

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

PREAMENDED

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

LLS NO. 19-0877.01 Duane Gall x4335

HOUSE BILL 19-1231

HOUSE SPONSORSHIP

Froelich and Kipp, Benavidez, Jaquez Lewis, Melton, Mullica, Titone, Valdez A.

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

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

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>.)

The bill updates and adopts standards for water efficiency and energy efficiency that apply to a list of consumer and commercial

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

appliances and other products. The standards are based on state standards, federal Energy Star and WaterSense specifications, and industry standards in most cases or, where a standard is not incorporated by reference, the standard is specified by statute.

The standards apply to new products sold or installed in Colorado and are phased in over a period of 3 years, with general service lamps covered beginning in 2020, air compressors and portable air conditioners covered beginning in 2022, and all other listed products covered beginning in 2021. The bill also keeps in place the water efficiency standards on certain products that were added to the Colorado statutes in 2014. The sale of a noncomplying product after the effective date of the applicable standard is defined as a deceptive trade practice under the "Colorado Consumer Protection Act".

The executive director of the department of public health and environment is directed to collect and publish the standards that are incorporated by reference. The executive director is also authorized, but not required, to adopt rules incorporating more recent versions of standards or test methods in order to maintain or improve consistency with other state or federal agency standards, subject to a one-year grace period between adoption and enforcement of any new or amended standards.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-105, **add** (1)(III)
3 as follows:

4 **6-1-105. Deceptive trade practices.** (1) A person engages in a
5 deceptive trade practice when, in the course of the person's business,
6 vocation, or occupation, the person:

7 (III) SELLS OR OFFERS TO SELL ANY CONSUMER PRODUCT THAT IS
8 REQUIRED TO MEET A STANDARD ESTABLISHED IN ARTICLE 7.5 OF THIS
9 TITLE 6 BUT THAT THE PERSON KNOWS DOES NOT MEET THAT STANDARD.

10 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
11 **with amendments,** article 7.5 of title 6 as follows:

12 **ARTICLE 7.5**

13 **Water and Energy Efficiency Standards**

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

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

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

12 (c) SAVE ENERGY AND THUS REDUCE POLLUTION AND OTHER
13 ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PRODUCTION,
14 DISTRIBUTION, AND USE OF ELECTRICITY, NATURAL GAS, AND OTHER
15 FUELS;

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

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

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

26 (g) CONTRIBUTE TO THE ECONOMY OF THIS STATE BY HELPING TO
27 BETTER BALANCE SUPPLY AND DEMAND FOR BOTH ENERGY AND WATER,

1 THUS REDUCING THE UPWARD PRESSURE ON PRICES FOR ELECTRICITY,
2 NATURAL GAS, AND WATER CAUSED BY INCREASED DEMAND. IN ADDITION,
3 EFFICIENCY STANDARDS ALLOW CONSUMERS AND BUSINESSES TO USE THE
4 MONEY THEY SAVE ON UTILITY BILLS TO PURCHASE LOCAL GOODS AND
5 SERVICES.

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

11 **6-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

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

14 (a) IS DESIGNED TO COMPRESS AIR;

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

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

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

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

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

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

1 AMENDED.

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

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

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

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

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

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

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

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

26 (10) "COMMERCIAL STEAM COOKER" MEANS A DEVICE WITH ONE
27 OR MORE FOOD-STEAMING COMPARTMENTS IN WHICH THERMAL ENERGY

1 IS TRANSFERRED FROM THE STEAM TO THE FOOD BY DIRECT CONTACT.

2 "COMMERCIAL STEAM COOKER" INCLUDES COUNTERTOP MODELS,
3 WALL-MOUNTED MODELS, AND FLOOR MODELS MOUNTED ON A STAND,
4 PEDESTAL, OR CABINET-STYLE BASE.

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

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

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

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

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

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

23 (17) "FAUCET" MEANS:

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

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

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

5 (19) "GENERAL SERVICE LAMP":

6 (a) MEANS A LAMP THAT:

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

8 (II) IS ABLE TO OPERATE AT A VOLTAGE:

9 (A) OF TWELVE OR TWENTY-FOUR VOLTS;

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

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

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

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

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

22 (V) IS USED IN GENERAL LIGHTING APPLICATIONS;

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

26 (c) DOES NOT INCLUDE:

27 (I) APPLIANCE LAMPS;

- 1 (II) BLACK LIGHT LAMPS;
- 2 (III) BUG LAMPS;
- 3 (IV) COLORED LAMPS;
- 4 (V) G-SHAPE LAMPS WITH A DIAMETER OF FIVE INCHES OR MORE
- 5 AS DEFINED IN ANSI C79.1-2002;
- 6 (VI) GENERAL SERVICE FLUORESCENT LAMPS;
- 7 (VII) HIGH-INTENSITY DISCHARGE LAMPS;
- 8 (VIII) INFRARED LAMPS;
- 9 (IX) J, JC, JCD, JCS, JCV, JCX, JD, JS, AND JT-SHAPE LAMPS
- 10 THAT DO NOT HAVE EDISON SCREW BASES;
- 11 (X) LAMPS THAT HAVE A WEDGE BASE OR PREFOCUS BASE;
- 12 (XI) LEFT-HAND THREAD LAMPS;
- 13 (XII) MARINE LAMPS;
- 14 (XIII) MARINE SIGNAL SERVICE LAMPS;
- 15 (XIV) MINE SERVICE LAMPS;
- 16 (XV) MR-SHAPE LAMPS THAT:
- 17 (A) HAVE A FIRST NUMBER SYMBOL EQUAL TO SIXTEEN (DIAMETER
- 18 EQUAL TO TWO INCHES), AS DEFINED IN ANSI C79.1-2002;
- 19 (B) OPERATE AT TWELVE VOLTS; AND
- 20 (C) HAVE A LUMEN OUTPUT GREATER THAN OR EQUAL TO EIGHT
- 21 HUNDRED;
- 22 (XVI) OTHER FLUORESCENT LAMPS NOT DESCRIBED IN
- 23 SUBSECTION (19)(b) OF THIS SECTION;
- 24 (XVII) PLANT LIGHT LAMPS;
- 25 (XVIII) R20 SHORT LAMPS;
- 26 (XIX) REFLECTOR LAMPS THAT HAVE A FIRST NUMBER SYMBOL
- 27 LESS THAN SIXTEEN (DIAMETER LESS THAN TWO INCHES) AS DEFINED IN

1 ANSI C79.1-2002 AND THAT DO NOT HAVE E26/E24, E26d, E26/50x39,
2 E26/53x39, E29/28, E29/53x39, E39, E39d, EP39, OR EX39 BASES;

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

6 (XXI) SIGN SERVICE LAMPS;

7 (XXII) SILVER BOWL LAMPS;

8 (XXIII) SHOWCASE LAMPS;

9 (XXIV) SPECIALTY MR LAMPS;

10 (XXV) T-SHAPE LAMPS THAT:

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

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

16 (C) ARE NOT COMPACT FLUORESCENT LAMPS; OR

17 (XXVI) TRAFFIC SIGNAL LAMPS.

18 (20) "GPM" MEANS GALLONS PER MINUTE.

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

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

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

27 (24) (a) "LAMP" MEANS A DEVICE THAT EMITS LIGHT AND IS USED

1 TO ILLUMINATE AN INDOOR OR OUTDOOR SPACE.

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

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

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

7 (a) A LAVATORY FAUCET;

8 (b) A SHOWER HEAD;

9 (c) A FLUSHING URINAL;

10 (d) A FLUSHOMETER-VALVE WATER CLOSET; OR

11 (e) A TANK-TYPE TOILET OR TANK-TYPE WATER CLOSET.

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

15 (28) "NEMA" MEANS THE NATIONAL ELECTRICAL
16 MANUFACTURERS ASSOCIATION OR IT SUCCESSOR ORGANIZATION.

17 (29) "PORTABLE AIR CONDITIONER" MEANS A PORTABLE ENCASED
18 ASSEMBLY, OTHER THAN A PACKAGED TERMINAL AIR CONDITIONER,
19 DUCTLESS PORTABLE AIR CONDITIONER, ROOM AIR CONDITIONER, OR
20 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
25 CONDITIONER; AND

26 (e) MAY INCLUDE ADDITIONAL MEANS FOR AIR CIRCULATION AND
27 HEATING.

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

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

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

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

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

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

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

22 (a) INCORPORATES A MEANS OF CONNECTION TO THE PIPING
23 SYSTEM; AND

24 (b) IS DESIGNED TO CONVEY WATER TO A NOZZLE OR ORIFICE.

25 (37) "UNINTERRUPTIBLE POWER SUPPLY" MEANS A POWER SYSTEM
26 FOR MAINTAINING CONTINUITY OF LOAD POWER IN CASE OF INPUT POWER
27 FAILURE. IT MAY CONSIST OF A COMBINATION OF ONE OR MORE BATTERY

1 CHARGERS, CONVERTORS, SWITCHES, AND BATTERIES OR OTHER ENERGY
2 STORAGE DEVICES.

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

6 (39) "WATERSENSE-LISTED PLUMBING FIXTURE" MEANS A
7 PLUMBING FIXTURE OR PLUMBING FIXTURE FITTING THAT HAS BEEN:

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

12 (b) CERTIFIED BY THE BODY OR LABORATORY AS MEETING THE
13 PERFORMANCE AND EFFICIENCY REQUIREMENTS OF THE WATERSENSE
14 PROGRAM; AND

15 (c) AUTHORIZED BY THE WATERSENSE PROGRAM TO USE ITS
16 LABEL.

17 (40) "WATERSENSE PROGRAM" MEANS THE FEDERAL PROGRAM
18 AUTHORIZED BY 42 U.S.C. SEC. 6294b.

19 **6-7.5-103. Low-efficiency plumbing fixtures.** (1) (a) EFFECTIVE
20 SEPTEMBER 1, 2019, A PERSON SHALL NOT SELL OR INSTALL A NEW
21 LOW-EFFICIENCY PLUMBING FIXTURE, OTHER THAN A
22 FLUSHOMETER-VALVE WATER CLOSET, IN COLORADO.

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

26 (2) THIS SECTION DOES NOT PREEMPT ANY ACTION OF A
27 MUNICIPALITY, COUNTY, OR CITY AND COUNTY THAT PRESCRIBES

1 ADDITIONAL OR MORE RESTRICTIVE WATER CONSERVATION OR ENERGY
2 EFFICIENCY REQUIREMENTS AFFECTING THE SALE, INSTALLATION, OR USE
3 OF PLUMBING FIXTURES, APPLIANCES, OR OTHER PRODUCTS IF THE
4 REQUIREMENTS COMPLY WITH THE STANDARD SPECIFIED IN SUBSECTION
5 (1) OF THIS SECTION.

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

- 10 (a) AIR COMPRESSORS;
- 11 (b) COMMERCIAL DISHWASHERS;
- 12 (c) COMMERCIAL FRYERS;
- 13 (d) COMMERCIAL HOT FOOD HOLDING CABINETS;
- 14 (e) COMMERCIAL STEAM COOKERS;
- 15 (f) COMPUTERS AND COMPUTER MONITORS;
- 16 (g) FAUCETS;
- 17 (h) FLUSHOMETER-VALVE WATER CLOSETS;
- 18 (i) GENERAL SERVICE LAMPS;
- 19 (j) HIGH CRI FLUORESCENT LAMPS;
- 20 (k) PORTABLE AIR CONDITIONERS;
- 21 (l) PORTABLE ELECTRIC SPAS;
- 22 (m) RESIDENTIAL VENTILATING FANS;
- 23 (n) SPRAY SPRINKLER BODIES;
- 24 (o) UNINTERRUPTIBLE POWER SUPPLIES; AND
- 25 (p) WATER COOLERS.

26 (2) THIS ARTICLE 7.5 DOES NOT APPLY TO:

27 

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

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

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

8 **6-7.5-105. Standards - effective dates - publication of material**
9 **incorporated by reference.** (1) THE EXECUTIVE DIRECTOR NEED NOT
10 ADOPT BY RULE, BUT SHALL COLLECT AND MAKE PUBLICLY AVAILABLE IN
11 HARD COPY, THROUGH A WEBSITE, OR BOTH, THE FEDERAL RULES AND
12 OTHER RULES AND STANDARDS REFERRED TO IN THIS SECTION. THE
13 REFERENCES IN THIS SECTION ARE TO THE RULES AND STANDARDS AS THEY
14 EXISTED ON THE DATES SPECIFIED OR, IF NOT SO SPECIFIED, AS THEY
15 EXISTED ON AUGUST 2, 2019, AND DO NOT INCLUDE LATER EDITIONS OR
16 REVISIONS.

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

20 (a) IS SUBJECT TO FEDERAL PREEMPTION; OR

21 (b) MEETS OR EXCEEDS A LAMP EFFICACY OF FORTY-FIVE LUMENS
22 PER WATT, WHEN TESTED IN ACCORDANCE WITH THE APPLICABLE FEDERAL
23 TEST PROCEDURES FOR GENERAL SERVICE LAMPS PRESCRIBED IN 10 CFR
24 430.23 (gg), AS IN EFFECT ON JANUARY 3, 2017.

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

1 FOLLOWING EFFICIENCY STANDARDS, AS APPLICABLE:

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

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

10 (c) COMMERCIAL HOT FOOD HOLDING CABINETS MUST HAVE A
11 MAXIMUM IDLE ENERGY RATE OF FORTY WATTS PER CUBIC FOOT OF
12 INTERIOR VOLUME, AS DETERMINED BY THE "IDLE ENERGY RATE-DRY
13 TEST" IN ASTM STANDARD F2140-11, "TEST METHOD FOR THE
14 PERFORMANCE OF HOT FOOD HOLDING CABINETS", PUBLISHED BY ASTM
15 INTERNATIONAL, FORMERLY KNOWN AS THE AMERICAN SOCIETY FOR
16 TESTING AND MATERIALS. INTERIOR VOLUME MUST BE MEASURED AS
17 PRESCRIBED IN THE ENERGY STAR PROGRAM REQUIREMENTS PRODUCT
18 SPECIFICATION FOR COMMERCIAL HOT FOOD HOLDING CABINETS, VERSION
19 2.0.

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

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

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

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

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

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

18 (h) HIGH CRI FLUORESCENT LAMPS MUST MEET THE MINIMUM
19 EFFICACY REQUIREMENTS CONTAINED IN 10 CFR 430.32 (n)(4) AS IN
20 EFFECT ON JANUARY 3, 2017, AS MEASURED IN ACCORDANCE WITH 10 CFR
21 430, SUBPART B, APPENDIX R, "UNIFORM TEST METHOD FOR MEASURING
22 AVERAGE LAMP EFFICACY (LE), COLOR RENDERING INDEX (CRI), AND
23 CORRELATED COLOR TEMPERATURE (CCT) OF ELECTRIC LAMPS", AS IN
24 EFFECT ON JANUARY 3, 2017.

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

1 (j) NEW RESIDENTIAL VENTILATING FANS MUST MEET THE
2 QUALIFICATION CRITERIA OF THE ENERGY STAR PROGRAM REQUIREMENTS
3 PRODUCT SPECIFICATION FOR RESIDENTIAL VENTILATING FANS, VERSION
4 3.2.

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

11 (l) UNINTERRUPTIBLE POWER SUPPLIES THAT UTILIZE A NEMA
12 1-15P OR 5-15P INPUT PLUG AND HAVE AN ALTERNATING CURRENT
13 OUTPUT MUST HAVE AN AVERAGE LOAD-ADJUSTED EFFICIENCY THAT
14 MEETS OR EXCEEDS THE VALUES SHOWN ON PAGE 193 OF THE
15 PREPUBLICATION FINAL RULE "ENERGY CONSERVATION PROGRAM:
16 ENERGY CONSERVATION STANDARDS FOR UNINTERRUPTIBLE POWER
17 SUPPLIES" ISSUED BY THE UNITED STATES DEPARTMENT OF ENERGY ON
18 DECEMBER 28, 2016, AS MEASURED IN ACCORDANCE WITH TEST
19 PROCEDURES PRESCRIBED IN 10 CFR 430, SUBPART B, APPENDIX Y,
20 "UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION
21 OF BATTERY CHARGERS", AS IN EFFECT ON JANUARY 11, 2017.

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

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

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

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

7 (4) ON OR AFTER FEBRUARY 1, 2022, THE FOLLOWING NEW
8 PRODUCTS SHALL NOT BE SOLD, LEASED, OR RENTED IN COLORADO UNLESS
9 THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS THE
10 FOLLOWING EFFICIENCY STANDARDS, AS APPLICABLE:

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

19 (b) NEW PORTABLE AIR CONDITIONERS MUST HAVE A COMBINED
20 ENERGY EFFICIENCY RATIO (CEER), AS MEASURED IN ACCORDANCE WITH
21 10 CFR 430, SUBPART B, APPENDIX CC, "UNIFORM TEST METHOD FOR
22 MEASURING THE ENERGY CONSUMPTION OF PORTABLE AIR
23 CONDITIONERS", AS IN EFFECT ON JANUARY 3, 2017, THAT IS GREATER
24 THAN OR EQUAL TO:

25 $1.04 \times \text{SACC} / (3.7117 \times \text{SACC}^{0.6384})$

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

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

6-7.5-107. Protection against repeal of federal standards.

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

(2) THIS SECTION DOES NOT APPLY TO A FEDERAL ENERGY OR WATER CONSERVATION STANDARD SET ASIDE BY A COURT UPON THE PETITION OF A PERSON THAT WILL BE ADVERSELY AFFECTED BY THE

1 STANDARD, AS PROVIDED IN 42 U.S.C. SEC. 6306 (b).

2 **6-7.5-108. Utility programs during transition period.**

3 (1) SHOULD ONE OR MORE PRODUCTS DESCRIBED IN THIS ARTICLE 7.5 BE
4 SUBJECT TO WITHDRAWAL, REPEAL, OR OTHER ACTIONS THAT DECLARE A
5 FEDERAL STANDARD INVALID AS DESCRIBED IN SECTION 6-7.5-107, THE
6 PUBLIC UTILITIES COMMISSION SHALL PERMIT A THREE-YEAR PHASEOUT
7 FOR A UTILITY OPERATING ENERGY EFFICIENCY PROGRAMS THAT CREATE
8 INCENTIVES FOR OR OTHERWISE ENCOURAGE THE USE OF HIGH-EFFICIENCY
9 VERSIONS OF THE AFFECTED PRODUCTS. THIS PHASEOUT SHALL COMMENCE
10 ON OR AFTER THE DATE SPECIFIED IN SECTION 6-7.5-105; SHALL APPLY
11 ONLY TO ENERGY SAVINGS THAT WILL BE MANDATED UNDER THIS ARTICLE
12 7.5; SHALL OCCUR IN EQUAL REDUCTIONS FOR EACH TRANSITION YEAR;
13 AND MUST PERMIT AN ORDERLY ADJUSTMENT OF THE APPLIANCE OR
14 LIGHTING MARKET TO ENSURE THAT RESIDENTS AND BUSINESSES IN
15 COLORADO ARE NOT NEGATIVELY AFFECTED BY CHANGES IN PRODUCT
16 SELECTION, BUSINESS PRACTICES, AND ENERGY EFFICIENCY PROGRAM
17 OPPORTUNITIES RELATED TO THE AFFECTED APPLIANCES OR LIGHTING
18 PRODUCTS.

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

24 **6-7.5-109. Testing, certification, labeling, and enforcement -**

25 **rules.** (1) UNLESS A PRODUCT APPEARS IN A PUBLIC DATABASE OF
26 COMPLIANT PRODUCTS MAINTAINED BY OTHER STATES OR FEDERAL
27 AGENCIES WITH EQUIVALENT OR MORE STRINGENT EFFICIENCY

1 STANDARDS, THE MANUFACTURERS OF PRODUCTS COVERED BY THIS
2 ARTICLE 7.5 SHALL DEMONSTRATE THAT THE PRODUCTS COMPLY WITH
3 THIS ARTICLE 7.5 BY DOING ANY ONE OR MORE OF THE FOLLOWING:

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

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

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

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

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.