 5. MS 2008 [Repealed, 2010 c 183 s 24]

Subd. 6. **Air admittance valves prohibited.** Mechanical devices and fittings with internal moving parts are prohibited from installation in plumbing venting systems.

History: *(5887-19) 1933 c 349 s 1; 1937 c 370 s 1; 1973 c 123 art 5 s 7; 1975 c 136 s 66; 1977 c 305 s 45; 1990 c 597 s 57; 1993 c 206 s 20; 1996 c 439 art 4 s 1; 1997 c 203 art 2 s 28; 2007 c 135 art 3 s 19,20; 2007 c 140 art 6 s 4,15; art 13 s 4; 2008 c 337 s 19,20; 2010 c 183 s 4,5; 2010 c 352 art 1 s 22; 2013 c 85 art 2 s 32; 2016 c 158 art 1 s 214; 2016 c 158 art 1 s 214; 2017 c 68 art 1 s 25,26; 1Sp2017 c 7 s 8; 1Sp2025 c 6 art 5 s 32*