

## CHAPTER 285

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**CONSUMER AND COMMERCIAL TRANSACTIONS**

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**HOUSE BILL 23-1161**

BY REPRESENTATIVE(S) Kipp and Willford, Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Lindsay, Lindstedt, Mabrey, McCormick, Michaelson Jenet, Sirota, Story, Titone, Valdez, Velasco, Vigil, Weinberg, Weissman;  
also SENATOR(S) Cutter and Winter F., Priola, Buckner, Fields, Gonzales, Hansen, Jaquez Lewis, Moreno, Fenberg.

**AN ACT**

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

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

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

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

(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~~ "AIR PURIFIER" OR "ROOM AIR CLEANER" MEANS AN ELECTRIC, CORD-CONNECTED, PORTABLE APPLIANCE THAT HAS THE PRIMARY FUNCTION OF REMOVING PARTICULATE MATTER FROM THE AIR.

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

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

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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.*

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

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

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

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

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

~~(9)~~ (9) "CCR" means the California code of regulations, as amended.

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

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

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

(a) IS NOT A COMPACT FLUORESCENT LAMP;

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

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

~~(7)~~ (12) "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)~~ (13) "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)~~ (14) "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.

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

~~(10)~~ (16) "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.

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

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

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

~~(H)~~ (18) "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)~~ (19) "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.

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

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

- (a) FUELED BY NATURAL GAS OR PROPANE;
- (b) MARKED OR INTENDED FOR DECORATIVE USE ONLY; AND
- (c) NOT EQUIPPED WITH A THERMOSTAT OR INTENDED FOR USE AS A HEATER.

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

- (a) USES ELECTRICITY TO HEAT DOMESTIC POTABLE WATER;
- (b) HAS A NAMEPLATE INPUT RATING OF TWELVE KILOWATTS OR LESS;
- (c) HAS A RATED HOT WATER STORAGE CAPACITY BETWEEN FORTY AND ONE HUNDRED TWENTY GALLONS; AND
- (d) DELIVERS HOT WATER AT A MAXIMUM TEMPERATURE OF LESS THAN ONE HUNDRED EIGHTY DEGREES FAHRENHEIT.

(23) (a) "ELECTRIC VEHICLE SUPPLY EQUIPMENT" MEANS CONDUCTORS, INCLUDING UNGROUNDED, GROUNDED, AND EQUIPMENT-GROUNDING CONDUCTORS; ELECTRIC VEHICLE CONNECTORS; ATTACHMENT PLUGS; AND ALL OTHER FITTINGS, DEVICES, POWER OUTLETS, OR APPARATUSES INSTALLED SPECIFICALLY FOR THE PURPOSE OF DELIVERING ENERGY FROM THE WIRING OF A PREMISES TO AN ELECTRIC VEHICLE.

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

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

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

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

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

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

~~(18)~~ (27) "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.

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

(29) "GAS LOG SET" MEANS A FIREPLACE PRODUCT DESIGNED TO BE USED AND INSTALLED IN A WORKING MASONRY OR FACTORY-BUILT WOOD-BURNING FIREPLACE

AND VENTED THROUGH A CHIMNEY BY NATURAL DRAFTING OR POWER VENTING.

~~(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) Showease 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)~~ (30) "GPM" means gallons per minute.

(31) "HANDHELD SHOWERHEAD" MEANS A SHOWERHEAD THAT IS CONNECTED TO A FLEXIBLE HOSE AND CAN BE HELD OR FIXED IN PLACE FOR THE PURPOSE OF SPRAYING WATER ON A BATHER.

(32) "HEATING GAS FIREPLACE" MEANS A VENTED FIREPLACE, INCLUDING A UNIT THAT IS FREESTANDING, RECESSED, OR ZERO CLEARANCE OR A FIREPLACE INSERT, THAT IS:

(a) FUELED BY NATURAL GAS OR PROPANE; AND

(b) NOT A DECORATIVE GAS FIREPLACE.

~~(21)~~ (33) "High color rendering index (CRI) CRI fluorescent lamp" means a fluorescent lamp with a CRI COLOR RENDERING INDEX 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)~~ (34) "ICC" means the International Code Council or its successor organization.

(35) "IMPACT-RESISTANT FLUORESCENT LAMP" MEANS A FLUORESCENT LAMP THAT:

(a) IS NOT A COMPACT FLUORESCENT LAMP;

(b) HAS A COATING OR EQUIVALENT TECHNOLOGY THAT IS COMPLIANT WITH NSF/ANSI 51 AND IS DESIGNED TO CONTAIN THE GLASS IF THE GLASS ENVELOPE OF THE LAMP IS BROKEN; AND

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

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

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

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

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

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

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

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

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

(a) A SOIL MOISTURE-BASED IRRIGATION CONTROLLER THAT INHIBITS OR ALLOWS AN IRRIGATION EVENT BASED ON A READING FROM A SOIL MOISTURE SENSOR MECHANISM; AND

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

~~(24)~~ (39) (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)~~ (40) "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)~~ (41) "Metering faucet" means a fitting that, when turned on, will gradually shut off the flow of water over a period of several seconds SELF-CLOSING FAUCET THAT DISPENSES A SPECIFIC VOLUME OF WATER FOR EACH ACTUATION CYCLE AND FOR WHICH THE VOLUME OR CYCLE DURATION MAY BE FIXED OR ADJUSTABLE.

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

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



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

(44) "PLUMBING FIXTURE" MEANS AN EXCHANGEABLE DEVICE THAT CONNECTS TO A PLUMBING SYSTEM TO DELIVER WATER OR DRAIN WATER AND WASTE.

~~(29)~~ (45) "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)~~ (46) "Portable electric spa" means a factory-built electric spa or hot tub ~~It~~ THAT may ~~or may not~~ include any combination of integral controls, water heating, and water circulating equipment.

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

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

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

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

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

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

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

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

(53) "RESIDENTIAL BUILDING" MEANS A STRUCTURE THAT IS USED PRIMARILY FOR

LIVING AND SLEEPING AND THAT IS ZONED AS RESIDENTIAL OR OTHERWISE SUBJECT TO RESIDENTIAL BUILDING CODES. FOR THE PURPOSES OF RESIDENTIAL WINDOWS, DOORS, AND SKYLIGHTS, "RESIDENTIAL BUILDING" MEANS A BUILDING THAT IS THREE STORIES OR LESS IN HEIGHT.

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

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

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

~~(55)~~ (57) "Residential ventilating fan" means ~~an~~ A CEILING-MOUNTED, A WALL-MOUNTED, OR AN inline RESIDENTIAL fan THAT IS designed to be used in a bathroom or a utility room and whose purpose is to move air from inside the a RESIDENTIAL building to the outdoors. ~~It may be ceiling-mounted, wall-mounted, or remotely mounted.~~

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

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

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

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

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

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

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

(a) IS ENABLED FOR WIRELESS CONNECTIVITY;

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

(c) CAN AUTOMATICALLY ADJUST HEATING AND COOLING TEMPERATURE SETTINGS BASED ON USER PREFERENCES, DAILY SCHEDULES, WEATHER CONDITIONS, OCCUPANCY, OR OPTIMAL ENERGY SAVINGS.

~~(36)~~ (62) "Spray sprinkler body" means the exterior case or shell of a sprinkler DESIGNED AND INTENDED FOR NONAGRICULTURAL USES, 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.

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

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

~~(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, converters, switches, and batteries or other energy storage devices.

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

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

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

- (a) A COLD-ONLY UNIT THAT DISPENSES ONLY COLD WATER;
- (b) A HOT-AND-COLD UNIT THAT DISPENSES BOTH HOT AND COLD WATER AND, IN SOME MODELS, ALSO ROOM TEMPERATURE WATER;
- (c) A COOK-AND-COLD UNIT THAT DISPENSES BOTH ROOM TEMPERATURE AND COLD WATER;
- (d) A STORAGE-TYPE UNIT THAT INSTANTANEOUSLY DELIVERS WATER FROM A STORAGE TANK WITHIN THE UNIT, INCLUDING POINT-OF-USE, DRY STORAGE COMPARTMENT, AND BOTTLED WATER COOLERS; AND
- (e) AN ON-DEMAND UNIT THAT HEATS WATER AS IT IS REQUESTED, TYPICALLY WITHIN A FEW MINUTES.

~~(39)~~ (68) "WaterSense-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 WaterSense program or a successor program;

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

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

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

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

**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.~~

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

**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;~~

(a.3) AIR PURIFIERS;

(a.6) COLD-TEMPERATURE FLUORESCENT LAMPS;

(d.5) COMMERCIAL OVENS;

(f.2) ELECTRIC STORAGE WATER HEATERS;

(f.5) ELECTRIC VEHICLE SUPPLY EQUIPMENT;

- (h) ~~Flushometer-valve water closets;~~
  - (i) ~~General service lamps~~ GAS FIREPLACES;
  - (j.5) IMPACT-RESISTANT FLUORESCENT LAMPS;
  - (j.7) IRRIGATION CONTROLLERS;
  - (l.4) RESIDENTIAL DOORS;
  - (l.6) RESIDENTIAL SKYLIGHTS;
  - (m.6) RESIDENTIAL WINDOWS;
  - (m.8) SHOWERHEADS;
  - (o) ~~Uninterruptible power supplies; and~~ THERMOSTATS;
  - (o.2) TUB SPOUT DIVERTERS AND SHOWERHEAD TUB SPOUT DIVERTER COMBINATIONS;
  - (o.4) URINALS;
  - (o.6) WATER CLOSETS;
  - (p) Water coolers; AND
  - (q) OTHER PRODUCTS AS MAY BE DESIGNATED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 6-7.5-106.
- (2) This article 7.5 does not apply to:
- (c) Products held in inventory on or before:
- (I) The effective date of the applicable standard for each category of product set forth in this article 7.5; OR
- (II) THE EFFECTIVE DATE FOR EACH CATEGORY OF PRODUCTS, AS DETERMINED BY THE EXECUTIVE DIRECTOR BY RULE PURSUANT TO SECTION 6-7.5-106.
- (4) THIS ARTICLE 7.5 DOES NOT PREEMPT ANY ACTION OF A STATUTORY OR HOME RULE 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 STANDARDS SPECIFIED IN THIS ARTICLE 7.5.

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

**6-7.5-105. Standards - effective dates - repeal.** (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.~~ ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, A PERSON SHALL NOT SELL ANY OF THE FOLLOWING PLUMBING FIXTURES IN COLORADO UNLESS THEY ARE WATERSENSE-LISTED PLUMBING FIXTURES:

(a) (I) A PRIVATE LAVATORY FAUCET.

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

(b) A PUBLIC LAVATORY FAUCET;

(c) A SHOWERHEAD;

(d) (I) A URINAL.

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

(e) A WATER CLOSET.

(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~~ AND after January 1, 2021, A PERSON SHALL NOT SELL, LEASE, OR RENT ANY OF 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) (I) 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.

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

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

(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) (I) 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.

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

(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 FAN MOTOR EFFICACY qualification criteria of the Energy Star program requirements product specification for residential ventilating fans. ~~version 3.2.~~

(k) (I) Spray sprinkler bodies that are not specifically excluded from the scope of the WaterSense PROGRAM PRODUCT 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.

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

(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:

(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.~~

(5) ON AND AFTER JANUARY 1, 2026, A PERSON SHALL NOT SELL, OFFER TO SELL, LEASE, OR OFFER TO LEASE ANY OF THE FOLLOWING NEW PRODUCTS IN COLORADO UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS THE FOLLOWING EFFICIENCY STANDARDS, AS APPLICABLE:

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

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

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

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

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

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

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

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

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



(g) HIGH CRI, COLD-TEMPERATURE, AND IMPACT-RESISTANT FLUORESCENT LAMPS MUST MEET THE MINIMUM EFFICACY REQUIREMENTS CONTAINED IN 10 CFR 430.32 (n)(4), 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".

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

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

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

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

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

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

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

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

**6-7.5-106. New and revised standards - rules.** (1) 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.

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

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

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

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

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

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

(1) Unless a product appears in THE STATE APPLIANCE STANDARDS DATABASE MAINTAINED BY THE NORTHEAST ENERGY EFFICIENCY PARTNERSHIPS, OR A SUCCESSOR ORGANIZATION, OR 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:

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

(4) THE EXECUTIVE DIRECTOR SHALL:

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

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

(c) DELIVER A REPORT ON THE METHOD AND FINDINGS OF THE VERIFICATIONS TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR TO ANY

SUCCESSOR COMMITTEES, AND POST THE REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S WEBSITE WITHIN ONE MONTH AFTER ITS COMPLETION; AND

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

(5) ON OR BEFORE JANUARY 1, 2026, THE EXECUTIVE DIRECTOR SHALL ESTABLISH A PROCESS WHEREBY INDIVIDUALS MAY ANONYMOUSLY REPORT POTENTIAL VIOLATIONS OF THIS ARTICLE 7.5 ON THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S PUBLIC WEBSITE. THE EXECUTIVE DIRECTOR SHALL INVESTIGATE ANY REPORTED POTENTIAL VIOLATION AND SHALL REPORT ANY CONFIRMED VIOLATIONS TO THE ATTORNEY GENERAL.

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

**6-7.5-110. Penalties - civil action by attorney general.** (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, WHICH AMOUNT SHALL BE TRANSFERRED TO THE STATE TREASURER TO BE CREDITED TO THE ENERGY FUND CREATED IN SECTION 24-38.5-102.4. For purposes of this subsection (2)(a), a violation constitutes a separate violation with respect to each ~~consumer or transaction OR ONLINE FOR-SALE PRODUCT LISTING~~ involved; except that the maximum civil penalty ~~shall~~ MAY not exceed five hundred thousand dollars for any related series of violations.

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

PART 14  
CLEAN LIGHTING

**25-5-1401. Short title.** THE SHORT TITLE OF THIS PART 14 IS THE "CLEAN LIGHTING ACT".

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

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

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

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

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

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

(2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS IN THE PUBLIC INTEREST TO PHASE OUT THE SALE OF GENERAL-PURPOSE FLUORESCENT LIGHT BULBS THAT CONTAIN MERCURY.

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

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

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

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

(II) THAT:

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

(B) IS INTEGRALLY BALLASTED OR NONINTEGRALLY BALLASTED;

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

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

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

(3) "Duv" MEANS DELTA ( $u, 2/3v'$ ), WHICH IS A METRIC THAT DESCRIBES THE DISTANCE OF A LIGHT COLOR POINT FROM THE PLANCKIAN LOCUS.

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

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

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

(II) THAT:

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

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

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

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

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

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

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

(2) THIS PART 14 DOES NOT APPLY TO:

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

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

(I) EMITS ULTRAVIOLET LIGHT GREATER THAN TWO MILLIWATTS PER KILOLUMEN (mW/KLM);

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) LINEAR FLUORESCENT LAMP; OR

(b) COMPACT FLUORESCENT LAMP.

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

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

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

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

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

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

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

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

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

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

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

PART 15  
ENVIRONMENTAL STANDARDS FOR HEATING  
AND WATER HEATING APPLIANCES

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

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

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

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

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

(e) MITIGATE THE EFFECTS OF CLIMATE CHANGE;

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

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

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

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

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

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

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



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

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

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

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

(8) "NOx" MEANS THE SUM OF NITRIC OXIDE AND NITROGEN DIOXIDE.

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

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

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

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

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

(b) FAN-TYPE CENTRAL FURNACES THAT:

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

(II) ARE USED FOR COMFORT HEATING; AND

(III) HAVE A RATED HEAT INPUT CAPACITY OF LESS THAN ONE HUNDRED SEVENTY-FIVE THOUSAND BTUS PER HOUR, AND, IN THE CASE OF COMBINATION

HEATING AND COOLING UNITS, A COOLING RATE OF LESS THAN SIXTY-FIVE THOUSAND BTUS PER HOUR.

(2) THIS PART 15 DOES NOT APPLY TO:

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

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

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

(d) PRODUCTS THAT DO NOT BURN FOSSIL FUELS.

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

(a) TEN NANOGRAMS OF NO<sub>x</sub> PER JOULE FOR WATER HEATERS WITH A RATED HEAT INPUT CAPACITY OF UP TO SEVENTY-FIVE THOUSAND BTUS PER HOUR AND FOR ANY UNIT WITH POWER ASSIST;

(b) FOURTEEN NANOGRAMS OF NO<sub>x</sub> PER JOULE FOR WATER HEATERS WITH A RATED HEAT INPUT CAPACITY OF MORE THAN SEVENTY-FIVE THOUSAND AND LESS THAN TWO MILLION BTUS PER HOUR; OR

(c) FOURTEEN NANOGRAMS OF NO<sub>x</sub> PER JOULE FOR FAN-TYPE CENTRAL FURNACES.

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

**25-7-1505. Testing - required displays - demonstrations of compliance.**

(1) MANUFACTURERS OF NATURAL-GAS-FUELED WATER HEATERS DESCRIBED BY SECTION 25-7-1503 (1)(a) SHALL TEST EACH APPLICABLE MODEL FOR SALE IN COLORADO IN ACCORDANCE WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT PROTOCOL "NITROGEN OXIDES EMISSIONS COMPLIANCE TESTING FOR NATURAL GAS-FIRED WATER HEATERS AND SMALL BOILERS", AS AMENDED.

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

(3) UNLESS A PRODUCT APPEARS IN A PUBLIC DATABASE OF PRODUCTS

MAINTAINED BY A STATE OR FEDERAL AGENCY OR BY AN ENVIRONMENTAL NONPROFIT ORGANIZATION, WHICH DATABASE REQUIRES COMPLIANCE WITH EMISSION STANDARDS THAT ARE AS DEMANDING OR MORE DEMANDING THAN THE EMISSION STANDARDS DESCRIBED IN THIS PART 15, MANUFACTURERS OF PRODUCTS DESCRIBED IN SECTION 25-7-1503 (1) SHALL DEMONSTRATE COMPLIANCE WITH THIS PART 15 FOR EACH MODEL BY EITHER:

(a) AFFIXING A PERMANENT MARK, LABEL, OR TAG TO THE PRODUCT AND PACKAGING AT THE TIME OF SALE OR INSTALLATION THAT CONFIRMS COMPLIANCE WITH SUCH EMISSION STANDARDS OR COMPLIANCE WITH EQUIVALENT EMISSION STANDARDS; OR

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

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

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

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

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

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

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

- (d) ARE ACHIEVABLE WITH AVAILABLE TECHNOLOGY; AND
- (e) DO NOT PLACE AN UNDUE COST BURDEN ON CONSUMERS.

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

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

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

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

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

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

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

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

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

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

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

**24-38.5-102.4. Energy fund - creation - use of fund - definitions - report - repeal.** (1) (a) (I) The energy fund is hereby created in the state treasury. The principal of the fund consists of money transferred to the fund from the general fund; money transferred to the fund at the end of the 2006-07 state fiscal year and at the end of each succeeding state fiscal year from money received by the Colorado energy office; money received pursuant to the federal "American Recovery and Reinvestment Act of 2009", Pub.L. 111-5, or any amendments thereto; ~~or from MONEY RECEIVED PURSUANT TO~~ revenue contracts, court settlement funds, supplemental environmental program funds, ~~OR THE~~ repayment or return of funds from eligible public depositories; ~~MONEY TRANSFERRED TO THE FUND PURSUANT TO~~ SECTIONS 6-7.5-110 (2)(a), 25-5-1406 (3)(a), AND 25-7-1507 (3)(a); ~~and~~ MONEY RECEIVED AS gifts, grants, and donations; and any other money received by the Colorado energy office. Interest and income earned on the deposit and investment of money in the energy fund are credited to the fund. Money in the fund at the end of any state fiscal year remains in the fund and may not be credited to the state general fund or any other fund. Money in the fund may not be transferred to the innovative energy fund created in section 24-38.5-102.5.

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

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

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

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

(V) Include incentives to facilitate beneficial electrification, with programs targeted toward new and existing building markets. Products eligible for incentives must be certified under the federal Energy Star program, as defined in section 6-7.5-102 ~~(15)~~ (24), or a successor program if that certification is available, in product categories for which such certification exists.

**SECTION 13. Severability.** If any provision of this act or the application of this

act to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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

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

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

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

**SECTION 15. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 1, 2023