

## CHAPTER 356

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**CONSUMER AND COMMERCIAL TRANSACTIONS**

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**HOUSE BILL 19-1231**

BY REPRESENTATIVE(S) Froelich and Kipp, Benavidez, Jaquez Lewis, Melton, Mullica, Titone, Valdez A., Arndt, Bird, Buentello, Cutter, Gray, Hooton, Kennedy, Michaelson Jenet, Roberts, Snyder, Weissman, Becker, Buckner, Duran, Galindo, Jackson, Lontine, Sirota;  
also SENATOR(S) Lee and Priola, Ginal, Story, Winter.

**AN ACT**

**CONCERNING EFFICIENCY STANDARDS FOR EQUIPMENT SOLD IN COLORADO, AND, IN CONNECTION THEREWITH, REQUIRING CERTAIN APPLIANCES, PLUMBING FIXTURES, AND OTHER PRODUCTS SOLD FOR RESIDENTIAL OR COMMERCIAL USE TO MEET ENERGY EFFICIENCY AND WATER EFFICIENCY STANDARDS.**

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

**SECTION 1.** In Colorado Revised Statutes, **repeal and reenact, with amendments**, article 7.5 of title 6 as follows:

**ARTICLE 7.5**  
**Water and Energy Efficiency Standards**

**6-7.5-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND DETERMINES THAT EFFICIENCY STANDARDS FOR CERTAIN PRODUCTS SOLD IN COLORADO:

(a) ASSURE CONSUMERS AND BUSINESSES THAT SUCH PRODUCTS MEET MINIMUM EFFICIENCY PERFORMANCE LEVELS, THUS REDUCING ENERGY AND WATER WASTE AND SAVING CONSUMERS AND BUSINESSES MONEY ON UTILITY BILLS;

(b) PROTECT CONSUMERS AND BUSINESSES AGAINST MANUFACTURERS WHO WOULD OTHERWISE SELL, IN COLORADO, LESS EFFICIENT APPLIANCES THAT THEY CANNOT SELL IN STATES THAT HAVE HIGHER STANDARDS;

(c) SAVE ENERGY AND THUS REDUCE POLLUTION AND OTHER ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PRODUCTION, DISTRIBUTION, AND USE OF

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

ELECTRICITY, NATURAL GAS, AND OTHER FUELS;

(d) IMPROVE ELECTRIC SYSTEM RELIABILITY AND POTENTIALLY REDUCE THE NEED FOR NEW ENERGY AND WATER INFRASTRUCTURE BASED ON THE RESULTING ENERGY AND WATER SAVINGS;

(e) APPLY TO PRODUCTS AVAILABLE AT A PRICE EQUAL TO OR LESS THAN NONCOMPLIANT PRODUCTS, OR AVAILABLE AT A MINIMAL COST PREMIUM;

(f) HAVE SAVED COLORADANS BILLIONS OF GALLONS OF WATER SINCE 2014, WHEN WATERSENSE STANDARDS WERE ENACTED FOR PLUMBING FIXTURES, WITHOUT SACRIFICING QUALITY OR PRODUCT PERFORMANCE; AND

(g) CONTRIBUTE TO THE ECONOMY OF THIS STATE BY HELPING TO BETTER BALANCE SUPPLY AND DEMAND FOR BOTH ENERGY AND WATER, THUS REDUCING THE UPWARD PRESSURE ON PRICES FOR ELECTRICITY, NATURAL GAS, AND WATER CAUSED BY INCREASED DEMAND. IN ADDITION, EFFICIENCY STANDARDS ALLOW CONSUMERS AND BUSINESSES TO USE THE MONEY THEY SAVE ON UTILITY BILLS TO PURCHASE LOCAL GOODS AND SERVICES.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE ADOPTION OF ENERGY AND WATER EFFICIENCY STANDARDS IN ACCORDANCE WITH THIS ARTICLE 7.5 IS A MATTER OF STATE AND LOCAL CONCERN AND SERVES THE PUBLIC INTEREST OF THE PEOPLE OF COLORADO.

**6-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AIR COMPRESSOR" MEANS A COMPRESSOR THAT:

(a) IS DESIGNED TO COMPRESS AIR;

(b) HAS AN INLET THAT IS OPEN TO THE ATMOSPHERE OR OTHER SOURCE OF AIR; AND

(c) CONSISTS OF A COMPRESSION ELEMENT, ALSO KNOWN AS A BARE COMPRESSOR; ONE OR MORE DRIVERS; MECHANICAL EQUIPMENT TO DRIVE THE COMPRESSION ELEMENT; AND ANY ANCILLARY EQUIPMENT.

(2) "ANSI" MEANS THE AMERICAN NATIONAL STANDARDS INSTITUTE OR ITS SUCCESSOR ORGANIZATION.

(3) "ANSI C79.1-2002" MEANS THE ANSI STANDARD FOR "ELECTRIC LAMPS - NOMENCLATURE FOR GLASS BULBS INTENDED FOR USE WITH ELECTRIC LAMPS", APPROVED SEPTEMBER 16, 2002.

(4) "APSP" MEANS THE ASSOCIATION OF POOL AND SPA PROFESSIONALS OR ITS SUCCESSOR ORGANIZATION.

(5) "CCR" MEANS THE CALIFORNIA CODE OF REGULATIONS, AS AMENDED.

(6) "COLD-ONLY UNIT" MEANS A WATER COOLER THAT DISPENSES COLD WATER ONLY.

(7) "COMMERCIAL DISHWASHER" MEANS A MACHINE DESIGNED TO CLEAN AND SANITIZE PLATES, POTS, PANS, GLASSES, CUPS, BOWLS, UTENSILS, AND TRAYS BY APPLYING SPRAYS OF DETERGENT SOLUTION, WITH OR WITHOUT BLASTING MEDIA GRANULES, AND A SANITIZING RINSE.

(8) "COMMERCIAL FRYER" MEANS AN APPLIANCE, INCLUDING A COOKING VESSEL, IN WHICH:

(a) OIL IS PLACED TO SUCH A DEPTH THAT THE FOOD TO BE COOKED IS ESSENTIALLY SUPPORTED BY DISPLACEMENT OF THE COOKING FLUID RATHER THAN BY THE BOTTOM OF THE VESSEL; AND

(b) HEAT IS DELIVERED TO THE COOKING FLUID BY MEANS OF EITHER:

(I) AN IMMERSED ELECTRIC ELEMENT OR BAND-WRAPPED VESSEL; OR

(II) HEAT TRANSFER FROM GAS BURNERS THROUGH EITHER THE WALLS OF THE VESSEL OR TUBES PASSING THROUGH THE COOKING FLUID.

(9) "COMMERCIAL HOT FOOD HOLDING CABINET" MEANS A HEATED, FULLY ENCLOSED COMPARTMENT WITH ONE OR MORE SOLID OR TRANSPARENT DOORS DESIGNED TO MAINTAIN THE TEMPERATURE OF HOT FOOD THAT HAS BEEN COOKED USING A SEPARATE APPLIANCE. "COMMERCIAL HOT FOOD HOLDING CABINET" DOES NOT INCLUDE HEATED GLASS MERCHANDISING CABINETS, DRAWER WARMERS, OR COOK AND HOLD APPLIANCES.

(10) "COMMERCIAL STEAM COOKER" MEANS A DEVICE WITH ONE OR MORE FOOD-STEAMING COMPARTMENTS IN WHICH THERMAL ENERGY IS TRANSFERRED FROM THE STEAM TO THE FOOD BY DIRECT CONTACT. "COMMERCIAL STEAM COOKER" INCLUDES COUNTERTOP MODELS, WALL-MOUNTED MODELS, AND FLOOR MODELS MOUNTED ON A STAND, PEDESTAL, OR CABINET-STYLE BASE.

(11) "COMPENSATION" MEANS MONEY OR ANY OTHER THING OF VALUE, REGARDLESS OF FORM, RECEIVED OR TO BE RECEIVED BY A PERSON FOR GOODS OR SERVICES RENDERED.

(12) "COMPRESSOR" MEANS A MACHINE OR APPARATUS THAT CONVERTS DIFFERENT TYPES OF ENERGY INTO THE POTENTIAL ENERGY OF GAS PRESSURE FOR DISPLACEMENT AND COMPRESSION OF GASEOUS MEDIA TO ANY HIGHER PRESSURE VALUES ABOVE ATMOSPHERIC PRESSURE AND HAS A PRESSURE RATIO AT FULL-LOAD OPERATING PRESSURE GREATER THAN 1.3 ATMOSPHERES.

(13) "COMPUTER" AND "COMPUTER MONITOR" HAVE THE MEANINGS SET FORTH IN 20 CCR SEC. 1602 (v).

(14) "COOK AND COLD UNIT" MEANS A WATER COOLER THAT DISPENSES BOTH COLD AND ROOM-TEMPERATURE WATER.

(15) "ENERGY STAR PROGRAM" MEANS THE FEDERAL PROGRAM AUTHORIZED BY 42 U.S.C. SEC. 6294a, AS AMENDED.

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

(17) "FAUCET" MEANS:

(a) A LAVATORY FAUCET, KITCHEN FAUCET, METERING FAUCET, OR PUBLIC LAVATORY FAUCET; AND

(b) A REPLACEMENT AERATOR FOR A LAVATORY FAUCET, PUBLIC LAVATORY FAUCET, OR KITCHEN FAUCET.

(18) "FLUSHOMETER-VALVE WATER CLOSET" MEANS A TYPE OF COMMERCIAL TOILET THAT USES A VALVE FOR FLUSHING BY OPERATION OF A HANDLE THAT DISCHARGES A DEFINITE QUANTITY OF WATER UNDER PRESSURE DIRECTLY INTO THE FIXTURE.

(19) "GENERAL SERVICE LAMP":

(a) MEANS A LAMP THAT:

(I) HAS A BASE THAT COMPLIES WITH ANSI STANDARDS;

(II) IS ABLE TO OPERATE AT A VOLTAGE:

(A) OF TWELVE OR TWENTY-FOUR VOLTS;

(B) AT OR BETWEEN ONE HUNDRED AND ONE HUNDRED THIRTY VOLTS;

(C) AT OR BETWEEN TWO HUNDRED TWENTY AND TWO HUNDRED FORTY VOLTS;  
OR

(D) OF TWO HUNDRED SEVENTY-SEVEN VOLTS FOR INTEGRATED LAMPS OR ANY VOLTAGE FOR NONINTEGRATED LAMPS;

(III) HAS AN INITIAL LUMEN OUTPUT GREATER THAN OR EQUAL TO THREE HUNDRED TEN LUMENS, OR TWO HUNDRED THIRTY-TWO LUMENS FOR MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS, AND LESS THAN OR EQUAL TO THREE THOUSAND THREE HUNDRED LUMENS;

(IV) IS NOT A LIGHT FIXTURE OR AN LED DOWNLIGHT RETROFIT KIT; AND

(V) IS USED IN GENERAL LIGHTING APPLICATIONS;

(b) INCLUDES GENERAL SERVICE INCANDESCENT LAMPS, COMPACT FLUORESCENT LAMPS, GENERAL SERVICE LED LAMPS, AND GENERAL SERVICE ORGANIC LED LAMPS;

(c) DOES NOT INCLUDE:

(I) APPLIANCE LAMPS;

(II) BLACK LIGHT LAMPS;

(III) BUG LAMPS;

(IV) COLORED LAMPS;

(V) G-SHAPE LAMPS WITH A DIAMETER OF FIVE INCHES OR MORE AS DEFINED IN ANSI C79.1-2002;

(VI) GENERAL SERVICE FLUORESCENT LAMPS;

(VII) HIGH-INTENSITY DISCHARGE LAMPS;

(VIII) INFRARED LAMPS;

(IX) J, JC, JCD, JCS, JCV, JCX, JD, JS, AND JT-SHAPE LAMPS THAT DO NOT HAVE EDISON SCREW BASES;

(X) LAMPS THAT HAVE A WEDGE BASE OR PREFOCUS BASE;

(XI) LEFT-HAND THREAD LAMPS;

(XII) MARINE LAMPS;

(XIII) MARINE SIGNAL SERVICE LAMPS;

(XIV) MINE SERVICE LAMPS;

(XV) MR-SHAPE LAMPS THAT:

(A) HAVE A FIRST NUMBER SYMBOL EQUAL TO SIXTEEN (DIAMETER EQUAL TO TWO INCHES), AS DEFINED IN ANSI C79.1-2002;

(B) OPERATE AT TWELVE VOLTS; AND

(C) HAVE A LUMEN OUTPUT GREATER THAN OR EQUAL TO EIGHT HUNDRED;

(XVI) OTHER FLUORESCENT LAMPS NOT DESCRIBED IN SUBSECTION (19)(b) OF THIS SECTION;

(XVII) PLANT LIGHT LAMPS;

(XVIII) R20 SHORT LAMPS;

(XIX) REFLECTOR LAMPS THAT HAVE A FIRST NUMBER SYMBOL LESS THAN SIXTEEN (DIAMETER LESS THAN TWO INCHES) AS DEFINED IN ANSI C79.1-2002 AND THAT DO NOT HAVE E26/E24, E26d, E26/50x39, E26/53x39, E29/28, E29/53x39,

E39, E39d, EP39, OR EX39 BASES;

(XX) S-SHAPE OR G-SHAPE LAMPS THAT HAVE A FIRST NUMBER SYMBOL LESS THAN OR EQUAL TO TWELVE AND ONE-HALF (DIAMETER LESS THAN OR EQUAL TO 1.5625 INCHES) AS DEFINED IN ANSI C79.1-2002;

(XXI) SIGN SERVICE LAMPS;

(XXII) SILVER BOWL LAMPS;

(XXIII) SHOWCASE LAMPS;

(XXIV) SPECIALTY MR LAMPS;

(XXV) T-SHAPE LAMPS THAT:

(A) HAVE A FIRST NUMBER SYMBOL LESS THAN OR EQUAL TO EIGHT (DIAMETER LESS THAN OR EQUAL TO ONE INCH), AS DEFINED IN ANSI C79.1-2002;

(B) HAVE A NOMINAL OVERALL LENGTH LESS THAN TWELVE INCHES; AND

(C) ARE NOT COMPACT FLUORESCENT LAMPS; OR

(XXVI) TRAFFIC SIGNAL LAMPS.

(20) "GPM" MEANS GALLONS PER MINUTE.

(21) "HIGH COLOR RENDERING INDEX (CRI) FLUORESCENT LAMP" MEANS A FLUORESCENT LAMP WITH A CRI OF EIGHTY-SEVEN OR GREATER THAT IS NOT A COMPACT FLUORESCENT LAMP.

(22) "HOT AND COLD UNIT" MEANS A WATER COOLER THAT DISPENSES BOTH HOT AND COLD WATER. IT MAY ALSO DISPENSE ROOM-TEMPERATURE WATER.

(23) "ICC" MEANS THE INTERNATIONAL CODE COUNCIL OR ITS SUCCESSOR ORGANIZATION.

(24)(a) "LAMP" MEANS A DEVICE THAT EMITS LIGHT AND IS USED TO ILLUMINATE AN INDOOR OR OUTDOOR SPACE.

(b) "LAMP" DOES NOT INCLUDE A HEAT LAMP.

(25) "LED" MEANS LIGHT-EMITTING DIODE.

(26) "LOW-EFFICIENCY PLUMBING FIXTURE" MEANS ANY OF THE FOLLOWING PLUMBING FIXTURES OR FITTINGS THAT IS NOT A WATERSENSE-LISTED PLUMBING FIXTURE:

(a) A LAVATORY FAUCET;

(b) A SHOWER HEAD;

- (c) A FLUSHING URINAL;
- (d) A FLUSHOMETER-VALVE WATER CLOSET; OR
- (e) A TANK-TYPE TOILET OR TANK-TYPE WATER CLOSET.

(27) "METERING FAUCET" MEANS A FITTING THAT, WHEN TURNED ON, WILL GRADUALLY SHUT OFF THE FLOW OF WATER OVER A PERIOD OF SEVERAL SECONDS.

(28) "NEMA" MEANS THE NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION OR ITS SUCCESSOR ORGANIZATION.

(29) "PORTABLE AIR CONDITIONER" MEANS A PORTABLE ENCASED ASSEMBLY, OTHER THAN A PACKAGED TERMINAL AIR CONDITIONER, DUCTLESS PORTABLE AIR CONDITIONER, ROOM AIR CONDITIONER, OR DEHUMIDIFIER, THAT:

- (a) DELIVERS COOLED, CONDITIONED AIR TO AN ENCLOSED SPACE;
- (b) IS POWERED BY SINGLE-PHASE ELECTRIC CURRENT;
- (c) INCLUDES A SOURCE OF REFRIGERATION;
- (d) MAY BE A SINGLE-DUCT OR DUAL-DUCT PORTABLE AIR CONDITIONER; AND
- (e) MAY INCLUDE ADDITIONAL MEANS FOR AIR CIRCULATION AND HEATING.

(30) "PORTABLE ELECTRIC SPA" MEANS A FACTORY-BUILT ELECTRIC SPA OR HOT TUB. IT MAY OR MAY NOT INCLUDE ANY COMBINATION OF INTEGRAL CONTROLS, WATER HEATING, AND WATER CIRCULATING EQUIPMENT.

(31) "PRESSURE REGULATOR" MEANS A DEVICE THAT MAINTAINS CONSTANT OPERATING PRESSURE IMMEDIATELY DOWNSTREAM FROM A SPRAY SPRINKLER BODY, GIVEN HIGHER PRESSURE UPSTREAM OF THE DEVICE.

(32) "PSI" MEANS POUNDS PER SQUARE INCH.

(33) "PUBLIC LAVATORY FAUCET" MEANS A FITTING DESIGNED AND MARKETED FOR INSTALLATION IN A NONRESIDENTIAL BATHROOM, WHICH BATHROOM IS EXPOSED TO WALK-IN TRAFFIC.

(34) "REPLACEMENT AERATOR" MEANS AN AERATOR SOLD AS A REPLACEMENT, SEPARATE FROM THE FAUCET TO WHICH IT IS INTENDED TO BE ATTACHED.

(35) "RESIDENTIAL VENTILATING FAN" MEANS AN INLINE FAN DESIGNED TO BE USED IN A BATHROOM OR UTILITY ROOM AND WHOSE PURPOSE IS TO MOVE AIR FROM INSIDE THE BUILDING TO THE OUTDOORS. IT MAY BE CEILING-MOUNTED, WALL-MOUNTED, OR REMOTELY MOUNTED.

(36) "SPRAY SPRINKLER BODY" MEANS THE EXTERIOR CASE OR SHELL OF A SPRINKLER, WHICH CASE OR SHELL:

- (a) INCORPORATES A MEANS OF CONNECTION TO THE PIPING SYSTEM; AND
- (b) IS DESIGNED TO CONVEY WATER TO A NOZZLE OR ORIFICE.

(37) "UNINTERRUPTIBLE POWER SUPPLY" MEANS A POWER SYSTEM FOR MAINTAINING CONTINUITY OF LOAD POWER IN CASE OF INPUT POWER FAILURE. IT MAY CONSIST OF A COMBINATION OF ONE OR MORE BATTERY CHARGERS, CONVERTORS, SWITCHES, AND BATTERIES OR OTHER ENERGY STORAGE DEVICES.

(38) "WATER COOLER" MEANS A FREESTANDING DEVICE THAT CONSUMES ENERGY TO COOL OR HEAT, OR BOTH COOL AND HEAT, POTABLE WATER.

(39) "WATER SENSE-LISTED PLUMBING FIXTURE" MEANS A PLUMBING FIXTURE OR PLUMBING FIXTURE FITTING THAT HAS BEEN:

(a) TESTED BY AN ACCREDITED THIRD-PARTY CERTIFYING BODY OR LABORATORY IN ACCORDANCE WITH THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S WATER SENSE PROGRAM OR A SUCCESSOR PROGRAM;

(b) CERTIFIED BY THE BODY OR LABORATORY AS MEETING THE PERFORMANCE AND EFFICIENCY REQUIREMENTS OF THE WATER SENSE PROGRAM; AND

(c) AUTHORIZED BY THE WATER SENSE PROGRAM TO USE ITS LABEL.

(40) "WATER SENSE PROGRAM" MEANS THE FEDERAL PROGRAM AUTHORIZED BY 42 U.S.C. SEC. 6294b.

**6-7.5-103. Low-efficiency plumbing fixtures.** (1) (a) EFFECTIVE SEPTEMBER 1, 2019, A PERSON SHALL NOT SELL A NEW LOW-EFFICIENCY PLUMBING FIXTURE, OTHER THAN A FLUSHOMETER-VALVE WATER CLOSET, IN COLORADO.

(b) EFFECTIVE JANUARY 1, 2021, A PERSON SHALL NOT SELL A NEW LOW-EFFICIENCY FLUSHOMETER-VALVE WATER CLOSET IN COLORADO.

(2) THIS SECTION DOES NOT PREEMPT ANY ACTION OF A MUNICIPALITY, COUNTY, OR CITY AND COUNTY THAT PRESCRIBES ADDITIONAL OR MORE RESTRICTIVE WATER CONSERVATION OR ENERGY EFFICIENCY REQUIREMENTS AFFECTING THE SALE OR USE OF PLUMBING FIXTURES, APPLIANCES, OR OTHER PRODUCTS IF THE REQUIREMENTS COMPLY WITH THE STANDARD SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

**6-7.5-104. Scope and applicability.** (1) SUBJECT TO SUBSECTION (2) OF THIS SECTION AND AS FURTHER SPECIFIED IN SECTION 6-7.5-105, THIS ARTICLE 7.5 APPLIES TO THE FOLLOWING PRODUCTS SOLD AS NEW IN COLORADO:

- (a) AIR COMPRESSORS;
- (b) COMMERCIAL DISHWASHERS;
- (c) COMMERCIAL FRYERS;
- (d) COMMERCIAL HOT FOOD HOLDING CABINETS;

- (e) COMMERCIAL STEAM COOKERS;
- (f) COMPUTERS AND COMPUTER MONITORS;
- (g) FAUCETS;
- (h) FLUSHOMETER-VALVE WATER CLOSETS;
- (i) GENERAL SERVICE LAMPS;
- (j) HIGH CRI FLUORESCENT LAMPS;
- (k) PORTABLE AIR CONDITIONERS;
- (l) PORTABLE ELECTRIC SPAS;
- (m) RESIDENTIAL VENTILATING FANS;
- (n) SPRAY SPRINKLER BODIES;
- (o) UNINTERRUPTIBLE POWER SUPPLIES; AND
- (p) WATER COOLERS.

(2) THIS ARTICLE 7.5 DOES NOT APPLY TO:

(a) PRODUCTS INSTALLED IN MOBILE MANUFACTURED HOMES AT THE TIME OF CONSTRUCTION;

(b) PRODUCTS DESIGNED EXPRESSLY FOR INSTALLATION AND USE IN RECREATIONAL VEHICLES; OR

(c) PRODUCTS HELD IN INVENTORY ON OR BEFORE THE EFFECTIVE DATE OF THE APPLICABLE STANDARD FOR EACH CATEGORY OF PRODUCT SET FORTH IN THIS ARTICLE 7.5.

(3) THIS ARTICLE 7.5 IS NOT ENFORCEABLE AGAINST AN EMPLOYEE OF A CONTRACTOR WHO INSTALLS, REPAIRS, OR REPLACES APPLIANCES AND COLLECTS FROM THE CUSTOMER AN AMOUNT REPRESENTING BOTH PARTS AND LABOR.

**6-7.5-105. Standards - effective dates - publication of material incorporated by reference.** (1) THE EXECUTIVE DIRECTOR NEED NOT ADOPT BY RULE, BUT SHALL COLLECT AND MAKE PUBLICLY AVAILABLE IN HARD COPY, THROUGH A WEBSITE, OR BOTH, THE FEDERAL RULES AND OTHER RULES AND STANDARDS REFERRED TO IN THIS SECTION. THE REFERENCES IN THIS SECTION ARE TO THE RULES AND STANDARDS AS THEY EXISTED ON THE DATES SPECIFIED OR, IF NOT SO SPECIFIED, AS THEY EXISTED ON AUGUST 2, 2019, AND DO NOT INCLUDE LATER EDITIONS OR REVISIONS.

(2) ON OR AFTER JANUARY 1, 2020, A PERSON SHALL NOT SELL OR OFFER FOR SALE IN COLORADO A GENERAL SERVICE LAMP UNLESS IT EITHER:

(a) IS SUBJECT TO FEDERAL PREEMPTION; OR

(b) MEETS OR EXCEEDS A LAMP EFFICACY OF FORTY-FIVE LUMENS PER WATT, WHEN TESTED IN ACCORDANCE WITH THE APPLICABLE FEDERAL TEST PROCEDURES FOR GENERAL SERVICE LAMPS PRESCRIBED IN 10 CFR 430.23 (gg), AS IN EFFECT ON JANUARY 3, 2017.

(3) ON OR AFTER JANUARY 1, 2021, THE FOLLOWING NEW PRODUCTS SHALL NOT BE SOLD, LEASED, OR RENTED IN COLORADO UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS THE FOLLOWING EFFICIENCY STANDARDS, AS APPLICABLE:

(a) COMMERCIAL DISHWASHERS INCLUDED IN THE SCOPE OF THE ENERGY STAR PROGRAM REQUIREMENTS PRODUCT SPECIFICATION FOR COMMERCIAL DISHWASHERS, VERSION 2.0, MUST MEET THE QUALIFICATION CRITERIA OF THAT SPECIFICATION.

(b) COMMERCIAL FRYERS INCLUDED IN THE SCOPE OF THE ENERGY STAR PROGRAM REQUIREMENTS PRODUCT SPECIFICATION FOR COMMERCIAL FRYERS, VERSION 2.0, MUST MEET THE QUALIFICATION CRITERIA OF THAT SPECIFICATION.

(c) COMMERCIAL HOT FOOD HOLDING CABINETS MUST HAVE A MAXIMUM IDLE ENERGY RATE OF FORTY WATTS PER CUBIC FOOT OF INTERIOR VOLUME, AS DETERMINED BY THE "IDLE ENERGY RATE-DRY TEST" IN ASTM STANDARD F2140-11, "TEST METHOD FOR THE PERFORMANCE OF HOT FOOD HOLDING CABINETS", PUBLISHED BY ASTM INTERNATIONAL, FORMERLY KNOWN AS THE AMERICAN SOCIETY FOR TESTING AND MATERIALS. INTERIOR VOLUME MUST BE MEASURED AS PRESCRIBED IN THE ENERGY STAR PROGRAM REQUIREMENTS PRODUCT SPECIFICATION FOR COMMERCIAL HOT FOOD HOLDING CABINETS, VERSION 2.0.

(d) COMMERCIAL STEAM COOKERS MUST MEET THE REQUIREMENTS OF THE ENERGY STAR PROGRAM REQUIREMENTS PRODUCT SPECIFICATION FOR COMMERCIAL STEAM COOKERS, VERSION 1.2.

(e) COMPUTERS AND COMPUTER MONITORS MUST MEET THE REQUIREMENTS OF SECTION 1605.3 (v) OF TITLE 20 OF THE CCR, AND COMPLIANCE WITH THOSE REQUIREMENTS MUST BE AS MEASURED IN ACCORDANCE WITH TEST METHODS PRESCRIBED IN SECTION 1604 (v) OF THOSE REGULATIONS.

(f) FAUCETS, EXCEPT FOR METERING FAUCETS, MUST MEET THE FOLLOWING STANDARDS WHEN TESTED IN ACCORDANCE WITH 10 CFR 430, SUBPART B, APPENDIX S, AND COMPLIANCE WITH THOSE STANDARDS MUST BE ESTABLISHED USING THE "UNIFORM TEST METHOD FOR MEASURING THE WATER CONSUMPTION OF FAUCETS AND SHOWERHEADS", AS IN EFFECT ON JANUARY 3, 2017:

(I) RESIDENTIAL KITCHEN FAUCETS AND REPLACEMENT AERATORS MUST NOT EXCEED A MAXIMUM FLOW RATE OF 1.8 GPM AT SIXTY PSI, WITH OPTIONAL TEMPORARY FLOW OF 2.2 GPM, PROVIDED THEY DEFAULT TO A MAXIMUM FLOW RATE OF 1.8 GPM AT SIXTY PSI AFTER EACH USE.

(II) PUBLIC LAVATORY FAUCETS AND REPLACEMENT AERATORS MUST NOT EXCEED A MAXIMUM FLOW RATE OF 0.5 GPM AT SIXTY PSI.

(g) FLUSHOMETER-VALVE WATER CLOSETS INCLUDED WITHIN THE SCOPE OF THE WATERSENSE SPECIFICATION FOR FLUSHOMETER-VALVE WATER CLOSETS, VERSION 1.0, MUST MEET THE WATER EFFICIENCY AND PERFORMANCE CRITERIA AND OTHER REQUIREMENTS OF THAT SPECIFICATION.

(h) HIGH CRI FLUORESCENT LAMPS MUST MEET THE MINIMUM EFFICACY REQUIREMENTS CONTAINED IN 10 CFR 430.32 (n)(4) AS IN EFFECT ON JANUARY 3, 2017, AS MEASURED IN ACCORDANCE WITH 10 CFR 430, SUBPART B, APPENDIX R, "UNIFORM TEST METHOD FOR MEASURING AVERAGE LAMP EFFICACY (LE), COLOR RENDERING INDEX (CRI), AND CORRELATED COLOR TEMPERATURE (CCT) OF ELECTRIC LAMPS", AS IN EFFECT ON JANUARY 3, 2017.

(i) PORTABLE ELECTRIC SPAS MUST MEET THE REQUIREMENTS OF THE "AMERICAN NATIONAL STANDARD FOR PORTABLE ELECTRIC SPA ENERGY EFFICIENCY" (ANSI/APSP/ICC-14).

(j) NEW RESIDENTIAL VENTILATING FANS MUST MEET THE QUALIFICATION CRITERIA OF THE ENERGY STAR PROGRAM REQUIREMENTS PRODUCT SPECIFICATION FOR RESIDENTIAL VENTILATING FANS, VERSION 3.2.

(k) SPRAY SPRINKLER BODIES THAT ARE NOT SPECIFICALLY EXCLUDED FROM THE SCOPE OF THE WATERSENSE SPECIFICATION FOR SPRAY SPRINKLER BODIES, VERSION 1.0, MUST INCLUDE AN INTEGRAL PRESSURE REGULATOR AND MUST MEET THE WATER EFFICIENCY AND PERFORMANCE CRITERIA AND OTHER REQUIREMENTS OF THAT SPECIFICATION.

(l) UNINTERRUPTIBLE POWER SUPPLIES THAT UTILIZE A NEMA 1-15P OR 5-15P INPUT PLUG AND HAVE AN ALTERNATING CURRENT OUTPUT MUST HAVE AN AVERAGE LOAD-ADJUSTED EFFICIENCY THAT MEETS OR EXCEEDS THE VALUES SHOWN ON PAGE 193 OF THE PREPUBLICATION FINAL RULE "ENERGY CONSERVATION PROGRAM: ENERGY CONSERVATION STANDARDS FOR UNINTERRUPTIBLE POWER SUPPLIES" ISSUED BY THE UNITED STATES DEPARTMENT OF ENERGY ON DECEMBER 28, 2016, AS MEASURED IN ACCORDANCE WITH TEST PROCEDURES PRESCRIBED IN 10 CFR 430, SUBPART B, APPENDIX Y, "UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF BATTERY CHARGERS", AS IN EFFECT ON JANUARY 11, 2017.

(m) WATER COOLERS INCLUDED IN THE SCOPE OF THE ENERGY STAR PROGRAM REQUIREMENTS PRODUCT SPECIFICATION FOR WATER COOLERS, VERSION 2.0, MUST HAVE AN "ON" MODE WITH NO-WATER-DRAW ENERGY CONSUMPTION LESS THAN OR EQUAL TO THE FOLLOWING VALUES AS MEASURED IN ACCORDANCE WITH THE TEST REQUIREMENTS OF THAT PROGRAM:

(I) 0.16 KILOWATT-HOURS PER DAY FOR COLD-ONLY UNITS AND COOK AND COLD UNITS;

(II) 0.87 KILOWATT-HOURS PER DAY FOR STORAGE-TYPE HOT AND COLD UNITS;  
AND

(III) 0.18 KILOWATT-HOURS PER DAY FOR ON-DEMAND HOT AND COLD UNITS.

(4) ON OR AFTER FEBRUARY 1, 2022, THE FOLLOWING NEW PRODUCTS SHALL NOT

BE SOLD, LEASED, OR RENTED IN COLORADO UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS THE FOLLOWING EFFICIENCY STANDARDS, AS APPLICABLE:

(a) AIR COMPRESSORS THAT MEET THE TWELVE CRITERIA LISTED ON PAGE 350 TO 351 OF THE "ENERGY CONSERVATION STANDARDS FOR AIR COMPRESSORS" FINAL RULE ISSUED BY THE UNITED STATES DEPARTMENT OF ENERGY ON DECEMBER 5, 2016, MUST MEET THE REQUIREMENTS IN TABLE 1 ON PAGE 352 FOLLOWING THE INSTRUCTIONS ON PAGE 353 AND AS MEASURED IN ACCORDANCE WITH 10 CFR 431, SUBPART T, APPENDIX A, "UNIFORM TEST METHOD FOR CERTAIN AIR COMPRESSORS", AS IN EFFECT ON JULY 3, 2017.

(b) NEW PORTABLE AIR CONDITIONERS MUST HAVE A COMBINED ENERGY EFFICIENCY RATIO (CEER), AS MEASURED IN ACCORDANCE WITH 10 CFR 430, SUBPART B, APPENDIX CC, "UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF PORTABLE AIR CONDITIONERS", AS IN EFFECT ON JANUARY 3, 2017, THAT IS GREATER THAN OR EQUAL TO:

$$1.04 \times \text{SACC} / (3.7117 \times \text{SACC}^{0.6384})$$

WHERE SACC IS THE SEASONALLY ADJUSTED COOLING CAPACITY IN BRITISH THERMAL UNITS PER HOUR.

**6-7.5-106. New and revised standards - rules.** THE EXECUTIVE DIRECTOR MAY ADOPT BY RULE A MORE RECENT VERSION OF ANY STANDARD OR TEST METHOD ESTABLISHED IN SECTION 6-7.5-105, INCLUDING ANY PRODUCT DEFINITION ASSOCIATED WITH THE STANDARD OR TEST METHOD, IN ORDER TO MAINTAIN OR IMPROVE CONSISTENCY WITH OTHER COMPARABLE STANDARDS IN OTHER STATES, SO LONG AS THE RESULTING EFFICIENCY IS EQUAL TO OR GREATER THAN THE EFFICIENCY ACHIEVED USING THE PRIOR STANDARD OR TEST METHOD. THE EXECUTIVE DIRECTOR SHALL ALLOW AT LEAST A ONE-YEAR DELAY BETWEEN THE ADOPTION BY RULE AND THE ENFORCEMENT OF ANY NEW STANDARD OR TEST METHOD.

**6-7.5-107. Protection against repeal of federal standards.** (1) IF ANY OF THE ENERGY OR WATER CONSERVATION STANDARDS ISSUED OR APPROVED FOR PUBLICATION BY THE OFFICE OF THE UNITED STATES SECRETARY OF ENERGY AS OF JANUARY 1, 2018, AS SET FORTH IN 10 CFR 430-431 AND PROMULGATED PURSUANT TO THE "ENERGY POLICY AND CONSERVATION ACT", PUB.L. 94-163, ARE WITHDRAWN, REPEALED, OR OTHERWISE VOIDED, THE MINIMUM ENERGY OR WATER EFFICIENCY LEVEL PERMITTED FOR PRODUCTS PREVIOUSLY SUBJECT TO FEDERAL ENERGY OR WATER CONSERVATION STANDARDS MUST BE THE PREVIOUSLY APPLICABLE FEDERAL STANDARDS, AND NO SUCH NEW PRODUCT MAY BE SOLD OR OFFERED FOR SALE, LEASE, OR RENTAL IN COLORADO UNLESS IT MEETS OR EXCEEDS SUCH STANDARDS.

(2) THIS SECTION DOES NOT APPLY TO A FEDERAL ENERGY OR WATER CONSERVATION STANDARD SET ASIDE BY A COURT UPON THE PETITION OF A PERSON THAT WILL BE ADVERSELY AFFECTED BY THE STANDARD, AS PROVIDED IN 42 U.S.C. SEC. 6306 (b).

**6-7.5-108. Utility programs during transition period.** (1) SHOULD ONE OR MORE PRODUCTS DESCRIBED IN THIS ARTICLE 7.5 BE SUBJECT TO WITHDRAWAL, REPEAL, OR OTHER ACTIONS THAT DECLARE A FEDERAL STANDARD INVALID AS DESCRIBED IN SECTION 6-7.5-107, THE PUBLIC UTILITIES COMMISSION SHALL PERMIT A THREE-YEAR PHASEOUT FOR A UTILITY OPERATING ENERGY EFFICIENCY PROGRAMS THAT CREATE INCENTIVES FOR OR OTHERWISE ENCOURAGE THE USE OF HIGH-EFFICIENCY VERSIONS OF THE AFFECTED PRODUCTS. THIS PHASEOUT SHALL COMMENCE ON OR AFTER THE DATE SPECIFIED IN SECTION 6-7.5-105; SHALL APPLY ONLY TO ENERGY SAVINGS THAT WILL BE MANDATED UNDER THIS ARTICLE 7.5; SHALL OCCUR IN EQUAL REDUCTIONS FOR EACH TRANSITION YEAR; AND MUST PERMIT AN ORDERLY ADJUSTMENT OF THE APPLIANCE OR LIGHTING MARKET TO ENSURE THAT RESIDENTS AND BUSINESSES IN COLORADO ARE NOT NEGATIVELY AFFECTED BY CHANGES IN PRODUCT SELECTION, BUSINESS PRACTICES, AND ENERGY EFFICIENCY PROGRAM OPPORTUNITIES RELATED TO THE AFFECTED APPLIANCES OR LIGHTING PRODUCTS.

(2) FOR PRODUCTS LISTED IN THIS ARTICLE 7.5 THAT ARE NOT SUBJECT TO WITHDRAWAL OR REPEAL, THE PUBLIC UTILITIES COMMISSION SHALL ALLOW AT LEAST A ONE-YEAR TRANSITION FOR UTILITY-SPONSORED ENERGY EFFICIENCY PROGRAMS STARTING ON OR AFTER THE DATE SPECIFIED IN SECTION 6-7.5-105.

**6-7.5-109. Testing, certification, labeling, and enforcement - rules.** (1) UNLESS A PRODUCT APPEARS IN A PUBLIC DATABASE OF COMPLIANT PRODUCTS MAINTAINED BY OTHER STATES OR FEDERAL AGENCIES WITH EQUIVALENT OR MORE STRINGENT EFFICIENCY STANDARDS, THE MANUFACTURERS OF PRODUCTS COVERED BY THIS ARTICLE 7.5 SHALL DEMONSTRATE THAT THE PRODUCTS COMPLY WITH THIS ARTICLE 7.5 BY DOING ANY ONE OR MORE OF THE FOLLOWING:

(a) SUBMITTING TEST SAMPLE RESULTS TO THE EXECUTIVE DIRECTOR, USING TEST METHODS AND PROCEDURES ADOPTED PURSUANT TO THIS ARTICLE 7.5;

(b) AFFIXING A MARK, LABEL, OR TAG TO THE PRODUCT AND PACKAGING AT THE TIME OF SALE OR INSTALLATION THAT DEMONSTRATES COMPLIANCE WITH OTHER STATE OR FEDERAL AGENCIES THAT HAVE EQUIVALENT OR MORE STRINGENT EFFICIENCY STANDARDS; OR

(c) SUBMITTING SUCH OTHER PROOF AS THE EXECUTIVE DIRECTOR MAY DEEM APPROPRIATE TO SHOW THAT THE PRODUCT COMPLIES WITH EQUIVALENT OR MORE STRINGENT EFFICIENCY STANDARDS ADOPTED BY OTHER STATES OR FEDERAL AGENCIES.

(2) THE EXECUTIVE DIRECTOR MAY ADOPT RULES AS NECESSARY TO ENSURE THE PROPER IMPLEMENTATION AND ENFORCEMENT OF THIS ARTICLE 7.5.

**6-7.5-110. Penalties - civil action by attorney general.** (1) A PERSON SHALL NOT SELL OR OFFER TO SELL ANY NEW CONSUMER PRODUCT THAT IS REQUIRED TO MEET A STANDARD ESTABLISHED IN THIS ARTICLE 7.5 BUT THAT THE PERSON KNOWS DOES NOT MEET THAT STANDARD.

(2) WHENEVER THE ATTORNEY GENERAL HAS PROBABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS HAS VIOLATED OR CAUSED ANOTHER TO

VIOLATE SUBSECTION (1) OF THIS SECTION, THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION ON BEHALF OF THE STATE TO SEEK THE IMPOSITION OF CIVIL PENALTIES AS FOLLOWS:

(a) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE SUBSECTION (1) OF THIS SECTION SHALL FORFEIT AND PAY TO THE GENERAL FUND OF THIS STATE A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS FOR EACH SUCH VIOLATION. FOR PURPOSES OF THIS SUBSECTION (2)(a), A VIOLATION CONSTITUTES A SEPARATE VIOLATION WITH RESPECT TO EACH CONSUMER OR TRANSACTION INVOLVED; EXCEPT THAT THE MAXIMUM CIVIL PENALTY SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS FOR ANY RELATED SERIES OF VIOLATIONS.

(b) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE ANY PROVISION OF THIS ARTICLE 7.5, WHERE SUCH VIOLATION WAS COMMITTED AGAINST AN ELDERLY PERSON, SHALL FORFEIT AND PAY TO THE GENERAL FUND OF THE STATE A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH SUCH VIOLATION. FOR PURPOSES OF THIS SUBSECTION (2)(b), A VIOLATION OF THIS SECTION CONSTITUTES A SEPARATE VIOLATION WITH RESPECT TO EACH ELDERLY PERSON INVOLVED.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 30, 2019