

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB23-1161 be amended as follows:

1 Amend printed bill, page 4, after line 6 insert:

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

5 Page 4, line 7, strike "(2)" and substitute "(2) (3)".

6 Renumber succeeding subsections accordingly.

7 Page 4, line 9, strike ""ANSI/APSP/ICC-14-2019"" and substitute
8 ""ANSI/APSP/ICC-14"".

9 Page 4, line 17, strike ""ANSI C79.1-2002"" and substitute ""ANSI
10 C79.1"".

11 Page 4, strike lines 19 through 21 and substitute: "Lamps". ~~approved~~
12 ~~September 16, 2002.~~".

13 Renumber succeeding subsections accordingly.

14 Page 8, after line 19 insert:

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

19 Renumber succeeding subsections accordingly.

20 Page 12, strike lines 14 through 18 and substitute:

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
28 SOIL MOISTURE SENSOR MECHANISM; AND

29 (b) A WEATHER-BASED IRRIGATION CONTROLLER THAT USES

1 CURRENT WEATHER DATA AS A BASIS FOR SCHEDULING IRRIGATION.".

2 Page 16, strike lines 10 through 13 and substitute:

3 "(61) "SMART THERMOSTAT" MEANS A THERMOSTAT THAT:
4 (a) IS ENABLED FOR WIRELESS CONNECTIVITY;
5 (b) ALLOWS THE USER TO CONTROL HOME HEATING AND COOLING
6 TEMPERATURE SETTINGS FROM A COMPUTER OR FROM A PHONE, A TABLET,
7 OR ANOTHER COMPUTER-ENABLED DEVICE; AND
8 (c) CAN AUTOMATICALLY ADJUST HEATING AND COOLING
9 TEMPERATURE SETTINGS BASED ON USER PREFERENCES, DAILY
10 SCHEDULES, WEATHER CONDITIONS, OCCUPANCY, OR OPTIMAL ENERGY
11 SAVINGS.".

12 Page 16, line 15, strike "sprinkler," and substitute "sprinkler DESIGNED
13 AND INTENDED FOR NONAGRICULTURAL USES,".

14 Page 18, strike lines 7 through 10.

15 Page 18, strike lines 25 and 26 and substitute "(1)(i), (1)(o), (1)(p), and
16 (2)(c); **repeal** (1)(a) and (1)(h); and **add** (1)(a.3), (1)(a.6), (1)(d.5),
17 (1)(f.2), (1)(f.5), (1)(j.5), (1)(j.7),".

18 Page 19, strike line 15.

19 Page 19, line 20, after "and" add "THERMOSTATS;".

20 Page 20, strike line 16 and substitute "(1), (3) introductory portion, (3)(a),
21 (3)(b), (3)(c), (3)(d), (3)(h), (3)(i), (3)(j), (3)(k), and (3)(m) introductory
22 portion; **repeal**".

23 Page 21, strike lines 1 through 8 and substitute:

24 "(a) (I) A PRIVATE LAVATORY FAUCET.
25 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JANUARY 1,
26 2025.
27 (b) A PUBLIC LAVATORY FAUCET;
28 (c) A SHOWERHEAD;
29 (d) (I) A URINAL.
30 (II) THIS SUBSECTION (1)(d) IS REPEALED, EFFECTIVE JANUARY 1,
31 2025.
32 (e) A WATER CLOSET.".

1 Page 21, after line 19 insert:

2 "(a) Commercial dishwashers included in the scope of the Energy
3 Star program ~~requirements~~ product specification for commercial
4 dishwashers ~~version 2.0~~, must meet the qualification criteria of that
5 specification.

6 (b) Commercial fryers included in the scope of the Energy Star
7 program ~~requirements~~ product specification for commercial fryers ~~version~~
8 ~~2.0~~, must meet the qualification criteria of that specification.".

9 Page 21, line 26, strike "requirements" and substitute "**requirements**".

10 Page 22, strike line 2 and substitute "2025.

11 (d) Commercial steam cookers must meet the requirements of the
12 Energy Star program ~~requirements~~ product specification for commercial
13 steam cookers. ~~version 1.2~~".

14 Page 22, strike lines 14 through 26 and substitute "2025.

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

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

21 (k) (I) Spray sprinkler bodies that are not specifically excluded
22 from the scope of the WaterSense PROGRAM PRODUCT specification for
23 spray sprinkler bodies,".

24 Page 23, strike line 4 and substitute "2025."

25 Page 23, after line 14 insert:

26 "(m) Water coolers included in the scope of the Energy Star
27 program ~~requirements~~ product specification for water coolers ~~version 2.0~~,
28 must have an "on" mode with no-water-draw energy consumption less
29 than or equal to the following values as measured in accordance with the
30 test requirements of that program:".

31 Page 23, line 26, strike "2024," and substitute "2025,".

32 Page 24 strike lines 5 through 20 and substitute "THE CERTIFICATION
33 REQUIREMENTS OF THE ENERGY STAR PROGRAM PRODUCT SPECIFICATION
34 FOR ROOM AIR CLEANERS.

1 (b) COMMERCIAL HOT FOOD HOLDING CABINETS MUST MEET THE
2 QUALIFICATION CRITERIA OF THE ENERGY STAR PROGRAM PRODUCT
3 SPECIFICATION FOR COMMERCIAL HOT FOOD HOLDING CABINETS.

4 (c) COMMERCIAL OVENS INCLUDED IN THE SCOPE OF THE ENERGY
5 STAR PROGRAM PRODUCT SPECIFICATION FOR COMMERCIAL OVENS MUST
6 MEET THE QUALIFICATION CRITERIA OF THAT SPECIFICATION.

7 (d) ELECTRIC STORAGE WATER HEATERS MUST HAVE A MODULAR
8 DEMAND RESPONSE COMMUNICATIONS PORT COMPLIANT WITH AHRI
9 1430.".

10 Page 24, line 22, strike "REQUIREMENTS".

11 Page 24, line 23, strike "EQUIPMENT, VERSION 1.0," and substitute
12 "EQUIPMENT".

13 Page 25, strike lines 2 through 25 and substitute "EXTINGUISHED OR MUST
14 PREVENT ANY IGNITION SOURCE FOR THE MAIN GAS BURNER FLAME FROM
15 OPERATING CONTINUOUSLY FOR MORE THAN SEVEN DAYS FROM THE LAST
16 USE OF THE MAIN GAS BURNER;

17 (II) DECORATIVE GAS FIREPLACES MUST HAVE A DIRECT VENT OR
18 POWER VENT CONFIGURATION, UNLESS THE DECORATIVE GAS FIREPLACE
19 IS MARKED FOR REPLACEMENT USE ONLY OR OUTDOOR USE ONLY OR IS A
20 GAS LOG SET; AND

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

32 (h) IRRIGATION CONTROLLERS MUST COMPLY WITH THE
33 FOLLOWING REQUIREMENTS:

34 (I) WEATHER-BASED IRRIGATION CONTROLLERS INCLUDED WITHIN
35 THE SCOPE OF THE WATERSENSE PROGRAM PRODUCT SPECIFICATION FOR
36 WEATHER-BASED IRRIGATION CONTROLLERS MUST MEET THE WATER".

37 Strike page 26.

38 Page 27, strike line 1 and substitute:

1 "(II) SOIL MOISTURE-BASED IRRIGATION CONTROLLERS INCLUDED
2 WITHIN THE SCOPE OF THE WATERSENSE PROGRAM PRODUCT
3 SPECIFICATION FOR SOIL MOISTURE-BASED IRRIGATION CONTROLLERS
4 MUST MEET THE WATER EFFICIENCY AND PERFORMANCE CRITERIA AND
5 OTHER REQUIREMENTS FOR THAT SPECIFICATION.

6 (i) PRIVATE LAVATORY FAUCETS, TUB SPOUT DIVERTERS,
7 SHOWERHEAD TUB SPOUT DIVERTER COMBINATIONS, AND URINALS MUST
8 MEET THE REQUIREMENTS IN 20 CCR SEC. 1605.3, AS MEASURED IN
9 ACCORDANCE WITH THE TEST METHODS PRESCRIBED IN 20 CCR SEC. 1604,
10 AS AMENDED.

11 (j) RESIDENTIAL WINDOWS, RESIDENTIAL DOORS, AND RESIDENTIAL
12 SKYLIGHTS INCLUDED IN THE SCOPE OF THE ENERGY STAR PROGRAM
13 PRODUCT SPECIFICATION FOR RESIDENTIAL WINDOWS, DOORS, AND
14 SKYLIGHTS MUST SATISFY THE NORTHERN".

15 Page 27, after line 6 insert:

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

22 (l) THERMOSTATS MUST BE PROGRAMMABLE THERMOSTATS OR
23 SMART THERMOSTATS.".

24 Page 27, strike lines 9 through 20 and substitute:

25 **"6-7.5-106. New and revised standards - rules.** (1) The
26 executive director may adopt by rule a more recent version of any
27 standard or test method established in section 6-7.5-105, including any
28 product definition associated with the standard or test method, in order to
29 maintain or improve consistency with other comparable standards in other
30 states, so long as the resulting efficiency is equal to or greater than the
31 efficiency achieved using the prior standard or test method. The executive
32 director shall allow at least a one-year delay between the adoption by rule
33 and the enforcement of any new standard or test method.".

34 Page 27, line 27, strike "STATES." and substitute "STATES OR ARE
35 PUBLISHED IN FINALIZED FORM BY THE ENERGY STAR PROGRAM OR THE
36 WATERSENSE PROGRAM.".

37 Page 28, strike lines 1 through 8 and substitute:

1 "(3) AFTER JANUARY 1, 2025, THE EXECUTIVE DIRECTOR SHALL
2 ALLOW A ONE-YEAR GRACE PERIOD AFTER ANY STANDARD, STANDARD
3 VERSION, DEFINITION, OR TEST METHOD REFERENCED IN THIS ARTICLE 7.5
4 IS UPDATED, DURING WHICH TIME A PRODUCT MAY MEET EITHER THE
5 PREVIOUS STANDARD OR THE UPDATED STANDARD, STANDARD VERSION,
6 DEFINITION, OR TEST METHOD, AS APPLICABLE.

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

9 **6-7.5-109. Testing, certification, labeling, and enforcement -**
10 **rules - verifications of compliance - publication of material**
11 **incorporated by".**

12 Page 28, strike lines 17 through 20 and substitute:

13 "(3) ON OR BEFORE JANUARY 1, 2025, THE EXECUTIVE DIRECTOR".

14 Page 28, strike lines 26 and 27.

15 Page 29, strike lines 1 through 14 and substitute:

16 "(4) THE EXECUTIVE DIRECTOR SHALL:

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

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

23 (c) DELIVER A REPORT ON THE METHOD AND FINDINGS OF THE
24 VERIFICATIONS TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
25 HOUSE OF REPRESENTATIVES AND TO THE TRANSPORTATION AND ENERGY
26 COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, AND
27 POST THE REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND
28 ENVIRONMENT'S WEBSITE WITHIN ONE MONTH AFTER ITS COMPLETION;
29 AND

30 (d) DELIVER ANY FINDINGS OF VIOLATIONS TO THE ATTORNEY
31 GENERAL.

32 (5) ON OR BEFORE JANUARY 1, 2025, THE EXECUTIVE DIRECTOR".

33 Page 35, strike lines 15 through 27.

34 Page 36, strike lines 1 through 9 and substitute:

35 **"25-5-1405. Prohibited lamps.** (1) ON AND AFTER JANUARY 1,

1 2025, A PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OR OFFER
2 FOR SALE IN COLORADO ANY:

3 (a) LINEAR FLUORESCENT LAMP; OR
4 (b) COMPACT FLUORESCENT LAMP.

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

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

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

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

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

23 Page 36, line 10, strike "2024," and substitute "2025,".

24 Page 38, after line 4 insert:

25 "(e) MITIGATE THE EFFECTS OF CLIMATE CHANGE;".

26 Reletter succeeding paragraphs accordingly.

27 Page 38, strike lines 12 through 15 and substitute:

28 "(1) (a) "BOILER" MEANS A DEVICE THAT HEATS WATER BY
29 COMBUSTION OF FUEL OR THROUGH THE USE OF ELECTRICITY AND FROM
30 WHICH THE HEATED WATER EXITS FOR USE IN VARIOUS PROCESSES OR
31 HEATING APPLICATIONS.

32 (b) "BOILER" DOES NOT INCLUDE A STEAM BOILER.".

33 Page 38, after line 19 insert:

34 "(3) "ENERGY STAR PROGRAM" HAS THE MEANING SET FORTH IN
35 SECTION 6-7.5-102 (24).".

- 1 Renumber succeeding subsections accordingly.
- 2 Page 38, strike lines 24 through 26 and substitute "SPACE HEATER THAT
3 PROVIDES".
- 4 Page 38, line 27, strike "(b) PROVIDES".
- 5 Page 40, line 7, strike "SECTION," and substitute "SECTION AND AS
6 MODIFIED BY RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OR THE
7 COMMISSION PURSUANT TO SECTION 25-7-1506,".
- 8 Page 40, line 27, strike "OR".
- 9 Page 41, strike lines 1 through 21 and substitute:
 - 10 "(d) PRODUCTS THAT DO NOT BURN FOSSIL FUELS; OR
 - 11 (e) PRODUCTS THAT ARE CERTIFIED TO THE ENERGY STAR
12 PROGRAM PRODUCT SPECIFICATION FOR WATER HEATERS, BOILERS, OR
13 FAN-TYPE CENTRAL FURNACES.
- 14 **25-7-1504. Emission standards for new products.** (1) ON AND
15 AFTER JANUARY 1, 2025, EXCEPT AS DESCRIBED IN SECTION 25-7-1506, A
16 PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OFFER FOR SALE,
17 LEASE, OR OFFER FOR LEASE IN COLORADO ANY OF THE FOLLOWING NEW
18 PRODUCTS UNLESS THE EMISSIONS OF THE PRODUCT DO NOT EXCEED THE
19 FOLLOWING EMISSIONS LIMITS, AS APPLICABLE:
 - 20 (a) TEN NANOGRAMS OF NO_X PER JOULE FOR WATER HEATERS AND
21 BOILERS WITH A RATED HEAT INPUT CAPACITY OF UP TO SEVENTY-FIVE
22 THOUSAND BTUs PER HOUR AND FOR ANY UNIT WITH POWER ASSIST;
 - 23 (b) FOURTEEN NANOGRAMS OF NO_X PER JOULE FOR WATER
24 HEATERS AND BOILERS WITH A RATED HEAT INPUT CAPACITY OF MORE
25 THAN SEVENTY-FIVE THOUSAND AND LESS THAN TWO MILLION BTUs PER
26 HOUR; OR
 - 27 (c) FOURTEEN NANOGRAMS OF NO_X PER JOULE FOR FAN-TYPE
28 CENTRAL FURNACES.".
- 29 Page 42, strike line 21 and substitute "EACH MODEL BY EITHER:".
- 30 Page 42, strike line 27 and substitute "PART 15; OR".
- 31 Page 43, strike lines 5 through 27.
- 32 Page 44, strike lines 1 through 17 and substitute "DESCRIBED IN THIS PART
33 15.

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

8 (2) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AS
9 NECESSARY TO ENSURE THE PROPER IMPLEMENTATION AND ENFORCEMENT
10 OF THIS PART 15.

11 (3) ON OR BEFORE JANUARY 1, 2030, THE EXECUTIVE DIRECTOR
12 SHALL CONDUCT AN ANALYSIS TO DETERMINE WHETHER STATEWIDE
13 GREENHOUSE GAS EMISSIONS FROM WATER HEATERS, BOILERS, AND
14 FAN-TYPE CENTRAL FURNACES ARE DECLINING IN COMPARISON TO
15 EMISSION LEVELS IN 2023 IN A MANNER THAT COMPORTS WITH THE
16 STATEWIDE GREENHOUSE GAS REDUCTION GOALS SET FORTH IN SECTION
17 25-7-102 (2)(g). UNLESS THE ANALYSIS DETERMINES THAT THE EMISSIONS
18 TRAJECTORY IS CONSISTENT WITH ACHIEVING THE STATEWIDE
19 GREENHOUSE GAS REDUCTION GOALS, THE EXECUTIVE DIRECTOR SHALL
20 PROPOSE TO THE COMMISSION RULES TO BRING THE EMISSION LEVELS IN
21 LINE WITH THE REDUCTION GOALS. THE EXECUTIVE DIRECTOR SHALL
22 ENSURE THAT SUCH RULES:

23 (a) TAKE INTO ACCOUNT ANY EMISSION STANDARDS THAT ARE IN
24 EFFECT OR UNDER DEVELOPMENT IN OTHER JURISDICTIONS OR AT THE
25 FEDERAL LEVEL FOR NEW WATER HEATERS, BOILERS, AND FAN-TYPE
26 CENTRAL FURNACES;
27 (b) ARE ACHIEVABLE WITH AVAILABLE TECHNOLOGY; AND
28 (c) DO NOT PLACE AN UNDUE COST BURDEN ON CONSUMERS.

29 **25-7-1507. Enforcement - verifications of compliance - civil
30 action by attorney general - penalties.** (1) THE EXECUTIVE DIRECTOR
31 SHALL:

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

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

38 (c) DELIVER A REPORT ON THE METHOD AND FINDINGS OF THE
39 VERIFICATIONS TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
40 HOUSE OF REPRESENTATIVES AND TO THE TRANSPORTATION AND ENERGY
41 COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, AND
42 POST THE REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND
43 ENVIRONMENT'S WEBSITE WITHIN ONE MONTH AFTER ITS COMPLETION;

1 AND

2 (d) DELIVER ANY FINDINGS OF VIOLATIONS TO THE ATTORNEY
3 GENERAL.".

4 Page 44, line 18, strike "2024," and substitute "2025,".

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