

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0134.01 Jennifer Berman x3286

HOUSE BILL 15-1093

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HOUSE SPONSORSHIP

Dore, Klingenschmitt, Buck, Van Winkle

SENATE SPONSORSHIP

(None), Hill

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING LIMITATIONS ON REQUIREMENTS FOR THE USE OF  
102 WATER-EFFICIENT PLUMBING FIXTURES.

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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>.)*

**Section 1** of the bill repeals a prohibition that would go into effect on September 1, 2016, that disallows the sale of certain plumbing fixtures unless they are water-efficient plumbing fixtures. The prohibition would apply to lavatory faucets, shower heads, flushing urinals, tank-type toilets, and tank-type water closets.

**Sections 2, 3, and 4** maintain prior legislative enactments

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.*

concerning water-efficient indoor plumbing fixtures that would otherwise be repealed on September 1, 2016. These prior enactments concern water-efficient indoor plumbing fixtures in 3 contexts:

- ! Builders of new single-family detached residences must offer the buyers toilets, faucets, and shower heads that meet the current standards of the federal environmental protection agency's WaterSense program;
- ! New construction or renovation of state-owned buildings must include the installation of water-efficient plumbing devices; except that tank-type water closets and flushometer toilets need not meet water efficiency standards as stringent as the current WaterSense standards. Section 3 adds an exception for the installation of water-efficient plumbing devices in new construction or renovation of state-owned buildings where the public entity responsible for the new construction or renovation determines that installation of water-efficient plumbing devices would be detrimental to public health or safety.
- ! New construction and renovation of residential structures and office, commercial, or industrial buildings must meet water-efficiency standards; except that a waiver from the water-efficiency requirements may be obtained if the local administrative authority issuing a building permit determines either that compliance with the water efficiency standards would be detrimental to public health or safety or that water-efficient fixtures and fittings would cause a sewer hydraulic gradient insufficient to handle reduced water flows.

**Section 5** makes a conforming amendment.

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

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

4 **ARTICLE 7.5**

5 **Water Efficiency**

6 **6-7.5-101. Definitions.** ~~As used in this article, unless the context~~  
7 ~~otherwise requires:~~

8 (1) ~~"Low-efficiency plumbing fixture" means any of the following~~

1 ~~plumbing fixtures that is not a watersense-listed plumbing fixture:~~

2 ~~(a) A lavatory faucet;~~

3 ~~(b) A shower head;~~

4 ~~(c) A flushing urinal; or~~

5 ~~(d) A tank-type toilet or tank-type water closet.~~

6 ~~(2) "Watersense-listed plumbing fixture" means a plumbing~~  
7 ~~fixture or plumbing fixture fitting that has been:~~

8 ~~(a) Tested by an accredited third-party certifying body or~~  
9 ~~laboratory in accordance with the federal environmental protection~~  
10 ~~agency's WaterSense program or an analogous successor program;~~

11 ~~(b) Certified by the body or laboratory as meeting the performance~~  
12 ~~and efficiency requirements of the program; and~~

13 ~~(c) Authorized by the program to use its label.~~

14 **6-7.5-102. Low-efficiency plumbing fixtures.** ~~(1) Effective~~  
15 ~~September 1, 2016, a person shall not sell a new low-efficiency plumbing~~  
16 ~~fixture in Colorado.~~

17 ~~(2) This section does not preempt any action of a city, county, or~~  
18 ~~city and county that prescribes additional or more restrictive water~~  
19 ~~conservation requirements affecting the sale, installation, or use of~~  
20 ~~plumbing fixtures if the requirements comply with the standard specified~~  
21 ~~in subsection (1) of this section.~~

22 **6-7.5-103. Reports - repeal.** ~~(1) By March 1, 2017, each~~  
23 ~~manufacturer that sells lavatory faucets, shower heads, flushing urinals,~~  
24 ~~tank-type toilets, or tank-type water closets in Colorado shall file a report~~  
25 ~~with the Colorado water conservation board created in section 37-60-102,~~  
26 ~~C.R.S., the senate agriculture, natural resources, and energy committee,~~  
27 ~~and the house of representatives committee on agriculture, livestock, and~~

1 ~~natural resources, or their successor committees, that states the~~  
2 ~~percentage, by category, of its sales in Colorado during 2016 of each~~  
3 ~~category of such plumbing fixtures:~~

4 (a) ~~That are low-efficiency plumbing fixtures; and~~

5 (b) ~~That are watersense-listed plumbing fixtures.~~

6 (2) ~~This section is repealed, effective September 1, 2017.~~

7 **SECTION 2.** In Colorado Revised Statutes, **repeal** 9-1.3-106 as  
8 follows:

9 **9-1.3-106. Repeal of article.** ~~This article is repealed, effective~~  
10 ~~September 1, 2016.~~

11 **SECTION 3.** In Colorado Revised Statutes, 37-96-103, **repeal**  
12 (7.1); and **add** (7) (c) as follows:

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

18 (c) PLUMBING DEVICES NEED NOT BE WATER-EFFICIENT PLUMBING  
19 DEVICES IF THE PUBLIC ENTITY RESPONSIBLE FOR THE CONSTRUCTION OR  
20 RENOVATION DETERMINES THAT INSTALLATION OF WATER-EFFICIENT  
21 PLUMBING DEVICES WOULD BE DETRIMENTAL TO PUBLIC HEALTH AND  
22 SAFETY.

23 (7.1) ~~Subsection (7) of this section and this subsection (7.1) are~~  
24 ~~repealed, effective September 1, 2016.~~

25 **SECTION 4.** In Colorado Revised Statutes, 38-35.7-107, **amend**  
26 (1) (a) (I) as follows:

27 **38-35.7-107. Water-smart homes option.** (1) (a) Every person

1 that builds a new single-family detached residence for which a buyer is  
2 under contract shall offer the buyer the opportunity to select one or more  
3 of the following water-smart home options for the residence:

4 (I) ~~(A)~~ Installation of water-efficient toilets, lavatory faucets, and  
5 showerheads that meet or exceed the following water-efficient standards:  
6 Toilets shall use no more than one and twenty-eight one-hundredths of a  
7 gallon per flush, lavatory faucets no more than one and one-half gallons  
8 per minute, and showerheads no more than two gallons per minute.

9 ~~(B) This subparagraph (I) is repealed, effective September 1,~~  
10 ~~2016.~~

11 **SECTION 5.** In Colorado Revised Statutes, **repeal as it will**  
12 **become effective September 1, 2016,** 37-60-127 as follows:

13 **37-60-127. Applicability of provisions requiring funding by**  
14 **political subdivisions of the state.** ~~No provision of section 37-60-124,~~  
15 ~~37-60-125, 37-60-126, or 37-96-103 (4) to (6) that requires funding by~~  
16 ~~any political subdivision of the state that is a covered entity as defined in~~  
17 ~~section 37-60-126 (1) (b) applies to any such political subdivision if the~~  
18 ~~entity submits the applicable provision and its requirements, including all~~  
19 ~~costs to the inhabitants of the respective jurisdiction, to the qualified~~  
20 ~~electors of any such political subdivision, and a majority of the qualified~~  
21 ~~electors do not approve the applicable provision and its requirements.~~

22 **SECTION 6. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act

1     within such period, then the act, item, section, or part will not take effect  
2     unless approved by the people at the general election to be held in  
3     November 2016 and, in such case, will take effect on the date of the  
4     official declaration of the vote thereon by the governor.