

SENATE BILL 418

P1, P3, M5

11r0054

By: **Senators Pinsky, Lee, and Guzzone**

Introduced and read first time: January 20, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Energy Administration – Energy and Water Efficiency Standards –**
3 **Alterations**

4 FOR the purpose of repealing certain provisions of law regarding the adoption of
5 regulations establishing certain efficiency standards; repealing certain provisions of
6 law prohibiting the sale or offering for sale of certain products; altering the
7 application of certain testing, certification, and enforcement requirements for certain
8 efficiency standards; requiring the Maryland Energy Administration to review
9 certain efficiency standards on or before a certain date; authorizing the
10 Administration to adopt regulations on efficiency standards for certain products on
11 or before a certain date; prohibiting the sale or offering for sale of certain products
12 in the State under certain circumstances beginning on a certain date; prohibiting the
13 installation of certain products in the State under certain circumstances beginning
14 on a certain date; requiring the Administration to adopt regulations on efficiency
15 standards for certain products on or before a certain date; requiring that certain
16 regulations provide certain minimum efficiency standards; authorizing the
17 Administration to coordinate with national voluntary certification programs;
18 authorizing a manufacturer that has certified a product to the WaterSense Program
19 to use that certification in lieu of a separate Maryland certification under certain
20 circumstances; including the Maryland Department of Labor as one of the agencies
21 with which the Administration must coordinate on certain matters; specifying the
22 minimum efficiency standard for certain products under certain circumstances;
23 defining certain terms; repealing certain definitions; making conforming changes
24 and technical corrections; and generally relating to energy and water efficiency
25 standards.

26 BY repealing

27 Article – State Government

28 Section 9–2006(a)(2) through (32) and (c) through (f)

29 Annotated Code of Maryland

30 (2014 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
 2 Article – State Government
 3 Section 9–2006(a)(1)
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume and 2020 Supplement)

6 BY adding to
 7 Article – State Government
 8 Section 9–2006(a)(2) through (17), (c), (d), and (m)
 9 Annotated Code of Maryland
 10 (2014 Replacement Volume and 2020 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – State Government
 13 Section 9–2006(a)(33), (b), and (g) through (n)
 14 Annotated Code of Maryland
 15 (2014 Replacement Volume and 2020 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 17 That Section(s) 9–2006(a)(2) through (32) and (c) through (f) of Article – State Government
 18 of the Annotated Code of Maryland be repealed.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 20 as follows:

21 **Article – State Government**

22 9–2006.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) (I) **“AIR PURIFIER”, ALSO KNOWN AS A “ROOM AIR CLEANER”,**
 25 **MEANS AN ELECTRIC, CORD–CONNECTED, PORTABLE APPLIANCE THAT PRIMARILY**
 26 **FUNCTIONS TO REMOVE PARTICULATE MATTER FROM THE AIR.**

27 (II) **“AIR PURIFIER” DOES NOT INCLUDE INDOOR AIR CLEANING**
 28 **DEVICES THAT ARE MANUFACTURED, ADVERTISED, MARKETED, AND LABELED FOR**
 29 **INDUSTRIAL USE.**

30 (3) **“COMMERCIAL DISHWASHER” MEANS A MACHINE DESIGNED TO**
 31 **CLEAN AND SANITIZE DINNERWARE, FLATWARE, COOKING UTENSILS, AND SIMILAR**
 32 **ITEMS BY APPLYING SPRAYS OF DETERGENT SOLUTION AND A SANITIZING RINSE.**

33 (4) (I) **“COMMERCIAL STEAM COOKER”, ALSO KNOWN AS A**
 34 **“COMPARTMENT STEAMER”, MEANS A DEVICE WITH ONE OR MORE FOOD–STEAMING**

1 COMPARTMENTS IN WHICH THE ENERGY IN THE STEAM IS TRANSFERRED TO THE
2 FOOD BY DIRECT CONTACT.

3 (II) "COMMERCIAL STEAM COOKER" INCLUDES:

4 1. COUNTERTOP MODELS;

5 2. WALL-MOUNTED MODELS; AND

6 3. FLOOR MODELS MOUNTED ON A STAND, PEDESTAL,
7 OR CABINET-STYLE BASE.

8 (5) "ELECTRIC VEHICLE SUPPLY EQUIPMENT" MEANS THE FITTINGS,
9 DEVICES, AND APPARATUSES INSTALLED SPECIFICALLY FOR THE PURPOSE OF
10 DELIVERING ENERGY FROM A PREMISES' WIRING TO AN ELECTRIC VEHICLE,
11 INCLUDING:

12 (I) UNGROUNDED CONDUCTORS;

13 (II) GROUNDED CONDUCTORS;

14 (III) EQUIPMENT GROUNDING CONDUCTORS;

15 (IV) ELECTRIC VEHICLE CONNECTORS;

16 (V) ATTACHMENT PLUGS; AND

17 (VI) POWER OUTLETS.

18 (6) (I) "FAUCET" MEANS A DEVICE:

19 1. BY WHICH WATER FLOWS FROM A PIPE OR
20 CONTAINER; AND

21 2. THAT CAN CONTROL THE FLOW OF WATER FROM THE
22 PIPE OR CONTAINER.

23 (II) "FAUCET" INCLUDES:

24 1. A PRIVATE LAVATORY FAUCET;

25 2. A PUBLIC LAVATORY FAUCET;

1 **3. A RESIDENTIAL KITCHEN FAUCET;**

2 **4. A FITTING THAT, WHEN TURNED ON, WILL**
3 **GRADUALLY SHUT ITSELF OFF OVER A PERIOD OF SEVERAL SECONDS; AND**

4 **5. A REPLACEMENT AERATOR FOR A PRIVATE LAVATORY**
5 **FAUCET, PUBLIC LAVATORY FAUCET, OR RESIDENTIAL KITCHEN FAUCET.**

6 **(7) (I) “HIGH COLOR RENDERING INDEX FLUORESCENT LAMP” OR**
7 **“HIGH CRI FLUORESCENT LAMP” MEANS A FLUORESCENT LAMP WITH A COLOR**
8 **RENDERING INDEX OF 87 OR GREATER.**

9 **(II) “HIGH COLOR RENDERING INDEX FLUORESCENT LAMP”**
10 **DOES NOT INCLUDE A COMPACT FLUORESCENT LAMP.**

11 **(8) “PORTABLE ELECTRIC SPA” MEANS A FACTORY–BUILT ELECTRIC**
12 **SPA OR HOT TUB THAT USES WATER–HEATING OR WATER–CIRCULATING**
13 **EQUIPMENT.**

14 **(9) “PUBLIC LAVATORY FAUCET” MEANS A FAUCET DESIGNED TO BE**
15 **INSTALLED IN A PUBLIC BATHROOM.**

16 **(10) “REPLACEMENT AERATOR” MEANS AN AERATOR SOLD:**

17 **(I) AS A REPLACEMENT; AND**

18 **(II) SEPARATELY FROM THE FAUCET FOR WHICH THE AERATOR**
19 **WAS INTENDED TO BE ATTACHED.**

20 **(11) “RESIDENTIAL VENTILATING FAN” MEANS A CEILING FAN,**
21 **WALL–MOUNTED FAN, OR A FAN MOUNTED OUTSIDE OF THE AREA TO BE**
22 **VENTILATED (ALSO KNOWN AS A REMOTELY MOUNTED FAN) THAT IS DESIGNED TO**
23 **MOVE AIR FROM INSIDE A BUILDING TO THE OUTDOORS, SUCH AS FANS USED IN A**
24 **BATHROOM OR UTILITY ROOM.**

25 **(12) “RETAILER” MEANS A PERSON ENGAGED IN THE BUSINESS OF**
26 **MAKING RETAIL SALES WITHIN THE STATE.**

27 **(13) (I) “SHOWERHEAD” MEANS A DEVICE THROUGH WHICH**
28 **WATER IS DISCHARGED FOR A SHOWER OR BATH.**

29 **(II) “SHOWERHEAD” INCLUDES A HAND–HELD SHOWERHEAD.**

1 (III) “SHOWERHEAD” DOES NOT INCLUDE SAFETY EQUIPMENT
2 SUCH AS EYEWASH STATIONS OR DRENCH SHOWERS.

3 (14) “SPRAY SPRINKLER BODY” MEANS THE EXTERIOR CASE OR SHELL
4 OF A SPRINKLER THAT:

5 (I) CONNECTS TO THE WATER SYSTEM PIPING; AND

6 (II) HOUSES A SPRAY NOZZLE THAT APPLIES WATER TO THE
7 GROUND.

8 (15) (I) “URINAL” MEANS A PLUMBING FIXTURE THAT:

9 1. IS DESIGNED TO RECEIVE LIQUID BODY WASTE FROM
10 A STANDING PERSON; AND

11 2. CONVEYS THE WASTE INTO A DRAINAGE SYSTEM.

12 (II) “URINAL” DOES NOT INCLUDE:

13 1. URINALS DESIGNED AND MARKETED EXCLUSIVELY
14 FOR USE AT PRISONS OR MENTAL HEALTH FACILITIES; AND

15 2. THROUGH-TYPE URINALS.

16 (16) (I) “WATER CLOSET” MEANS A PLUMBING FIXTURE HAVING A
17 WATER-CONTAINING RECEPTACLE DESIGNED TO DISPOSE OF LIQUID AND SOLID
18 BODY WASTE THROUGH A DRAINAGE SYSTEM.

19 (II) “WATER CLOSET” DOES NOT INCLUDE A DUAL-FLUSH
20 TANK-TYPE WATER CLOSET.

21 (17) (I) “WATER COOLER” MEANS A FREESTANDING DEVICE THAT
22 USES ENERGY TO COOL OR HEAT POTABLE WATER.

23 (II) “WATER COOLER” INCLUDES:

24 1. COLD ONLY UNITS THAT DISPENSE ONLY COLD
25 WATER;

26 2. HOT AND COLD UNITS THAT DISPENSE BOTH HOT AND
27 COLD WATER;

1 **3. HOT AND COLD UNITS THAT DISPENSE HOT, COLD,**
2 **AND ROOM TEMPERATURE WATER;**

3 **4. COOK AND COLD UNITS THAT DISPENSE BOTH COLD**
4 **AND ROOM TEMPERATURE WATER; AND**

5 **5. STORAGE-TYPE UNITS THAT STORE THERMALLY**
6 **CONDITIONED WATER IN A TANK INSIDE THE WATER COOLER THAT IS AVAILABLE**
7 **INSTANTANEOUSLY, INCLUDING POINT-OF-USE, DRY STORAGE COMPARTMENT,**
8 **AND BOTTLED WATER COOLERS.**

9 **[(33)] (18)** “Widely available in Maryland” means a conforming product
10 available in the State from three or more manufacturers.

11 (b) (1) This section applies to the testing, certification, and enforcement of
12 efficiency standards for the following types of new products sold, offered for sale, or
13 installed in the State:

- 14 (i) **[**torchiere lighting fixtures;
15 (ii) unit heaters;
16 (iii) low-voltage dry-type distribution transformers;
17 (iv) ceiling fan light kits;
18 (v) red and green traffic signal modules;
19 (vi) illuminated exit signs;
20 (vii) commercial refrigeration cabinets;
21 (viii) large packaged air-conditioning equipment;
22 (ix) commercial clothes washers;
23 (x) bottle-type water dispensers;
24 (xi) commercial hot food holding cabinets;
25 (xii) metal halide lamp fixtures;
26 (xiii) residential furnaces;
27 (xiv) single-voltage external AC to DC power supplies;

- 1 (xv) state-regulated incandescent reflector lamps; and
- 2 (xvi) walk-in refrigerators and freezers] **ELECTRIC VEHICLE**
- 3 **SUPPLY EQUIPMENT;**
- 4 **(II) HIGH CRI FLUORESCENT LAMPS;**
- 5 **(III) PORTABLE ELECTRIC SPAS;**
- 6 **(IV) AIR PURIFIERS;**
- 7 **(V) COMMERCIAL DISHWASHERS;**
- 8 **(VI) COMMERCIAL STEAM COOKERS;**
- 9 **(VII) FAUCETS;**
- 10 **(VIII) RESIDENTIAL VENTILATING FANS;**
- 11 **(IX) SHOWERHEADS;**
- 12 **(X) SPRAY SPRINKLER BODIES;**
- 13 **(XI) URINALS;**
- 14 **(XII) WATER CLOSETS; AND**
- 15 **(XIII) WATER COOLERS.**
- 16 (2) This section does not apply to:
- 17 (i) new products manufactured in the State and sold outside the
- 18 State;
- 19 (ii) new products manufactured outside the State and sold at
- 20 wholesale inside the State for final retail sale and installation outside the State;
- 21 (iii) products installed in mobile manufactured homes at the time of
- 22 construction;
- 23 (iv) products designed expressly for installation and use in
- 24 recreational vehicles **OR MARINE VESSELS;** or
- 25 (v) [residential furnaces that use natural gas or propane and that
- 26 are installed as a replacement for a previously installed furnace] **PRODUCTS TO BE SOLD**

1 AT RETAIL THAT ARE IN STOCK AT THE RETAIL ESTABLISHMENT BEFORE THE
2 EFFECTIVE DATE OF ANY EFFICIENCY STANDARD REGULATION FOR THAT ITEM.

3 (C) (1) ON OR BEFORE JANUARY 1, 2022, THE ADMINISTRATION:

4 (I) SHALL REVIEW MINIMUM EFFICIENCY STANDARDS
5 REGULATIONS FOR THE NEW PRODUCTS SPECIFIED IN SUBSECTION (B)(1)(I)
6 THROUGH (III) OF THIS SECTION; AND

7 (II) MAY ADOPT NEW REGULATIONS ESTABLISHING MINIMUM
8 EFFICIENCY STANDARDS FOR THE NEW PRODUCTS SPECIFIED IN SUBSECTION
9 (B)(1)(I) THROUGH (III) OF THIS SECTION.

10 (2) BEGINNING OCTOBER 1, 2023, A NEW PRODUCT SPECIFIED IN
11 SUBSECTION (B)(1)(I) THROUGH (III) OF THIS SECTION MAY NOT BE SOLD OR
12 OFFERED FOR SALE IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT
13 MEETS OR EXCEEDS THE EFFICIENCY STANDARDS SPECIFIED IN REGULATIONS
14 ADOPTED, IF ANY, UNDER PARAGRAPH (1) OF THIS SUBSECTION.

15 (3) (I) THIS PARAGRAPH DOES NOT APPLY TO A PRODUCT THAT IS
16 SOLD BEFORE THE REGULATIONS ADOPTED, IF ANY, UNDER PARAGRAPH (1) OF THIS
17 SUBSECTION ARE IN EFFECT.

18 (II) BEGINNING OCTOBER 1, 2024, A NEW PRODUCT SPECIFIED
19 IN SUBSECTION (B)(1)(I) THROUGH (III) OF THIS SECTION MAY NOT BE INSTALLED
20 IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS
21 THE EFFICIENCY STANDARDS SPECIFIED IN REGULATIONS ADOPTED, IF ANY, UNDER
22 PARAGRAPH (1) OF THIS SUBSECTION.

23 (D) (1) (I) ON OR BEFORE JANUARY 1, 2022, THE ADMINISTRATION
24 SHALL ADOPT REGULATIONS ESTABLISHING MINIMUM EFFICIENCY STANDARDS FOR
25 THE NEW PRODUCTS SPECIFIED IN SUBSECTION (B)(1)(IV) THROUGH (XIII) OF THIS
26 SECTION.

27 (II) THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING
28 MINIMUM EFFICIENCY STANDARDS:

29 1. AIR PURIFIERS SHALL MEET THE FOLLOWING
30 REQUIREMENTS AS MEASURED IN ACCORDANCE WITH THE ENERGY STAR PROGRAM
31 REQUIREMENTS PRODUCT SPECIFICATION FOR ROOM AIR CLEANERS, VERSION
32 2.0:

33 A. THE CLEAN AIR DELIVERY RATE FOR SMOKE MUST BE

1 **30 OR GREATER;**

2 **B. FOR MODELS WITH A CLEAN AIR DELIVERY RATE FOR**
3 **SMOKE OF LESS THAN 100, THE CLEAN AIR DELIVERY RATE PER WATT FOR SMOKE**
4 **MUST BE GREATER THAN OR EQUAL TO 1.7;**

5 **C. FOR MODELS WITH A CLEAN AIR DELIVERY RATE FOR**
6 **SMOKE GREATER THAN OR EQUAL TO 100 AND LESS THAN 150, THE CLEAN AIR**
7 **DELIVERY RATE PER WATT FOR SMOKE MUST BE GREATER THAN OR EQUAL TO 1.9;**

8 **D. FOR MODELS WITH A CLEAN AIR DELIVERY RATE FOR**
9 **SMOKE GREATER THAN OR EQUAL TO 150, THE CLEAN AIR DELIVERY RATE PER**
10 **WATT FOR SMOKE MUST BE GREATER THAN OR EQUAL TO 2.0;**

11 **E. FOR OZONE-EMITTING MODELS, MEASURED OZONE**
12 **MUST BE LESS THAN OR EQUAL TO 50 PARTS PER BILLION;**

13 **F. FOR MODELS WITH A WI-FI NETWORK CONNECTION**
14 **ENABLED BY DEFAULT WHEN SHIPPED, PARTIAL ON-MODE POWER MAY NOT EXCEED**
15 **2 WATTS; AND**

16 **G. FOR MODELS WITHOUT A WI-FI NETWORK**
17 **CONNECTION ENABLED BY DEFAULT WHEN SHIPPED, PARTIAL ON-MODE POWER**
18 **MAY NOT EXCEED 1 WATT;**

19 **2. COMMERCIAL DISHWASHERS MUST MEET THE**
20 **APPLICABLE QUALIFICATION CRITERIA SPECIFIED IN THE ENERGY STAR PROGRAM**
21 **REQUIREMENTS PRODUCT SPECIFICATION FOR COMMERCIAL DISHWASHERS,**
22 **VERSION 2.0;**

23 **3. COMMERCIAL STEAM COOKERS MUST MEET THE**
24 **REQUIREMENTS SPECIFIED IN THE ENERGY STAR PROGRAM REQUIREMENTS**
25 **PRODUCT SPECIFICATION FOR COMMERCIAL STEAM COOKERS, VERSION 1.2;**

26 **4. FAUCETS MUST MEET THE FOLLOWING STANDARDS**
27 **WHEN TESTED IN ACCORDANCE WITH 10 C.F.R. § 430, SUBPART B, APPENDIX S,**
28 **COMPLIANCE WITH WHICH MUST BE VERIFIED BY USING THE UNIFORM TEST**
29 **METHOD FOR MEASURING THE WATER CONSUMPTION OF FAUCETS AND**
30 **SHOWERHEADS IN EFFECT ON JANUARY 1, 2020:**

31 **A. LAVATORY FAUCETS AND REPLACEMENT AERATORS**
32 **MUST NOT EXCEED A MAXIMUM FLOW RATE OF 1.5 GALLONS PER MINUTE AT 60**
33 **POUNDS PER SQUARE INCH;**

1 **B. RESIDENTIAL KITCHEN FAUCETS AND REPLACEMENT**
2 **AERATORS MUST NOT EXCEED A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE**
3 **AT 60 POUNDS PER SQUARE INCH, WITH OPTIONAL TEMPORARY FLOW OF 2.2**
4 **GALLONS PER MINUTE PROVIDED THE FAUCET DEFAULTS TO A MAXIMUM FLOW**
5 **RATE OF 1.8 GALLONS PER MINUTE AT 60 POUNDS PER SQUARE INCH AFTER EACH**
6 **USE; AND**

7 **C. PUBLIC LAVATORY FAUCETS AND REPLACEMENT**
8 **AERATORS MUST NOT EXCEED A MAXIMUM FLOW RATE OF 0.5 GALLONS PER MINUTE**
9 **AT 60 POUNDS PER SQUARE INCH;**

10 **5. RESIDENTIAL VENTILATING FANS MUST MEET THE**
11 **QUALIFICATION CRITERIA SPECIFIED IN THE ENERGY STAR PROGRAM**
12 **REQUIREMENTS PRODUCT SPECIFICATION FOR RESIDENTIAL VENTILATING FANS,**
13 **VERSION 4.1;**

14 **6. SHOWERHEADS MUST NOT EXCEED A MAXIMUM FLOW**
15 **RATE OF 2.0 GALLONS PER MINUTE AT 80 POUNDS PER SQUARE INCH WHEN TESTED**
16 **IN ACCORDANCE WITH 10 C.F.R. § 430, SUBPART B, APPENDIX S, COMPLIANCE**
17 **WITH WHICH MUST BE VERIFIED BY USING THE UNIFORM TEST METHOD FOR**
18 **MEASURING THE WATER CONSUMPTION OF FAUCETS AND SHOWERHEADS IN**
19 **EFFECT ON JANUARY 1, 2020;**

20 **7. SPRAY SPRINKLER BODIES THAT ARE NOT**
21 **SPECIFICALLY EXCLUDED FROM THE SCOPE OF THE WATERSENSE SPECIFICATION**
22 **FOR SPRAY SPRINKLER BODIES, VERSION 1.0 MUST INCLUDE AN INTEGRAL**
23 **PRESSURE REGULATOR AND MEET THE WATER EFFICIENCY, PERFORMANCE**
24 **CRITERIA, AND OTHER REQUIREMENTS SPECIFIED IN THE WATERSENSE**
25 **SPECIFICATION FOR SPRAY SPRINKLER BODIES, VERSION 1.0;**

26 **8. URINALS MUST HAVE A MAXIMUM FLUSH VOLUME OF**
27 **0.5 GALLONS PER FLUSH WHEN TESTED IN ACCORDANCE WITH 10 C.F.R. § 430,**
28 **SUBPART B, APPENDIX T, COMPLIANCE WITH WHICH MUST BE VERIFIED BY USING**
29 **THE UNIFORM TEST METHOD FOR MEASURING THE WATER CONSUMPTION OF**
30 **WATER CLOSETS AND URINALS IN EFFECT ON JANUARY 1, 2020;**

31 **9. WATER CLOSETS MUST HAVE A MAXIMUM FLUSH**
32 **VOLUME OF 1.28 GALLONS PER FLUSH WHEN TESTED IN ACCORDANCE WITH 10**
33 **C.F.R. § 430, SUBPART B, APPENDIX T, COMPLIANCE WITH WHICH MUST BE**
34 **VERIFIED BY USING THE UNIFORM TEST METHOD FOR MEASURING THE WATER**
35 **CONSUMPTION OF WATER CLOSETS AND URINALS AS IN EFFECT ON JANUARY 1,**
36 **2020; AND**

1 **10. WATER COOLERS INCLUDED IN THE SCOPE OF THE**
2 **ENERGY STAR PROGRAM'S WATER COOLERS SPECIFICATION, VERSION 2.0 MUST**
3 **HAVE AN ON MODE WITH NO WATER DRAW ENERGY CONSUMPTION THAT IS LESS**
4 **THAN OR EQUAL TO THE FOLLOWING VALUES AS MEASURED IN ACCORDANCE WITH**
5 **THE ON MODE WITH NO WATER DRAW TEST MODE SPECIFIED IN THE WATER**
6 **COOLERS SPECIFICATION:**

7 **A. 0.16 KILOWATT-HOURS PER DAY FOR COLD ONLY**
8 **UNITS AND COOK AND COLD UNITS;**

9 **B. 0.87 KILOWATT-HOURS PER DAY FOR STORAGE TYPE**
10 **HOT AND COLD UNITS; AND**

11 **C. 0.18 KILOWATT-HOURS PER DAY FOR ON-DEMAND**
12 **HOT AND COLD UNITS.**

13 **(2) BEGINNING MARCH 1, 2023, A NEW PRODUCT SPECIFIED IN**
14 **SUBSECTION (B)(1)(IV) THROUGH (XIII) OF THIS SECTION MAY NOT BE SOLD OR**
15 **OFFERED FOR SALE IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT**
16 **MEETS OR EXCEEDS THE EFFICIENCY STANDARDS SPECIFIED IN THE REGULATIONS**
17 **ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

18 **(3) (I) THIS PARAGRAPH DOES NOT APPLY TO A PRODUCT THAT IS**
19 **SOLD BEFORE THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS**
20 **SUBSECTION ARE IN EFFECT.**

21 **(II) BEGINNING JANUARY 1, 2024, A NEW PRODUCT SPECIFIED**
22 **IN SUBSECTION (B)(1)(IV) THROUGH (XIII) OF THIS SECTION MAY NOT BE INSTALLED**
23 **IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS**
24 **THE EFFICIENCY STANDARDS SPECIFIED IN THE REGULATIONS ADOPTED UNDER**
25 **PARAGRAPH (1) OF THIS SUBSECTION.**

26 **[(g)] (E) (1) By regulation, the Administration may clarify but not expand the**
27 **scope of the devices defined under subsections (a) and (b) of this section.**

28 **(2) On request of a Maryland business or consumer and after public notice**
29 **and comment, the Administration may delay the effective date of any standard under this**
30 **section by not more than 1 year if the Administration determines that products conforming**
31 **to the standard will not be widely available in Maryland by the applicable date stated in**
32 **subsections [(e)(1) and (f)(1), (2), and (3)] (C)(2) AND (3)(II) AND (D)(2) AND (3)(II) of this**
33 **section.**

34 **(3) The Administration may limit a delay under paragraph (2) of this**
35 **subsection to identifiable subcategories of any category of covered products.**

1 **[(h)] (F)** (1) The Administration may adopt regulations to increase the
2 efficiency standards for the products listed in subsection **[(b)(1)(x) through (xvi)] (B)(1)** of
3 this section.

4 (2) Every 2 years, the Administration shall consider and propose to the
5 General Assembly:

6 (i) new standards for products not specifically listed in subsection
7 (b)(1) of this section; and

8 (ii) revised, more stringent standards for products listed in
9 subsection (b)(1) of this section.

10 (3) In considering new or amended standards, the Administration shall
11 propose new or amended efficiency standards if it determines that any new or increased
12 efficiency standards would:

13 (i) serve to promote energy conservation in the State;

14 (ii) be life-cycle cost effective for consumers who purchase and use
15 the new products; and

16 (iii) be technologically feasible and economically justified.

17 (4) A new or increased efficiency standard may not become effective less
18 than 1 year after the adoption of that standard.

19 (5) Subject to paragraphs (6) and (7) of this subsection, the Administration
20 may apply for a waiver of federal preemption in accordance with federal procedures (42
21 U.S.C. § 6297(d)) for State efficiency standards for any product regulated by the federal
22 government.

23 (6) The Administration may apply for a waiver under paragraph (5) of this
24 subsection, if:

25 (i) at least 90 days before the day on which the application for the
26 waiver is submitted to the federal government, the Administration announces its intention
27 to submit the application by publication in the Maryland Register and writing to the
28 presiding officers of the General Assembly; and

29 (ii) at least 60 days before the day on which the application for the
30 waiver is submitted to the federal government, the Administration, after reasonable notice
31 other than publication in the Maryland Register, shall hold a public hearing on the
32 proposed application to receive public comment.

33 (7) The President of the Senate and the Speaker of the House of Delegates

1 may direct that the appropriate standing committees of the General Assembly hold
2 hearings on the proposed application for the waiver and provide comments to the
3 Administration.

4 **[(i)] (G)** (1) After public notice and comment, the Administration shall adopt
5 procedures by rule for testing the energy efficiency of the new products listed in subsection
6 (b)(1) of this section if testing procedures are not provided for in the Maryland Building
7 Performance Standards.

8 (2) The Administration may adopt updated test methods by regulation
9 when new versions of test methods become available or when an alternative test method
10 has been adopted by another state or the federal government.

11 (3) The Administration shall use appropriate nationally recognized test
12 methods such as those approved by the United States Department of Energy.

13 (4) The manufacturers of new products listed in subsection (b)(1) of this
14 section shall cause samples of their products to be tested in accordance with the test
15 procedures adopted under this subsection or those specified in the Maryland Building
16 Performance Standards.

17 **[(j)] (H)** (1) **[Except for those products listed in subsection (b)(1)(xiv) and**
18 **(xvi) of this section, manufacturers]** **MANUFACTURERS** of new products listed in
19 subsection (b)(1) of this section shall certify to the Administration that the products are in
20 compliance with the provisions of this section.

21 (2) (i) The Administration shall adopt regulations governing the
22 certification of new products and may coordinate with the certification programs of other
23 states with similar standards **OR NATIONAL VOLUNTARY CERTIFICATION PROGRAMS.**

24 (ii) Any manufacturer that has certified a product to another state
25 **[or to],** the federal Energy Star Program, **OR THE FEDERAL WATERSENSE PROGRAM**
26 may provide the Administration with a copy of the certification that the manufacturer made
27 to the other state or agency in place of a separate certification to the State of Maryland,
28 provided that:

29 1. the other state's standards or the Energy Star **OR**
30 **WATERSENSE** specifications are equivalent to or more stringent than the standards of the
31 State of Maryland; and

32 2. all information required by the regulations adopted under
33 subparagraph (i) of this paragraph is included in the certification.

34 **[(k)] (I)** (1) **[Manufacturers of new products listed in subsection (b)(1) of this**
35 **section shall identify each product offered through retailers for sale or installation in the**
36 **State as in compliance with the minimum efficiency standards established under**

1 subsection (c) of this section by means of a mark, label, or tag on the product or packaging
2 at the time of sale or installation.

3 (2) (i)] The Administration shall adopt regulations governing the
4 identification of such products or packaging which shall be coordinated to the greatest
5 practical extent with the labeling programs and requirements of other states and federal
6 agencies with equivalent efficiency standards.

7 [(ii)] (2) If a national efficiency standard is established by federal
8 law or regulation for a product listed in subsection (b) of this section, the labeling
9 requirements set forth in COMAR [14.26.03.10] **14.26.03.11** do not apply to that product.

10 [(iii)] (3) In accordance with COMAR [14.26.03.10] **14.26.03.11**,
11 all display models of products shall be displayed with a mark, label, or tag on the product.

12 [(l)] (J) (1) The Administration may test products listed in subsection (b)(1)
13 of this section using an accredited testing facility.

14 (2) If products tested are found not to be in compliance with the minimum
15 efficiency standards established under subsections (c) and (d) of this section, the
16 Administration shall:

17 (i) charge the manufacturer of the product for the cost of product
18 purchase and testing; and

19 (ii) make information available to the public on products found not
20 to be in compliance with the standards.

21 [(m)] (K) (1) With prior notice and at reasonable and convenient hours, the
22 Administration may make periodic inspections of distributors or retailers of new products
23 listed in subsection (b)(1) of this section in order to determine compliance with the
24 provisions of this section.

25 (2) The Administration shall coordinate with the Department of Housing
26 and Community Development **AND THE MARYLAND DEPARTMENT OF LABOR** regarding
27 inspections, prior to occupancy, of newly constructed buildings containing new products
28 that are also covered by the Maryland Building Performance Standards.

29 [(n)] (L) (1) The Administration may investigate complaints received
30 concerning violations of this section and shall report the results of an investigation to the
31 Attorney General.

32 (2) The Attorney General may institute proceedings to enforce the
33 provisions of this section.

34 (3) A manufacturer, distributor, or retailer of new products listed in

1 subsection (b)(1) of this section that violates any provision of this section shall be issued a
2 warning by the Administration for a first violation.

3 (4) Repeat violators shall be subject to a civil penalty of not more than
4 \$250.

5 (5) Each violation of this section shall constitute a separate offense and
6 each day that a violation continues shall constitute a separate offense.

7 (6) Penalties assessed under this subsection are in addition to costs
8 assessed under subsection [(1)(2)(i)] **(J)(2)(I)** of this section.

9 (7) Penalties assessed under this subsection shall be paid into the General
10 Fund of the State.

11 **(M) (1) IF A PRODUCT EFFICIENCY STANDARD DEVELOPED IN**
12 **ACCORDANCE WITH THE FEDERAL ENERGY POLICY AND CONSERVATION ACT OR 10**
13 **C.F.R. §§ 430 OR 431 WAS APPROVED FOR PUBLICATION BY THE U.S. DEPARTMENT**
14 **OF ENERGY ON OR BEFORE JANUARY 1, 2018, AND THE STANDARD IS**
15 **SUBSEQUENTLY WITHDRAWN, REPEALED, OR OTHERWISE VOIDED, THE MINIMUM**
16 **EFFICIENCY STANDARD FOR THAT PRODUCT IS THE PREVIOUSLY APPLICABLE**
17 **FEDERAL STANDARD.**

18 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO ANY**
19 **FEDERAL ENERGY OR WATER CONSERVATION STANDARD SET ASIDE BY A COURT OF**
20 **COMPETENT JURISDICTION.**

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2021.