

1 HOUSE BILL 185

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Kristina Ortez and Patricia Roybal Caballero

5
6
7
8
9
10 AN ACT

11 RELATING TO ENERGY; ENACTING THE ENVIRONMENTAL STANDARDS FOR
12 APPLIANCES AND FIXTURES ACT; PROVIDING PENALTIES.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
16 cited as the "Environmental Standards for Appliances and
17 Fixtures Act".

18 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
19 Environmental Standards for Appliances and Fixtures Act:

20 A. "air purifier", also known as "room air
21 cleaner", means an electric, cord-connected, portable appliance
22 with the primary function of removing particulate matter from
23 the air and that can be moved from room to room;

24 B. "cold only water coolers" means a water cooler
25 that dispenses only cold water;

.223555.3

underscored material = new
[bracketed material] = delete

1 C. "cold temperature fluorescent lamp" means a
2 fluorescent lamp that is not a compact fluorescent lamp and is:

3 (1) specifically designed to start at negative
4 twenty degrees Fahrenheit when used with a ballast conforming
5 to the requirements of American national standards institute
6 standards C78.81 and C78.901; and

7 (2) expressly designated as a cold temperature
8 lamp both in markings on the lamp and in marketing materials,
9 including catalogs, sales literature and promotional material;

10 D. "commercial dishwasher" means a machine designed
11 to clean and sanitize plates, pots, pans, glasses, cups, bowls,
12 utensils and trays by applying sprays of detergent solution,
13 with or without blasting media granules, and a sanitizing
14 rinse;

15 E. "commercial fryer" means an appliance, including
16 a cooking vessel, in which oil is placed to such a depth that
17 the cooking food is essentially supported by displacement of
18 the cooking fluid rather than by the bottom of the vessel, and
19 heat is delivered to the cooking fluid by:

20 (1) means of an immersed electric element or
21 band-wrapped vessel (electric fryers); or

22 (2) heat transfer from gas burners through
23 either the walls of the fryer or through tubes passing through
24 the cooking fluid (gas fryers);

25 F. "commercial hot-food holding cabinet" means a

1 heated, fully enclosed compartment with one or more solid or
2 transparent doors designed to maintain the temperature of hot
3 food that has been cooked using a separate appliance;

4 "commercial hot-food holding cabinet" does not mean heated
5 glass merchandising cabinets, drawer warmers or cook-and-hold
6 appliances;

7 G. "commercial oven" means a chamber designed for
8 heating, roasting or baking food by conduction, convection,
9 radiation or electromagnetic energy;

10 H. "commercial steam cooker" or "compartment
11 steamer" means a device with one or more food-steaming
12 compartments in which the energy in the steam is transferred to
13 the food by direct contact and includes countertop models,
14 wall-mounted models and floor models mounted on a stand,
15 pedestal or cabinet-style base;

16 I. "compact fluorescent lamp" means a compact
17 low-pressure, mercury-containing, electric-discharge light
18 source in which a fluorescent coating transforms some of the
19 ultraviolet energy generated by the mercury discharge into
20 visible light and includes all of the following
21 characteristics:

22 (1) one base (end cap) of any type, including
23 screw, bayonet, two pins and four pins;

24 (2) integrally ballasted or non-integrally
25 ballasted;

.223555.3

1 (3) light emission between a correlated color
2 temperature of one thousand seven hundred and twenty-four
3 thousand degrees kelvin and a Duv between or equal to plus
4 twenty-four thousandths and negative twenty-four thousandths
5 according to the international commission on illumination
6 uniform color space;

7 (4) all tube diameters and all tube lengths;
8 and

9 (5) all lamp sizes and shapes for directional
10 and nondirectional installations, including PL, spiral, twin
11 tube, triple twin, 2D, U-bend and circular;

12 J. "compensation" means money or any other thing of
13 value, regardless of form, received or to be received by a
14 person for services rendered;

15 K. "cook and cold water coolers" means a water
16 cooler that dispenses both cold and room-temperature water;

17 L. "decorative gas fireplace" means a vented
18 fireplace, including appliances that are freestanding,
19 recessed, zero clearance or a fireplace insert, that is:

- 20 (1) fueled by natural gas or propane;
21 (2) marked for decorative use only; and
22 (3) not equipped with a thermostat or intended
23 for use as a heater;

24 M. "department" means the energy, minerals and
25 natural resources department;

.223555.3

1 N. "dual-flush effective flush volume" means the
2 average flush volume of two reduced flushes and one full flush;

3 O. "dual-flush tank-type water closet" means a
4 water closet incorporating a feature that allows the user to
5 flush the water closet with either a reduced or full volume of
6 water;

7 P. "Duv" means the closest distance from the
8 chromaticity coordinate of the light source to the Planckian
9 locus on the international commission on illumination (u' , $2/3$
10 v') coordinates with "+" sign for above and "-" sign for below
11 the Planckian locus;

12 Q. "electric vehicle supply equipment" means the
13 conductors, including ungrounded, grounded and equipment
14 grounding conductors, electric vehicle connectors, attachment
15 plugs and all other fittings, devices, power outlets or
16 apparatuses installed specifically for the purpose of
17 delivering energy from the premises wiring to an electric
18 vehicle; "electric vehicle supply equipment" does not mean
19 conductors, connectors and fittings that are part of an
20 electric vehicle;

21 R. "faucet" means a private lavatory faucet,
22 residential kitchen faucet, metering faucet, public lavatory
23 faucet or replacement aerator for such faucets;

24 S. "hand-held showerhead" means a showerhead that
25 can be held or fixed in place for the purpose of spraying water

.223555.3

1 onto a bather and is connected to a flexible hose;

2 T. "heating gas fireplace" means a vented
3 fireplace, including appliances that are freestanding,
4 recessed, zero clearance or a gas fireplace insert, that is:

5 (1) fueled by natural gas or propane; and

6 (2) not marked for decorative use only;

7 U. "high color rendering index fluorescent lamp"
8 means a fluorescent lamp with a color rendering index of
9 eighty-seven or greater that is not a compact fluorescent lamp;

10 V. "hot and cold water coolers" means a water
11 cooler that dispenses hot water, cold water and in some cases
12 room-temperature water;

13 W. "impact-resistant fluorescent lamp" means a
14 fluorescent lamp that is not a compact fluorescent lamp that:

15 (1) has a coating or equivalent technology
16 that is compliant with American national standards institute
17 standard 51 and is designed to contain the glass if the glass
18 envelope of the lamp is broken; and

19 (2) is designated and marketed for the
20 intended application with:

21 (a) the designation on the lamp
22 packaging; and

23 (b) marketing materials that identify
24 the lamp as being impact-resistant, shatter-resistant,
25 shatterproof or shatter-protected;

.223555.3

1 X. "industrial air purifier" means an indoor air
2 cleaning device manufactured, advertised, marketed, labeled and
3 used solely for industrial use that is marketed solely through
4 industrial supply outlets or businesses and is prominently
5 labeled as being solely for industrial use and having a
6 potential health hazard through the emission of ozone;

7 Y. "linear fluorescent lamp" means a low-pressure,
8 mercury-containing, electric-discharge light source in which a
9 fluorescent coating transforms some of the ultraviolet energy
10 generated by the mercury discharge into visible light and
11 includes all of the following characteristics:

12 (1) two bases (end caps) of any type,
13 including single-pin, two-pin and recessed double contact;

14 (2) light emission between a correlated color
15 temperature of one thousand seven hundred and twenty-four
16 thousand degrees kelvin and a delta ultraviolet value between
17 or equal to plus twenty-four thousandths and negative twenty-
18 four thousandths according to the international commission on
19 illumination uniform color space;

20 (3) all tube diameters, including T5, T8, T10
21 and T12;

22 (4) all tube lengths from one-half foot to
23 eight feet in length; and

24 (5) all lamp shapes, including linear, U-bend
25 and circular;

.223555.3

1 Z. "metering faucet" means a self-closing faucet
2 that dispenses a specific volume of water for each actuation
3 cycle in which the volume or cycle duration can be fixed or
4 adjusted;

5 AA. "mobile home" means a single-family dwelling
6 built on a permanent chassis designed for long-term residential
7 occupancy and containing complete electrical, plumbing and
8 sanitary facilities designed to be installed in a permanent or
9 semipermanent manner with or without a permanent foundation,
10 which dwelling is capable of being drawn over public highways
11 as a unit or in sections by special permit;

12 BB. "on demand water cooler" means a water cooler
13 that heats water as requested and typically takes a few minutes
14 to deliver;

15 CC. "plumbing fixture" means an exchangeable device
16 that connects to a plumbing system to deliver and drain away
17 water and waste;

18 DD. "portable electric spa" means a factory-built
19 electric spa or hot tub that may include any combination of
20 integral controls, water heating or water circulating
21 equipment;

22 EE. "pressure regulator" means a device that
23 maintains constant operating pressure immediately downstream
24 from the device, given higher pressure upstream;

25 FF. "public lavatory faucet" means a fitting

1 designed to be installed in nonresidential bathrooms that are
2 exposed to walk-in traffic;

3 GG. "recreational vehicle" means a vehicle with a
4 camping body that has its own motive power, is affixed to or is
5 drawn by another vehicle and includes motor homes, travel
6 trailers and truck campers;

7 HH. "replacement aerator" means an aerator sold as
8 a replacement, separate from the faucet to which it is intended
9 to be attached;

10 II. "residential ventilating fan" means a ceiling
11 or wall-mounted fan, or remotely mounted inline fan, designed
12 to be used in a bathroom or utility room for the purpose of
13 moving air from inside the building to the outdoors;

14 JJ. "showerhead" means a component or set of
15 components distributed in commerce for attachment to a single
16 supply fitting for spraying water onto a bather, typically from
17 an overhead position, excluding safety shower showerheads;

18 KK. "spray sprinkler body" means the exterior case
19 or shell of a sprinkler incorporating a means of connection to
20 the piping system designed to convey water to a nozzle or
21 orifice;

22 LL. "storage-type water cooler" means a water
23 cooler in which thermally conditioned water is stored in a tank
24 and is available instantaneously and includes point-of-use, dry
25 storage compartment and bottled water coolers;

underscored material = new
[bracketed material] = delete

1 MM. "trough-type urinal" means a urinal designed
2 for simultaneous use by two or more persons;

3 NN. "urinal" means a plumbing fixture that receives
4 only liquid body waste and conveys the waste through a trap
5 into a drainage system;

6 OO. "water closet" means a plumbing fixture having
7 a water-containing receptor that receives liquid and solid body
8 waste through an exposed integral trap into a drainage system;
9 and

10 PP. "water cooler" means a freestanding device that
11 consumes energy to cool or heat potable water.

12 SECTION 3. [NEW MATERIAL] APPLICABILITY.--

13 A. The Environmental Standards for Appliances and
14 Fixtures Act applies to:

- 15 (1) air purifiers;
- 16 (2) commercial dishwashers;
- 17 (3) commercial fryers;
- 18 (4) commercial hot-food holding cabinets;
- 19 (5) commercial ovens;
- 20 (6) commercial steam cookers;
- 21 (7) computers and computer monitors;
- 22 (8) electric vehicle supply equipment;
- 23 (9) faucets;
- 24 (10) gas fireplaces;
- 25 (11) high color rendering index, cold

.223555.3

underscored material = new
[bracketed material] = delete

1 temperature and impact-resistant fluorescent lamps;
2 (12) portable electric spas;
3 (13) residential ventilating fans;
4 (14) showerheads;
5 (15) spray sprinkler bodies;
6 (16) state-regulated general service lamps;
7 (17) urinals;
8 (18) water closets;
9 (19) water coolers; and
10 (20) any other product designated by the
11 department pursuant to Section 6 of the Environmental Standards
12 for Appliances and Fixtures Act.

13 B. The Environmental Standards for Appliances and
14 Fixtures Act does not apply to:

15 (1) new products manufactured in New Mexico
16 and sold outside of the state;

17 (2) products held in inventory within New
18 Mexico on or before the effective date of the applicable
19 standard;

20 (3) products installed in mobile homes at the
21 time of construction; or

22 (4) products designed expressly for
23 installation and use in recreational vehicles.

24 SECTION 4. [NEW MATERIAL] STANDARDS--APPLIANCES AND
25 PLUMBING FIXTURES.--Products itemized in Subsection A of

.223555.3

underscoring material = new
~~[bracketed material] = delete~~

1 Section 3 of the Environmental Standards for Appliances and
2 Fixtures Act sold or leased, offered for sale or lease or
3 installed for compensation in New Mexico after December 31,
4 2024 shall meet the following standards:

5 A. air purifiers other than industrial air
6 purifiers shall meet the following requirements as measured in
7 accordance with the certification criteria of the energy star
8 product specification for room air cleaners, version 2.0;

9 B. commercial dishwashers included in the scope of
10 the energy star program requirements product specification for
11 commercial dishwashers, version 2.0, shall meet the
12 qualification criteria of that specification;

13 C. commercial fryers included in the scope of the
14 energy star program requirements product specification for
15 commercial fryers, version 2.0, shall meet the qualification
16 criteria of that specification;

17 D. commercial hot-food holding cabinets shall meet
18 the qualification criteria of the energy star program
19 requirements product specification for commercial hot-food
20 holding cabinets, version 2.0;

21 E. commercial ovens included in the scope of the
22 energy star program requirements product specification for
23 commercial ovens, version 2.2, shall meet the qualification
24 criteria of that specification;

25 F. commercial steam cookers shall meet the

.223555.3

underscoring material = new
~~[bracketed material] = delete~~

1 requirements of the energy star program requirements product
2 specification for commercial steam cookers, version 1.2;

3 G. computers and computer monitors shall meet the
4 requirements of Subsection (v) of Section 1605.3 of Title 20 of
5 the California code of regulations, and compliance with those
6 requirements shall be as measured in accordance with test
7 methods prescribed in Subsection (v) of Section 1604 of Title
8 20 of the California code of regulations;

9 H. electric vehicle supply equipment included in
10 the scope of the energy star program requirements product
11 specification for electric vehicle supply equipment, version
12 1.0, shall meet the certification criteria of that
13 specification;

14 I. faucets, except for metering faucets, shall meet
15 the following standards when tested in accordance with Appendix
16 S to Subpart B of Part 430 of Title 10 of the Code of Federal
17 Regulations, and compliance with those requirements shall be
18 determined pursuant to the uniform test method for measuring
19 the water consumption of faucets and showerheads:

20 (1) private lavatory faucets and replacement
21 aerators shall not exceed a maximum flow rate of one and two-
22 tenths gallons per minute at sixty pounds per square inch;

23 (2) residential kitchen faucets and
24 replacement aerators shall not exceed a maximum flow rate of
25 one and eight-tenths gallons per minute at sixty pounds per

.223555.3

1 square inch, with optional temporary flow of two and two-tenths
2 gallons per minute; provided that they default to a maximum
3 flow rate of one and eight-tenths gallons per minute at sixty
4 pounds per square inch after each use; and

5 (3) public lavatory faucets and replacement
6 aerators shall not exceed a maximum flow rate of one-half
7 gallon per minute at sixty pounds per square inch;

8 J. gas fireplaces shall comply with the following
9 requirements:

10 (1) gas fireplaces shall be capable of
11 automatically extinguishing any pilot flame when the main gas
12 burner flame is extinguished;

13 (2) gas fireplaces shall prevent any ignition
14 source for the main gas burner flame from operating
15 continuously for more than seven days from last use of the main
16 burner;

17 (3) decorative gas fireplaces shall have a
18 direct vent configuration, unless marked for replacement use
19 only; and

20 (4) heating gas fireplaces shall have a
21 fireplace efficiency greater than or equal to fifty percent
22 when tested in accordance with Canadian standards association
23 standard P.4.1-15 ("testing method for measuring annual
24 fireplace efficiency");

25 K. high color rendering index fluorescent lamps,

1 cold temperature fluorescent lamps and impact-resistant
2 fluorescent lamps shall meet the minimum efficacy requirements
3 contained in Paragraph 4 of Subsection (n) of Section 430.32 of
4 Title 10 of the Code of Federal Regulations as in effect on
5 January 1, 2021, as measured in accordance with Appendix R to
6 Subpart B of Part 430 of Title 10 of the Code of Federal
7 Regulations as in effect on January 1, 2021;

8 L. portable electric spas shall meet the
9 requirements of American national standards institute standard
10 14-2019 ("American national standard for portable electric spa
11 energy efficiency");

12 M. inline residential ventilating fans shall have a
13 fan motor efficacy of no less than two and eight-tenths cubic
14 feet per minute per watt. All other residential ventilating
15 fans shall have a fan motor efficacy of no less than one and
16 four-tenths cubic feet per minute per watt for air flows less
17 than ninety cubic feet per minute and no less than two and
18 eight-tenths cubic feet per minute per watt for other air flows
19 when tested in accordance with home ventilation institute
20 publication 916 ("HVI Airflow Test Procedure");

21 N. showerheads shall not exceed a maximum flow rate
22 of one and eight-tenths gallons per minute at eighty pounds per
23 square inch when tested in accordance with Appendix S to
24 Subpart B of Part 430 of Title 10 of the Code of Federal
25 Regulations and compliance with those requirements shall be

.223555.3

underscored material = new
~~[bracketed material] = delete~~

1 "uniform test method for measuring the water consumption of
2 faucets and showerheads";

3 O. spray sprinkler bodies that are not specifically
4 excluded from the scope of the watersense specification for
5 spray sprinkler bodies, version 1.0, shall include an integral
6 pressure regulator and shall meet the water efficiency and
7 performance criteria and other requirements of that
8 specification;

9 P. urinals and water closets, other than those
10 designed and marketed exclusively for use at prisons or mental
11 health facilities, shall meet the standards set forth in
12 Paragraphs (1) through (4) of this subsection when tested in
13 accordance with Appendix T to Subpart B of Part 430 of Title 10
14 of the Code of Federal Regulations ("uniform test method for
15 measuring the water consumption of water closets and urinals"),
16 and water closets shall pass the waste extraction test for
17 water closets pursuant to American society of mechanical
18 engineers standard A112.19.2 and Canadian standards association
19 standard B45.1-2018:

20 (1) wall-mounted urinals, except for trough-
21 type urinals, shall have a maximum flush volume of one-eighth
22 gallon per flush;

23 (2) floor-mounted urinals, except for
24 trough-type urinals, shall have a maximum flush volume of one-
25 half gallon per flush;

.223555.3

underscored material = new
[bracketed material] = delete

1 (3) water closets, except for dual-flush
2 tank-type water closets, shall have a maximum flush volume of
3 one and twenty-eight hundredths gallon per flush; and

4 (4) dual-flush tank-type water closets shall
5 have a maximum dual-flush effective flush volume of one and
6 twenty-eight hundredths gallon per flush; and

7 Q. water coolers included in the scope of the
8 energy star program requirements product specification for
9 water coolers, version 2.0, shall have on mode with no water
10 draw energy consumption less than or equal to the following
11 values as measured in accordance with the test requirements of
12 that program:

13 (1) sixteen one hundredths kilowatt-hours per
14 day for cold-only water coolers and cook and cold water
15 coolers;

16 (2) eighty-seven one hundredths kilowatt-hours
17 per day for storage type hot and cold water coolers; and

18 (3) eighteen one hundredths kilowatt-hours per
19 day for on demand hot and cold water coolers.

20 SECTION 5. [NEW MATERIAL] STANDARDS--LIGHTING FIXTURES--
21 EXEMPTIONS.--

22 A. On and after December 31, 2023, a screw or
23 bayonet base type compact fluorescent lamp shall not be offered
24 for final sale, sold at final sale or distributed in New Mexico
25 as a new manufactured product.

.223555.3

1 B. On and after December 31, 2024, a pin-base type
2 compact fluorescent lamp or a linear fluorescent lamp shall not
3 be offered for final sale, sold at final sale or distributed in
4 New Mexico as a new manufactured product.

5 C. Subsections A and B of this section shall not
6 apply to the following:

7 (1) a lamp designed and marketed exclusively
8 for use in image capture and projection, including
9 photocopying, printing, directly or in preprocessing,
10 lithography, film and video projection and holography;

11 (2) a lamp that has a high proportion of
12 ultraviolet light emission and is one of the following:

13 (a) a lamp with high ultraviolet content
14 that has ultraviolet power greater than two milliwatts per
15 kilolumen;

16 (b) a lamp for germicidal use, such as
17 the destruction of DNA, that emits a peak radiation of
18 approximately two hundred fifty-three and seven-tenths
19 nanometers;

20 (c) a lamp designed and marketed
21 exclusively for use in disinfection or fly trapping from which
22 either the radiation power emitted between two hundred fifty
23 and three hundred fifteen nanometers represents at least five
24 percent of, or the radiation power emitted between three
25 hundred fifteen and four hundred nanometers represents at least

.223555.3

1 twenty percent of, the total radiation power emitted between
2 two hundred fifty and eight hundred nanometers;

3 (d) a lamp designed and marketed
4 exclusively for use in the generation of ozone where the
5 primary purpose is to emit radiation at approximately one
6 hundred eighty-five and one-tenth nanometers;

7 (e) a lamp designed and marketed
8 exclusively for use in coral zooxanthellae symbiosis from which
9 the radiation power emitted between four hundred and four
10 hundred eighty nanometers represents at least forty percent of
11 the total radiation power emitted between two hundred fifty and
12 eight hundred nanometers; and

13 (f) any lamp designed and marketed
14 exclusively for use in a sunlamp product, as defined in Section
15 1040.20(b)(9) of Subchapter J of 21 C.F.R., as in effect on
16 January 1, 2023;

17 (3) a lamp designed and marketed exclusively
18 for use in medical or veterinary diagnosis or treatment or used
19 in a medical device;

20 (4) a lamp designed and marketed exclusively
21 for use in pharmaceutical product manufacturing or quality
22 control;

23 (5) a lamp designed and marketed exclusively
24 for use in spectroscopy and photometric applications, such as,
25 for example, ultraviolet-visible spectroscopy, molecular

.223555.3

underscored material = new
~~[bracketed material]~~ = delete

1 spectroscopy, atomic absorption spectroscopy, nondispersive
2 infrared, Fourier transform infrared, medical analysis,
3 ellipsometry, layer thickness measurement, process monitoring
4 or environmental monitoring; or

5 (6) a lamp used by academic and research
6 institutions exclusively for conducting research projects and
7 experiments.

8 SECTION 6. ~~[NEW MATERIAL]~~ NEW AND REVISED STANDARDS.--The
9 department may adopt rules, pursuant to the State Rules Act, to
10 establish increased efficiency standards or updated test
11 procedures for the products listed or incorporated in
12 Subsection A of Section 3 of the Environmental Standards for
13 Appliances and Fixtures Act. The department may also establish
14 efficiency standards for products not specifically listed in
15 Subsection A of Section 3 of the Environmental Standards for
16 Appliances and Fixtures Act so long as such standards are
17 already in place in one or more other states. In considering
18 such new or amended standards, the department shall set
19 efficiency standards upon a determination that increased
20 efficiency standards would serve to promote energy or water
21 conservation in New Mexico and would be cost effective for
22 consumers who purchase and use such new products; provided that
23 no new or increased efficiency standards shall become effective
24 within one year following the adoption of any amended
25 regulations establishing such increased efficiency standards.

.223555.3

1 SECTION 7. [NEW MATERIAL] TESTING--CERTIFICATION--

2 LABELING.--The manufacturers of products covered by the
3 Environmental Standards for Appliances and Fixtures Act shall
4 demonstrate that products comply with that act by doing any one
5 or more of the following:

6 A. affixing a mark, label or tag to the product and
7 packaging at the time of sale or installation that demonstrates
8 compliance with state or federal agencies that have equivalent
9 or more stringent efficiency standards;

10 B. appearing in a public database of compliant
11 products maintained by one or more other states or federal
12 agencies with equivalent or more stringent efficiency
13 standards;

14 C. appearing in the state appliance standards
15 database maintained by the northeast energy efficiency
16 partnership or a successor organization; or

17 D. submitting other proof as the department may
18 deem appropriate to show that the product complies.

19 SECTION 8. [NEW MATERIAL] ENFORCEMENT.--

20 A. The department may conduct periodic unannounced
21 inspections of distributors or retailers, including online
22 retailers, of new products regulated by the Environmental
23 Standards for Appliances and Fixtures Act in order to determine
24 compliance with the provisions of that act.

25 B. The department shall accept anonymous online

.223555.3

underscored material = new
[bracketed material] = delete

1 reports of potential violations from members of the public.

2 C. If the department finds that violations may have
3 occurred, the department shall report the results of the
4 violations to the attorney general. The attorney general may
5 institute proceedings to seek an injunction in state court to
6 enforce the provisions of the Environmental Standards for
7 Appliances and Fixtures Act and seek the imposition of civil
8 penalties of up to five hundred dollars (\$500) for each
9 violation. Each product offered, sold or distributed in
10 violation of the Environmental Standards for Appliances and
11 Fixtures Act shall constitute a separate offense, and each day
12 that such violation occurs shall constitute a separate offense.

13 D. The department may promulgate further rules as
14 necessary to ensure the proper implementation and enforcement
15 of the Environmental Standards for Appliances and Fixtures Act.

16 SECTION 9. [NEW MATERIAL] UTILITY-SPONSORED ENERGY
17 EFFICIENCY PROGRAMS.--Utilities may continue to offer rebates
18 and incentives to accelerate a market transition away from any
19 products prohibited herein, up to one year after the effective
20 date of any applicable standard.

21 SECTION 10. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is January 1, 2024.