

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0016.01 Richard Sweetman x4333

HOUSE BILL 23-1161

HOUSE SPONSORSHIP

Kipp and Willford,

SENATE SPONSORSHIP

Cutter, Priola

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ENVIRONMENTAL STANDARDS FOR CERTAIN PRODUCTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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

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

- Certain faucets and urinals;
- Certain lamps;

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

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

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

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

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

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

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

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

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

Section 8 establishes the "Clean Lighting Act" to phase out the sale of general-purpose fluorescent light bulbs that contain mercury. With certain exceptions:

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

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

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

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

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

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

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

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

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

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

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

9 (3) "ANSI/APSP/ICC-14-2019" MEANS THE ANSI STANDARD FOR
10 PORTABLE ELECTRIC SPA ENERGY EFFICIENCY.

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

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

17 ~~(3)~~(6) "ANSI C79.1-2002" means the ANSI standard for "Electric
18 Lamps - Nomenclature for Glass Bulbs Intended for Use with Electric
19 Lamps", approved September 16, 2002.

20 (7) "ANSI/CTA-2045-A" MEANS THE ANSI STANDARD FOR
21 "MODULAR COMMUNICATIONS INTERFACE FOR ENERGY MANAGEMENT".

22 ~~(4)~~ (8) "APSP" means the Association of Pool and Spa
23 Professionals or its successor organization.

24 ~~(5)~~ (9) "CCR" means the California code of regulations, as
25 amended.

26 (10) "CHECK VALVE" MEANS A COMPONENT THAT IS INTERNAL TO
27 A SPRAY SPRINKLER BODY AND PREVENTS SYSTEM DRAINAGE DURING

1 PERIODS OF NONOPERATION.

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

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

6 (a) IS NOT A COMPACT FLUORESCENT LAMP;

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

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

14 ~~(7)~~ (12) "Commercial dishwasher" means a machine designed to
15 clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and
16 trays by applying sprays of detergent solution, with or without blasting
17 media granules, and a sanitizing rinse.

18 ~~(8)~~ (13) "Commercial fryer" means an appliance, including a
19 cooking vessel, in which:

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

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

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

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

27 ~~(9)~~ (14) "Commercial hot food holding cabinet" means a heated,

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

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

9 ~~(10)~~ (16) "Commercial steam cooker" means a device with one or
10 more food-steaming compartments in which thermal energy is transferred
11 from the steam to the food by direct contact. "Commercial steam cooker"
12 includes countertop models, wall-mounted models, and floor models
13 mounted on a stand, pedestal, or cabinet-style base.

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

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

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

19 ~~(11)~~ (18) "Compensation" means money or any other thing of
20 value, regardless of form, received or to be received by a person for
21 goods or services rendered.

22 ~~(12)~~ "Compressor" means a machine or apparatus that converts
23 different types of energy into the potential energy of gas pressure for
24 displacement and compression of gaseous media to any higher pressure
25 values above atmospheric pressure and has a pressure ratio at full-load
26 operating pressure greater than 1.3 atmospheres.

27 ~~(13)~~ (19) "Computer" and "computer monitor" have the meanings

1 set forth in 20 CCR sec. 1602 (v).

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

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

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

9 (a) FUELED BY NATURAL GAS OR PROPANE;

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

11 (c) NOT EQUIPPED WITH A THERMOSTAT OR INTENDED FOR USE AS
12 A HEATER.

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

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

16 (b) HAS A NAMEPLATE INPUT RATING OF TWELVE KILOWATTS OR
17 LESS;

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

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

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

1 VEHICLE.

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

4 ~~(15)~~ (24) "Energy Star program" means the federal program
5 authorized by 42 U.S.C. sec. 6294a, as amended.

6 ~~(16)~~ (25) "Executive director" means the executive director of the
7 department of public health and environment or the executive director's
8 designee.

9 ~~(17)~~ (26) "Faucet" means:

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

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

14 ~~(18)~~ (27) "Flushometer-valve water closet" means a type of
15 commercial toilet that uses a valve for flushing by operation of a handle
16 that discharges a definite quantity of water under pressure directly into the
17 fixture.

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

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

21 (a) Means a lamp that:

22 ~~(I) Has a base that complies with ANSI standards;~~

23 ~~(II) Is able to operate at a voltage:~~

24 ~~(A) Of twelve or twenty-four volts;~~

25 ~~(B) At or between one hundred and one hundred thirty volts;~~

26 ~~(C) At or between two hundred twenty and two hundred forty~~
27 ~~volts; or~~

- 1 ~~(D) Of two hundred seventy-seven volts for integrated lamps or~~
2 ~~any voltage for nonintegrated lamps;~~
- 3 ~~(H) Has an initial lumen output greater than or equal to three~~
4 ~~hundred ten lumens, or two hundred thirty-two lumens for modified~~
5 ~~spectrum general service incandescent lamps, and less than or equal to~~
6 ~~three thousand three hundred lumens;~~
- 7 ~~(IV) Is not a light fixture or an LED downlight retrofit kit; and~~
- 8 ~~(V) Is used in general lighting applications;~~
- 9 ~~(b) Includes general service incandescent lamps, compact~~
10 ~~fluorescent lamps, general service LED lamps, and general service~~
11 ~~organic LED lamps;~~
- 12 ~~(c) Does not include:~~
- 13 ~~(I) Appliance lamps;~~
- 14 ~~(II) Black light lamps;~~
- 15 ~~(III) Bug lamps;~~
- 16 ~~(IV) Colored lamps;~~
- 17 ~~(V) G-shape lamps with a diameter of five inches or more as~~
18 ~~defined in ANSI C79.1-2002;~~
- 19 ~~(VI) General service fluorescent lamps;~~
- 20 ~~(VII) High-intensity discharge lamps;~~
- 21 ~~(VIII) Infrared lamps;~~
- 22 ~~(IX) J, JC, JCD, JCS, JCV, JCX, JD, JS, and JT-shape lamps that~~
23 ~~do not have Edison screw bases;~~
- 24 ~~(X) Lamps that have a wedge base or prefocus base;~~
- 25 ~~(XI) Left-hand thread lamps;~~
- 26 ~~(XII) Marine lamps;~~
- 27 ~~(XIII) Marine signal service lamps;~~

- 1 ~~(XIV) Mine service lamps;~~
- 2 ~~(XV) MR-shape lamps that:~~
- 3 ~~(A) Have a first number symbol equal to sixteen (diameter equal~~
- 4 ~~to two inches), as defined in ANSI C79.1-2002;~~
- 5 ~~(B) Operate at twelve volts; and~~
- 6 ~~(C) Have a lumen output greater than or equal to eight hundred;~~
- 7 ~~(XVI) Other fluorescent lamps not described in subsection (19)(b)~~
- 8 ~~of this section;~~
- 9 ~~(XVII) Plant light lamps;~~
- 10 ~~(XVIII) R20 short lamps;~~
- 11 ~~(XIX) Reflector lamps that have a first number symbol less than~~
- 12 ~~sixteen (diameter less than two inches) as defined in ANSI C79.1-2002~~
- 13 ~~and that do not have E26/E24, E26d, E26/50x39, E26/53x39, E29/28,~~
- 14 ~~E29/53x39, E39, E39d, EP39, or EX39 bases;~~
- 15 ~~(XX) S-shape or G-shape lamps that have a first number symbol~~
- 16 ~~less than or equal to twelve and one-half (diameter less than or equal to~~
- 17 ~~1.5625 inches) as defined in ANSI C79.1-2002;~~
- 18 ~~(XXI) Sign service lamps;~~
- 19 ~~(XXII) Silver bowl lamps;~~
- 20 ~~(XXIII) Showcase lamps;~~
- 21 ~~(XXIV) Specialty MR lamps;~~
- 22 ~~(XXV) T-shape lamps that:~~
- 23 ~~(A) Have a first number symbol less than or equal to eight~~
- 24 ~~(diameter less than or equal to one inch), as defined in ANSI C79.1-2002;~~
- 25 ~~(B) Have a nominal overall length less than twelve inches; and~~
- 26 ~~(C) Are not compact fluorescent lamps; or~~
- 27 ~~(XXVI) Traffic signal lamps.~~

1 ~~(20)~~ (29) "GPM" means gallons per minute.

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

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

8 (a) FUELED BY NATURAL GAS OR PROPANE; AND

9 (b) NOT A DECORATIVE GAS FIREPLACE.

10 ~~(21)~~ (32) "High ~~color rendering index (CRI)~~ CRI fluorescent
11 lamp" means a fluorescent lamp with a ~~CRI~~ COLOR RENDERING INDEX of
12 eighty-seven or greater that is not a compact fluorescent lamp.

13 ~~(22) "Hot and cold unit" means a water cooler that dispenses both~~
14 ~~hot and cold water. It may also dispense room-temperature water.~~

15 ~~(23)~~ (33) "ICC" means the International Code Council or its
16 successor organization.

17 (34) "IMPACT-RESISTANT FLUORESCENT LAMP" MEANS A
18 FLUORESCENT LAMP THAT:

19 (a) IS NOT A COMPACT FLUORESCENT LAMP;

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

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

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

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

1 SHATTER-PROTECTED.

2 (35) "INDUSTRIAL AIR PURIFIER" MEANS AN INDOOR AIR CLEANING
3 DEVICE THAT IS:

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

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

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

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

14 (37) "IRRIGATION CONTROLLER" MEANS A DEVICE THAT IS USED TO
15 OPERATE AN AUTOMATIC IRRIGATION SYSTEM SUCH AS A LAWN SPRINKLER
16 OR DRIP IRRIGATION SYSTEM. "IRRIGATION CONTROLLER" INCLUDES A
17 WEATHER-BASED IRRIGATION CONTROLLER AND A SOIL MOISTURE-BASED
18 IRRIGATION CONTROLLER.

19 ~~(24)~~ (38) (a) "Lamp" means a device that emits light and is used
20 to illuminate an indoor or outdoor space.

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

22 ~~(25)~~ (39) "LED" means light-emitting diode.

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

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

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

1 ~~(c) A flushing urinal;~~
2 ~~(d) A flushometer-valve water closet; or~~
3 ~~(e) A tank-type toilet or tank-type water closet.~~
4 ~~(27)~~ (40) "Metering faucet" means a fitting that, when turned on,
5 will gradually shut off the flow of water over a period of several seconds
6 SELF-CLOSING FAUCET THAT DISPENSES A SPECIFIC VOLUME OF WATER FOR
7 EACH ACTUATION CYCLE AND FOR WHICH THE VOLUME OR CYCLE
8 DURATION MAY BE FIXED OR ADJUSTABLE.
9 ~~(28) "NEMA" means the National Electrical Manufacturers~~
10 ~~Association or its successor organization.~~
11 (41) "NSF" MEANS NSF INTERNATIONAL, FORMERLY KNOWN AS
12 THE NATIONAL SANITATION FOUNDATION.
13 (42) "NSF/ANSI 51" MEANS THE NSF/ANSI 51 STANDARD FOR
14 FOOD EQUIPMENT MATERIALS.
15 (43) "PLUMBING FIXTURE" MEANS AN EXCHANGEABLE DEVICE
16 THAT CONNECTS TO A PLUMBING SYSTEM TO DELIVER WATER OR DRAIN
17 WATER AND WASTE.
18 ~~(29)~~ (44) "Portable air conditioner" means a portable encased
19 assembly, other than a packaged terminal air conditioner, ductless
20 portable air conditioner, room air conditioner, or dehumidifier, that:
21 (a) Delivers cooled, conditioned air to an enclosed space;
22 (b) Is powered by single-phase electric current;
23 (c) Includes a source of refrigeration;
24 (d) May be a single-duct or dual-duct portable air conditioner; and
25 (e) May include additional means for air circulation and heating.
26 ~~(30)~~ (45) "Portable electric spa" means a factory-built electric spa
27 or hot tub ~~It~~ THAT may ~~or may not~~ include any combination of integral

1 controls, water heating, and water circulating equipment.

2 ~~(31)~~ (46) "Pressure regulator" means a device that maintains
3 constant operating pressure immediately downstream from a spray
4 sprinkler body, given higher pressure upstream of the device.

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

8 (48) "PROGRAMMABLE THERMOSTAT" MEANS A THERMOSTAT
9 THAT:

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

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

16 ~~(32)~~ (49) "PSI" means pounds per square inch.

17 ~~(33)~~ (50) "Public lavatory faucet" means a fitting designed and
18 marketed for installation in a nonresidential bathroom, which bathroom
19 is exposed to walk-in traffic.

20 ~~(34)~~ (51) "Replacement aerator" means an aerator sold as a
21 replacement, separate from the faucet to which it is intended to be
22 attached.

23 (52) "RESIDENTIAL BUILDING" MEANS A STRUCTURE THAT IS USED
24 PRIMARILY FOR LIVING AND SLEEPING AND THAT IS ZONED AS RESIDENTIAL
25 OR OTHERWISE SUBJECT TO RESIDENTIAL BUILDING CODES. FOR THE
26 PURPOSES OF RESIDENTIAL WINDOWS, DOORS, AND SKYLIGHTS,
27 "RESIDENTIAL BUILDING" MEANS A BUILDING THAT IS THREE STORIES OR

1 LESS IN HEIGHT.

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

6 (54) "RESIDENTIAL KITCHEN FAUCET" MEANS A FAUCET IN A
7 KITCHEN OF A RESIDENTIAL BUILDING.

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

13 ~~(35)~~ (56) "Residential ventilating fan" means ~~an~~ A
14 CEILING-MOUNTED, A WALL-MOUNTED, OR AN inline RESIDENTIAL fan
15 THAT IS designed to be used in a bathroom or A utility room ~~and whose~~
16 ~~purpose is to move~~ FOR THE PURPOSE OF MOVING air from inside ~~the~~ A
17 RESIDENTIAL building to the outdoors. ~~It may be ceiling-mounted,~~
18 ~~wall-mounted, or remotely mounted.~~

19 (57) (a) "RESIDENTIAL WINDOW" MEANS AN ASSEMBLED UNIT
20 THAT:

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

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

27 (b) "RESIDENTIAL WINDOW" INCLUDES A TRANSOM WINDOW BUT

1 DOES NOT INCLUDE A RESIDENTIAL SKYLIGHT.

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

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

10 (60) "SOIL MOISTURE-BASED IRRIGATION CONTROLLER" MEANS A
11 STANDALONE CONTROLLER, ADD-ON DEVICE, OR PLUG-IN DEVICE THAT
12 INHIBITS OR ALLOWS AN IRRIGATION EVENT BASED ON A READING FROM A
13 SOIL MOISTURE SENSOR MECHANISM.

14 ~~(36)~~ (61) "Spray sprinkler body" means the exterior case or shell
15 of a sprinkler, which case or shell:

16 (a) Incorporates a means of connection to the piping system; and

17 (b) Is designed to convey water to a nozzle or orifice.

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

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

25 ~~(37) "Uninterruptible power supply" means a power system for~~
26 ~~maintaining continuity of load power in case of input power failure. It~~
27 ~~may consist of a combination of one or more battery chargers, convertors,~~

1 ~~switches, and batteries or other energy storage devices.~~

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

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

10 ~~(38)~~ (66) "Water cooler" means a freestanding device that
11 consumes energy to cool or heat, or both cool and heat, potable water.
12 "WATER COOLER" INCLUDES:

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

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

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

18 (d) A STORAGE-TYPE UNIT THAT INSTANTANEOUSLY DELIVERS
19 WATER FROM A STORAGE TANK WITHIN THE UNIT, INCLUDING
20 POINT-OF-USE, DRY STORAGE COMPARTMENT, AND BOTTLED WATER
21 COOLERS; AND

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

24 ~~(39)~~(67) "WaterSense-listed plumbing fixture" means a plumbing
25 fixture or plumbing fixture fitting that has been:

26 (a) Tested by an accredited third-party certifying body or
27 laboratory in accordance with the federal environmental protection

1 agency's WaterSense program or a successor program;
2 (b) Certified by the body or laboratory as meeting the performance
3 and efficiency requirements of the WaterSense program; and
4 (c) Authorized by the WaterSense program to use its label.
5 ~~(40)~~ (68) "WaterSense program" means the federal program
6 authorized by 42 U.S.C. sec. 6294b.

7 (69) "WEATHER-BASED IRRIGATION CONTROLLER" MEANS A
8 STANDALONE CONTROLLER, ADD-ON DEVICE, OR PLUG-IN DEVICE THAT
9 USES CURRENT WEATHER DATA AS A BASIS FOR SCHEDULING IRRIGATION
10 EVENTS.

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

13 **6-7.5-103. Low-efficiency plumbing fixtures.** ~~(1)(a) Effective~~
14 ~~September 1, 2019, a person shall not sell a new low-efficiency plumbing~~
15 ~~fixture, other than a flushometer-valve water closet, in Colorado.~~

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

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

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

1 (4) as follows:

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

- 5 (a) ~~Air compressors;~~
- 6 (a.3) AIR PURIFIERS;
- 7 (a.6) COLD-TEMPERATURE FLUORESCENT LAMPS;
- 8 (d.5) COMMERCIAL OVENS;
- 9 (f.2) ELECTRIC STORAGE WATER HEATERS;
- 10 (f.5) ELECTRIC VEHICLE SUPPLY EQUIPMENT;
- 11 (h) ~~Flushometer-valve water closets;~~
- 12 (i) ~~General service lamps~~ GAS FIREPLACES;
- 13 (j.5) IMPACT-RESISTANT FLUORESCENT LAMPS;
- 14 (j.7) IRRIGATION CONTROLLERS;
- 15 (l.2) PROGRAMMABLE THERMOSTATS;
- 16 (l.4) RESIDENTIAL DOORS;
- 17 (l.6) RESIDENTIAL SKYLIGHTS;
- 18 (m.6) RESIDENTIAL WINDOWS;
- 19 (m.8) SHOWERHEADS;
- 20 (o) ~~Uninterruptible power supplies; and~~
- 21 (o.2) TUB SPOUT DIVERTERS AND SHOWERHEAD TUB SPOUT
22 DIVERTER COMBINATIONS;
- 23 (o.4) URINALS;
- 24 (o.6) WATER CLOSETS;
- 25 (p) Water coolers; AND
- 26 (q) OTHER PRODUCTS AS MAY BE DESIGNATED BY THE EXECUTIVE
27 DIRECTOR PURSUANT TO SECTION 6-7.5-106.

- 1 (2) This article 7.5 does not apply to:
2 (c) Products held in inventory on or before:
3 (I) The effective date of the applicable standard for each category
4 of product set forth in this article 7.5; OR
5 (II) THE EFFECTIVE DATE FOR EACH CATEGORY OF PRODUCTS, AS
6 DETERMINED BY THE EXECUTIVE DIRECTOR BY RULE PURSUANT TO
7 SECTION 6-7.5-106.

8 (4) THIS ARTICLE 7.5 DOES NOT PREEMPT ANY ACTION OF A
9 STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND COUNTY
10 THAT PRESCRIBES ADDITIONAL OR MORE RESTRICTIVE WATER
11 CONSERVATION OR ENERGY EFFICIENCY REQUIREMENTS AFFECTING THE
12 SALE OR USE OF PLUMBING FIXTURES, APPLIANCES, OR OTHER PRODUCTS
13 IF THE REQUIREMENTS COMPLY WITH THE STANDARDS SPECIFIED IN THIS
14 ARTICLE 7.5.

15 **SECTION 4.** In Colorado Revised Statutes, 6-7.5-105, **amend**
16 (1), (3) introductory portion, (3)(c), (3)(h), (3)(i), (3)(j), and (3)(k); **repeal**
17 (2), (3)(g), (3)(l), and (4)(a); and **add** (5) as follows:

18 **6-7.5-105. Standards - effective dates - repeal.** (1) ~~The~~
19 ~~executive director need not adopt by rule, but shall collect and make~~
20 ~~publicly available in hard copy, through a website, or both, the federal~~
21 ~~rules and other rules and standards referred to in this section. The~~
22 ~~references in this section are to the rules and standards as they existed on~~
23 ~~the dates specified or, if not so specified, as they existed on August 2,~~
24 ~~2019, and do not include later editions or revisions.~~ ON AND AFTER THE
25 EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, A PERSON SHALL
26 NOT SELL ANY OF THE FOLLOWING PLUMBING FIXTURES IN COLORADO
27 UNLESS THEY ARE WATERSENSE-LISTED PLUMBING FIXTURES:

1 (a) (I) A PUBLIC OR PRIVATE LAVATORY FAUCET;
2 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JANUARY 1,
3 2024.
4 (b) A SHOWERHEAD;
5 (c) (I) A URINAL;
6 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JANUARY 1,
7 2024.
8 (d) A WATER CLOSET.
9 (2) ~~On or after January 1, 2020, a person shall not sell or offer for~~
10 ~~sale in Colorado a general service lamp unless it either:~~
11 ~~(a) Is subject to federal preemption; or~~
12 ~~(b) Meets or exceeds a lamp efficacy of forty-five lumens per~~
13 ~~watt, when tested in accordance with the applicable federal test~~
14 ~~procedures for general service lamps prescribed in 10 CFR 430.23 (gg),~~
15 ~~as in effect on January 3, 2017.~~
16 (3) ~~On or~~ AND after January 1, 2021, A PERSON SHALL NOT SELL,
17 LEASE, OR RENT ANY OF the following new products ~~shall not be sold,~~
18 ~~leased, or rented~~ in Colorado unless the efficiency of the new product
19 meets or exceeds the following efficiency standards, as applicable:
20 (c) (I) Commercial hot food holding cabinets must have a
21 maximum idle energy rate of forty watts per cubic foot of interior volume,
22 as determined by the "idle energy rate-dry test" in ASTM standard
23 F2140-11, "Test Method for the Performance of Hot Food Holding
24 Cabinets", published by ASTM International, formerly known as the
25 American Society for Testing and Materials. Interior volume must be
26 measured as prescribed in the Energy Star program requirements product
27 specification for commercial hot food holding cabinets, version 2.0.

1 (II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JANUARY 1,
2 2024.

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

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

13 (II) THIS SUBSECTION (3)(h) IS REPEALED, EFFECTIVE JANUARY 1,
14 2024.

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

18 (II) THIS SUBSECTION (3)(i) IS REPEALED, EFFECTIVE JANUARY 1,
19 2024.

20 (j) (I) New residential ventilating fans must meet the qualification
21 criteria of the Energy Star program requirements product specification for
22 residential ventilating fans, version 3.2.

23 (II) THIS SUBSECTION (3)(j) IS REPEALED, EFFECTIVE JANUARY 1,
24 2024.

25 (k) (I) Spray sprinkler bodies that are not specifically excluded
26 from the scope of the WaterSense specification for spray sprinkler bodies,
27 version 1.0, must include an integral pressure regulator and must meet the

1 water efficiency and performance criteria and other requirements of that
2 specification.

3 (II) THIS SUBSECTION (3)(k) IS REPEALED, EFFECTIVE JANUARY 1,
4 2024.

5 (l) ~~Uninterruptible power supplies that utilize a NEMA 1-15P or~~
6 ~~5-15P input plug and have an alternating current output must have an~~
7 ~~average load-adjusted efficiency that meets or exceeds the values shown~~
8 ~~on page 193 of the prepublication final rule "Energy Conservation~~
9 ~~Program: Energy Conservation Standards for Uninterruptible Power~~
10 ~~Supplies" issued by the United States department of energy on December~~
11 ~~28, 2016, as measured in accordance with test procedures prescribed in~~
12 ~~10 CFR 430, subpart B, appendix Y, "Uniform Test Method for~~
13 ~~Measuring the Energy Consumption of Battery Chargers", as in effect on~~
14 ~~January 11, 2017.~~

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

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

26 (5) ON AND AFTER JANUARY 1, 2024, A PERSON SHALL NOT SELL,
27 OFFER TO SELL, LEASE, OR OFFER TO LEASE ANY OF THE FOLLOWING NEW

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

4 (a) AIR PURIFIERS, EXCEPT INDUSTRIAL AIR PURIFIERS, MUST MEET
5 THE CERTIFICATION REQUIREMENTS OF THE ENERGY STAR PRODUCT
6 SPECIFICATION FOR ROOM AIR CLEANERS, VERSION 2.0.

7 (b) COMMERCIAL HOT FOOD HOLDING CABINETS MUST MEET THE
8 QUALIFICATION CRITERIA OF THE ENERGY STAR PROGRAM REQUIREMENTS
9 PRODUCT SPECIFICATION FOR COMMERCIAL HOT FOOD HOLDING CABINETS,
10 VERSION 2.0.

11 (c) COMMERCIAL OVENS INCLUDED IN THE SCOPE OF THE ENERGY
12 STAR PROGRAM REQUIREMENTS PRODUCT SPECIFICATION FOR
13 COMMERCIAL OVENS, VERSION 2.2, MUST MEET THE QUALIFICATION
14 CRITERIA OF THAT SPECIFICATION.

15 (d) ELECTRIC STORAGE WATER HEATERS MUST HAVE A MODULAR
16 DEMAND RESPONSE COMMUNICATIONS PORT COMPLIANT WITH:

17 (I) THE ANSI/CTA-2045-A COMMUNICATIONS INTERFACE
18 STANDARD, MARCH 2018 VERSION, OR AN EQUIVALENT STANDARD; AND

19 (II) THE ANSI/CTA-2045-A APPLICATION LAYER REQUIREMENTS,
20 MARCH 2018 VERSION, OR EQUIVALENT REQUIREMENTS.

21 (e) ELECTRIC VEHICLE SUPPLY EQUIPMENT INCLUDED IN THE SCOPE
22 OF THE ENERGY STAR PROGRAM REQUIREMENTS PRODUCT SPECIFICATION
23 FOR ELECTRIC VEHICLE SUPPLY EQUIPMENT, VERSION 1.0, MUST MEET THE
24 CERTIFICATION CRITERIA OF THAT SPECIFICATION.

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

27 (I) GAS FIREPLACES MUST BE CAPABLE OF AUTOMATICALLY

1 EXTINGUISHING ANY PILOT FLAME WHEN THE MAIN GAS BURNER FLAME IS
2 EXTINGUISHED;

3 (II) GAS FIREPLACES MUST PREVENT ANY IGNITION SOURCE FOR
4 THE MAIN GAS BURNER FLAME FROM OPERATING CONTINUOUSLY FOR
5 MORE THAN SEVEN DAYS FROM THE LAST USE OF THE MAIN GAS BURNER;

6 (III) DECORATIVE GAS FIREPLACES MUST HAVE A DIRECT VENT
7 CONFIGURATION, UNLESS THE DECORATIVE GAS FIREPLACE IS MARKED FOR
8 REPLACEMENT USE ONLY; AND

9 (IV) HEATING GAS FIREPLACES MUST HAVE A FIREPLACE
10 EFFICIENCY OF AT LEAST FIFTY PERCENT WHEN TESTED IN ACCORDANCE
11 WITH CANADIAN STANDARDS ASSOCIATION P.4.1-15, "TESTING METHOD
12 FOR MEASURING FIREPLACE EFFICIENCY".

13 (g) HIGH CRI, COLD-TEMPERATURE, AND IMPACT-RESISTANT
14 FLUORESCENT LAMPS MUST MEET THE MINIMUM EFFICACY REQUIREMENTS
15 CONTAINED IN 10 CFR 430.32 (n)(4), AS EFFECTIVE JANUARY 1, 2021, AS
16 MEASURED IN ACCORDANCE WITH 10 CFR 430, SUBPART B, APPENDIX R,
17 "UNIFORM TEST METHOD FOR MEASURING AVERAGE LAMP EFFICACY
18 (LE), COLOR RENDERING INDEX (CRI), AND CORRELATED COLOR
19 TEMPERATURE (CCT) OF ELECTRIC LAMPS", AS EFFECTIVE JANUARY 1,
20 2021.

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

23 (I) WEATHER-BASED IRRIGATION CONTROLLERS INCLUDED WITHIN
24 THE SCOPE OF THE WATERSENSE SPECIFICATION FOR WEATHER-BASED
25 IRRIGATION CONTROLLERS, VERSION 1.1, MUST MEET THE WATER
26 EFFICIENCY AND PERFORMANCE CRITERIA AND OTHER REQUIREMENTS FOR
27 THAT SPECIFICATION; AND

1 (II) SOIL MOISTURE-BASED IRRIGATION CONTROLLERS INCLUDED
2 WITHIN THE SCOPE OF THE WATERSENSE SPECIFICATION FOR SOIL
3 MOISTURE-BASED IRRIGATION CONTROLLERS, VERSION 1.0, MUST MEET
4 THE WATER EFFICIENCY AND PERFORMANCE CRITERIA AND OTHER
5 REQUIREMENTS FOR THAT SPECIFICATION.

6 (i) PORTABLE ELECTRIC SPAS MUST MEET THE REQUIREMENTS OF
7 ANSI/APSP/ICC 14.

8 (j) PUBLIC OR PRIVATE LAVATORY FAUCETS, TUB SPOUT
9 DIVERTERS, SHOWERHEAD TUB SPOUT DIVERter COMBINATIONS, AND
10 URINALS MUST MEET THE REQUIREMENTS IN 20 CCR SEC. 1605.3, AS
11 MEASURED IN ACCORDANCE WITH THE TEST METHODS PRESCRIBED IN 20
12 CCR SEC. 1604, AS AMENDED.

13 (k) RESIDENTIAL VENTILATING FANS MUST COMPLY WITH THE
14 FOLLOWING REQUIREMENTS:

15 (I) INLINE RESIDENTIAL VENTILATING FANS MUST HAVE A FAN
16 MOTOR EFFICACY OF NO LESS THAN 2.8 CUBIC FEET PER MINUTE PER WATT;
17 AND

18 (II) RESIDENTIAL VENTILATING FANS OTHER THAN INLINE
19 RESIDENTIAL VENTILATING FANS MUST HAVE A FAN MOTOR EFFICACY OF
20 NO LESS THAN 1.4 CUBIC FEET PER MINUTE PER WATT FOR AIRFLOWS LESS
21 THAN NINETY CUBIC FEET PER MINUTE AND NO LESS THAN 2.8 CUBIC FEET
22 PER MINUTE PER WATT FOR OTHER AIRFLOWS WHEN TESTED IN
23 ACCORDANCE WITH HOME VENTILATION INSTITUTE PUBLICATION 916
24 "HVI AIRFLOW TEST PROCEDURE".

25 (l) RESIDENTIAL WINDOWS, RESIDENTIAL DOORS, AND RESIDENTIAL
26 SKYLIGHTS INCLUDED IN THE SCOPE OF THE ENERGY STAR PROGRAM
27 REQUIREMENTS PRODUCT SPECIFICATION FOR RESIDENTIAL WINDOWS,

1 DOORS, AND SKYLIGHTS, VERSION 6.0, MUST SATISFY THE NORTHERN
2 CLIMATE ZONE QUALIFICATION CRITERIA OF THAT SPECIFICATION; EXCEPT
3 THAT RESIDENTIAL WINDOWS AND DOORS THAT ARE CUSTOM DESIGNED
4 FOR A HISTORICALLY DESIGNATED BUILDING AND REQUIRED IN ORDER TO
5 MAINTAIN THE HISTORIC NATURE OR CHARACTER OF SUCH A BUILDING ARE
6 NOT REQUIRED TO SATISFY SUCH CRITERIA.

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

9 **6-7.5-106. New and revised standards - rules.** (1) ON OR
10 BEFORE JANUARY 1, 2026, AND ON OR BEFORE JANUARY 1 EVERY FIVE
11 YEARS THEREAFTER, the executive director ~~may adopt by rule~~ SHALL
12 PROMULGATE RULES ADOPTING a more recent version of any standard ~~or~~
13 ~~test method~~ established in section 6-7.5-105, including any product
14 definition OR TEST METHOD associated with the standard, ~~or test method~~;
15 in order to maintain or improve consistency with other comparable
16 standards in other states, so long as the **resulting** UPDATED VERSION
17 RESULTS IN ENERGY OR WATER efficiency THAT is equal to or greater than
18 the efficiency achieved using the prior standard; ~~or test method. The~~
19 ~~executive director shall allow at least a one-year delay between the~~
20 ~~adoption by rule and the enforcement of any new standard or test method.~~

21 (2) ON OR BEFORE JANUARY 1, 2026, AND ON OR BEFORE JANUARY
22 1 EVERY FIVE YEARS THEREAFTER, THE EXECUTIVE DIRECTOR SHALL
23 PROMULGATE RULES ESTABLISHING STANDARDS FOR PRODUCTS THAT ARE
24 NOT DESCRIBED IN SECTION 6-7.5-104 OR 6-7.5-105 IF SUCH STANDARDS:

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

27 (b) EXIST IN AT LEAST THREE OTHER STATES.

1 (3) IN PROMULGATING RULES PURSUANT TO THIS SECTION, THE
2 EXECUTIVE DIRECTOR SHALL ALLOW A DELAY OF ONE YEAR BETWEEN THE
3 PROMULGATION OF ANY RULE ADOPTING A NEW STANDARD AND THE
4 APPLICABILITY AND ENFORCEMENT OF THE NEW STANDARD.

5 **SECTION 6.** In Colorado Revised Statutes, 6-7.5-109, **amend** (1)
6 introductory portion and (2); and **add** (3), (4), and (5) as follows:

7 **6-7.5-109. Testing, certification, labeling, and enforcement -**
8 **rules - inspections - publication of material incorporated by**
9 **reference.** (1) Unless a product appears in THE STATE APPLIANCE
10 STANDARDS DATABASE MAINTAINED BY THE NORTHEAST ENERGY
11 EFFICIENCY PARTNERSHIPS, OR A SUCCESSOR ORGANIZATION, OR IN a
12 public database of compliant products maintained by other states or
13 federal agencies with equivalent or more stringent efficiency standards,
14 ~~the~~ manufacturers of products covered by this article 7.5 shall
15 demonstrate that the products comply with this article 7.5 by doing any
16 one or more of the following:

17 (2) ON OR BEFORE JANUARY 1, 2026, AND AS NECESSARY
18 THEREAFTER, the executive director ~~may~~ SHALL adopt rules ~~as necessary~~
19 to ensure the proper implementation and enforcement of this article 7.5.

20 (3) ON OR BEFORE JANUARY 1, 2024, THE EXECUTIVE DIRECTOR
21 SHALL COLLECT AND MAKE PUBLICLY AVAILABLE IN WRITTEN AND
22 ELECTRONIC FORM THE FEDERAL RULES AND OTHER RULES AND
23 STANDARDS REFERRED TO IN THIS PART 7.5. THE EXECUTIVE DIRECTOR
24 SHALL UPDATE THE PUBLICLY AVAILABLE RULES AND STANDARDS AS THEY
25 MAY BE UPDATED OR ADDED IN ACCORDANCE WITH SECTION 6-7.5-106.

26 (4) THE EXECUTIVE DIRECTOR SHALL CONDUCT PERIODIC,
27 UNANNOUNCED INSPECTIONS OF MAJOR DISTRIBUTORS OR RETAILERS,

1 INCLUDING ONLINE RETAILERS, OF NEW PRODUCTS REGULATED BY THIS
2 ARTICLE 7.5 IN ORDER TO DETERMINE COMPLIANCE WITH THE PROVISIONS
3 OF THIS ARTICLE 7.5. IF THE EXECUTIVE DIRECTOR DETERMINES THAT A
4 VIOLATION HAS OCCURRED, THE EXECUTIVE DIRECTOR SHALL DELIVER THE
5 EXECUTIVE DIRECTOR'S FINDINGS TO THE ATTORNEY GENERAL. SUCH
6 PERIODIC INSPECTIONS MUST:

7 (a) COMMENCE NO SOONER THAN JANUARY 1, 2024, AND NO LATER
8 THAN JANUARY 1, 2026;

9 (b) OCCUR ON OR BEFORE JANUARY 1 EVERY FIVE YEARS
10 THEREAFTER;

11 (c) OCCUR DURING REGULAR BUSINESS HOURS; AND

12 (d) INCLUDE AT LEAST FIVE MAJOR DISTRIBUTORS OR RETAILERS
13 AND AT LEAST FIVE PRODUCT CATEGORIES.

14 (5) ON OR BEFORE JANUARY 1, 2024, THE EXECUTIVE DIRECTOR
15 SHALL ESTABLISH A PROCESS WHEREBY INDIVIDUALS MAY ANONYMOUSLY
16 REPORT POTENTIAL VIOLATIONS OF THIS ARTICLE 7.5 ON THE DEPARTMENT
17 OF PUBLIC HEALTH AND ENVIRONMENT'S PUBLIC WEBSITE. THE EXECUTIVE
18 DIRECTOR SHALL INVESTIGATE ANY REPORTED POTENTIAL VIOLATION AND
19 SHALL REPORT ANY CONFIRMED VIOLATIONS TO THE ATTORNEY GENERAL.

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

22 **6-7.5-110. Penalties - civil action by attorney general.**

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

27 (a) Any person who violates or causes another to violate

1 subsection (1) of this section shall forfeit and pay to the general fund of
2 ~~this state~~ a civil penalty of not more than two thousand dollars for each
3 such violation, WHICH AMOUNT SHALL BE TRANSFERRED TO THE STATE
4 TREASURER TO BE CREDITED TO THE ENERGY FUND CREATED IN SECTION
5 24-38.5-102.4. For purposes of this subsection (2)(a), a violation
6 constitutes a separate violation with respect to each ~~consumer or~~
7 transaction OR ONLINE FOR-SALE PRODUCT LISTING involved; except that
8 the maximum civil penalty ~~shall~~ MAY not exceed five hundred thousand
9 dollars for any related series of violations.

10 **SECTION 8.** In Colorado Revised Statutes, **add** part 14 to article
11 5 of title 25 as follows:

12 PART 14

13 CLEAN LIGHTING

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

16 **25-5-1402. Legislative declaration.** (1) THE GENERAL ASSEMBLY
17 FINDS AND DETERMINES THAT:

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

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

26 (c) FLUORESCENT BULBS HAVE LONG PROVIDED A VALUABLE
27 SERVICE, BUT CLEANER, SAFER ALTERNATIVES HAVE BECOME WIDELY

1 AVAILABLE AND AFFORDABLE;

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

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

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

16 **25-5-1403. Definitions.** AS USED IN THIS PART 14, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

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

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

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

- 1 (II) THAT:
- 2 (A) INCLUDES ONE BASE OR END CAP OF ANY TYPE, INCLUDING
- 3 SCREW, BAYONET, TWO-PIN, OR FOUR-PIN;
- 4 (B) IS INTEGRALLY BALLASTED OR NONINTEGRALLY BALLASTED;
- 5 (C) EMITS LIGHT BETWEEN A CORRELATED COLOR TEMPERATURE
- 6 OF 1700 KELVIN AND 24000 KELVIN AND A DUV OF +0.024 AND -0.024 IN
- 7 THE CIECAM02-UCS; AND
- 8 (D) INCLUDES ONE OR MORE TUBES, WHICH MAY BE OF ANY
- 9 DIAMETER OR LENGTH.
- 10 (b) "COMPACT FLUORESCENT LAMP" INCLUDES LAMPS OF ALL SIZES
- 11 AND SHAPES FOR DIRECTIONAL AND NONDIRECTIONAL INSTALLATIONS,
- 12 INCLUDING PLUG-IN, SPIRAL, TWIN TUBE, TRIPLE TWIN, 2D, U-BEND, AND
- 13 CIRCULAR LAMPS, THAT SATISFY THE DESCRIPTION IN SUBSECTION (2)(a)
- 14 OF THIS SECTION.
- 15 (3) "DUV" MEANS $\Delta(u, 2/3v')$, WHICH IS A METRIC THAT
- 16 DESCRIBES THE DISTANCE OF A LIGHT COLOR POINT FROM THE PLANCKIAN
- 17 LOCUS.
- 18 (4) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
- 19 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE
- 20 EXECUTIVE DIRECTOR'S DESIGNEE.
- 21 (5) (a) "LINEAR FLUORESCENT LAMP" MEANS A LOW-PRESSURE,
- 22 MERCURY-CONTAINING, ELECTRIC-DISCHARGE LIGHT SOURCE:
- 23 (I) IN WHICH A FLUORESCENT COATING TRANSFORMS SOME OF THE
- 24 ULTRAVIOLET ENERGY GENERATED BY THE MERCURY DISCHARGE INTO
- 25 VISIBLE LIGHT; AND
- 26 (II) THAT:
- 27 (A) INCLUDES TWO BASES OR END CAPS OF ANY TYPE, INCLUDING

1 SINGLE-PIN, TWO-PIN, OR RECESSED DOUBLE CONTACT;

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

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

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

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

10 (6) "SUNLAMP PRODUCT" HAS THE MEANING SET FORTH IN 21 CFR
11 1040.20 (b)(9).

12 **25-5-1404. Scope and applicability.** (1) EXCEPT AS DESCRIBED
13 IN SUBSECTION (2) OF THIS SECTION, THIS PART 14 APPLIES TO COMPACT
14 FLUORESCENT LAMPS AND LINEAR FLUORESCENT LAMPS SOLD AS NEW IN
15 COLORADO.

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

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

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

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

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

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

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

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

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

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

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

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

27 (VIII) IS DESIGNED AND MARKETED EXCLUSIVELY FOR USE IN

1 PHARMACEUTICAL PRODUCT MANUFACTURING OR QUALITY CONTROL;

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

8 OR

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

11 OR

12 (c) A PRODUCT THAT IS HELD IN INVENTORY IN COLORADO ON THE
13 EFFECTIVE DATE OF THE APPLICABLE STANDARD DESCRIBED IN SECTION
14 25-5-1405.

15 **25-5-1405. Prohibited lamps.** (1) ON AND AFTER JANUARY 1,
16 2024, A PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OR OFFER
17 FOR SALE IN COLORADO ANY NEW COMPACT FLUORESCENT LAMP WITH A
18 SCREW- OR BAYONET-TYPE BASE.

19 (2) ON AND AFTER JANUARY 1, 2025, A PERSON SHALL NOT
20 MANUFACTURE, DISTRIBUTE, SELL, OR OFFER FOR SALE IN COLORADO ANY:

21 (a) LINEAR FLUORESCENT LAMP; OR

22 (b) COMPACT FLUORESCENT LAMP WITH A PIN-TYPE BASE.

23 **25-5-1406. Enforcement - inspections - civil action by attorney**
24 **general - penalties.** (1) THE EXECUTIVE DIRECTOR SHALL CONDUCT
25 PERIODIC, UNANNOUNCED INSPECTIONS OF MAJOR DISTRIBUTORS OR
26 RETAILERS, INCLUDING ONLINE RETAILERS, OF NEW PRODUCTS DESCRIBED
27 IN SECTION 25-5-1404 (1) IN ORDER TO DETERMINE COMPLIANCE WITH

1 THIS PART 14. IF THE EXECUTIVE DIRECTOR DETERMINES THAT A
2 VIOLATION HAS OCCURRED, THE EXECUTIVE DIRECTOR SHALL DELIVER THE
3 FINDINGS TO THE ATTORNEY GENERAL. SUCH PERIODIC INSPECTIONS MUST:

4 (a) COMMENCE NO SOONER THAN JANUARY 1, 2024, AND NO LATER
5 THAN JANUARY 1, 2026;

6 (b) OCCUR AT LEAST ANNUALLY FOR FIVE YEARS;

7 (c) OCCUR DURING REGULAR BUSINESS HOURS; AND

8 (d) INCLUDE AT LEAST FIVE MAJOR DISTRIBUTORS OR RETAILERS
9 UPON EACH OCCURRENCE.

10 (2) ON OR BEFORE JANUARY 1, 2024, THE EXECUTIVE DIRECTOR
11 SHALL ESTABLISH A PROCESS WHEREBY INDIVIDUALS MAY ANONYMOUSLY
12 REPORT POTENTIAL VIOLATIONS OF THIS PART 14 ON THE DEPARTMENT OF
13 PUBLIC HEALTH AND ENVIRONMENT'S PUBLIC WEBSITE. THE EXECUTIVE
14 DIRECTOR SHALL INVESTIGATE ANY REPORTED POTENTIAL VIOLATION AND
15 SHALL REPORT ANY CONFIRMED VIOLATIONS TO THE ATTORNEY GENERAL.

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

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

27 (I) EACH TRANSACTION OR ONLINE FOR-SALE PRODUCT LISTING

1 INVOLVED CONSTITUTES A SEPARATE VIOLATION; EXCEPT THAT THE
2 MAXIMUM CIVIL PENALTY MAY NOT EXCEED FIVE HUNDRED THOUSAND
3 DOLLARS FOR ANY RELATED SERIES OF VIOLATIONS; AND

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

9 **SECTION 9.** In Colorado Revised Statutes, **add** part 15 to article
10 7 of title 25 as follows:

11 PART 15

12 ENVIRONMENTAL STANDARDS FOR HEATING

13 AND WATER HEATING APPLIANCES

14 **25-7-1501. Legislative declaration.** (1) THE GENERAL ASSEMBLY
15 DECLARES THAT IT IS IN THE INTEREST OF THE STATE TO REDUCE AND
16 PREVENT AIR POLLUTION FROM CERTAIN NEW HEATING AND WATER
17 HEATING APPLIANCES IN ORDER TO:

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

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

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

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

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

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

10 **25-7-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "BOILER" MEANS A DEVICE THAT HEATS WATER BY
13 COMBUSTION OF FUEL AND FROM WHICH DEVICE THE HEATED OR
14 VAPORIZED WATER EXITS FOR USE IN VARIOUS PROCESSES OR HEATING
15 APPLICATIONS.

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

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

23 (4) "FAN-TYPE CENTRAL FURNACE" MEANS A SELF-CONTAINED
24 SPACE HEATER THAT:

25 (a) USES NATURAL GAS OR OPERATES IN NATURAL-GAS-FIRING
26 MODE; AND

27 (b) PROVIDES FOR CIRCULATION OF HEATED AIR AT PRESSURES

1 OTHER THAN ATMOSPHERIC THROUGH DUCTS MORE THAN TEN INCHES IN
2 LENGTH.

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

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

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

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

15 (8) "NOX" MEANS THE SUM OF NITRIC OXIDE AND NITROGEN
16 DIOXIDE.

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

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

27 (11) "WATER HEATER" MEANS A DEVICE THAT HEATS WATER BY

1 COMBUSTION OF FUEL OR THROUGH THE USE OF ELECTRICITY TO A
2 THERMOSTATICALLY CONTROLLED TEMPERATURE NOT EXCEEDING TWO
3 HUNDRED TEN DEGREES FAHRENHEIT OR NINETY-NINE DEGREES CELSIUS,
4 FOR USE EXTERNAL TO THE DEVICE, AT A PRESSURE NOT EXCEEDING ONE
5 HUNDRED SIXTY POUNDS PER SQUARE INCH GAUGE.

6 **25-7-1503. Scope and applicability.** (1) EXCEPT AS DESCRIBED
7 IN SUBSECTION (2) OF THIS SECTION, THIS PART 15 APPLIES TO THE
8 FOLLOWING NEW PRODUCTS:

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

11 (b) BOILERS WITH A RATED HEAT INPUT CAPACITY OF TWO MILLION
12 BTUs PER HOUR OR LESS; AND

13 (c) FAN-TYPE CENTRAL FURNACES THAT:

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

16 (II) ARE USED FOR COMFORT HEATING; AND

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

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

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

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

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

1 (d) PRODUCTS THAT DO NOT BURN NATURAL GAS.

2 **25-7-1504. Emission standards for new products.** (1) ON AND
3 AFTER JANUARY 1, 2025, EXCEPT AS DESCRIBED IN SECTION 25-7-1506(2),
4 A PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OFFER FOR SALE,
5 LEASE, OR OFFER FOR LEASE IN COLORADO ANY OF THE FOLLOWING NEW
6 PRODUCTS UNLESS THE EMISSIONS OF THE PRODUCT DO NOT EXCEED THE
7 FOLLOWING LIMITS, AS APPLICABLE:

8 (a) UNLESS A WATER HEATER OR BOILER IS CERTIFIED TO THE
9 MOST RECENT VERSION OF ENERGY STAR FOR WATER HEATERS OR
10 BOILERS, IT MUST HAVE EMISSIONS EQUAL TO OR LESS THAN:

11 (I) TEN NANOGRAMS OF NOX PER JOULE FOR WATER HEATERS AND
12 BOILERS WITH A RATED HEAT INPUT CAPACITY OF UP TO SEVENTY-FIVE
13 THOUSAND BTUS PER HOUR AND FOR ANY UNIT WITH POWER ASSIST; OR

14 (II) FOURTEEN NANOGRAMS OF NOX PER JOULE FOR WATER
15 HEATERS AND BOILERS WITH A RATED HEAT INPUT CAPACITY OF MORE
16 THAN SEVENTY-FIVE THOUSAND AND LESS THAN TWO MILLION BTUS PER
17 HOUR; AND

18 (b) UNLESS A FAN-TYPE CENTRAL FURNACE IS CERTIFIED TO THE
19 MOST RECENT VERSION OF ENERGY STAR FOR FAN-TYPE CENTRAL
20 FURNACES, IT MUST HAVE EMISSIONS EQUAL TO OR LESS THAN FOURTEEN
21 NANOGRAMS OF NOX PER JOULE.

22 **25-7-1505. Testing - required displays - demonstrations of**
23 **compliance.** (1) MANUFACTURERS OF NATURAL-GAS-FUELED WATER
24 HEATERS AND BOILERS DESCRIBED BY SECTION 25-7-1503 (1)(a) AND
25 (1)(b) SHALL TEST EACH APPLICABLE MODEL FOR SALE IN COLORADO IN
26 ACCORDANCE WITH THE SOUTH COAST AIR QUALITY MANAGEMENT
27 DISTRICT PROTOCOL "NITROGEN OXIDES EMISSIONS COMPLIANCE TESTING

1 FOR NATURAL GAS-FIRED WATER HEATERS AND SMALL BOILERS", AS
2 AMENDED.

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

9 (3) MANUFACTURERS OF PRODUCTS DESCRIBED IN SECTION
10 25-7-1503 (1) SHALL DISPLAY THE MODEL NUMBER, THE NOX EMISSIONS
11 RATE, THE RATED HEAT INPUT CAPACITY, AND THE DATE OF
12 MANUFACTURE OF EACH PRODUCT, BOTH ON THE PRODUCT'S SHIPPING
13 CARTON AND ON THE PRODUCT'S PERMANENT RATING PLATE.

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

22 (a) AFFIXING A PERMANENT MARK, LABEL, OR TAG TO THE
23 PRODUCT AND PACKAGING AT THE TIME OF SALE OR INSTALLATION THAT
24 CONFIRMS COMPLIANCE WITH EMISSION STANDARDS REQUIRED BY A STATE
25 OR FEDERAL AGENCY, WHICH EMISSION STANDARDS ARE AS DEMANDING
26 OR MORE DEMANDING THAN THE EMISSION STANDARDS DESCRIBED IN THIS
27 PART 15;

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

6 (c) SUBMITTING TEST SAMPLE RESULTS TO THE EXECUTIVE
7 DIRECTOR USING TEST METHODS AND PROCEDURES DESCRIBED IN
8 SUBSECTION (1) OR (2) OF THIS SECTION, AS APPLICABLE; OR

9 (d) SUBMITTING SUCH OTHER PROOF AS THE EXECUTIVE DIRECTOR
10 MAY DEEM APPROPRIATE BY RULE PURSUANT TO SECTION 25-7-1506.

11 **25-7-1506. Rules.** (1) ON OR BEFORE JANUARY 1, 2025, THE
12 COMMISSION SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF
13 THIS PART 15, INCLUDING RULES ESTABLISHING, AT THE EXECUTIVE
14 DIRECTOR'S DISCRETION, ANY ADDITIONAL MEANS BY WHICH A
15 MANUFACTURER MAY DEMONSTRATE COMPLIANCE WITH THIS PART 15, AS
16 DESCRIBED IN SECTION 25-7-1505 (4).

17 (2) ON OR BEFORE JANUARY 1, 2029, THE COMMISSION SHALL
18 PROMULGATE RULES LOWERING THE EMISSION LIMITS SET FORTH IN
19 SECTION 25-7-1504 FOR NEW WATER HEATERS, BOILERS, AND FAN-TYPE
20 CENTRAL FURNACES. THE COMMISSION SHALL ENSURE THAT REVISED
21 EMISSION LIMITS ARE SET AT LEVELS THAT:

22 (a) ACHIEVE THE GREENHOUSE GAS EMISSION REDUCTION TARGETS
23 SET FORTH IN SECTION 25-7-102 (2)(g);

24 (b) ELIMINATE CONTRIBUTIONS FROM NEW WATER HEATERS,
25 BOILERS, AND FAN-TYPE CENTRAL FURNACES TO EXCEEDANCES OF THE
26 NATIONAL AMBIENT AIR QUALITY STANDARDS;

27 (c) ARE ACHIEVABLE WITH AVAILABLE TECHNOLOGY; AND

1 (d) DO NOT PLACE AN UNDUE COST BURDEN ON CONSUMERS.

2 **25-7-1507. Enforcement - inspections - civil action by attorney**

3 **general - penalties.** (1) THE EXECUTIVE DIRECTOR SHALL CONDUCT
4 PERIODIC, UNANNOUNCED INSPECTIONS OF MAJOR DISTRIBUTORS OR
5 RETAILERS, INCLUDING ONLINE RETAILERS, OF NEW PRODUCTS DESCRIBED
6 IN SECTION 25-7-1503 (1) IN ORDER TO DETERMINE COMPLIANCE WITH
7 THIS PART 15. IF THE EXECUTIVE DIRECTOR DETERMINES THAT A
8 VIOLATION HAS OCCURRED, THE EXECUTIVE DIRECTOR SHALL DELIVER THE
9 FINDINGS TO THE ATTORNEY GENERAL. THE PERIODIC INSPECTIONS MUST:

10 (a) COMMENCE NO SOONER THAN JANUARY 1, 2024, AND NO LATER
11 THAN JANUARY 1, 2026;

12 (b) OCCUR AT LEAST ONCE EVERY FIVE YEARS THEREAFTER;

13 (c) OCCUR DURING REGULAR BUSINESS HOURS;

14 (d) INCLUDE AT LEAST FIVE MAJOR DISTRIBUTORS OR RETAILERS
15 UPON EACH OCCURRENCE; AND

16 (e) INCLUDE INSPECTIONS OF WATER HEATERS, BOILERS, AND
17 FAN-TYPE FURNACES.

18 (2) ON OR BEFORE JANUARY 1, 2024, THE EXECUTIVE DIRECTOR
19 SHALL ESTABLISH A PROCESS WHEREBY INDIVIDUALS MAY ANONYMOUSLY
20 REPORT POTENTIAL VIOLATIONS OF THIS PART 15 ON THE DEPARTMENT OF
21 PUBLIC HEALTH AND ENVIRONMENT'S PUBLIC WEBSITE. THE EXECUTIVE
22 DIRECTOR SHALL INVESTIGATE ANY SUCH REPORTED POTENTIAL
23 VIOLATION AND SHALL REPORT ANY CONFIRMED VIOLATIONS TO THE
24 ATTORNEY GENERAL.

25 (3) (a) IF THE ATTORNEY GENERAL HAS PROBABLE CAUSE TO
26 BELIEVE THAT ANY PERSON OR GROUP OF PERSONS HAS VIOLATED OR
27 CAUSED ANOTHER PERSON TO VIOLATE SECTION 25-7-1504 OR 25-7-1505,

1 THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION ON BEHALF OF THE
2 STATE TO SEEK THE IMPOSITION OF CIVIL PENALTIES AS SPECIFIED IN THIS
3 SUBSECTION (3). ANY PERSON WHO KNOWINGLY VIOLATES OR CAUSES
4 ANOTHER PERSON TO VIOLATE SECTION 25-7-1504 OR 25-7-1505 SHALL
5 PAY A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS FOR
6 EACH VIOLATION, WHICH AMOUNT SHALL BE TRANSFERRED TO THE STATE
7 TREASURER TO BE CREDITED TO THE ENERGY FUND CREATED IN SECTION
8 24-38.5-102.4.

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

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

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

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

21 **24-38.5-102.4. Energy fund - creation - use of fund -**
22 **definitions - report - repeal.** (1) (a) (I) The energy fund is ~~hereby~~
23 created in the state treasury. The principal of the fund consists of money
24 transferred to the fund from the general fund; money transferred to the
25 fund at the end of the 2006-07 state fiscal year and at the end of each
26 succeeding state fiscal year from money received by the Colorado energy
27 office; money received pursuant to the federal "American Recovery and

1 Reinvestment Act of 2009", Pub.L. 111-5, or any amendments thereto; ~~or~~
2 ~~from~~ MONEY RECEIVED PURSUANT TO revenue contracts, court settlement
3 funds, supplemental environmental program funds, OR THE repayment or
4 return of funds from eligible public depositories; MONEY TRANSFERRED
5 TO THE FUND PURSUANT TO SECTIONS 6-7.5-110 (2)(a), 25-5-1406 (3)(a),
6 AND 25-7-1507 (3)(a); ~~and~~ MONEY RECEIVED AS gifts, grants, and
7 donations; and any other money received by the Colorado energy office.
8 Interest and income earned on the deposit and investment of money in the
9 energy fund are credited to the fund. Money in the fund at the end of any
10 state fiscal year remains in the fund and may not be credited to the state
11 general fund or any other fund. Money in the fund may not be transferred
12 to the innovative energy fund created in section 24-38.5-102.5.

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

15 **38-35.7-109. Electric vehicle charging and heating systems -**
16 **options - definitions.** (1) (c) A person that builds a new residence for
17 which a buyer is under contract shall offer the buyer pricing, energy
18 efficiency, and utility bill information for each natural gas, electric, or
19 other option available from and information pertaining to those options
20 from the federal Energy Star program, as defined in section 6-7.5-102
21 ~~(15)~~ (24), or similar information about energy efficiency and utilization
22 reasonably available to the person building the residence.

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

25 **40-3.2-109. Beneficial electrification plans for electric utilities**
26 **- definition - rules - recovery of costs - report.** (2) (b) On or before
27 July 1, 2022, and thereafter as directed by the commission, but no less

1 frequently than every three years, an investor-owned electric utility shall
2 file with the commission an application for a beneficial electrification
3 plan for regulated activities to support beneficial electrification.
4 Beneficial electrification plans may be combined with other demand-side
5 management strategic issues or transportation electrification plans, as
6 applicable, but a beneficial electrification plan must, at a minimum:

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

13 **SECTION 13. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2024 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.