

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0016.01 Richard Sweetman x4333

HOUSE BILL 23-1161

HOUSE SPONSORSHIP

Kipp and Willford,

SENATE SPONSORSHIP

Cutter, Priola

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ENVIRONMENTAL STANDARDS FOR CERTAIN PRODUCTS,
102 AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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://leg.colorado.gov>.)

Current law establishes water and energy efficiency standards (standards) for certain appliances and fixtures sold in Colorado. **Sections 1 through 7** of the bill expand the appliances and fixtures that are subject to the standards and update the standards.

Specifically, **section 4** updates standards for certain appliances and fixtures that are sold in Colorado on and after certain dates, including:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 14, 2023

- Certain faucets and urinals;
- Certain lamps;
- Commercial hot food holding cabinets;
- Portable electric spas;
- Residential ventilating fans; and
- Spray sprinkler bodies.

Section 4 also creates new standards for certain appliances and other fixtures that are sold in Colorado on and after January 1, 2024, including:

- Air purifiers;
- Commercial ovens;
- Electric storage water heaters;
- Electric vehicle supply equipment;
- Gas fireplaces;
- Irrigation controllers;
- Tub spout diverters and showerhead tub spout diverter combinations; and
- Certain residential windows, residential doors, and residential skylights.

Section 4 also removes standards for air compressors, general service lamps, and uninterruptible power supplies.

Section 5 requires the executive director of the department of public health and environment (executive director) to promulgate rules on or before January 1, 2026, and every 5 years thereafter:

- Adopting a more recent version of any standard; and
- Establishing standards for appliances and other devices that are not subject to the standards if certain conditions are met.

Section 6 exempts manufacturers of products subject to the standards from having to demonstrate that a product complies with the law if the product appears in the state appliance standards database maintained by the Northeast Energy Efficiency Partnerships, or a successor organization. **Section 6** also requires the executive director to conduct periodic, unannounced inspections of major distributors or retailers, including online retailers, of new products in order to determine compliance with the standards.

Under current law, any person who sells or offers to sell in the state any new consumer product that is required to meet an efficiency standard but that the person knows does not meet that standard is subject to a civil penalty of not more than \$2,000 for each violation, which amount is credited to the general fund. **Section 7** credits any penalties imposed to the energy fund created in the Colorado energy office rather than to the general fund and specifies that each transaction or online for-sale product listing constitutes a separate violation.

Section 8 establishes the "Clean Lighting Act" to phase out the

sale of general-purpose fluorescent light bulbs that contain mercury. With certain exceptions:

- On and after January 1, 2024, a person shall not manufacture, distribute, sell, or offer for sale in Colorado any new compact fluorescent lamp with a screw- or bayonet-type base; and
- On and after January 1, 2025, a person shall not manufacture, distribute, sell, or offer for sale in Colorado any linear fluorescent lamp or any compact fluorescent lamp with a pin-type base.

Section 9 establishes standards for heating and water heating appliances. With certain exceptions, on and after January 1, 2025, a person shall not manufacture, distribute, sell, offer for sale, lease, or offer for lease in Colorado any new water heater, boiler, or fan-type central furnace unless the emissions of the product do not exceed certain limits on emissions. On or before January 1, 2029, the air quality control commission in the department of public health and environment must promulgate rules lowering the emission limits. **Section 9** also requires manufacturers to use certain testing protocols, display certain information on each product, and demonstrate compliance through one of various described means.

Sections 8 and 9 both require the executive director to conduct periodic, unannounced inspections of major distributors or retailers, including online retailers, of new products to determine compliance and to report violations to the attorney general. If the attorney general has probable cause to believe that a violation occurred, the attorney general may bring a civil action on behalf of the state to seek the imposition of civil penalties, and any civil penalties are to be deposited in the energy fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 6-7.5-102 as
3 follows:

4 **6-7.5-102. Definitions.** As used in this article 7.5, unless the
5 context otherwise requires AND EXCEPT AS DETERMINED BY RULE
6 PURSUANT TO SECTION 6-7.5-106 (1):

7 (1) "~~Air compressor~~" means ~~a compressor that:~~

8 (a) ~~Is designed to compress air;~~

1 ~~(b) Has an inlet that is open to the atmosphere or other source of~~
2 ~~air; and~~

3 ~~(c) Consists of a compression element, also known as a bare~~
4 ~~compressor; one or more drivers; mechanical equipment to drive the~~
5 ~~compression element; and any ancillary equipment "AIR PURIFIER" OR~~
6 "ROOM AIR CLEANER" MEANS AN ELECTRIC, CORD-CONNECTED, PORTABLE
7 APPLIANCE THAT HAS THE PRIMARY FUNCTION OF REMOVING PARTICULATE
8 MATTER FROM THE AIR.

9 (2) "AHRI 1430" MEANS THE AIR-CONDITIONING, HEATING, AND
10 REFRIGERATION INSTITUTE STANDARD FOR DEMAND FLEXIBLE ELECTRIC
11 STORAGE WATER HEATERS.

12 ~~(2)~~ (3) "ANSI" means the American National Standards Institute
13 or its successor organization.

14 (4) "ANSI/APSP/ICC-14" MEANS THE ANSI STANDARD FOR
15 PORTABLE ELECTRIC SPA ENERGY EFFICIENCY.

16 (5) "ANSI C78.81" MEANS THE ANSI STANDARD FOR "ELECTRIC
17 LAMPS - DOUBLE-CAPPED FLUORESCENT LAMPS - DIMENSIONAL AND
18 ELECTRICAL CHARACTERISTICS".

19 (6) "ANSI C78.901" MEANS THE ANSI STANDARD FOR "ELECTRIC
20 LAMPS - SINGLE-BASED FLUORESCENT LAMPS - DIMENSIONAL AND
21 ELECTRICAL CHARACTERISTICS".

22 ~~(3)~~ (7) "ANSI C79.1" means the ANSI standard for "Electric
23 Lamps - Nomenclature for Glass Bulbs Intended for Use with Electric
24 Lamps". ~~approved September 16, 2002.~~

25 ~~(4)~~ (8) "APSP" means the Association of Pool and Spa
26 Professionals or its successor organization.

27 ~~(5)~~ (9) "CCR" means the California code of regulations, as

1 amended.

2 (10) "CHECK VALVE" MEANS A COMPONENT THAT IS INTERNAL TO
3 A SPRAY SPRINKLER BODY AND PREVENTS SYSTEM DRAINAGE DURING
4 PERIODS OF NONOPERATION.

5 ~~(6) "Cold-only unit" means a water cooler that dispenses cold~~
6 ~~water only.~~

7 (11) "COLD-TEMPERATURE FLUORESCENT LAMP" MEANS A
8 FLUORESCENT LAMP THAT:

9 (a) IS NOT A COMPACT FLUORESCENT LAMP;

10 (b) IS SPECIFICALLY DESIGNED TO START AT A TEMPERATURE OF
11 TWENTY DEGREES BELOW ZERO FAHRENHEIT WHEN USED WITH A BALLAST
12 CONFORMING TO THE REQUIREMENTS OF ANSI C78.81 AND ANSI
13 C78.901; AND

14 (c) IS EXPRESSLY DESIGNATED AS A COLD-TEMPERATURE LAMP
15 BOTH IN MARKINGS ON THE LAMP AND IN MARKETING MATERIALS SUCH AS
16 CATALOGS, SALES LITERATURE, AND PROMOTIONAL MATERIAL.

17 ~~(7)~~ (12) "Commercial dishwasher" means a machine designed to
18 clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and
19 trays by applying sprays of detergent solution, with or without blasting
20 media granules, and a sanitizing rinse.

21 ~~(8)~~ (13) "Commercial fryer" means an appliance, including a
22 cooking vessel, in which:

23 (a) Oil is placed to such a depth that the food to be cooked is
24 essentially supported by displacement of the cooking fluid rather than by
25 the bottom of the vessel; and

26 (b) Heat is delivered to the cooking fluid by means of either:

27 (I) An immersed electric element or band-wrapped vessel; or

1 (II) Heat transfer from gas burners through either the walls of the
2 vessel or tubes passing through the cooking fluid.

3 ~~(9)~~ (14) "Commercial hot food holding cabinet" means a heated,
4 fully enclosed compartment with one or more solid or transparent doors
5 designed to maintain the temperature of hot food that has been cooked
6 using a separate appliance. "Commercial hot food holding cabinet" does
7 not include heated glass merchandising cabinets, drawer warmers, or
8 cook and hold appliances.

9 (15) "COMMERCIAL OVEN" MEANS A CHAMBER DESIGNED FOR
10 HEATING, ROASTING, OR BAKING FOOD BY CONDUCTION, CONVECTION,
11 RADIATION, OR ELECTROMAGNETIC ENERGY.

12 ~~(10)~~ (16) "Commercial steam cooker" means a device with one or
13 more food-steaming compartments in which thermal energy is transferred
14 from the steam to the food by direct contact. "Commercial steam cooker"
15 includes countertop models, wall-mounted models, and floor models
16 mounted on a stand, pedestal, or cabinet-style base.

17 (17) "COMPACT FLUORESCENT LAMP" MEANS A FLUORESCENT
18 LAMP THAT INCLUDES:

19 (a) A TUBE THAT IS CURVED OR FOLDED TO FIT THE SIZE OF A
20 TRADITIONAL HOUSEHOLD LIGHT BULB; AND

21 (b) A COMPACT ELECTRONIC BALLAST IN THE BASE OF THE LAMP.

22 ~~(11)~~ (18) "Compensation" means money or any other thing of
23 value, regardless of form, received or to be received by a person for
24 goods or services rendered.

25 ~~(12)~~ "Compressor" means a machine or apparatus that converts
26 different types of energy into the potential energy of gas pressure for
27 displacement and compression of gaseous media to any higher pressure

1 ~~values above atmospheric pressure and has a pressure ratio at full-load~~
2 ~~operating pressure greater than 1.3 atmospheres.~~

3 (13) (19) "Computer" and "computer monitor" have the meanings
4 set forth in 20 CCR sec. 1602 (v).

5 (14) ~~"Cook and cold unit" means a water cooler that dispenses~~
6 ~~both cold and room-temperature water.~~

7 (20) "CTA" MEANS THE CONSUMER TECHNOLOGY ASSOCIATION,
8 OR A SUCCESSOR ORGANIZATION.

9 (21) "DECORATIVE GAS FIREPLACE" MEANS A VENTED FIREPLACE,
10 INCLUDING A UNIT THAT IS FREESTANDING, RECESSED, OR ZERO
11 CLEARANCE, OR A GAS FIREPLACE INSERT THAT IS:

12 (a) FUELED BY NATURAL GAS OR PROPANE;

13 (b) MARKED OR INTENDED FOR DECORATIVE USE ONLY; AND

14 (c) NOT EQUIPPED WITH A THERMOSTAT OR INTENDED FOR USE AS
15 A HEATER.

16 (22) "ELECTRIC STORAGE WATER HEATER" MEANS A CONSUMER
17 PRODUCT THAT:

18 (a) USES ELECTRICITY TO HEAT DOMESTIC POTABLE WATER;

19 (b) HAS A NAMEPLATE INPUT RATING OF TWELVE KILOWATTS OR
20 LESS;

21 (c) HAS A RATED HOT WATER STORAGE CAPACITY BETWEEN FORTY
22 AND ONE HUNDRED TWENTY GALLONS; AND

23 (d) DELIVERS HOT WATER AT A MAXIMUM TEMPERATURE OF LESS
24 THAN ONE HUNDRED EIGHTY DEGREES FAHRENHEIT.

25 (23) (a) "ELECTRIC VEHICLE SUPPLY EQUIPMENT" MEANS
26 CONDUCTORS, INCLUDING UNGROUNDED, GROUNDED, AND
27 EQUIPMENT-GROUNDING CONDUCTORS; ELECTRIC VEHICLE CONNECTORS;

1 ATTACHMENT PLUGS; AND ALL OTHER FITTINGS, DEVICES, POWER
2 OUTLETS, OR APPARATUSES INSTALLED SPECIFICALLY FOR THE PURPOSE OF
3 DELIVERING ENERGY FROM THE WIRING OF A PREMISES TO AN ELECTRIC
4 VEHICLE.

5 (b) "ELECTRIC VEHICLE SUPPLY EQUIPMENT" DOES NOT INCLUDE
6 A CONDUCTOR, CONNECTOR, OR FITTING THAT IS PART OF A VEHICLE.

7 ~~(15)~~ (24) "Energy Star program" means the federal program
8 authorized by 42 U.S.C. sec. 6294a, as amended.

9 ~~(16)~~ (25) "Executive director" means the executive director of the
10 department of public health and environment or the executive director's
11 designee.

12 ~~(17)~~ (26) "Faucet" means:

13 (a) A PUBLIC OR PRIVATE lavatory faucet, RESIDENTIAL kitchen
14 faucet, OR metering faucet; ~~or public lavatory faucet; and OR~~

15 (b) A replacement aerator for a PUBLIC OR PRIVATE lavatory faucet
16 ~~public lavatory faucet; or RESIDENTIAL kitchen faucet.~~

17 ~~(18)~~ (27) "Flushometer-valve water closet" means a type of
18 commercial toilet that uses a valve for flushing by operation of a handle
19 that discharges a definite quantity of water under pressure directly into the
20 fixture.

21 (28) "GAS FIREPLACE" MEANS A DECORATIVE GAS FIREPLACE OR
22 A HEATING GAS FIREPLACE.

23 (29) "GAS LOG SET" MEANS A FIREPLACE PRODUCT DESIGNED TO
24 BE USED AND INSTALLED IN A WORKING MASONRY OR FACTORY-BUILT
25 WOOD-BURNING FIREPLACE AND VENTED THROUGH A CHIMNEY BY
26 NATURAL DRAFTING OR POWER VENTING.

27 ~~(19)~~ "General service lamp":

- 1 (a) Means a lamp that:
- 2 (I) Has a base that complies with ANSI standards;
- 3 (II) Is able to operate at a voltage:
- 4 (A) Of twelve or twenty-four volts;
- 5 (B) At or between one hundred and one hundred thirty volts;
- 6 (C) At or between two hundred twenty and two hundred forty
- 7 volts; or
- 8 (D) Of two hundred seventy-seven volts for integrated lamps or
- 9 any voltage for nonintegrated lamps;
- 10 (III) Has an initial lumen output greater than or equal to three
- 11 hundred ten lumens, or two hundred thirty-two lumens for modified
- 12 spectrum general service incandescent lamps, and less than or equal to
- 13 three thousand three hundred lumens;
- 14 (IV) Is not a light fixture or an LED downlight retrofit kit; and
- 15 (V) Is used in general lighting applications;
- 16 (b) Includes general service incandescent lamps, compact
- 17 fluorescent lamps, general service LED lamps, and general service
- 18 organic LED lamps;
- 19 (c) Does not include:
- 20 (I) Appliance lamps;
- 21 (II) Black light lamps;
- 22 (III) Bug lamps;
- 23 (IV) Colored lamps;
- 24 (V) G-shape lamps with a diameter of five inches or more as
- 25 defined in ANSI C79.1-2002;
- 26 (VI) General service fluorescent lamps;
- 27 (VII) High-intensity discharge lamps;

- 1 ~~(VIII) Infrared lamps;~~
- 2 ~~(IX) J, JC, JCD, JCS, JCV, JCX, JD, JS, and JT-shape lamps that~~
- 3 ~~do not have Edison screw bases;~~
- 4 ~~(X) Lamps that have a wedge base or prefocus base;~~
- 5 ~~(XI) Left-hand thread lamps;~~
- 6 ~~(XII) Marine lamps;~~
- 7 ~~(XIII) Marine signal service lamps;~~
- 8 ~~(XIV) Mine service lamps;~~
- 9 ~~(XV) MR-shape lamps that:~~
- 10 ~~(A) Have a first number symbol equal to sixteen (diameter equal~~
- 11 ~~to two inches), as defined in ANSI C79.1-2002;~~
- 12 ~~(B) Operate at twelve volts; and~~
- 13 ~~(C) Have a lumen output greater than or equal to eight hundred;~~
- 14 ~~(XVI) Other fluorescent lamps not described in subsection (19)(b)~~
- 15 ~~of this section;~~
- 16 ~~(XVII) Plant light lamps;~~
- 17 ~~(XVIII) R20 short lamps;~~
- 18 ~~(XIX) Reflector lamps that have a first number symbol less than~~
- 19 ~~sixteen (diameter less than two inches) as defined in ANSI C79.1-2002~~
- 20 ~~and that do not have E26/E24, E26d, E26/50x39, E26/53x39, E29/28,~~
- 21 ~~E29/53x39, E39, E39d, EP39, or EX39 bases;~~
- 22 ~~(XX) S-shape or G-shape lamps that have a first number symbol~~
- 23 ~~less than or equal to twelve and one-half (diameter less than or equal to~~
- 24 ~~1.5625 inches) as defined in ANSI C79.1-2002;~~
- 25 ~~(XXI) Sign service lamps;~~
- 26 ~~(XXII) Silver bowl lamps;~~
- 27 ~~(XXIII) Showcase lamps;~~

- 1 ~~(XXIV) Specialty MR lamps;~~
- 2 ~~(XXV) T-shape lamps that:~~
- 3 ~~(A) Have a first number symbol less than or equal to eight~~
- 4 ~~(diameter less than or equal to one inch), as defined in ANSI C79.1-2002;~~
- 5 ~~(B) Have a nominal overall length less than twelve inches; and~~
- 6 ~~(C) Are not compact fluorescent lamps; or~~
- 7 ~~(XXVI) Traffic signal lamps.~~
- 8 ~~(20)~~ (30) "GPM" means gallons per minute.
- 9 (31) "HANDHELD SHOWERHEAD" MEANS A SHOWERHEAD THAT IS
- 10 CONNECTED TO A FLEXIBLE HOSE AND CAN BE HELD OR FIXED IN PLACE
- 11 FOR THE PURPOSE OF SPRAYING WATER ON A BATHER.
- 12 (32) "HEATING GAS FIREPLACE" MEANS A VENTED FIREPLACE,
- 13 INCLUDING A UNIT THAT IS FREESTANDING, RECESSED, OR ZERO
- 14 CLEARANCE OR A FIREPLACE INSERT, THAT IS:
- 15 (a) FUELED BY NATURAL GAS OR PROPANE; AND
- 16 (b) NOT A DECORATIVE GAS FIREPLACE.
- 17 ~~(21)~~ (33) "High color rendering index ~~(CRI)~~ CRI fluorescent
- 18 lamp" means a fluorescent lamp with a ~~€RI~~ COLOR RENDERING INDEX of
- 19 eighty-seven or greater that is not a compact fluorescent lamp.
- 20 ~~(22) "Hot and cold unit" means a water cooler that dispenses both~~
- 21 ~~hot and cold water. It may also dispense room-temperature water.~~
- 22 ~~(23)~~ (34) "ICC" means the International Code Council or its
- 23 successor organization.
- 24 (35) "IMPACT-RESISTANT FLUORESCENT LAMP" MEANS A
- 25 FLUORESCENT LAMP THAT:
- 26 (a) IS NOT A COMPACT FLUORESCENT LAMP;
- 27 (b) HAS A COATING OR EQUIVALENT TECHNOLOGY THAT IS

1 COMPLIANT WITH NSF/ANSI 51 AND IS DESIGNED TO CONTAIN THE GLASS
2 IF THE GLASS ENVELOPE OF THE LAMP IS BROKEN; AND

3 (c) IS DESIGNATED AND MARKETED FOR THE INTENDED
4 APPLICATION, WITH:

5 (I) THE DESIGNATION APPEARING ON THE LAMP PACKAGING; AND

6 (II) MARKETING MATERIALS THAT IDENTIFY THE LAMP AS BEING
7 IMPACT-RESISTANT, SHATTER-RESISTANT, SHATTERPROOF, OR
8 SHATTER-PROTECTED.

9 (36) "INDUSTRIAL AIR PURIFIER" MEANS AN INDOOR AIR CLEANING
10 DEVICE THAT IS:

11 (a) MANUFACTURED, ADVERTISED, MARKETED, LABELED, AND
12 USED SOLELY FOR INDUSTRIAL PURPOSES;

13 (b) MARKETED SOLELY THROUGH INDUSTRIAL SUPPLY OUTLETS OR
14 BUSINESSES; AND

15 (c) PROMINENTLY LABELED AS "SOLELY FOR INDUSTRIAL USE.
16 POTENTIAL HEALTH HAZARD: EMITS OZONE."

17 (37) "INLINE RESIDENTIAL VENTILATING FAN" MEANS A
18 VENTILATING FAN THAT IS LOCATED WITHIN THE STRUCTURE OF A
19 BUILDING AND REQUIRES DUCTWORK ON BOTH THE INLET AND THE
20 OUTLET.

21 (38) "IRRIGATION CONTROLLER" MEANS A STANDALONE
22 CONTROLLER, AN ADD-ON DEVICE, OR A PLUG-IN DEVICE THAT IS USED TO
23 OPERATE AN AUTOMATIC IRRIGATION SYSTEM SUCH AS A LAWN SPRINKLER
24 OR DRIP IRRIGATION SYSTEM DESIGNED AND INTENDED FOR
25 NONAGRICULTURAL PURPOSES. "IRRIGATION CONTROLLER" INCLUDES:

26 (a) A SOIL MOISTURE-BASED IRRIGATION CONTROLLER THAT
27 INHIBITS OR ALLOWS AN IRRIGATION EVENT BASED ON A READING FROM A

1 SOIL MOISTURE SENSOR MECHANISM; AND

2 (b) A WEATHER-BASED IRRIGATION CONTROLLER THAT USES
3 CURRENT WEATHER DATA AS A BASIS FOR SCHEDULING IRRIGATION.

4 ~~(24)~~ (39) (a) "Lamp" means a device that emits light and is used
5 to illuminate an indoor or outdoor space.

6 (b) "Lamp" does not include a heat lamp.

7 ~~(25)~~ (40) "LED" means light-emitting diode.

8 ~~(26) "Low-efficiency plumbing fixture" means any of the~~
9 ~~following plumbing fixtures or fittings that is not a WaterSense-listed~~
10 ~~plumbing fixture:~~

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

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

13 ~~(c) A flushing urinal;~~

14 ~~(d) A flushometer-valve water closet; or~~

15 ~~(e) A tank-type toilet or tank-type water closet.~~

16 ~~(27)~~ (41) "Metering faucet" means a fitting that, when turned on,
17 will gradually shut off the flow of water over a period of several seconds
18 SELF-CLOSING FAUCET THAT DISPENSES A SPECIFIC VOLUME OF WATER FOR
19 EACH ACTUATION CYCLE AND FOR WHICH THE VOLUME OR CYCLE
20 DURATION MAY BE FIXED OR ADJUSTABLE.

21 ~~(28) "NEMA" means the National Electrical Manufacturers~~
22 ~~Association or its successor organization.~~

23 (42) "NSF" MEANS NSF INTERNATIONAL, FORMERLY KNOWN AS
24 THE NATIONAL SANITATION FOUNDATION.

25 (43) "NSF/ANSI 51" MEANS THE NSF/ANSI 51 STANDARD FOR
26 FOOD EQUIPMENT MATERIALS.

27 (44) "PLUMBING FIXTURE" MEANS AN EXCHANGEABLE DEVICE

1 THAT CONNECTS TO A PLUMBING SYSTEM TO DELIVER WATER OR DRAIN
2 WATER AND WASTE.

3 ~~(29)~~ (45) "Portable air conditioner" means a portable encased
4 assembly, other than a packaged terminal air conditioner, ductless
5 portable air conditioner, room air conditioner, or dehumidifier, that:

- 6 (a) Delivers cooled, conditioned air to an enclosed space;
- 7 (b) Is powered by single-phase electric current;
- 8 (c) Includes a source of refrigeration;
- 9 (d) May be a single-duct or dual-duct portable air conditioner; and
- 10 (e) May include additional means for air circulation and heating.

11 ~~(30)~~ (46) "Portable electric spa" means a factory-built electric spa
12 or hot tub ~~It~~ THAT may ~~or may not~~ include any combination of integral
13 controls, water heating, and water circulating equipment.

14 ~~(31)~~ (47) "Pressure regulator" means a device that maintains
15 constant operating pressure immediately downstream from a spray
16 sprinkler body, given higher pressure upstream of the device.

17 (48) "PRIVATE LAVATORY FAUCET" MEANS A BATHROOM FAUCET
18 THAT, AS INSTALLED, IS NOT IN A LOCATION THAT IS AVAILABLE TO THE
19 PUBLIC, INCLUDING A LAVATORY FAUCET IN A PRIVATE RESIDENCE.

20 (49) "PROGRAMMABLE THERMOSTAT" MEANS A THERMOSTAT
21 THAT:

22 (a) CONTROLS A PRIMARY HEATING OR COOLING SYSTEM ON A
23 DAILY SCHEDULE TO MAINTAIN DIFFERENT TEMPERATURES DURING
24 CERTAIN TIMES OF DAY AND DAYS OF THE WEEK; AND

25 (b) HAS THE CAPABILITY TO MAINTAIN ZONE TEMPERATURES
26 BETWEEN FIFTY-FIVE DEGREES FAHRENHEIT AND EIGHTY-FIVE DEGREES
27 FAHRENHEIT.

1 (32) (50) "PSI" means pounds per square inch.

2 (33) (51) "Public lavatory faucet" means a fitting designed and
3 marketed for installation in a nonresidential bathroom, which bathroom
4 is exposed to walk-in traffic.

5 (34) (52) "Replacement aerator" means an aerator sold as a
6 replacement, separate from the faucet to which it is intended to be
7 attached.

8 (53) "RESIDENTIAL BUILDING" MEANS A STRUCTURE THAT IS USED
9 PRIMARILY FOR LIVING AND SLEEPING AND THAT IS ZONED AS RESIDENTIAL
10 OR OTHERWISE SUBJECT TO RESIDENTIAL BUILDING CODES. FOR THE
11 PURPOSES OF RESIDENTIAL WINDOWS, DOORS, AND SKYLIGHTS,
12 "RESIDENTIAL BUILDING" MEANS A BUILDING THAT IS THREE STORIES OR
13 LESS IN HEIGHT.

14 (54) "RESIDENTIAL DOOR" MEANS A SLIDING OR SWINGING ENTRY
15 SYSTEM THAT IS INSTALLED OR DESIGNED FOR INSTALLATION IN A
16 VERTICAL WALL SEPARATING CONDITIONED AND UNCONDITIONED SPACE
17 IN A RESIDENTIAL BUILDING.

18 (55) "RESIDENTIAL KITCHEN FAUCET" MEANS A FAUCET IN A
19 KITCHEN OF A RESIDENTIAL BUILDING.

20 (56) "RESIDENTIAL SKYLIGHT" MEANS A WINDOW THAT IS
21 DESIGNED FOR SLOPED OR HORIZONTAL APPLICATION IN THE ROOF OF A
22 RESIDENTIAL BUILDING, THE PRIMARY PURPOSE OF WHICH WINDOW IS TO
23 PROVIDE DAYLIGHT OR VENTILATION. "RESIDENTIAL SKYLIGHT" INCLUDES
24 A TUBULAR DAYLIGHTING DEVICE.

25 (35) (57) "Residential ventilating fan" means ~~an~~ A
26 CEILING-MOUNTED, A WALL-MOUNTED, OR AN inline RESIDENTIAL fan
27 THAT IS designed to be used in a bathroom or A utility room ~~and whose~~

1 ~~purpose is to move~~ FOR THE PURPOSE OF MOVING air from inside ~~the~~ A
2 RESIDENTIAL building to the outdoors. ~~It may be ceiling-mounted,~~
3 ~~wall-mounted, or remotely mounted.~~

4 (58) (a) "RESIDENTIAL WINDOW" MEANS AN ASSEMBLED UNIT
5 THAT:

6 (I) CONSISTS OF A FRAME THAT HOLDS ONE OR MORE PIECES OF
7 GLASS OR OTHER GLAZING MATERIAL THAT ADMITS LIGHT OR AIR INTO AN
8 ENCLOSURE; AND

9 (II) IS DESIGNED FOR INSTALLATION AT A SLOPE OF AT LEAST SIXTY
10 DEGREES FROM HORIZONTAL IN AN EXTERNAL WALL OF A RESIDENTIAL
11 BUILDING.

12 (b) "RESIDENTIAL WINDOW" INCLUDES A TRANSOM WINDOW BUT
13 DOES NOT INCLUDE A RESIDENTIAL SKYLIGHT.

14 (59) "SHOWERHEAD" MEANS A DEVICE THROUGH WHICH WATER IS
15 DISCHARGED FOR A SHOWER BATH. "SHOWERHEAD" INCLUDES A
16 HANDHELD SHOWERHEAD BUT DOES NOT INCLUDE AN EMERGENCY
17 SHOWERHEAD SUCH AS A SHOWERHEAD USED IN A LABORATORY OR
18 INDUSTRIAL SETTING.

19 (60) "SHOWERHEAD TUB SPOUT DIVERTER COMBINATION" MEANS
20 A CONTROL VALVE, TUB SPOUT DIVERTER, AND SHOWERHEAD THAT ARE
21 SOLD TOGETHER AS A MATCHED SET.

22 (61) "SMART THERMOSTAT" MEANS A THERMOSTAT THAT:

23 (a) IS ENABLED FOR WIRELESS CONNECTIVITY;

24 (b) ALLOWS THE USER TO CONTROL HOME HEATING AND COOLING
25 TEMPERATURE SETTINGS FROM A COMPUTER OR FROM A PHONE, A TABLET,
26 OR ANOTHER COMPUTER-ENABLED DEVICE; AND

27 (c) CAN AUTOMATICALLY ADJUST HEATING AND COOLING

1 TEMPERATURE SETTINGS BASED ON USER PREFERENCES, DAILY
2 SCHEDULES, WEATHER CONDITIONS, OCCUPANCY, OR OPTIMAL ENERGY
3 SAVINGS.

4 (36) (62) "Spray sprinkler body" means the exterior case or shell
5 of a sprinkler DESIGNED AND INTENDED FOR NONAGRICULTURAL USES,
6 which case or shell:

- 7 (a) Incorporates a means of connection to the piping system; and
- 8 (b) Is designed to convey water to a nozzle or orifice.

9 (63) "TUB SPOUT DIVERTER" MEANS A DEVICE THAT IS DESIGNED
10 TO DIVERT THE FLOW OF WATER INTO A BATHTUB SO THE WATER
11 DISCHARGES THROUGH A SHOWERHEAD.

12 (64) "TUBULAR DAYLIGHTING DEVICE" MEANS A BUILDING
13 COMPONENT THAT RECEIVES DAYLIGHT IN A ROOFTOP DOME AND
14 TRANSFERS THE DAYLIGHT INDOORS THROUGH A HIGHLY REFLECTIVE
15 TUBE.

16 ~~(37) "Uninterruptible power supply" means a power system for~~
17 ~~maintaining continuity of load power in case of input power failure. It~~
18 ~~may consist of a combination of one or more battery chargers, convertors,~~
19 ~~switches, and batteries or other energy storage devices.~~

20 (65) "URINAL" MEANS A PLUMBING FIXTURE THAT RECEIVES
21 LIQUID BODY WASTE AND CONVEYS THE WASTE THROUGH A TRAP SEAL
22 INTO A GRAVITY DRAINAGE SYSTEM.

23 (66) "WATER CLOSET" MEANS A PLUMBING FIXTURE THAT HAS A
24 WATER-CONTAINING RECEPTOR THAT RECEIVES LIQUID AND SOLID BODY
25 WASTE THROUGH AN EXPOSED INTEGRAL TRAP AND CONVEYS THE WASTE
26 INTO A DRAINAGE SYSTEM. "WATER CLOSET" INCLUDES BOTH TANK-TYPE
27 AND FLUSHOMETER-VALVE WATER CLOSETS.

1 ~~(38)~~ (67) "Water cooler" means a freestanding device that
2 consumes energy to cool or heat, or both cool and heat, potable water.

3 "WATER COOLER" INCLUDES:

4 (a) A COLD-ONLY UNIT THAT DISPENSES ONLY COLD WATER;

5 (b) A HOT-AND-COLD UNIT THAT DISPENSES BOTH HOT AND COLD
6 WATER AND, IN SOME MODELS, ALSO ROOM TEMPERATURE WATER;

7 (c) A COOK-AND-COLD UNIT THAT DISPENSES BOTH ROOM
8 TEMPERATURE AND COLD WATER;

9 (d) A STORAGE-TYPE UNIT THAT INSTANTANEOUSLY DELIVERS
10 WATER FROM A STORAGE TANK WITHIN THE UNIT, INCLUDING
11 POINT-OF-USE, DRY STORAGE COMPARTMENT, AND BOTTLED WATER
12 COOLERS; AND

13 (e) AN ON-DEMAND UNIT THAT HEATS WATER AS IT IS REQUESTED,
14 TYPICALLY WITHIN A FEW MINUTES.

15 ~~(39)~~ (68) "WaterSense-listed plumbing fixture" means a plumbing
16 fixture or plumbing fixture fitting that has been:

17 (a) Tested by an accredited third-party certifying body or
18 laboratory in accordance with the federal environmental protection
19 agency's WaterSense program or a successor program;

20 (b) Certified by the body or laboratory as meeting the performance
21 and efficiency requirements of the WaterSense program; and

22 (c) Authorized by the WaterSense program to use its label.

23 ~~(40)~~ (69) "WaterSense program" means the federal program
24 authorized by 42 U.S.C. sec. 6294b.

25

26 **SECTION 2.** In Colorado Revised Statutes, **repeal** 6-7.5-103 as
27 follows:

1 **6-7.5-103. Low-efficiency plumbing fixtures.** ~~(1)(a) Effective~~
2 ~~September 1, 2019, a person shall not sell a new low-efficiency plumbing~~
3 ~~fixture, other than a flushometer-valve water closet, in Colorado.~~


4 ~~(b) Effective January 1, 2021, a person shall not sell a new~~
5 ~~low-efficiency flushometer-valve water closet in Colorado.~~

6 ~~(2) This section does not preempt any action of a municipality,~~
7 ~~county, or city and county that prescribes additional or more restrictive~~
8 ~~water conservation or energy efficiency requirements affecting the sale~~
9 ~~or use of plumbing fixtures, appliances, or other products if the~~
10 ~~requirements comply with the standard specified in subsection (1) of this~~
11 ~~section.~~

12 **SECTION 3.** In Colorado Revised Statutes, 6-7.5-104, **amend**
13 ~~(1)(i), (1)(o), (1)(p), and (2)(c); repeal (1)(a) and (1)(h); and add (1)(a.3),~~
14 ~~(1)(a.6), (1)(d.5), (1)(f.2), (1)(f.5), (1)(j.5), (1)(j.7), (1)(l.4), (1)(l.6),~~
15 ~~(1)(m.6), (1)(m.8), (1)(o.2), (1)(o.4), (1)(o.6), (1)(q), and (4) as follows:~~

16 **6-7.5-104. Scope and applicability.** (1) Subject to subsection (2)
17 of this section and as further specified in section 6-7.5-105, this article 7.5
18 applies to the following products sold as new in Colorado:

- 19 (a) ~~Air compressors;~~
- 20 (a.3) AIR PURIFIERS;
- 21 (a.6) COLD-TEMPERATURE FLUORESCENT LAMPS;
- 22 (d.5) COMMERCIAL OVENS;
- 23 (f.2) ELECTRIC STORAGE WATER HEATERS;
- 24 (f.5) ELECTRIC VEHICLE SUPPLY EQUIPMENT;
- 25 (h) ~~Flushometer-valve water closets;~~
- 26 (i) ~~General service lamps~~ GAS FIREPLACES;
- 27 (j.5) IMPACT-RESISTANT FLUORESCENT LAMPS;

1 (j.7) IRRIGATION CONTROLLERS;
2 
3 (l.4) RESIDENTIAL DOORS;
4 (l.6) RESIDENTIAL SKYLIGHTS;
5 (m.6) RESIDENTIAL WINDOWS;
6 (m.8) SHOWERHEADS;
7 (o) ~~Uninterruptible power supplies; and~~ THERMOSTATS;
8 (o.2) TUB SPOUT DIVERTERS AND SHOWERHEAD TUB SPOUT
9 DIVERTER COMBINATIONS;
10 (o.4) URINALS;
11 (o.6) WATER CLOSETS;
12 (p) Water coolers; AND
13 (q) OTHER PRODUCTS AS MAY BE DESIGNATED BY THE EXECUTIVE
14 DIRECTOR PURSUANT TO SECTION 6-7.5-106.
15 (2) This article 7.5 does not apply to:
16 (c) Products held in inventory on or before:
17 (I) The effective date of the applicable standard for each category
18 of product set forth in this article 7.5; OR
19 (II) THE EFFECTIVE DATE FOR EACH CATEGORY OF PRODUCTS, AS
20 DETERMINED BY THE EXECUTIVE DIRECTOR BY RULE PURSUANT TO
21 SECTION 6-7.5-106.
22 (4) THIS ARTICLE 7.5 DOES NOT PREEMPT ANY ACTION OF A
23 STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND COUNTY
24 THAT PRESCRIBES ADDITIONAL OR MORE RESTRICTIVE WATER
25 CONSERVATION OR ENERGY EFFICIENCY REQUIREMENTS AFFECTING THE
26 SALE OR USE OF PLUMBING FIXTURES, APPLIANCES, OR OTHER PRODUCTS
27 IF THE REQUIREMENTS COMPLY WITH THE STANDARDS SPECIFIED IN THIS

1 ARTICLE 7.5.

2 SECTION 4. In Colorado Revised Statutes, 6-7.5-105, **amend**
3 (1), (3) introductory portion, (3)(a), (3)(b), (3)(c), (3)(d), (3)(h), (3)(i),
4 (3)(j), (3)(k), and (3)(m) introductory portion; **repeal** (2), (3)(g), (3)(l),
5 and (4)(a); and **add** (5) as follows:

6 **6-7.5-105. Standards - effective dates - repeal.** (1) ~~The~~
7 ~~executive director need not adopt by rule, but shall collect and make~~
8 ~~publicly available in hard copy, through a website, or both, the federal~~
9 ~~rules and other rules and standards referred to in this section. The~~
10 ~~references in this section are to the rules and standards as they existed on~~
11 ~~the dates specified or, if not so specified, as they existed on August 2,~~
12 ~~2019, and do not include later editions or revisions.~~ ON AND AFTER THE
13 EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, A PERSON SHALL
14 NOT SELL ANY OF THE FOLLOWING PLUMBING FIXTURES IN COLORADO
15 UNLESS THEY ARE WATERSENSE-LISTED PLUMBING FIXTURES:

16 (a) (I) A PRIVATE LAVATORY FAUCET.

17 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JANUARY 1,
18 2026.

19 (b) A PUBLIC LAVATORY FAUCET;

20 (c) A SHOWERHEAD;

21 (d) (I) A URINAL.

22 (II) THIS SUBSECTION (1)(d) IS REPEALED, EFFECTIVE JANUARY 1,
23 2026.

24 (e) A WATER CLOSET.

25 (2) ~~On or after January 1, 2020, a person shall not sell or offer for~~
26 ~~sale in Colorado a general service lamp unless it either:~~

27 (a) ~~Is subject to federal preemption; or~~

1 ~~(b) Meets or exceeds a lamp efficacy of forty-five lumens per~~
2 ~~watt, when tested in accordance with the applicable federal test~~
3 ~~procedures for general service lamps prescribed in 10 CFR 430.23 (gg),~~
4 ~~as in effect on January 3, 2017.~~

5 (3) On ~~or~~ AND after January 1, 2021, A PERSON SHALL NOT SELL,
6 LEASE, OR RENT ANY OF the following new products ~~shall not be sold,~~
7 ~~leased, or rented~~ in Colorado unless the efficiency of the new product
8 meets or exceeds the following efficiency standards, as applicable:

9 (a) Commercial dishwashers included in the scope of the Energy
10 Star program ~~requirements~~ product specification for commercial
11 dishwashers ~~version 2.0~~, must meet the qualification criteria of that
12 specification.

13 (b) Commercial fryers included in the scope of the Energy Star
14 program ~~requirements~~ product specification for commercial fryers ~~version~~
15 ~~2.0~~, must meet the qualification criteria of that specification.

16 (c) (I) Commercial hot food holding cabinets must have a
17 maximum idle energy rate of forty watts per cubic foot of interior volume,
18 as determined by the "idle energy rate-dry test" in ASTM standard
19 F2140-11, "Test Method for the Performance of Hot Food Holding
20 Cabinets", published by ASTM International, formerly known as the
21 American Society for Testing and Materials. Interior volume must be
22 measured as prescribed in the Energy Star program ~~requirements~~ product
23 specification for commercial hot food holding cabinets, version 2.0.

24 (II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JANUARY 1,
25 2026.

26 (d) Commercial steam cookers must meet the requirements of the
27 Energy Star program ~~requirements~~ product specification for commercial

1 ~~steam cookers. version 1.2.~~

2 (g) ~~Flushometer-valve water closets included within the scope of~~
3 ~~the WaterSense specification for flushometer-valve water closets, version~~
4 ~~1.0, must meet the water efficiency and performance criteria and other~~
5 ~~requirements of that specification.~~

6 (h) (I) High CRI fluorescent lamps must meet the minimum
7 efficacy requirements contained in 10 CFR 430.32 (n)(4) as in effect on
8 January 3, 2017, as measured in accordance with 10 CFR 430, subpart B,
9 appendix R, "Uniform Test Method for Measuring Average Lamp
10 Efficacy (LE), Color Rendering Index (CRI), and Correlated Color
11 Temperature (CCT) of Electric Lamps", as in effect on January 3, 2017.

12 (II) THIS SUBSECTION (3)(h) IS REPEALED, EFFECTIVE JANUARY 1,
13 2026.

14 (i) ~~Portable electric spas must meet the requirements of the~~
15 ~~"American National Standard for Portable Electric Spa Energy~~
16 ~~Efficiency" ANSI/APSP/ICC-14.~~

17 (j) ~~New residential ventilating fans must meet the FAN MOTOR~~
18 ~~EFFICACY qualification criteria of the Energy Star program requirements~~
19 ~~product specification for residential ventilating fans. version 3.2.~~

20 (k) (I) ~~Spray sprinkler bodies that are not specifically excluded~~
21 ~~from the scope of the WaterSense PROGRAM PRODUCT specification for~~
22 ~~spray sprinkler bodies, version 1.0, must include an integral pressure~~
23 ~~regulator and must meet the water efficiency and performance criteria and~~
24 ~~other requirements of that specification.~~

25 (II) THIS SUBSECTION (3)(k) IS REPEALED, EFFECTIVE JANUARY 1,
26 2026.

27 (l) ~~Uninterruptible power supplies that utilize a NEMA 1-15P or~~

1 ~~5-15P input plug and have an alternating current output must have an~~
2 ~~average load-adjusted efficiency that meets or exceeds the values shown~~
3 ~~on page 193 of the prepublication final rule "Energy Conservation~~
4 ~~Program: Energy Conservation Standards for Uninterruptible Power~~
5 ~~Supplies" issued by the United States department of energy on December~~
6 ~~28, 2016, as measured in accordance with test procedures prescribed in~~
7 ~~10 CFR 430, subpart B, appendix Y, "Uniform Test Method for~~
8 ~~Measuring the Energy Consumption of Battery Chargers", as in effect on~~
9 ~~January 11, 2017.~~

10 (m) Water coolers included in the scope of the Energy Star
11 program requirements product specification for water coolers version 2.0;
12 must have an "on" mode with no-water-draw energy consumption less
13 than or equal to the following values as measured in accordance with the
14 test requirements of that program:

15 (4) On or after February 1, 2022, the following new products shall
16 not be sold, leased, or rented in Colorado unless the efficiency of the new
17 product meets or exceeds the following efficiency standards, as
18 applicable:

19 (a) ~~Air compressors that meet the twelve criteria listed on page~~
20 ~~350 to 351 of the "Energy Conservation Standards for Air Compressors"~~
21 ~~final rule issued by the United States department of energy on December~~
22 ~~5, 2016, must meet the requirements in table 1 on page 352 following the~~
23 ~~instructions on page 353 and as measured in accordance with 10 CFR~~
24 ~~431, subpart T, appendix A, "Uniform Test Method for Certain Air~~
25 ~~Compressors", as in effect on July 3, 2017.~~

26 (5) ON AND AFTER JANUARY 1, 2026, A PERSON SHALL NOT SELL,
27 OFFER TO SELL, LEASE, OR OFFER TO LEASE ANY OF THE FOLLOWING NEW

1 PRODUCTS IN COLORADO UNLESS THE EFFICIENCY OF THE NEW PRODUCT
2 MEETS OR EXCEEDS THE FOLLOWING EFFICIENCY STANDARDS, AS
3 APPLICABLE:

4 (a) AIR PURIFIERS, EXCEPT INDUSTRIAL AIR PURIFIERS, MUST MEET
5 THE CERTIFICATION REQUIREMENTS OF THE ENERGY STAR PROGRAM
6 PRODUCT SPECIFICATION FOR ROOM AIR CLEANERS.

7 (b) COMMERCIAL HOT FOOD HOLDING CABINETS MUST MEET THE
8 QUALIFICATION CRITERIA OF THE ENERGY STAR PROGRAM PRODUCT
9 SPECIFICATION FOR COMMERCIAL HOT FOOD HOLDING CABINETS.

10 (c) COMMERCIAL OVENS INCLUDED IN THE SCOPE OF THE ENERGY
11 STAR PROGRAM PRODUCT SPECIFICATION FOR COMMERCIAL OVENS MUST
12 MEET THE QUALIFICATION CRITERIA OF THAT SPECIFICATION.

13 (d) ELECTRIC STORAGE WATER HEATERS MUST HAVE A MODULAR
14 DEMAND RESPONSE COMMUNICATIONS PORT COMPLIANT WITH AHRI 1430.

15 (e) ELECTRIC VEHICLE SUPPLY EQUIPMENT INCLUDED IN THE SCOPE
16 OF THE ENERGY STAR PROGRAM PRODUCT SPECIFICATION FOR
17 ELECTRIC VEHICLE SUPPLY EQUIPMENT MUST MEET THE CERTIFICATION
18 CRITERIA OF THAT SPECIFICATION.

19 (f) GAS FIREPLACES MUST COMPLY WITH THE FOLLOWING
20 REQUIREMENTS:

21 (I) GAS FIREPLACES MUST BE CAPABLE OF AUTOMATICALLY
22 EXTINGUISHING ANY PILOT FLAME WHEN THE MAIN GAS BURNER FLAME IS
23 EXTINGUISHED OR MUST PREVENT ANY IGNITION SOURCE FOR THE MAIN
24 GAS BURNER FLAME FROM OPERATING CONTINUOUSLY FOR MORE THAN
25 SEVEN DAYS FROM THE LAST USE OF THE MAIN GAS BURNER;

26 (II) DECORATIVE GAS FIREPLACES MUST HAVE A DIRECT VENT OR
27 POWER VENT CONFIGURATION, UNLESS THE DECORATIVE GAS FIREPLACE

1 IS MARKED FOR REPLACEMENT USE ONLY OR OUTDOOR USE ONLY OR IS A
2 GAS LOG SET; AND

3 (III) HEATING GAS FIREPLACES MUST HAVE A FIREPLACE
4 EFFICIENCY OF AT LEAST FIFTY PERCENT WHEN TESTED IN ACCORDANCE
5 WITH CANADIAN STANDARDS ASSOCIATION P.4.1-15, "TESTING METHOD
6 FOR MEASURING FIREPLACE EFFICIENCY", AS AMENDED OR REVISED.

7 (g) HIGH CRI, COLD-TEMPERATURE, AND IMPACT-RESISTANT
8 FLUORESCENT LAMPS MUST MEET THE MINIMUM EFFICACY REQUIREMENTS
9 CONTAINED IN 10 CFR 430.32 (n)(4), AS MEASURED IN ACCORDANCE WITH
10 10 CFR 430, SUBPART B, APPENDIX R, "UNIFORM TEST METHOD FOR
11 MEASURING AVERAGE LAMP EFFICACY (LE), COLOR RENDERING INDEX
12 (CRI), AND CORRELATED COLOR TEMPERATURE (CCT) OF ELECTRIC
13 LAMPS".

14 (h) IRRIGATION CONTROLLERS MUST COMPLY WITH THE
15 FOLLOWING REQUIREMENTS:

16 (I) WEATHER-BASED IRRIGATION CONTROLLERS INCLUDED WITHIN
17 THE SCOPE OF THE WATERSENSE PROGRAM PRODUCT SPECIFICATION FOR
18 WEATHER-BASED IRRIGATION CONTROLLERS MUST MEET THE WATER
19 EFFICIENCY AND PERFORMANCE CRITERIA AND OTHER REQUIREMENTS FOR
20 THAT SPECIFICATION; AND

21 (II) SOIL MOISTURE-BASED IRRIGATION CONTROLLERS
22 INCLUDED WITHIN THE SCOPE OF THE WATERSENSE PROGRAM PRODUCT
23 SPECIFICATION FOR SOIL MOISTURE-BASED IRRIGATION CONTROLLERS
24 MUST MEET THE WATER EFFICIENCY AND PERFORMANCE CRITERIA AND
25 OTHER REQUIREMENTS FOR THAT SPECIFICATION.

26 (i) PRIVATE LAVATORY FAUCETS, TUB SPOUT DIVERTERS,
27 SHOWERHEAD TUB SPOUT DIVERTER COMBINATIONS, AND URINALS MUST

1 MEET THE REQUIREMENTS IN 20 CCR SEC. 1605.3, AS MEASURED IN
2 ACCORDANCE WITH THE TEST METHODS PRESCRIBED IN 20 CCR SEC. 1604,
3 AS AMENDED.

4 (j) RESIDENTIAL WINDOWS, RESIDENTIAL DOORS, AND RESIDENTIAL
5 SKYLIGHTS INCLUDED IN THE SCOPE OF THE ENERGY STAR PROGRAM
6 PRODUCT SPECIFICATION FOR RESIDENTIAL WINDOWS, DOORS, AND
7 SKYLIGHTS MUST SATISFY THE NORTHERN CLIMATE ZONE QUALIFICATION
8 CRITERIA OF THAT SPECIFICATION; EXCEPT THAT RESIDENTIAL WINDOWS
9 AND DOORS THAT ARE CUSTOM DESIGNED FOR A HISTORICALLY
10 DESIGNATED BUILDING AND REQUIRED IN ORDER TO MAINTAIN THE
11 HISTORIC NATURE OR CHARACTER OF SUCH A BUILDING ARE NOT REQUIRED
12 TO SATISFY SUCH CRITERIA.

13 (k) SPRAY SPRINKLER BODIES THAT ARE NOT SPECIFICALLY
14 EXCLUDED FROM THE SCOPE OF THE WATERSENSE PROGRAM PRODUCT
15 SPECIFICATION FOR SPRAY SPRINKLER BODIES MUST INCLUDE AN INTEGRAL
16 PRESSURE REGULATOR AND A CHECK VALVE AND MUST MEET THE WATER
17 EFFICIENCY AND PERFORMANCE CRITERIA AND OTHER REQUIREMENTS OF
18 THAT SPECIFICATION.

19 (l) THERMOSTATS MUST BE PROGRAMMABLE THERMOSTATS OR
20 SMART THERMOSTATS.

21 **SECTION 5.** In Colorado Revised Statutes, **amend** 6-7.5-106 as
22 follows:

23 **6-7.5-106. New and revised standards - rules.** (1) The
24 executive director may adopt by rule a more recent version of any
25 standard or test method established in section 6-7.5-105, including any
26 product definition associated with the standard or test method, in order to
27 maintain or improve consistency with other comparable standards in other

1 states, so long as the resulting efficiency is equal to or greater than the
2 efficiency achieved using the prior standard or test method. The executive
3 director shall allow at least a one-year delay between the adoption by rule
4 and the enforcement of any new standard or test method.

5 (2) ON OR BEFORE JANUARY 1, 2026, AND ON OR BEFORE JANUARY
6 1 EVERY FIVE YEARS THEREAFTER, THE EXECUTIVE DIRECTOR SHALL
7 PROMULGATE RULES ESTABLISHING STANDARDS FOR PRODUCTS THAT ARE
8 NOT DESCRIBED IN SECTION 6-7.5-104 OR 6-7.5-105 IF SUCH STANDARDS:

9 (a) WOULD IMPROVE ENERGY OR WATER CONSERVATION IN THE
10 STATE; AND

11 (b) EXIST IN AT LEAST THREE OTHER STATES OR ARE PUBLISHED IN
12 FINALIZED FORM BY THE ENERGY STAR PROGRAM OR THE WATERSENSE
13 PROGRAM.

14 (3) AFTER JANUARY 1, 2026, THE EXECUTIVE DIRECTOR SHALL
15 ALLOW A ONE-YEAR GRACE PERIOD AFTER ANY STANDARD, STANDARD
16 VERSION, DEFINITION, OR TEST METHOD REFERENCED IN THIS ARTICLE 7.5
17 IS UPDATED, DURING WHICH TIME A PRODUCT MAY MEET EITHER THE
18 PREVIOUS STANDARD OR THE UPDATED STANDARD, STANDARD VERSION,
19 DEFINITION, OR TEST METHOD, AS APPLICABLE.

20 **SECTION 6.** In Colorado Revised Statutes, 6-7.5-109, **amend** (1)
21 introductory portion; and **add** (3), (4), and (5) as follows:

22 **6-7.5-109. Testing, certification, labeling, and enforcement -**
23 **rules - verifications of compliance - publication of material**
24 **incorporated by reference.** (1) Unless a product appears in THE STATE
25 APPLIANCE STANDARDS DATABASE MAINTAINED BY THE NORTHEAST
26 ENERGY EFFICIENCY PARTNERSHIPS, OR A SUCCESSOR ORGANIZATION, OR
27 IN a public database of compliant products maintained by other states or

1 federal agencies with equivalent or more stringent efficiency standards,
2 ~~the~~ manufacturers of products covered by this article 7.5 shall
3 demonstrate that the products comply with this article 7.5 by doing any
4 one or more of the following:

5 (3) ON OR BEFORE JANUARY 1, 2026, THE EXECUTIVE DIRECTOR
6 SHALL COLLECT AND MAKE PUBLICLY AVAILABLE IN WRITTEN AND
7 ELECTRONIC FORM THE FEDERAL RULES AND OTHER RULES AND
8 STANDARDS REFERRED TO IN THIS PART 7.5. THE EXECUTIVE DIRECTOR
9 SHALL UPDATE THE PUBLICLY AVAILABLE RULES AND STANDARDS AS THEY
10 MAY BE UPDATED OR ADDED IN ACCORDANCE WITH SECTION 6-7.5-106.

11 (4) THE EXECUTIVE DIRECTOR SHALL:

12 (a) VERIFY MAJOR RETAILERS' AND DISTRIBUTORS' COMPLIANCE
13 WITH THE PROVISIONS OF THIS ARTICLE 7.5 THROUGH ONLINE
14 SPOT-CHECKS, COORDINATION WITH OTHER STATES THAT HAVE SIMILAR
15 STANDARDS, OR BOTH;

16 (b) CONDUCT SUCH VERIFICATIONS AT LEAST ONCE BEFORE
17 JANUARY 1, 2027, AND AGAIN AT LEAST ONCE BEFORE JANUARY 1, 2032;

18 (c) DELIVER A REPORT ON THE METHOD AND FINDINGS OF THE
19 VERIFICATIONS TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
20 HOUSE OF REPRESENTATIVES AND TO THE TRANSPORTATION AND ENERGY
21 COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, AND
22 POST THE REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND
23 ENVIRONMENT'S WEBSITE WITHIN ONE MONTH AFTER ITS COMPLETION;

24 AND

25 (d) DELIVER ANY FINDINGS OF VIOLATIONS TO THE ATTORNEY
26 GENERAL.

27 (5) ON OR BEFORE JANUARY 1, 2026, THE EXECUTIVE DIRECTOR

1 SHALL ESTABLISH A PROCESS WHEREBY INDIVIDUALS MAY ANONYMOUSLY
2 REPORT POTENTIAL VIOLATIONS OF THIS ARTICLE 7.5 ON THE DEPARTMENT
3 OF PUBLIC HEALTH AND ENVIRONMENT'S PUBLIC WEBSITE. THE EXECUTIVE
4 DIRECTOR SHALL INVESTIGATE ANY REPORTED POTENTIAL VIOLATION AND
5 SHALL REPORT ANY CONFIRMED VIOLATIONS TO THE ATTORNEY GENERAL.

6 **SECTION 7.** In Colorado Revised Statutes, 6-7.5-110, **amend**
7 (2)(a) as follows:

8 **6-7.5-110. Penalties - civil action by attorney general.**

9 (2) Whenever the attorney general has probable cause to believe that any
10 person or group of persons has violated or caused another to violate
11 subsection (1) of this section, the attorney general may bring a civil action
12 on behalf of the state to seek the imposition of civil penalties as follows:

13 (a) Any person who violates or causes another to violate
14 subsection (1) of this section shall forfeit and pay ~~to the general fund of~~
15 ~~this state~~ a civil penalty of not more than two thousand dollars for each
16 such violation, WHICH AMOUNT SHALL BE TRANSFERRED TO THE STATE
17 TREASURER TO BE CREDITED TO THE ENERGY FUND CREATED IN SECTION
18 24-38.5-102.4. For purposes of this subsection (2)(a), a violation
19 constitutes a separate violation with respect to each ~~consumer or~~
20 ~~transaction OR ONLINE FOR-SALE PRODUCT LISTING~~ involved; except that
21 the maximum civil penalty ~~shall~~ MAY not exceed five hundred thousand
22 dollars for any related series of violations.

23 **SECTION 8.** In Colorado Revised Statutes, **add** part 14 to article
24 5 of title 25 as follows:

25 PART 14

26 CLEAN LIGHTING

27 **25-5-1401. Short title.** THE SHORT TITLE OF THIS PART 14 IS THE

1 "CLEAN LIGHTING ACT".

2 **25-5-1402. Legislative declaration.** (1) THE GENERAL ASSEMBLY
3 FINDS AND DETERMINES THAT:

4 (a) MERCURY IS A POTENT AND PERSISTENT NEUROTOXIN THAT
5 CAUSES HARM TO HUMAN NERVOUS SYSTEMS, IMMUNE SYSTEMS, AND
6 ORGAN FUNCTION AND IMPAIRS FETAL AND CHILD DEVELOPMENT;

7 (b) ACCELERATING THE PHASE-OUT OF GENERAL-PURPOSE
8 FLUORESCENT LIGHT BULBS CONTAINING TOXIC MERCURY WILL PROTECT
9 WORKER HEALTH AND PUBLIC HEALTH, INCLUDING DURING THE
10 MANUFACTURE, DISTRIBUTION, USE, COLLECTION, DISPOSAL, AND
11 RECYCLING OF THE LIGHT BULBS;

12 (c) FLUORESCENT BULBS HAVE LONG PROVIDED A VALUABLE
13 SERVICE, BUT CLEANER, SAFER ALTERNATIVES HAVE BECOME WIDELY
14 AVAILABLE AND AFFORDABLE;

15 (d) MERCURY-FREE LED REPLACEMENTS FOR GENERAL-PURPOSE
16 FLUORESCENT BULBS PROVIDE THE SAME OR BETTER LIGHTING SERVICE,
17 LONGER PRODUCT LIFE, AND MUCH LOWER TOTAL COST; AND

18 (e) ACCORDING TO A STUDY FROM THE APPLIANCE STANDARDS
19 AWARENESS PROJECT, ACCELERATING THE PHASE-OUT OF MOST
20 GENERAL-PURPOSE FLUORESCENT LIGHTING FOR SALE IN COLORADO WILL
21 PREVENT ONE HUNDRED SIXTY-SEVEN POUNDS OF MERCURY AND TWO
22 MILLION ONE HUNDRED THOUSAND METRIC TONS OF CARBON DIOXIDE
23 EMISSIONS FROM ENTERING THE ENVIRONMENT AND LEAD TO FIVE
24 HUNDRED SEVENTY-TWO MILLION DOLLARS IN NET UTILITY BILL SAVINGS
25 FOR COLORADO BUSINESSES AND RESIDENTS.

26 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS IN
27 THE PUBLIC INTEREST TO PHASE OUT THE SALE OF GENERAL-PURPOSE

1 FLUORESCENT LIGHT BULBS THAT CONTAIN MERCURY.

2 **25-5-1403. Definitions.** AS USED IN THIS PART 14, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "CIECAM02-UCS" MEANS A COLOR APPEARANCE MODEL
5 DESIGNED BY THE INTERNATIONAL COMMISSION ON ILLUMINATION TO
6 ACCURATELY MODEL HUMAN COLOR PERCEPTION THAT USES UNIFORM
7 COLOR SPACE.

8 (2) (a) "COMPACT FLUORESCENT LAMP" MEANS A COMPACT,
9 LOW-PRESSURE, MERCURY-CONTAINING, ELECTRIC-DISCHARGE LIGHT
10 SOURCE:

11 (I) IN WHICH A FLUORESCENT COATING TRANSFORMS SOME OF THE
12 ULTRAVIOLET ENERGY GENERATED BY THE MERCURY DISCHARGE INTO
13 VISIBLE LIGHT; AND

14 (II) THAT:

15 (A) INCLUDES ONE BASE OR END CAP OF ANY TYPE, INCLUDING
16 SCREW, BAYONET, TWO-PIN, OR FOUR-PIN;

17 (B) IS INTEGRALLY BALLASTED OR NONINTEGRALLY BALLASTED;

18 (C) EMITS LIGHT BETWEEN A CORRELATED COLOR TEMPERATURE
19 OF 1700 KELVIN AND 24000 KELVIN AND A DUV OF +0.024 AND -0.024 IN
20 THE CIECAM02-UCS; AND

21 (D) INCLUDES ONE OR MORE TUBES, WHICH MAY BE OF ANY
22 DIAMETER OR LENGTH.

23 (b) "COMPACT FLUORESCENT LAMP" INCLUDES LAMPS OF ALL SIZES
24 AND SHAPES FOR DIRECTIONAL AND NONDIRECTIONAL INSTALLATIONS,
25 INCLUDING PLUG-IN, SPIRAL, TWIN TUBE, TRIPLE TWIN, 2D, U-BEND, AND
26 CIRCULAR LAMPS, THAT SATISFY THE DESCRIPTION IN SUBSECTION (2)(a)
27 OF THIS SECTION.

1 (3) "DUV" MEANS DELTA (U, $2/3V'$), WHICH IS A METRIC THAT
2 DESCRIBES THE DISTANCE OF A LIGHT COLOR POINT FROM THE PLANCKIAN
3 LOCUS.

4 (4) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
5 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE
6 EXECUTIVE DIRECTOR'S DESIGNEE.

7 (5) (a) "LINEAR FLUORESCENT LAMP" MEANS A LOW-PRESSURE,
8 MERCURY-CONTAINING, ELECTRIC-DISCHARGE LIGHT SOURCE:

9 (I) IN WHICH A FLUORESCENT COATING TRANSFORMS SOME OF THE
10 ULTRAVIOLET ENERGY GENERATED BY THE MERCURY DISCHARGE INTO
11 VISIBLE LIGHT; AND

12 (II) THAT:

13 (A) INCLUDES TWO BASES OR END CAPS OF ANY TYPE, INCLUDING
14 SINGLE-PIN, TWO-PIN, OR RECESSED DOUBLE CONTACT;

15 (B) EMITS LIGHT BETWEEN A CORRELATED COLOR TEMPERATURE
16 OF 1700 KELVIN AND 24000 KELVIN AND A DUV OF +0.024 AND -0.024 IN
17 THE CIECAM02-UCS;

18 (C) INCLUDES ALL TUBE DIAMETERS, INCLUDING T5, T8, T10, AND
19 T12 TUBES; AND

20 (D) INCLUDES ALL TUBE LENGTHS FROM SIX INCHES TO EIGHT FEET.

21 (b) "LINEAR FLUORESCENT LAMP" INCLUDES LAMPS OF ALL
22 SHAPES, INCLUDING LINEAR, U-BEND, AND CIRCULAR.

23 (6) "SUNLAMP PRODUCT" HAS THE MEANING SET FORTH IN 21 CFR
24 1040.20 (b)(9).

25 **25-5-1404. Scope and applicability.** (1) EXCEPT AS DESCRIBED
26 IN SUBSECTION (2) OF THIS SECTION, THIS PART 14 APPLIES TO COMPACT
27 FLUORESCENT LAMPS AND LINEAR FLUORESCENT LAMPS SOLD AS NEW IN

1 COLORADO.

2 (2) THIS PART 14 DOES NOT APPLY TO:

3 (a) A LAMP THAT IS DESIGNED AND MARKETED EXCLUSIVELY FOR
4 IMAGE CAPTURE AND PROJECTION, INCLUDING PHOTOCOPYING; PRINTING,
5 EITHER DIRECTLY OR IN PREPROCESSING; LITHOGRAPHY; FILM AND VIDEO
6 PROJECTION; AND HOLOGRAPHY;

7 (b) A LAMP THAT EMITS ULTRAVIOLET LIGHT AND THAT:

8 (I) EMITS ULTRAVIOLET LIGHT GREATER THAN TWO MILLIWATTS
9 PER KILOLUMEN (MW/KLM);

10 (II) IS DESIGNED AND MARKETED EXCLUSIVELY FOR A GERMICIDAL
11 PURPOSE, SUCH AS FOR THE DESTRUCTION OF DNA, WHICH LAMP EMITS A
12 PEAK RADIATION OF APPROXIMATELY TWO HUNDRED FIFTY-THREE AND
13 SEVEN-TENTHS NANOMETERS;

14 (III) IS DESIGNED AND MARKETED EXCLUSIVELY FOR DISINFECTION
15 OR FLY TRAPPING AND:

16 (A) FROM WHICH THE TOTAL RADIATION POWER EMITTED
17 BETWEEN TWO HUNDRED AND THREE HUNDRED FIFTEEN NANOMETERS
18 REPRESENTS AT LEAST FIVE PERCENT OF THE TOTAL RADIATION POWER
19 EMITTED BETWEEN TWO HUNDRED FIFTY AND EIGHT HUNDRED
20 NANOMETERS; OR

21 (B) FROM WHICH THE TOTAL RADIATION POWER EMITTED BETWEEN
22 THREE HUNDRED FIFTEEN AND FOUR HUNDRED NANOMETERS REPRESENTS
23 AT LEAST TWENTY PERCENT OF THE TOTAL RADIATION POWER EMITTED
24 BETWEEN TWO HUNDRED FIFTY AND EIGHT HUNDRED NANOMETERS;

25 (IV) IS DESIGNED AND MARKETED EXCLUSIVELY FOR THE
26 GENERATION OF OZONE WHERE THE PRIMARY PURPOSE IS TO EMIT
27 RADIATION AT APPROXIMATELY ONE HUNDRED EIGHTY-FIVE AND

1 ONE-TENTH NANOMETERS;

2 (V) IS DESIGNED AND MARKETED EXCLUSIVELY FOR CORAL
3 ZOOXANTHELLAE SYMBIOSIS AND FROM WHICH THE RADIATION POWER
4 EMITTED BETWEEN FOUR HUNDRED AND FOUR HUNDRED EIGHTY
5 NANOMETERS REPRESENTS AT LEAST FORTY PERCENT OF THE TOTAL
6 RADIATION POWER EMITTED BETWEEN TWO HUNDRED FIFTY AND EIGHT
7 HUNDRED NANOMETERS;

8 (VI) IS DESIGNED AND MARKETED EXCLUSIVELY FOR USE IN A
9 SUNLAMP PRODUCT;

10 (VII) IS DESIGNED AND MARKETED EXCLUSIVELY FOR USE IN A
11 MEDICAL DEVICE FOR MEDICAL OR VETERINARY DIAGNOSIS OR
12 TREATMENT;

13 (VIII) IS DESIGNED AND MARKETED EXCLUSIVELY FOR USE IN
14 PHARMACEUTICAL PRODUCT MANUFACTURING OR QUALITY CONTROL;

15 (IX) IS DESIGNED AND MARKETED EXCLUSIVELY FOR
16 SPECTROSCOPY AND PHOTOMETRIC APPLICATIONS, SUCH AS UV-VISIBLE
17 SPECTROSCOPY, MOLECULAR SPECTROSCOPY, ATOMIC ABSORPTION
18 SPECTROSCOPY, NONDISPERSIVE INFRARED, FOURIER TRANSFORM
19 INFRARED, MEDICAL ANALYSIS, ELLIPSOMETRY, LAYER THICKNESS
20 MEASUREMENT, PROCESS MONITORING, OR ENVIRONMENTAL MONITORING;

21 OR

22 (X) IS USED BY ACADEMIC AND RESEARCH INSTITUTIONS
23 EXCLUSIVELY FOR CONDUCTING RESEARCH PROJECTS AND EXPERIMENTS;

24 OR

25 (c) A PRODUCT THAT IS HELD IN INVENTORY IN COLORADO ON THE
26 EFFECTIVE DATE OF THE APPLICABLE STANDARD DESCRIBED IN SECTION
27 25-5-1405.

1 **25-5-1405. Prohibited lamps.** (1) ON AND AFTER JANUARY
2 1, 2025, A PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OR OFFER
3 FOR SALE IN COLORADO ANY:

4 (a) LINEAR FLUORESCENT LAMP; OR

5 (b) COMPACT FLUORESCENT LAMP.

6 **25-5-1406. Enforcement - verifications of compliance - civil**
7 **action by attorney general - penalties.** (1) THE EXECUTIVE DIRECTOR
8 SHALL:

9 (a) VERIFY MAJOR RETAILERS' AND DISTRIBUTORS' COMPLIANCE
10 WITH THE PROVISIONS OF THIS PART 14 THROUGH ONLINE SPOT-CHECKS,
11 COORDINATION WITH OTHER STATES THAT HAVE SIMILAR STANDARDS, OR
12 BOTH;

13 (b) CONDUCT SUCH VERIFICATIONS AT LEAST ONCE BEFORE
14 JANUARY 1, 2026, AND AGAIN AT LEAST ONCE BEFORE JANUARY 1, 2031;

15 (c) DELIVER A REPORT ON THE METHOD AND FINDINGS OF THE
16 VERIFICATIONS TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
17 HOUSE OF REPRESENTATIVES AND TO THE TRANSPORTATION AND ENERGY
18 COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, AND
19 POST THE REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND
20 ENVIRONMENT'S WEBSITE WITHIN ONE MONTH AFTER ITS COMPLETION;
21 AND

22 (d) DELIVER ANY FINDINGS OF VIOLATIONS TO THE ATTORNEY
23 GENERAL.

24 (2) ON OR BEFORE JANUARY 1, 2025, THE EXECUTIVE DIRECTOR
25 SHALL ESTABLISH A PROCESS WHEREBY INDIVIDUALS MAY ANONYMOUSLY
26 REPORT POTENTIAL VIOLATIONS OF THIS PART 14 ON THE DEPARTMENT OF
27 PUBLIC HEALTH AND ENVIRONMENT'S PUBLIC WEBSITE. THE EXECUTIVE

1 DIRECTOR SHALL INVESTIGATE ANY REPORTED POTENTIAL VIOLATION AND
2 SHALL REPORT ANY CONFIRMED VIOLATIONS TO THE ATTORNEY GENERAL.

3 (3) (a) IF THE ATTORNEY GENERAL HAS PROBABLE CAUSE TO
4 BELIEVE THAT ANY PERSON OR GROUP OF PERSONS HAS VIOLATED OR
5 CAUSED ANOTHER PERSON TO VIOLATE SECTION 25-5-1405, THE
6 ATTORNEY GENERAL MAY BRING A CIVIL ACTION ON BEHALF OF THE STATE
7 TO SEEK THE IMPOSITION OF CIVIL PENALTIES AS SPECIFIED IN THIS
8 SUBSECTION (3). ANY PERSON WHO VIOLATES OR CAUSES ANOTHER
9 PERSON TO VIOLATE SECTION 25-5-1405 SHALL PAY A CIVIL PENALTY OF
10 NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION, WHICH
11 AMOUNT SHALL BE TRANSFERRED TO THE STATE TREASURER TO BE
12 CREDITED TO THE ENERGY FUND CREATED IN SECTION 24-38.5-102.4.

13 (b) FOR PURPOSES OF SUBSECTION (3)(a) OF THIS SECTION:

14 (I) EACH TRANSACTION OR ONLINE FOR-SALE PRODUCT LISTING
15 INVOLVED CONSTITUTES A SEPARATE VIOLATION; EXCEPT THAT THE
16 MAXIMUM CIVIL PENALTY MAY NOT EXCEED FIVE HUNDRED THOUSAND
17 DOLLARS FOR ANY RELATED SERIES OF VIOLATIONS; AND

18 (II) A COURT SHALL NOT IMPOSE A FINE AGAINST A
19 NONMANAGERIAL EMPLOYEE OF A CONTRACTOR THAT INSTALLS, REPAIRS,
20 OR REPLACES LINEAR OR COMPACT FLUORESCENT LAMPS AND COLLECTS
21 FROM THE CUSTOMER AN AMOUNT REPRESENTING BOTH PARTS AND
22 LABOR.

23 **SECTION 9.** In Colorado Revised Statutes, **add** part 15 to article
24 7 of title 25 as follows:

25 PART 15
26 ENVIRONMENTAL STANDARDS FOR HEATING
27 AND WATER HEATING APPLIANCES

1 **25-7-1501. Legislative declaration.** (1) THE GENERAL ASSEMBLY
2 DECLARES THAT IT IS IN THE INTEREST OF THE STATE TO REDUCE AND
3 PREVENT AIR POLLUTION FROM CERTAIN NEW HEATING AND WATER
4 HEATING APPLIANCES IN ORDER TO:

5 (a) PROTECT THE AIR THAT COLORADANS BREATHE BY REDUCING
6 UNHEALTHY LEVELS OF SMOG AND OZONE, WHICH HAVE HIT RECORD HIGHS
7 IN COLORADO IN RECENT YEARS AND HAVE DISPROPORTIONATELY
8 IMPACTED LOW-INCOME AREAS;

9 (b) MINIMIZE HEALTH RISKS ASSOCIATED WITH AIR POLLUTION,
10 INCLUDING RESPIRATORY AILMENTS SUCH AS ASTHMA AND
11 CARDIOVASCULAR ILLNESSES, WHICH ARE LINKED TO EXPOSURE TO FINE
12 PARTICULATE MATTER AND NITROGEN DIOXIDE;

13 (c) ASSIST COLORADO COUNTIES IN ACHIEVING ATTAINMENT OF
14 FEDERAL OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS;

15 (d) IMPROVE THE CLARITY OF SCENIC VIEWS FOR PURPOSES OF
16 FACILITATING ENJOYMENT OF COLORADO'S BOUNTIFUL NATURAL
17 RESOURCES AND MAINTAIN ITS REPUTATION FOR HIGH-QUALITY OUTDOOR
18 RECREATION;

19 (e) MITIGATE THE EFFECTS OF CLIMATE CHANGE;

20 (f) CONTRIBUTE TO THE STATE'S ECONOMY BY BUILDING A
21 TRAINED AND COMPETITIVE WORKFORCE TO INSTALL AND MAINTAIN
22 NEWLY PURCHASED APPLIANCES; AND

23 (g) ENSURE THAT THE BENEFITS OF CLEAN AND HEALTHY AIR ARE
24 DISTRIBUTED TO ALL PARTS OF THE STATE.

25 **25-7-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE
26 CONTEXT OTHERWISE REQUIRES:

27 ■

1 (1) "BTU" MEANS BRITISH THERMAL UNIT, WHICH IS A SCIENTIFIC
2 UNIT OF MEASUREMENT EQUAL TO THE QUANTITY OF HEAT REQUIRED TO
3 RAISE THE TEMPERATURE OF ONE POUND OF WATER ONE DEGREE
4 FAHRENHEIT AT APPROXIMATELY SIXTY DEGREES FAHRENHEIT.

5 (2) "ENERGY STAR PROGRAM" HAS THE MEANING SET FORTH IN
6 SECTION 6-7.5-102 (24).

7 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
8 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE
9 EXECUTIVE DIRECTOR'S DESIGNEE.

10 (4) "FAN-TYPE CENTRAL FURNACE" MEANS A SELF-CONTAINED
11 SPACE HEATER THAT PROVIDES FOR CIRCULATION OF HEATED AIR AT
12 PRESSURES OTHER THAN ATMOSPHERIC THROUGH DUCTS MORE THAN TEN
13 INCHES IN LENGTH.

14 (5) (a) "HEAT INPUT" MEANS THE HEAT RELEASED BY THE
15 COMBUSTION OF FUELS AND IS BASED ON THE GROSS ENERGY CONTENT OF
16 THE COMBUSTIBLE FUEL, ALSO KNOWN AS THE HIGHER HEATING VALUE OF
17 FUEL.

18 (b) "HEAT INPUT" DOES NOT INCLUDE THE ENTHALPY OF INCOMING
19 COMBUSTION AIR.

20 (6) "HEAT OUTPUT" MEANS THE ENTHALPY OF THE WORKING FLUID
21 OUTPUT OF A WATER HEATER.

22 (7) "MANUFACTURED HOME" MEANS A PREFABRICATED
23 STRUCTURE ON A PERMANENTLY ATTACHED CHASSIS, WHICH STRUCTURE
24 SATISFIES THE FEDERAL MANUFACTURED HOME CONSTRUCTION SAFETY
25 STANDARD, AS DEFINED IN SECTION 24-32-3302 (13).

26 (8) "NOX" MEANS THE SUM OF NITRIC OXIDE AND NITROGEN
27 DIOXIDE.

1 (9) "RATED HEAT INPUT CAPACITY" MEANS THE HEAT INPUT
2 CAPACITY SPECIFIED ON THE NAMEPLATE OF A WATER HEATER. IF A WATER
3 HEATER HAS BEEN ALTERED OR MODIFIED SUCH THAT ITS MAXIMUM HEAT
4 INPUT IS DIFFERENT FROM THE HEAT INPUT CAPACITY SPECIFIED ON THE
5 NAMEPLATE, THE NEW MAXIMUM HEAT INPUT IS THE WATER HEATER'S
6 RATED HEAT INPUT CAPACITY.

7 (10) "RECREATIONAL VEHICLE" MEANS A MOTOR HOME, TRAVEL
8 TRAILER, TRUCK CAMPER, OR CAMPING TRAILER, WITH OR WITHOUT
9 MOTIVE POWER, THAT IS DESIGNED FOR HUMAN OCCUPANCY AND FOR
10 RECREATIONAL, EMERGENCY, OR OTHER USE.

11 (11) "WATER HEATER" MEANS A DEVICE THAT HEATS WATER BY
12 COMBUSTION OF FUEL OR THROUGH THE USE OF ELECTRICITY TO A
13 THERMOSTATICALLY CONTROLLED TEMPERATURE NOT EXCEEDING TWO
14 HUNDRED TEN DEGREES FAHRENHEIT OR NINETY-NINE DEGREES CELSIUS,
15 FOR USE EXTERNAL TO THE DEVICE, AT A PRESSURE NOT EXCEEDING ONE
16 HUNDRED SIXTY POUNDS PER SQUARE INCH GAUGE.

17 **25-7-1503. Scope and applicability.** (1) EXCEPT AS DESCRIBED
18 IN SUBSECTION (2) OF THIS SECTION AND AS MODIFIED BY RULES
19 PROMULGATED BY THE EXECUTIVE DIRECTOR OR THE COMMISSION
20 PURSUANT TO SECTION 25-7-1506, THIS PART 15 APPLIES TO THE
21 FOLLOWING NEW PRODUCTS:

22 (a) WATER HEATERS WITH A RATED HEAT INPUT CAPACITY OF TWO
23 MILLION BTUs PER HOUR OR LESS; AND

24 (b) FAN-TYPE CENTRAL FURNACES THAT:

25 (I) REQUIRE EITHER SINGLE-PHASE OR THREE-PHASE ELECTRIC
26 SUPPLY;

27 (II) ARE USED FOR COMFORT HEATING; AND

1 (III) HAVE A RATED HEAT INPUT CAPACITY OF LESS THAN ONE
2 HUNDRED SEVENTY-FIVE THOUSAND BTUs PER HOUR, AND, IN THE CASE
3 OF COMBINATION HEATING AND COOLING UNITS, A COOLING RATE OF LESS
4 THAN SIXTY-FIVE THOUSAND BTUs PER HOUR.

5 (2) THIS PART 15 DOES NOT APPLY TO:

6 (a) PRODUCTS HELD IN INVENTORY IN COLORADO ON THE
7 EFFECTIVE DATE OF THE APPLICABLE STANDARD;

8 (b) PRODUCTS THAT WERE INSTALLED IN MANUFACTURED HOMES
9 AT THE TIME OF CONSTRUCTION;

10 (c) PRODUCTS DESIGNED EXPRESSLY FOR INSTALLATION AND USE
11 IN RECREATIONAL VEHICLES; OR

12 (d) PRODUCTS THAT DO NOT BURN FOSSIL FUELS.

13 **25-7-1504. Emission standards for new products.** (1) ON AND
14 AFTER JANUARY 1, 2026, EXCEPT AS DESCRIBED IN SECTION 25-7-1506, A
15 PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OFFER FOR SALE,
16 LEASE, OR OFFER FOR LEASE IN COLORADO ANY OF THE FOLLOWING NEW
17 PRODUCTS UNLESS THE EMISSIONS OF THE PRODUCT DO NOT EXCEED THE
18 FOLLOWING EMISSIONS LIMITS, AS APPLICABLE:

19 (a) TEN NANOGRAMS OF NOX PER JOULE FOR WATER HEATERS
20 WITH A RATED HEAT INPUT CAPACITY OF UP TO SEVENTY-FIVE THOUSAND
21 BTUs PER HOUR AND FOR ANY UNIT WITH POWER ASSIST;

22 (b) FOURTEEN NANOGRAMS OF NOX PER JOULE FOR WATER
23 HEATERS WITH A RATED HEAT INPUT CAPACITY OF MORE THAN
24 SEVENTY-FIVE THOUSAND AND LESS THAN TWO MILLION BTUs PER HOUR;

25 OR

26 (c) FOURTEEN NANOGRAMS OF NOX PER JOULE FOR FAN-TYPE
27 CENTRAL FURNACES.

1 (2) EQUIPMENT THAT IS CERTIFIED TO THE MOST RECENT VERSION
2 OF THE ENERGY STAR PROGRAM FOR THE RELEVANT EQUIPMENT TYPE IS
3 DEEMED TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS
4 SECTION.

5 **25-7-1505. Testing - required displays - demonstrations of**
6 **compliance.** (1) MANUFACTURERS OF NATURAL-GAS-FUELED WATER
7 HEATERS DESCRIBED BY SECTION 25-7-1503 (1)(a) SHALL TEST EACH
8 APPLICABLE MODEL FOR SALE IN COLORADO IN ACCORDANCE WITH THE
9 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT PROTOCOL "NITROGEN
10 OXIDES EMISSIONS COMPLIANCE TESTING FOR NATURAL GAS-FIRED
11 WATER HEATERS AND SMALL BOILERS", AS AMENDED.

12 (2) MANUFACTURERS OF FAN-TYPE CENTRAL FURNACES
13 DESCRIBED BY SECTION 25-7-1503 (1)(c) SHALL TEST EACH APPLICABLE
14 MODEL FOR SALE IN COLORADO IN ACCORDANCE WITH THE SOUTH COAST
15 AIR QUALITY MANAGEMENT DISTRICT METHOD 100.1 "INSTRUMENTAL
16 ANALYZER PROCEDURES FOR CONTINUOUS GASEOUS EMISSION
17 SAMPLING", AS AMENDED.

18
19 (3) UNLESS A PRODUCT APPEARS IN A PUBLIC DATABASE OF
20 PRODUCTS MAINTAINED BY A STATE OR FEDERAL AGENCY OR BY AN
21 ENVIRONMENTAL NONPROFIT ORGANIZATION, WHICH DATABASE REQUIRES
22 COMPLIANCE WITH EMISSION STANDARDS THAT ARE AS DEMANDING OR
23 MORE DEMANDING THAN THE EMISSION STANDARDS DESCRIBED IN THIS
24 PART 15, MANUFACTURERS OF PRODUCTS DESCRIBED IN SECTION
25 25-7-1503 (1) SHALL DEMONSTRATE COMPLIANCE WITH THIS PART 15 FOR
26 EACH MODEL BY EITHER:

27 (a) AFFIXING A PERMANENT MARK, LABEL, OR TAG TO THE

1 PRODUCT AND PACKAGING AT THE TIME OF SALE OR INSTALLATION THAT
2 CONFIRMS COMPLIANCE WITH SUCH EMISSION STANDARDS OR COMPLIANCE
3 WITH EQUIVALENT EMISSION STANDARDS; OR

4 (b) SUBMITTING A CERTIFICATION TO THE EXECUTIVE DIRECTOR
5 THAT DEMONSTRATES COMPLIANCE WITH EMISSION STANDARDS REQUIRED
6 BY A STATE OR FEDERAL AGENCY, WHICH EMISSION STANDARDS ARE AS
7 DEMANDING OR MORE DEMANDING THAN THE EMISSION STANDARDS
8 DESCRIBED IN THIS PART 15.

9 **25-7-1506. Rules - analysis.** (1) NOTWITHSTANDING ANY
10 PROVISION OF THIS PART 15, THE EXECUTIVE DIRECTOR MAY PROMULGATE
11 RULES UPDATING ANY EMISSION STANDARD, DEFINITION, OR TEST METHOD
12 ESTABLISHED IN THIS PART 15 IN ORDER TO MAINTAIN OR IMPROVE
13 CONSISTENCY WITH OTHER COMPARABLE STANDARDS IN OTHER STATES SO
14 LONG AS THE UPDATED VERSION RESULTS IN AIR QUALITY THAT IS EQUAL
15 TO OR BETTER THAN AIR QUALITY ACHIEVED USING THE PRIOR STANDARD.

16 (2) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AS
17 NECESSARY TO ENSURE THE PROPER IMPLEMENTATION AND ENFORCEMENT
18 OF THIS PART 15.

19 (3) ON OR BEFORE JANUARY 1, 2030, THE EXECUTIVE DIRECTOR
20 SHALL CONDUCT AN ANALYSIS TO DETERMINE WHETHER STATEWIDE
21 GREENHOUSE GAS EMISSIONS FROM WATER HEATERS AND FAN-TYPE
22 CENTRAL FURNACES ARE DECLINING IN COMPARISON TO EMISSION LEVELS
23 IN 2023 IN A MANNER THAT COMPORTS WITH THE STATEWIDE GREENHOUSE
24 GAS REDUCTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g). UNLESS
25 THE ANALYSIS DETERMINES THAT THE EMISSIONS TRAJECTORY IS
26 CONSISTENT WITH ACHIEVING THE STATEWIDE GREENHOUSE GAS
27 REDUCTION GOALS, THE EXECUTIVE DIRECTOR SHALL PROPOSE TO THE

1 COMMISSION RULES TO BRING THE EMISSION LEVELS IN LINE WITH THE
2 REDUCTION GOALS. THE EXECUTIVE DIRECTOR SHALL ENSURE THAT SUCH
3 RULES:

4 (a) TAKE INTO ACCOUNT ANY EMISSION STANDARDS THAT ARE IN
5 EFFECT OR UNDER DEVELOPMENT IN OTHER JURISDICTIONS OR AT THE
6 FEDERAL LEVEL FOR NEW WATER HEATERS AND FAN-TYPE CENTRAL
7 FURNACES;

8 (b) TAKE INTO ACCOUNT INPUT FROM MAJOR MANUFACTURERS OF
9 WATER HEATERS, FAN-TYPE CENTRAL FURNACES, AND OTHER RELEVANT
10 EQUIPMENT;

11 (c) CONSIDER WHETHER EMISSIONS STANDARDS FOR ADDITIONAL
12 TYPES OF RESIDENTIAL AND COMMERCIAL HEATING AND WATER HEATING
13 EQUIPMENT ARE APPROPRIATE AND NECESSARY TO MEET THE GREENHOUSE
14 GAS EMISSION REDUCTION TARGETS DESCRIBED IN SECTION 25-7-102
15 (2)(g);

16 (d) ARE ACHIEVABLE WITH AVAILABLE TECHNOLOGY; AND

17 (e) DO NOT PLACE AN UNDUE COST BURDEN ON CONSUMERS.

18 **25-7-1507. Enforcement - verifications of compliance - civil**
19 **action by attorney general - penalties.** (1) THE EXECUTIVE DIRECTOR
20 SHALL:

21 (a) VERIFY MAJOR RETAILERS' AND DISTRIBUTORS' COMPLIANCE
22 WITH THE PROVISIONS OF THIS PART 15 THROUGH ONLINE SPOT-CHECKS,
23 COORDINATION WITH OTHER STATES THAT HAVE SIMILAR STANDARDS, OR
24 BOTH;

25 (b) CONDUCT SUCH VERIFICATIONS AT LEAST ONCE BEFORE
26 JANUARY 1, 2027, AND AGAIN AT LEAST ONCE BEFORE JANUARY 1, 2032;

27 (c) DELIVER A REPORT ON THE METHOD AND FINDINGS OF THE

1 VERIFICATIONS TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
2 HOUSE OF REPRESENTATIVES AND TO THE TRANSPORTATION AND ENERGY
3 COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, AND
4 POST THE REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND
5 ENVIRONMENT'S WEBSITE WITHIN ONE MONTH AFTER ITS COMPLETION;
6 AND

7 (d) DELIVER ANY FINDINGS OF VIOLATIONS TO THE ATTORNEY
8 GENERAL.

9 (2) ON OR BEFORE JANUARY 1, 2025, THE EXECUTIVE DIRECTOR
10 SHALL ESTABLISH A PROCESS WHEREBY INDIVIDUALS MAY ANONYMOUSLY
11 REPORT POTENTIAL VIOLATIONS OF THIS PART 15 ON THE DEPARTMENT OF
12 PUBLIC HEALTH AND ENVIRONMENT'S PUBLIC WEBSITE. THE EXECUTIVE
13 DIRECTOR SHALL INVESTIGATE ANY SUCH REPORTED POTENTIAL
14 VIOLATION AND SHALL REPORT ANY CONFIRMED VIOLATIONS TO THE
15 ATTORNEY GENERAL.

16 (3) (a) IF THE ATTORNEY GENERAL HAS PROBABLE CAUSE TO
17 BELIEVE THAT ANY PERSON OR GROUP OF PERSONS HAS VIOLATED OR
18 CAUSED ANOTHER PERSON TO VIOLATE SECTION 25-7-1504 OR 25-7-1505,
19 THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION ON BEHALF OF THE
20 STATE TO SEEK THE IMPOSITION OF CIVIL PENALTIES AS SPECIFIED IN THIS
21 SUBSECTION (3). ANY PERSON WHO KNOWINGLY VIOLATES OR CAUSES
22 ANOTHER PERSON TO VIOLATE SECTION 25-7-1504 OR 25-7-1505 SHALL
23 PAY A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS FOR
24 EACH VIOLATION, WHICH AMOUNT SHALL BE TRANSFERRED TO THE STATE
25 TREASURER TO BE CREDITED TO THE ENERGY FUND CREATED IN SECTION
26 24-38.5-102.4.

27 (b) FOR PURPOSES OF SUBSECTION (3)(a) OF THIS SECTION:

1 (I) EACH TRANSACTION OR ONLINE FOR-SALE PRODUCT LISTING
2 INVOLVED CONSTITUTES A SEPARATE VIOLATION; EXCEPT THAT THE
3 MAXIMUM CIVIL PENALTY PER PERSON SHALL NOT EXCEED FIVE HUNDRED
4 THOUSAND DOLLARS FOR ANY RELATED SERIES OF VIOLATIONS; AND

5 (II) A COURT SHALL NOT IMPOSE A FINE AGAINST A
6 NONMANAGERIAL EMPLOYEE OF A CONTRACTOR THAT INSTALLS, REPAIRS,
7 OR REPLACES WATER HEATERS OR FAN-TYPE CENTRAL FURNACES AND
8 COLLECTS FROM CUSTOMERS AN AMOUNT REPRESENTING BOTH PARTS AND
9 LABOR.

10 **SECTION 10.** In Colorado Revised Statutes, 24-38.5-102.4,
11 **amend** (1)(a)(I) as follows:

12 **24-38.5-102.4. Energy fund - creation - use of fund -**
13 **definitions - report - repeal.** (1) (a) (I) The energy fund is ~~hereby~~
14 created in the state treasury. The principal of the fund consists of money
15 transferred to the fund from the general fund; money transferred to the
16 fund at the end of the 2006-07 state fiscal year and at the end of each
17 succeeding state fiscal year from money received by the Colorado energy
18 office; money received pursuant to the federal "American Recovery and
19 Reinvestment Act of 2009", Pub.L. 111-5, or any amendments thereto; ~~or~~
20 ~~from~~ MONEY RECEIVED PURSUANT TO revenue contracts, court settlement
21 funds, supplemental environmental program funds, OR THE repayment or
22 return of funds from eligible public depositories; MONEY TRANSFERRED
23 TO THE FUND PURSUANT TO SECTIONS 6-7.5-110 (2)(a), 25-5-1406 (3)(a),
24 AND 25-7-1507 (3)(a); ~~and~~ MONEY RECEIVED AS gifts, grants, and
25 donations; and any other money received by the Colorado energy office.
26 Interest and income earned on the deposit and investment of money in the
27 energy fund are credited to the fund. Money in the fund at the end of any

1 state fiscal year remains in the fund and may not be credited to the state
2 general fund or any other fund. Money in the fund may not be transferred
3 to the innovative energy fund created in section 24-38.5-102.5.

4 **SECTION 11.** In Colorado Revised Statutes, 38-35.7-109,
5 **amend** (1)(c) as follows:

6 **38-35.7-109. Electric vehicle charging and heating systems -**
7 **options - definitions.** (1) (c) A person that builds a new residence for
8 which a buyer is under contract shall offer the buyer pricing, energy
9 efficiency, and utility bill information for each natural gas, electric, or
10 other option available from and information pertaining to those options
11 from the federal Energy Star program, as defined in section 6-7.5-102
12 ~~(15)~~ (24), or similar information about energy efficiency and utilization
13 reasonably available to the person building the residence.

14 **SECTION 12.** In Colorado Revised Statutes, 40-3.2-109, **amend**
15 (2)(b)(V) as follows:

16 **40-3.2-109. Beneficial electrification plans for electric utilities**
17 **- definition - rules - recovery of costs - report.** (2) (b) On or before
18 July 1, 2022, and thereafter as directed by the commission, but no less
19 frequently than every three years, an investor-owned electric utility shall
20 file with the commission an application for a beneficial electrification
21 plan for regulated activities to support beneficial electrification.
22 Beneficial electrification plans may be combined with other demand-side
23 management strategic issues or transportation electrification plans, as
24 applicable, but a beneficial electrification plan must, at a minimum:

25 (V) Include incentives to facilitate beneficial electrification, with
26 programs targeted toward new and existing building markets. Products
27 eligible for incentives must be certified under the federal Energy Star

1 program, as defined in section 6-7.5-102 (~~15~~) (24), or a successor
2 program if that certification is available, in product categories for which
3 such certification exists.

4 **SECTION 13. Severability.** If any provision of this act or the
5 application of this act to any person or circumstance is held invalid, such
6 invalidity does not affect other provisions or applications of the act that
7 can be given effect without the invalid provision or application, and to
8 this end the provisions of this act are declared to be severable.

9 **SECTION 14. Appropriation.** (1) For the 2023-24 state fiscal
10 year, \$49,730 is appropriated to the department of public health and
11 environment. This appropriation is from the general fund. To implement
12 this act, the department may use this appropriation as follows:

13 (a) \$5,848 for use by the division of environmental health and
14 sustainability for administration and support, which amount is based on
15 an assumption that the division will require an additional 0.1 FTE; and

16 (b) \$43,882 for the purchase of legal services.

17 (2) For the 2023-24 state fiscal year, \$43,882 is appropriated to
18 the department of law. This appropriation is from reappropriated funds
19 received from the department of public health and environment under
20 subsection (1)(b) of this section and is based on an assumption that the
21 department of law will require an additional 0.2 FTE. To implement this
22 act, the department of law may use this appropriation to provide legal
23 services for the department of public health and environment.

24 **SECTION 15. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.