

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0677.01 Thomas Morris x4218

SENATE BILL 14-103

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Fischer,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PHASE-OUT OF THE SALE OF CERTAIN
102 LOW-EFFICIENCY PLUMBING FIXTURES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill defines a "watersense-listed plumbing fixture" as one that has been:

- ! Tested by an accredited third-party certifying body or laboratory in accordance with the federal environmental

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! protection agency's WaterSense program;
- ! Certified by such body or laboratory as meeting the performance and efficiency requirements of the program; and
- ! Authorized by the program to use its label.

Current law requires water-efficient indoor plumbing fixtures in only three contexts:

- ! Builders of new single-family detached residences must offer the buyers toilets, faucets, and showerheads that meet the current standards of the WaterSense program;
- ! Tank-type water closets and flushometer toilets in new state buildings must meet certain standards that are either less stringent than or as stringent as the current WaterSense standards; and
- ! New construction and renovation of residential structures and office, commercial, or industrial buildings must meet standards that are less stringent than the current WaterSense standards.

Section 1 of the bill prohibits the sale of lavatory faucets, shower heads, flushing urinals, tank-type toilets, and tank-type water closets on and after September 1, 2016, unless they are a watersense-listed plumbing fixture. **Sections 2 through 5** amend or repeal conflicting portions of current law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 7.5 to title
3 6 as follows:

4 **Article 7.5**

5 **Water Efficiency**

6 **6-7.5-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "LOW-EFFICIENCY PLUMBING FIXTURE" MEANS ANY OF THE
9 FOLLOWING PLUMBING FIXTURES THAT IS NOT A WATERSENSE-LISTED
10 PLUMBING FIXTURE:

- 11 (a) A LAVATORY FAUCET;
- 12 (b) A SHOWER HEAD;

- 1 (c) A FLUSHING URINAL; OR
- 2 (d) A TANK-TYPE TOILET OR TANK-TYPE WATER CLOSET.
- 3 (2) "WATERSENSE-LISTED PLUMBING FIXTURE" MEANS A
- 4 PLUMBING FIXTURE OR PLUMBING FIXTURE FITTING THAT HAS BEEN:
- 5 (a) TESTED BY AN ACCREDITED THIRD-PARTY CERTIFYING BODY OR
- 6 LABORATORY IN ACCORDANCE WITH THE FEDERAL ENVIRONMENTAL
- 7 PROTECTION AGENCY'S WATERSENSE PROGRAM OR AN ANALOGOUS
- 8 SUCCESSOR PROGRAM;
- 9 (b) CERTIFIED BY THE BODY OR LABORATORY AS MEETING THE
- 10 PERFORMANCE AND EFFICIENCY REQUIREMENTS OF THE PROGRAM; AND
- 11 (c) AUTHORIZED BY THE PROGRAM TO USE ITS LABEL.

12 **6-7.5-102. Low-efficiency plumbing fixtures.** (1) EFFECTIVE
13 SEPTEMBER 1, 2016, A PERSON SHALL NOT SELL A LOW-EFFICIENCY
14 PLUMBING FIXTURE IN COLORADO.

15 (2) THIS SECTION DOES NOT PREEMPT ANY ACTION OF A CITY,
16 COUNTY, OR CITY AND COUNTY THAT PRESCRIBES ADDITIONAL OR MORE
17 RESTRICTIVE WATER CONSERVATION REQUIREMENTS AFFECTING THE SALE,
18 INSTALLATION, OR USE OF PLUMBING FIXTURES IF THE REQUIREMENTS
19 COMPLY WITH THE STANDARD SPECIFIED IN SUBSECTION (1) OF THIS
20 SECTION.

21 **6-7.5-103. Reports - repeal.** (1) BY MARCH 1, 2017, EACH
22 MANUFACTURER THAT SELLS LAVATORY FAUCETS, SHOWER HEADS,
23 FLUSHING URINALS, TANK-TYPE TOILETS, OR TANK-TYPE WATER CLOSETS
24 IN COLORADO SHALL FILE A REPORT WITH THE COLORADO WATER
25 CONSERVATION BOARD CREATED IN SECTION 37-60-102, C.R.S., THE
26 SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE,
27 AND THE HOUSE OF REPRESENTATIVES COMMITTEE ON AGRICULTURE,

1 LIVESTOCK, AND NATURAL RESOURCES, OR THEIR SUCCESSOR
2 COMMITTEES, THAT STATES THE PERCENTAGE, BY CATEGORY, OF ITS SALES
3 IN COLORADO DURING 2016 OF EACH CATEGORY OF SUCH PLUMBING
4 FIXTURES:

5 (a) THAT ARE LOW-EFFICIENCY PLUMBING FIXTURES; AND

6 (b) THAT ARE WATERSENSE-LISTED PLUMBING FIXTURES.

7 (2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

8 **SECTION 2.** In Colorado Revised Statutes, 37-96-103, **repeal** (7)
9 as follows:

10 **37-96-103. Requirement of water conservation in landscaping**
11 **for certain public projects.** (7) ~~In all state-owned buildings the~~
12 ~~construction or renovation of which commences after January 1, 1992,~~
13 ~~water-efficient plumbing devices shall be installed in accordance with~~
14 ~~article 1.3 of title 9, C.R.S.; except that:~~

15 (a) ~~Where tank-type water closets are installed, such water closets~~
16 ~~shall flush with a maximum of one and six-tenths gallons of water.~~

17 (b) ~~Where flushometer valves are used, such flushometer valves~~
18 ~~shall be the least water-using type found to be safe and reliable.~~

19 **SECTION 3.** In Colorado Revised Statutes, 38-35.7-107, **repeal**
20 (1) (a) (I) as follows:

21 **38-35.7-107. Water-smart homes option - repeal.** (1) (a) Every
22 person that builds a new single-family detached residence for which a
23 buyer is under contract shall offer the buyer the opportunity to select one
24 or more of the following water-smart home options for the residence:

25 (I) ~~Installation of water-efficient toilets, lavatory faucets, and~~
26 ~~showerheads that meet or exceed the following water-efficient standards:~~
27 ~~Toilets shall use no more than one and twenty-eight one-hundredths of a~~

1 gallon per flush, lavatory faucets no more than one and one-half gallons
2 per minute, and showerheads no more than two gallons per minute.

3 **SECTION 4.** In Colorado Revised Statutes, **amend** 37-60-127 as
4 follows:

5 **37-60-127. Applicability of provisions requiring funding by**
6 **political subdivisions of the state.** No provision of section 37-60-124,
7 37-60-125, 37-60-126, or 37-96-103 (4) to ~~(7)~~ **which** (6) THAT requires
8 funding by any political subdivision of the state ~~which~~ THAT is a covered
9 entity as defined in section 37-60-126 (1) (b) ~~shall apply~~ **APPLIES** to any
10 such political subdivision if ~~such~~ THE entity submits the applicable
11 provision and its requirements, including all costs to the inhabitants of the
12 respective jurisdiction, to the qualified electors of any such political
13 subdivision, and a majority of ~~such~~ THE qualified electors do not approve
14 ~~such~~ THE applicable provision and its requirements.

15 **SECTION 5.** In Colorado Revised Statutes, **repeal** article 1.3 of
16 title 9 as follows:

17 **9-1.3-101. Legislative declaration.** ~~The general assembly finds~~
18 ~~and declares that conservation of potable water by the utilization of~~
19 ~~low-flow plumbing fittings and fixtures in newly constructed and~~
20 ~~renovated residential structures and facilities for human use within office,~~
21 ~~commercial, and industrial buildings is in the best interests of the people~~
22 ~~of the state of Colorado and that, to such end, the provisions of this article~~
23 ~~are hereby enacted.~~

24 **9-1.3-102. Control standards - definitions - permits.** ~~(1) Except~~
25 ~~as specifically provided under section 9-1.3-104, on and after January 1,~~
26 ~~1990, no construction or renovation of residential structures or of~~
27 ~~facilities for human use within office, commercial, or industrial buildings~~

1 shall be commenced within the state of Colorado which does not comply
2 with the provisions of this article. The provisions of this article shall not
3 apply to any structures or facilities which are served by a septic system.

4 (2) For the purposes of this article:

5 (a) "Manufactured housing" means housing which is in part or
6 entirely manufactured in a factory. This type of housing is built in single
7 or multiple sections on a chassis which enables it to be transported to its
8 occupancy site or is built in single or multiple sections for assembly at the
9 site, and includes modular homes and panelized homes.

10 (b) "Renovation" includes any addition, replacement, or alteration
11 to an existing residential structure or to a facility for human use within an
12 office, commercial, or industrial building, where plumbing fixtures and
13 fittings are installed as part of the renovation. Limited renovation may not
14 be the basis for a comprehensive or broader change in plumbing fixtures.

15 (c) "Residential structures" includes, but is not limited to, one- and
16 two-family residences, townhouses, condominiums, apartment buildings,
17 hotels and motels, manufactured housing, and mobile homes defined as
18 any wheeled vehicle, exceeding either eight feet in width or thirty-two
19 feet in length, excluding towing gear and bumpers, without motive power,
20 which is designed and commonly used for occupancy by persons for
21 residential purposes, in either temporary or permanent locations, and
22 which may be drawn over the public highways by a motor vehicle.

23 (3) No building permit shall be issued on and after January 1,
24 1990, for the construction or renovation of a residential structure or a
25 facility for human use within an office, commercial, or industrial structure
26 by the local governmental entity with building permit authority unless the
27 fittings and fixtures installed during such construction or renovation

1 conform to the specifications provided in subsection (4) of this section.

2 (4) ~~The requisite fixtures and fittings for such construction and~~
3 ~~renovation shall be:~~

4 (a) ~~Except in the case of flushometer valves, tank-type water~~
5 ~~closets which flush with a maximum of three and one-half gallons of~~
6 ~~water;~~

7 (b) ~~Shower heads for bathing which have a maximum flow~~
8 ~~capacity of three gallons per minute at eighty pounds per square inch; and~~

9 (c) ~~Lavatory faucets and sink faucets which have a maximum flow~~
10 ~~capacity of two and one-half gallons per minute at eighty pounds per~~
11 ~~square inch.~~

12 **9-1.3-103. Certification of compliance.** ~~For facilities for human~~
13 ~~use within office, commercial, and industrial structures, the plumbing~~
14 ~~contractor or party responsible for the installation of said water flow~~
15 ~~control fixtures and fittings shall certify to the inspecting governmental~~
16 ~~entity that the fixtures and fittings conform with the volume and ratio of~~
17 ~~water flow to gallons per minute stipulated by section 9-1.3-102 (4). In~~
18 ~~lieu of such certification, the results of tests performed by an approved~~
19 ~~independent testing laboratory or the manufacturer, using established~~
20 ~~principles of mechanics, shall be acceptable.~~

21 **9-1.3-104. Waiver of requirements.** ~~The chief building official~~
22 ~~of the administrative authority shall waive compliance with the~~
23 ~~requirements of this article upon satisfactory demonstration by a~~
24 ~~petitioner or the local administrative authority upon its own motion that~~
25 ~~the water conservation requirements specified in this article are~~
26 ~~detrimental to the public health or safety. Such waiver shall also be~~
27 ~~granted if the administrative authority determines that the requisite~~

1 fixtures and fittings would cause a sewer hydraulic gradient insufficient
2 to handle reduced water flows.

3 **9-1.3-105. State-funded construction - best available**
4 **water-conserving devices.** ~~On or after January 1, 1990, any state agency~~
5 ~~or local governmental entity which commences construction or renovation~~
6 ~~where plumbing fixtures and fittings are installed as part of the renovation~~
7 ~~of any building or other structure which is funded wholly or in part with~~
8 ~~state or federal moneys shall utilize the best available approved devices~~
9 ~~for the purpose of conserving water in the building being constructed.~~

10 **SECTION 6. Act subject to petition - effective date -**
11 **applicability.** (1) Sections 2 through 5 of this act take effect September
12 1, 2016, and the remainder of this act takes effect at 12:01 a.m. on the day
13 following the expiration of the ninety-day period after final adjournment
14 of the general assembly (August 6, 2014, if adjournment sine die is on
15 May 7, 2014); except that, if a referendum petition is filed pursuant to
16 section 1 (3) of article V of the state constitution against this act or an
17 item, section, or part of this act within such period, then the act, item,
18 section, or part will not take effect unless approved by the people at the
19 general election to be held in November 2014 and, in such case, will take
20 effect on the date of the official declaration of the vote thereon by the
21 governor; except that sections 2 through 5 take effect September 1, 2016.

22 (2) This act applies to lavatory faucets, shower heads, tank type
23 toilets, and flushing urinals sold on or after September 1, 2016.