

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

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

10 ~~(2)~~ (3) "ANSI" means the American National Standards Institute
11 or its successor organization.

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

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

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

20 ~~(3)~~ (7) "ANSI C79.1" means the ANSI standard for "Electric
21 Lamps - Nomenclature for Glass Bulbs Intended for Use with Electric
22 Lamps". ~~approved September 16, 2002.~~

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

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

27 (10) "CHECK VALVE" MEANS A COMPONENT THAT IS INTERNAL TO

1 A SPRAY SPRINKLER BODY AND PREVENTS SYSTEM DRAINAGE DURING
2 PERIODS OF NONOPERATION.

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

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

7 (a) IS NOT A COMPACT FLUORESCENT LAMP;

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

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

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

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

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

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

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

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

1 ~~(9)~~ (14) "Commercial hot food holding cabinet" means a heated,
2 fully enclosed compartment with one or more solid or transparent doors
3 designed to maintain the temperature of hot food that has been cooked
4 using a separate appliance. "Commercial hot food holding cabinet" does
5 not include heated glass merchandising cabinets, drawer warmers, or
6 cook and hold appliances.

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

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

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

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

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

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

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

1 ~~(13)~~(19) "Computer" and "computer monitor" have the meanings
2 set forth in 20 CCR sec. 1602 (v).

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

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

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

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

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

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

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

1 DELIVERING ENERGY FROM THE WIRING OF A PREMISES TO AN ELECTRIC
2 VEHICLE.

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

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

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

10 ~~(17)~~ (26) "Faucet" means:

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

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

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

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

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

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

26 (a) Means a lamp that:

27 ~~(1) Has a base that complies with ANSI standards;~~

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

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

1 ~~(A) Have a first number symbol less than or equal to eight~~
2 ~~(diameter less than or equal to one inch), as defined in ANSI C79.1-2002;~~

3 ~~(B) Have a nominal overall length less than twelve inches; and~~

4 ~~(C) Are not compact fluorescent lamps; or~~

5 ~~(XXVI) Traffic signal lamps.~~

6 ~~(20)~~ (30) "GPM" means gallons per minute.

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

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

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

14 (b) NOT A DECORATIVE GAS FIREPLACE.

15 ~~(21)~~ (33) "High color rendering index ~~(CRI)~~ CRI fluorescent
16 lamp" means a fluorescent lamp with a ~~CRI~~ COLOR RENDERING INDEX of
17 eighty-seven or greater that is not a compact fluorescent lamp.

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

20 ~~(23)~~ (34) "ICC" means the International Code Council or its
21 successor organization.

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

24 (a) IS NOT A COMPACT FLUORESCENT LAMP;

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

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

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

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

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

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

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

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

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

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

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

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

1 CURRENT WEATHER DATA AS A BASIS FOR SCHEDULING IRRIGATION.

2 (24) (39) (a) "Lamp" means a device that emits light and is used
3 to illuminate an indoor or outdoor space.

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

5 (25) (40) "LED" means light-emitting diode.

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

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

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

11 (c) ~~A flushing urinal;~~

12 (d) ~~A flushometer-valve water closet; or~~

13 (e) ~~A tank-type toilet or tank-type water closet.~~

14 (27) (41) "Metering faucet" means a fitting that, when turned on,
15 will gradually shut off the flow of water over a period of several seconds
16 SELF-CLOSING FAUCET THAT DISPENSES A SPECIFIC VOLUME OF WATER FOR
17 EACH ACTUATION CYCLE AND FOR WHICH THE VOLUME OR CYCLE
18 DURATION MAY BE FIXED OR ADJUSTABLE.

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

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

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

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

1 ~~(29)~~ (45) "Portable air conditioner" means a portable encased
2 assembly, other than a packaged terminal air conditioner, ductless
3 portable air conditioner, room air conditioner, or dehumidifier, that:

- 4 (a) Delivers cooled, conditioned air to an enclosed space;
- 5 (b) Is powered by single-phase electric current;
- 6 (c) Includes a source of refrigeration;
- 7 (d) May be a single-duct or dual-duct portable air conditioner; and
- 8 (e) May include additional means for air circulation and heating.

9 ~~(30)~~ (46) "Portable electric spa" means a factory-built electric spa
10 or hot tub ~~It~~ THAT may ~~or may not~~ include any combination of integral
11 controls, water heating, and water circulating equipment.

12 ~~(31)~~ (47) "Pressure regulator" means a device that maintains
13 constant operating pressure immediately downstream from a spray
14 sprinkler body, given higher pressure upstream of the device.

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

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

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

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

26 ~~(32)~~ (50) "PSI" means pounds per square inch.

27 ~~(33)~~ (51) "Public lavatory faucet" means a fitting designed and

1 marketed for installation in a nonresidential bathroom, which bathroom
2 is exposed to walk-in traffic.

3 (34) (52) "Replacement aerator" means an aerator sold as a
4 replacement, separate from the faucet to which it is intended to be
5 attached.

6 (53) "RESIDENTIAL BUILDING" MEANS A STRUCTURE THAT IS USED
7 PRIMARILY FOR LIVING AND SLEEPING AND THAT IS ZONED AS RESIDENTIAL
8 OR OTHERWISE SUBJECT TO RESIDENTIAL BUILDING CODES. FOR THE
9 PURPOSES OF RESIDENTIAL WINDOWS, DOORS, AND SKYLIGHTS,
10 "RESIDENTIAL BUILDING" MEANS A BUILDING THAT IS THREE STORIES OR
11 LESS IN HEIGHT.

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

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

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

23 (35) (57) "Residential ventilating fan" means ~~an~~ A
24 CEILING-MOUNTED, A WALL-MOUNTED, OR AN inline RESIDENTIAL fan
25 THAT IS designed to be used in a bathroom or A utility room ~~and whose~~
26 ~~purpose is to move~~ FOR THE PURPOSE OF MOVING air from inside ~~the~~ A
27 RESIDENTIAL building to the outdoors. ~~It may be ceiling-mounted,~~

1 ~~wall-mounted, or remotely mounted.~~

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

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

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

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

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

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

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

21 (a) IS ENABLED FOR WIRELESS CONNECTIVITY;

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

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

1 SAVINGS.

2 (36) (62) "Spray sprinkler body" means the exterior case or shell
3 of a sprinkler DESIGNED AND INTENDED FOR NONAGRICULTURAL USES,
4 which case or shell:

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

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

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

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

14 ~~(37) "Uninterruptible power supply" means a power system for~~
15 ~~maintaining continuity of load power in case of input power failure. It~~
16 ~~may consist of a combination of one or more battery chargers, convertors,~~
17 ~~switches, and batteries or other energy storage devices.~~

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

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

26 (38) (67) "Water cooler" means a freestanding device that
27 consumes energy to cool or heat, or both cool and heat, potable water.

1 "WATER COOLER" INCLUDES:

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

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

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

7 (d) A STORAGE-TYPE UNIT THAT INSTANTANEOUSLY DELIVERS
8 WATER FROM A STORAGE TANK WITHIN THE UNIT, INCLUDING
9 POINT-OF-USE, DRY STORAGE COMPARTMENT, AND BOTTLED WATER
10 COOLERS; AND

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

13 ~~(39)~~ (68) "WaterSense-listed plumbing fixture" means a plumbing
14 fixture or plumbing fixture fitting that has been:

15 (a) Tested by an accredited third-party certifying body or
16 laboratory in accordance with the federal environmental protection
17 agency's WaterSense program or a successor program;

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

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

21 ~~(40)~~ (69) "WaterSense program" means the federal program
22 authorized by 42 U.S.C. sec. 6294b.

23

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

26 **6-7.5-103. Low-efficiency plumbing fixtures.** ~~(1)(a) Effective~~
27 ~~September 1, 2019, a person shall not sell a new low-efficiency plumbing~~

1 fixture, other than a flushometer-valve water closet, in Colorado.

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

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

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

14 **6-7.5-104. Scope and applicability.** (1) Subject to subsection (2)
15 of this section and as further specified in section 6-7.5-105, this article 7.5
16 applies to the following products sold as new in Colorado:

- 17 (a) ~~Air compressors;~~
- 18 (a.3) AIR PURIFIERS;
- 19 (a.6) COLD-TEMPERATURE FLUORESCENT LAMPS;
- 20 (d.5) COMMERCIAL OVENS;
- 21 (f.2) ELECTRIC STORAGE WATER HEATERS;
- 22 (f.5) ELECTRIC VEHICLE SUPPLY EQUIPMENT;
- 23 (h) ~~Flushometer-valve water closets;~~
- 24 (i) ~~General service lamps~~ GAS FIREPLACES;
- 25 (j.5) IMPACT-RESISTANT FLUORESCENT LAMPS;
- 26 (j.7) IRRIGATION CONTROLLERS;

27

- 1 (l.4) RESIDENTIAL DOORS;
- 2 (l.6) RESIDENTIAL SKYLIGHTS;
- 3 (m.6) RESIDENTIAL WINDOWS;
- 4 (m.8) SHOWERHEADS;
- 5 (o) ~~Uninterruptible power supplies; and~~ THERMOSTATS;
- 6 (o.2) TUB SPOUT DIVERTERS AND SHOWERHEAD TUB SPOUT
- 7 DIVERTER COMBINATIONS;
- 8 (o.4) URINALS;
- 9 (o.6) WATER CLOSETS;
- 10 (p) Water coolers; AND
- 11 (q) OTHER PRODUCTS AS MAY BE DESIGNATED BY THE EXECUTIVE
- 12 DIRECTOR PURSUANT TO SECTION 6-7.5-106.

13 (2) This article 7.5 does not apply to:

14 (c) Products held in inventory on or before:

15 (I) The effective date of the applicable standard for each category

16 of product set forth in this article 7.5; OR

17 (II) THE EFFECTIVE DATE FOR EACH CATEGORY OF PRODUCTS, AS

18 DETERMINED BY THE EXECUTIVE DIRECTOR BY RULE PURSUANT TO

19 SECTION 6-7.5-106.

20 (4) THIS ARTICLE 7.5 DOES NOT PREEMPT ANY ACTION OF A

21 STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND COUNTY

22 THAT PRESCRIBES ADDITIONAL OR MORE RESTRICTIVE WATER

23 CONSERVATION OR ENERGY EFFICIENCY REQUIREMENTS AFFECTING THE

24 SALE OR USE OF PLUMBING FIXTURES, APPLIANCES, OR OTHER PRODUCTS

25 IF THE REQUIREMENTS COMPLY WITH THE STANDARDS SPECIFIED IN THIS

26 ARTICLE 7.5.

27 **SECTION 4.** In Colorado Revised Statutes, 6-7.5-105, **amend**

1 (1), (3) introductory portion, (3)(a), (3)(b), (3)(c), (3)(d), (3)(h), (3)(i),
2 (3)(j), (3)(k), and (3)(m) introductory portion; **repeal** (2), (3)(g), (3)(l),
3 and (4)(a); and **add** (5) as follows:

4 **6-7.5-105. Standards - effective dates - repeal.** (1) ~~The~~
5 ~~executive director need not adopt by rule, but shall collect and make~~
6 ~~publicly available in hard copy, through a website, or both, the federal~~
7 ~~rules and other rules and standards referred to in this section. The~~
8 ~~references in this section are to the rules and standards as they existed on~~
9 ~~the dates specified or, if not so specified, as they existed on August 2,~~
10 ~~2019, and do not include later editions or revisions.~~ ON AND AFTER THE
11 EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, A PERSON SHALL
12 NOT SELL ANY OF THE FOLLOWING PLUMBING FIXTURES IN COLORADO
13 UNLESS THEY ARE WATERSENSE-LISTED PLUMBING FIXTURES:

14 (a) (I) A PRIVATE LAVATORY FAUCET.

15 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JANUARY 1,
16 2025.

17 (b) A PUBLIC LAVATORY FAUCET;

18 (c) A SHOWERHEAD;

19 (d) (I) A URINAL.

20 (II) THIS SUBSECTION (1)(d) IS REPEALED, EFFECTIVE JANUARY 1,
21 2025.

22 (e) A WATER CLOSET.

23 (2) ~~On or after January 1, 2020, a person shall not sell or offer for~~
24 ~~sale in Colorado a general service lamp unless it either:~~

25 (a) ~~Is subject to federal preemption; or~~

26 (b) ~~Meets or exceeds a lamp efficacy of forty-five lumens per~~
27 ~~watt, when tested in accordance with the applicable federal test~~

1 procedures for general service lamps prescribed in 10 CFR 430.23 (gg),
2 as in effect on January 3, 2017.

3 (3) On ~~or~~ AND after January 1, 2021, A PERSON SHALL NOT SELL,
4 LEASE, OR RENT ANY OF the following new products ~~shall not be sold,~~
5 ~~leased, or rented~~ in Colorado unless the efficiency of the new product
6 meets or exceeds the following efficiency standards, as applicable:

7 (a) Commercial dishwashers included in the scope of the Energy
8 Star program requirements product specification for commercial
9 dishwashers ~~version 2.0~~, must meet the qualification criteria of that
10 specification.

11 (b) Commercial fryers included in the scope of the Energy Star
12 program requirements product specification for commercial fryers ~~version~~
13 ~~2.0~~, must meet the qualification criteria of that specification.

14 (c) (I) Commercial hot food holding cabinets must have a
15 maximum idle energy rate of forty watts per cubic foot of interior volume,
16 as determined by the "idle energy rate-dry test" in ASTM standard
17 F2140-11, "Test Method for the Performance of Hot Food Holding
18 Cabinets", published by ASTM International, formerly known as the
19 American Society for Testing and Materials. Interior volume must be
20 measured as prescribed in the Energy Star program requirements product
21 specification for commercial hot food holding cabinets, version 2.0.

22 (II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JANUARY 1,
23 2025.

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

27 (g) ~~Flushometer-valve water closets included within the scope of~~

1 the WaterSense specification for flushometer-valve water closets, version
2 1.0, must meet the water efficiency and performance criteria and other
3 requirements of that specification.

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

10 (II) THIS SUBSECTION (3)(h) IS REPEALED, EFFECTIVE JANUARY 1,
11 2025.

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

15 (j) New residential ventilating fans must meet the FAN MOTOR
16 EFFICACY qualification criteria of the Energy Star program requirements
17 product specification for residential ventilating fans. version 3.2.

18 (k) (I) Spray sprinkler bodies that are not specifically excluded
19 from the scope of the WaterSense PROGRAM PRODUCT specification for
20 spray sprinkler bodies, version 1.0, must include an integral pressure
21 regulator and must meet the water efficiency and performance criteria and
22 other requirements of that specification.

23 (II) THIS SUBSECTION (3)(k) IS REPEALED, EFFECTIVE JANUARY 1,
24 2025.

25 (l) Uninterruptible power supplies that utilize a NEMA 1-15P or
26 5-15P input plug and have an alternating current output must have an
27 average load-adjusted efficiency that meets or exceeds the values shown

1 on page 193 of the prepublication final rule "Energy Conservation
2 Program: Energy Conservation Standards for Uninterruptible Power
3 Supplies" issued by the United States department of energy on December
4 28, 2016, as measured in accordance with test procedures prescribed in
5 10 CFR 430, subpart B, appendix Y, "Uniform Test Method for
6 Measuring the Energy Consumption of Battery Chargers", as in effect on
7 January 11, 2017.

8 (m) Water coolers included in the scope of the Energy Star
9 program requirements product specification for water coolers version 2.0;
10 must have an "on" mode with no-water-draw energy consumption less
11 than or equal to the following values as measured in accordance with the
12 test requirements of that program:

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

17 (a) ~~Air compressors that meet the twelve criteria listed on page
18 350 to 351 of the "Energy Conservation Standards for Air Compressors"
19 final rule issued by the United States department of energy on December
20 5, 2016, must meet the requirements in table 1 on page 352 following the
21 instructions on page 353 and as measured in accordance with 10 CFR
22 431, subpart T, appendix A, "Uniform Test Method for Certain Air
23 Compressors", as in effect on July 3, 2017.~~

24 (5) ON AND AFTER JANUARY 1, 2025, A PERSON SHALL NOT SELL,
25 OFFER TO SELL, LEASE, OR OFFER TO LEASE ANY OF THE FOLLOWING NEW
26 PRODUCTS IN COLORADO UNLESS THE EFFICIENCY OF THE NEW PRODUCT
27 MEETS OR EXCEEDS THE FOLLOWING EFFICIENCY STANDARDS, AS

1 APPLICABLE:

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

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

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

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

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

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

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

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

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

5 (g) HIGH CRI, COLD-TEMPERATURE, AND IMPACT-RESISTANT
6 FLUORESCENT LAMPS MUST MEET THE MINIMUM EFFICACY REQUIREMENTS
7 CONTAINED IN 10 CFR 430.32 (n)(4), AS MEASURED IN ACCORDANCE WITH
8 10 CFR 430, SUBPART B, APPENDIX R, "UNIFORM TEST METHOD FOR
9 MEASURING AVERAGE LAMP EFFICACY (LE), COLOR RENDERING INDEX
10 (CRI), AND CORRELATED COLOR TEMPERATURE (CCT) OF ELECTRIC
11 LAMPS".

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

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

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

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

1 AS AMENDED.

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

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

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

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

21 **6-7.5-106. New and revised standards - rules.** (1) The
22 executive director may adopt by rule a more recent version of any
23 standard or test method established in section 6-7.5-105, including any
24 product definition associated with the standard or test method, in order to
25 maintain or improve consistency with other comparable standards in other
26 states, so long as the resulting efficiency is equal to or greater than the
27 efficiency achieved using the prior standard or test method. The executive

1 director shall allow at least a one-year delay between the adoption by rule
2 and the enforcement of any new standard or test method.

3 (2) ON OR BEFORE JANUARY 1, 2026, AND ON OR BEFORE JANUARY
4 1 EVERY FIVE YEARS THEREAFTER, THE EXECUTIVE DIRECTOR SHALL
5 PROMULGATE RULES ESTABLISHING STANDARDS FOR PRODUCTS THAT ARE
6 NOT DESCRIBED IN SECTION 6-7.5-104 OR 6-7.5-105 IF SUCH STANDARDS:

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

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

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

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

20 **6-7.5-109. Testing, certification, labeling, and enforcement -**
21 **rules - verifications of compliance - publication of material**
22 **incorporated by reference.** (1) Unless a product appears in THE STATE
23 APPLIANCE STANDARDS DATABASE MAINTAINED BY THE NORTHEAST
24 ENERGY EFFICIENCY PARTNERSHIPS, OR A SUCCESSOR ORGANIZATION, OR
25 IN a public database of compliant products maintained by other states or
26 federal agencies with equivalent or more stringent efficiency standards,
27 ~~the~~ manufacturers of products covered by this article 7.5 shall

1 demonstrate that the products comply with this article 7.5 by doing any
2 one or more of the following:

3 (3) ON OR BEFORE JANUARY 1, 2025, THE EXECUTIVE DIRECTOR
4 SHALL COLLECT AND MAKE PUBLICLY AVAILABLE IN WRITTEN AND
5 ELECTRONIC FORM THE FEDERAL RULES AND OTHER RULES AND
6 STANDARDS REFERRED TO IN THIS PART 7.5. THE EXECUTIVE DIRECTOR
7 SHALL UPDATE THE PUBLICLY AVAILABLE RULES AND STANDARDS AS THEY
8 MAY BE UPDATED OR ADDED IN ACCORDANCE WITH SECTION 6-7.5-106.

9 (4) THE EXECUTIVE DIRECTOR SHALL:

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

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

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

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

25 (5) ON OR BEFORE JANUARY 1, 2025, THE EXECUTIVE DIRECTOR
26 SHALL ESTABLISH A PROCESS WHEREBY INDIVIDUALS MAY ANONYMOUSLY
27 REPORT POTENTIAL VIOLATIONS OF THIS ARTICLE 7.5 ON THE DEPARTMENT

1 OF PUBLIC HEALTH AND ENVIRONMENT'S PUBLIC WEBSITE. THE EXECUTIVE
2 DIRECTOR SHALL INVESTIGATE ANY REPORTED POTENTIAL VIOLATION AND
3 SHALL REPORT ANY CONFIRMED VIOLATIONS TO THE ATTORNEY GENERAL.

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

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

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

11 (a) Any person who violates or causes another to violate
12 subsection (1) of this section shall forfeit and pay ~~to the general fund of~~
13 ~~this state~~ a civil penalty of not more than two thousand dollars for each
14 such violation, WHICH AMOUNT SHALL BE TRANSFERRED TO THE STATE
15 TREASURER TO BE CREDITED TO THE ENERGY FUND CREATED IN SECTION
16 24-38.5-102.4. For purposes of this subsection (2)(a), a violation
17 constitutes a separate violation with respect to each ~~consumer or~~
18 ~~transaction OR ONLINE FOR-SALE PRODUCT LISTING~~ involved; except that
19 the maximum civil penalty ~~shall~~ MAY not exceed five hundred thousand
20 dollars for any related series of violations.

21 **SECTION 8.** In Colorado Revised Statutes, **add** part 14 to article
22 5 of title 25 as follows:

23 PART 14

24 CLEAN LIGHTING

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

27 **25-5-1402. Legislative declaration.** (1) THE GENERAL ASSEMBLY

1 FINDS AND DETERMINES THAT:

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

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

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

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

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

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

27 **25-5-1403. Definitions.** AS USED IN THIS PART 14, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

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

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

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

12 (II) THAT:

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

15 (B) IS INTEGRALLY BALLASTED OR NONINTEGRALLY BALLASTED;

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

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

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

26 (3) "DUV" MEANS $\Delta(U, 2/3V')$, WHICH IS A METRIC THAT
27 DESCRIBES THE DISTANCE OF A LIGHT COLOR POINT FROM THE PLANCKIAN

1 LOCUS.

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

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

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

10 (II) THAT:

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

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

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

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

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

21 (6) "SUNLAMP PRODUCT" HAS THE MEANING SET FORTH IN 21 CFR
22 1040.20 (b)(9).

23 **25-5-1404. Scope and applicability.** (1) EXCEPT AS DESCRIBED
24 IN SUBSECTION (2) OF THIS SECTION, THIS PART 14 APPLIES TO COMPACT
25 FLUORESCENT LAMPS AND LINEAR FLUORESCENT LAMPS SOLD AS NEW IN
26 COLORADO.

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

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

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

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

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

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

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

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

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

27 (V) IS DESIGNED AND MARKETED EXCLUSIVELY FOR CORAL

1 ZOOXANTHELLAE SYMBIOSIS AND FROM WHICH THE RADIATION POWER
2 EMITTED BETWEEN FOUR HUNDRED AND FOUR HUNDRED EIGHTY
3 NANOMETERS REPRESENTS AT LEAST FORTY PERCENT OF THE TOTAL
4 RADIATION POWER EMITTED BETWEEN TWO HUNDRED FIFTY AND EIGHT
5 HUNDRED NANOMETERS;

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

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

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

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

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

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

26 **25-5-1405. Prohibited lamps.** (1) ON AND AFTER JANUARY
27 1, 2025, A PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OR OFFER

1 FOR SALE IN COLORADO ANY:

2 (a) LINEAR FLUORESCENT LAMP; OR

3 (b) COMPACT FLUORESCENT LAMP.

4 **25-5-1406. Enforcement - verifications of compliance - civil**
5 **action by attorney general - penalties.** (1) THE EXECUTIVE DIRECTOR
6 SHALL:

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

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

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

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

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

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

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

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

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

21 **SECTION 9.** In Colorado Revised Statutes, **add** part 15 to article
 22 7 of title 25 as follows:

23 PART 15
 24 ENVIRONMENTAL STANDARDS FOR HEATING
 25 AND WATER HEATING APPLIANCES

26 **25-7-1501. Legislative declaration.** (1) THE GENERAL ASSEMBLY
 27 DECLARES THAT IT IS IN THE INTEREST OF THE STATE TO REDUCE AND

1 PREVENT AIR POLLUTION FROM CERTAIN NEW HEATING AND WATER
2 HEATING APPLIANCES IN ORDER TO:

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

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

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

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

17 (e) MITIGATE THE EFFECTS OF CLIMATE CHANGE;

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

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

23 **25-7-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) (a) "BOILER" MEANS A DEVICE THAT HEATS WATER BY
26 COMBUSTION OF FUEL OR THROUGH THE USE OF ELECTRICITY AND FROM
27 WHICH THE HEATED WATER EXITS FOR USE IN VARIOUS PROCESSES OR

1 HEATING APPLICATIONS.

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

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

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

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

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

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

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

22 (7) "HEAT OUTPUT" MEANS THE ENTHALPY OF THE WORKING FLUID
23 OUTPUT OF A WATER HEATER.

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

1 (9) "NOX" MEANS THE SUM OF NITRIC OXIDE AND NITROGEN
2 DIOXIDE.

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

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

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

19 **25-7-1503. Scope and applicability.** (1) EXCEPT AS DESCRIBED
20 IN SUBSECTION (2) OF THIS SECTION AND AS MODIFIED BY RULES
21 PROMULGATED BY THE EXECUTIVE DIRECTOR OR THE COMMISSION
22 PURSUANT TO SECTION 25-7-1506, THIS PART 15 APPLIES TO THE
23 FOLLOWING NEW PRODUCTS:

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

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

1 (c) FAN-TYPE CENTRAL FURNACES THAT:
2 (I) REQUIRE EITHER SINGLE-PHASE OR THREE-PHASE ELECTRIC
3 SUPPLY;
4 (II) ARE USED FOR COMFORT HEATING; AND
5 (III) HAVE A RATED HEAT INPUT CAPACITY OF LESS THAN ONE
6 HUNDRED SEVENTY-FIVE THOUSAND BTUs PER HOUR, AND, IN THE CASE
7 OF COMBINATION HEATING AND COOLING UNITS, A COOLING RATE OF LESS
8 THAN SIXTY-FIVE THOUSAND BTUs PER HOUR.

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

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

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

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

16 (d) PRODUCTS THAT DO NOT BURN FOSSIL FUELS; OR

17 (e) PRODUCTS THAT ARE CERTIFIED TO THE ENERGY STAR
18 PROGRAM PRODUCT SPECIFICATION FOR WATER HEATERS, BOILERS, OR
19 FAN-TYPE CENTRAL FURNACES.

20 **25-7-1504. Emission standards for new products.** (1) ON AND
21 AFTER JANUARY 1, 2025, EXCEPT AS DESCRIBED IN SECTION 25-7-1506, A
22 PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OFFER FOR SALE,
23 LEASE, OR OFFER FOR LEASE IN COLORADO ANY OF THE FOLLOWING NEW
24 PRODUCTS UNLESS THE EMISSIONS OF THE PRODUCT DO NOT EXCEED THE
25 FOLLOWING EMISSIONS LIMITS, AS APPLICABLE:

26 (a) TEN NANOGRAMS OF NO_x PER JOULE FOR WATER HEATERS AND
27 BOILERS WITH A RATED HEAT INPUT CAPACITY OF UP TO SEVENTY-FIVE

- 1 THOUSAND BTUs PER HOUR AND FOR ANY UNIT WITH POWER ASSIST;
- 2 (b) FOURTEEN NANOGRAMS OF NOX PER JOULE FOR WATER
- 3 HEATERS AND BOILERS WITH A RATED HEAT INPUT CAPACITY OF MORE
- 4 THAN SEVENTY-FIVE THOUSAND AND LESS THAN TWO MILLION BTUs PER
- 5 HOUR; OR
- 6 (c) FOURTEEN NANOGRAMS OF NOX PER JOULE FOR FAN-TYPE
- 7 CENTRAL FURNACES.

8 **25-7-1505. Testing - required displays - demonstrations of**

9 **compliance.** (1) MANUFACTURERS OF NATURAL-GAS-FUELED WATER

10 HEATERS AND BOILERS DESCRIBED BY SECTION 25-7-1503 (1)(a) AND

11 (1)(b) SHALL TEST EACH APPLICABLE MODEL FOR SALE IN COLORADO IN

12 ACCORDANCE WITH THE SOUTH COAST AIR QUALITY MANAGEMENT

13 DISTRICT PROTOCOL "NITROGEN OXIDES EMISSIONS COMPLIANCE TESTING

14 FOR NATURAL GAS-FIRED WATER HEATERS AND SMALL BOILERS", AS

15 AMENDED.

16 (2) MANUFACTURERS OF FAN-TYPE CENTRAL FURNACES

17 DESCRIBED BY SECTION 25-7-1503 (1)(c) SHALL TEST EACH APPLICABLE

18 MODEL FOR SALE IN COLORADO IN ACCORDANCE WITH THE SOUTH COAST

19 AIR QUALITY MANAGEMENT DISTRICT METHOD 100.1 "INSTRUMENTAL

20 ANALYZER PROCEDURES FOR CONTINUOUS GASEOUS EMISSION

21 SAMPLING", AS AMENDED.

22 (3) MANUFACTURERS OF PRODUCTS DESCRIBED IN SECTION

23 25-7-1503 (1) SHALL DISPLAY THE MODEL NUMBER, THE NOX EMISSIONS

24 RATE, THE RATED HEAT INPUT CAPACITY, AND THE DATE OF

25 MANUFACTURE OF EACH PRODUCT, BOTH ON THE PRODUCT'S SHIPPING

26 CARTON AND ON THE PRODUCT'S PERMANENT RATING PLATE.

27 (4) UNLESS A PRODUCT APPEARS IN A PUBLIC DATABASE OF

1 PRODUCTS MAINTAINED BY A STATE OR FEDERAL AGENCY OR BY AN
2 ENVIRONMENTAL NONPROFIT ORGANIZATION, WHICH DATABASE REQUIRES
3 COMPLIANCE WITH EMISSION STANDARDS THAT ARE AS DEMANDING OR
4 MORE DEMANDING THAN THE EMISSION STANDARDS DESCRIBED IN THIS
5 PART 15, MANUFACTURERS OF PRODUCTS DESCRIBED IN SECTION
6 25-7-1503 (1) SHALL DEMONSTRATE COMPLIANCE WITH THIS PART 15 FOR
7 EACH MODEL BY EITHER:

8 (a) AFFIXING A PERMANENT MARK, LABEL, OR TAG TO THE
9 PRODUCT AND PACKAGING AT THE TIME OF SALE OR INSTALLATION THAT
10 CONFIRMS COMPLIANCE WITH EMISSION STANDARDS REQUIRED BY A STATE
11 OR FEDERAL AGENCY, WHICH EMISSION STANDARDS ARE AS DEMANDING
12 OR MORE DEMANDING THAN THE EMISSION STANDARDS DESCRIBED IN THIS
13 PART 15; OR

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

19 **25-7-1506. Rules - analysis.** (1) NOTWITHSTANDING ANY
20 PROVISION OF THIS PART 15, THE EXECUTIVE DIRECTOR MAY PROMULGATE
21 RULES UPDATING ANY EMISSION STANDARD, DEFINITION, OR TEST METHOD
22 ESTABLISHED IN THIS PART 15 IN ORDER TO MAINTAIN OR IMPROVE
23 CONSISTENCY WITH OTHER COMPARABLE STANDARDS IN OTHER STATES SO
24 LONG AS THE UPDATED VERSION RESULTS IN AIR QUALITY THAT IS EQUAL
25 TO OR BETTER THAN AIR QUALITY ACHIEVED USING THE PRIOR STANDARD.

26 (2) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AS
27 NECESSARY TO ENSURE THE PROPER IMPLEMENTATION AND ENFORCEMENT

1 OF THIS PART 15.

2 (3) ON OR BEFORE JANUARY 1, 2030, THE EXECUTIVE DIRECTOR
3 SHALL CONDUCT AN ANALYSIS TO DETERMINE WHETHER STATEWIDE
4 GREENHOUSE GAS EMISSIONS FROM WATER HEATERS, BOILERS, AND
5 FAN-TYPE CENTRAL FURNACES ARE DECLINING IN COMPARISON TO
6 EMISSION LEVELS IN 2023 IN A MANNER THAT COMPORTS WITH THE
7 STATEWIDE GREENHOUSE GAS REDUCTION GOALS SET FORTH IN SECTION
8 25-7-102 (2)(g). UNLESS THE ANALYSIS DETERMINES THAT THE EMISSIONS
9 TRAJECTORY IS CONSISTENT WITH ACHIEVING THE STATEWIDE
10 GREENHOUSE GAS REDUCTION GOALS, THE EXECUTIVE DIRECTOR SHALL
11 PROPOSE TO THE COMMISSION RULES TO BRING THE EMISSION LEVELS IN
12 LINE WITH THE REDUCTION GOALS. THE EXECUTIVE DIRECTOR SHALL
13 ENSURE THAT SUCH RULES:

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

18 (b) ARE ACHIEVABLE WITH AVAILABLE TECHNOLOGY; AND

19 (c) DO NOT PLACE AN UNDUE COST BURDEN ON CONSUMERS.

20 **25-7-1507. Enforcement - verifications of compliance - civil**
21 **action by attorney general - penalties.** (1) THE EXECUTIVE DIRECTOR
22 SHALL:

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

27 (b) CONDUCT SUCH VERIFICATIONS AT LEAST ONCE BEFORE

1 JANUARY 1, 2026, AND AGAIN AT LEAST ONCE BEFORE JANUARY 1, 2031;

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

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

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

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

1 24-38.5-102.4.

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

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

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

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

14 **24-38.5-102.4. Energy fund - creation - use of fund -**
15 **definitions - report - repeal.** (1) (a) (I) The energy fund is ~~hereby~~
16 created in the state treasury. The principal of the fund consists of money
17 transferred to the fund from the general fund; money transferred to the
18 fund at the end of the 2006-07 state fiscal year and at the end of each
19 succeeding state fiscal year from money received by the Colorado energy
20 office; money received pursuant to the federal "American Recovery and
21 Reinvestment Act of 2009", Pub.L. 111-5, or any amendments thereto; ~~or~~
22 ~~from~~ MONEY RECEIVED PURSUANT TO revenue contracts, court settlement
23 funds, supplemental environmental program funds, OR THE repayment or
24 return of funds from eligible public depositories; MONEY TRANSFERRED
25 TO THE FUND PURSUANT TO SECTIONS 6-7.5-110 (2)(a), 25-5-1406 (3)(a),
26 AND 25-7-1507 (3)(a); ~~and~~ MONEY RECEIVED AS gifts, grants, and
27 donations; and any other money received by the Colorado energy office.

1 Interest and income earned on the deposit and investment of money in the
2 energy fund are credited to the fund. Money in the fund at the end of any
3 state fiscal year remains in the fund and may not be credited to the state
4 general fund or any other fund. Money in the fund may not be transferred
5 to the innovative energy fund created in section 24-38.5-102.5.

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

8 **38-35.7-109. Electric vehicle charging and heating systems -**
9 **options - definitions.** (1) (c) A person that builds a new residence for
10 which a buyer is under contract shall offer the buyer pricing, energy
11 efficiency, and utility bill information for each natural gas, electric, or
12 other option available from and information pertaining to those options
13 from the federal Energy Star program, as defined in section 6-7.5-102
14 ~~(15)~~ (24), or similar information about energy efficiency and utilization
15 reasonably available to the person building the residence.

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

18 **40-3.2-109. Beneficial electrification plans for electric utilities**
19 **- definition - rules - recovery of costs - report.** (2) (b) On or before
20 July 1, 2022, and thereafter as directed by the commission, but no less
21 frequently than every three years, an investor-owned electric utility shall
22 file with the commission an application for a beneficial electrification
23 plan for regulated activities to support beneficial electrification.
24 Beneficial electrification plans may be combined with other demand-side
25 management strategic issues or transportation electrification plans, as
26 applicable, but a beneficial electrification plan must, at a minimum:

27 (V) Include incentives to facilitate beneficial electrification, with

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

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