

HOUSE BILL 185

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

INTRODUCED BY

Kristina Ortez and Patricia Roybal Caballero

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

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

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

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

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the

.223555.3AIC February 2, 2023 (11:16am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

Environmental Standards for Appliances and Fixtures Act:

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

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

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

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

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

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

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

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

heat is delivered to the cooking fluid by:

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

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

F. "commercial hot-food holding cabinet" means a heated, fully enclosed compartment with one or more solid or transparent doors designed to maintain the temperature of hot food that has been cooked using a separate appliance;

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

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

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

I. "compact fluorescent lamp" means a compact low-pressure, mercury-containing, electric-discharge light source in which a fluorescent coating transforms some of the

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

ultraviolet energy generated by the mercury discharge into visible light and includes all of the following characteristics:

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

(2) integrally ballasted or non-integrally ballasted;

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

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

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

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

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

L. "decorative gas fireplace" means a vented fireplace, including appliances that are freestanding,

.223555.3AIC February 2, 2023 (11:16am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

recessed, zero clearance or a fireplace insert, that is:

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

for use as a heater;

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

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

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

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

Q. "electric vehicle supply equipment" means the conductors, including ungrounded, grounded and equipment grounding conductors, electric vehicle connectors, attachment plugs and all other fittings, devices, power outlets or apparatuses installed specifically for the purpose of delivering energy from the premises wiring to an electric vehicle; "electric vehicle supply equipment" does not mean

.223555.3AIC February 2, 2023 (11:16am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

conductors, connectors and fittings that are part of an electric vehicle;

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

S. "hand-held showerhead" means a showerhead that can be held or fixed in place for the purpose of spraying water onto a bather and is connected to a flexible hose;

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

- (1) fueled by natural gas or propane; and
- (2) not marked for decorative use only;

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

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

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

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

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

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

(a) the designation on the lamp packaging; and

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

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

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

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

(2) light emission between a correlated color temperature of one thousand seven hundred and twenty-four thousand degrees kelvin and a delta ultraviolet value between or equal to plus twenty-four thousandths and negative twenty-four thousandths according to the international commission on

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

illumination uniform color space;

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

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

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

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

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

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

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

DD. "portable electric spa" means a factory-built

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

electric spa or hot tub that may include any combination of integral controls, water heating or water circulating equipment;

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

FF. "public lavatory faucet" means a fitting designed to be installed in nonresidential bathrooms that are exposed to walk-in traffic;

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

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

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

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

KK. "spray sprinkler body" means the exterior case

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

or shell of a sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice;

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

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

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

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

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

SECTION 3. [NEW MATERIAL] APPLICABILITY.--

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

- (1) air purifiers;
- (2) commercial dishwashers;
- (3) commercial fryers;
- (4) commercial hot-food holding cabinets;

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

- (5) commercial ovens;
 - (6) commercial steam cookers;
 - (7) computers and computer monitors;
 - (8) electric vehicle supply equipment;
 - (9) faucets;
 - (10) gas fireplaces;
 - (11) high color rendering index, cold temperature and impact-resistant fluorescent lamps;
 - (12) portable electric spas;
 - (13) residential ventilating fans;
 - (14) showerheads;
 - (15) spray sprinkler bodies;
- HENRC → (16) ← ~~state-regulated general service lamps~~; ← HENRC
- HENRC → (17) ← HENRC HENRC → (16) ← HENRC urinals;
- HENRC → (18) ← HENRC HENRC → (17) ← HENRC water closets;
- HENRC → (19) ← HENRC HENRC → (18) ← HENRC water coolers; and
- HENRC → (20) ← HENRC HENRC → (19) ← HENRC any other product designated by the department pursuant to Section 6 of the Environmental Standards for Appliances and Fixtures Act.

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

- (1) new products manufactured in New Mexico

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

and sold outside of the state;

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

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

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

SECTION 4. [NEW MATERIAL] STANDARDS--APPLIANCES AND PLUMBING FIXTURES.--Products itemized in Subsection A of Section 3 of the Environmental Standards for Appliances and Fixtures Act sold or leased, offered for sale or lease or installed for compensation in New Mexico after December 31, 2024 shall meet the following standards:

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

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

C. commercial fryers included in the scope of the energy star program requirements product specification for commercial fryers, version 2.0, shall meet the qualification

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

criteria of that specification;

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

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

F. commercial steam cookers shall meet the requirements of the energy star program requirements product specification for commercial steam cookers, version 1.2;

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

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

I. faucets, except for metering faucets, shall meet the following standards when tested in accordance with Appendix

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

S to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations, and compliance with those requirements shall be determined pursuant to the uniform test method for measuring the water consumption of faucets and showerheads:

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

(2) residential kitchen faucets and replacement aerators shall not exceed a maximum flow rate of one and eight-tenths gallons per minute at sixty pounds per square inch, with optional temporary flow of two and two-tenths gallons per minute; provided that they default to a maximum flow rate of one and eight-tenths gallons per minute at sixty pounds per square inch after each use; and

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

J. gas fireplaces shall comply with the following requirements:

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

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

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

burner;

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

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

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

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

M. inline residential ventilating fans shall have a fan motor efficacy of no less than two and eight-tenths cubic feet per minute per watt. All other residential ventilating fans shall have a fan motor efficacy of no less than one and

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

four-tenths cubic feet per minute per watt for air flows less than ninety cubic feet per minute and no less than two and eight-tenths cubic feet per minute per watt for other air flows when tested in accordance with home ventilation institute publication 916 ("HVI Airflow Test Procedure");

N. showerheads shall not exceed a maximum flow rate of one and eight-tenths gallons per minute at eighty pounds per square inch when tested in accordance with Appendix S to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations and compliance with those requirements shall be "uniform test method for measuring the water consumption of faucets and showerheads";

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

P. urinals and water closets, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the standards set forth in Paragraphs (1) through (4) of this subsection when tested in accordance with Appendix T to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations ("uniform test method for measuring the water consumption of water closets and urinals"),

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

and water closets shall pass the waste extraction test for water closets pursuant to American society of mechanical engineers standard A112.19.2 and Canadian standards association standard B45.1-2018:

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

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

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

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

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

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

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

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

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

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

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

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

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

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

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

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

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

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

(c) a lamp designed and marketed exclusively for use in disinfection or fly trapping from which either the radiation power emitted between two hundred fifty and three hundred fifteen nanometers represents at least five percent of, or the radiation power emitted between three hundred fifteen and four hundred nanometers represents at least twenty percent of, the total radiation power emitted between two hundred fifty and eight hundred nanometers;

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

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

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

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

January 1, 2023;

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

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

(5) a lamp designed and marketed exclusively for use in spectroscopy and photometric applications, such as, for example, ultraviolet-visible spectroscopy, molecular spectroscopy, atomic absorption spectroscopy, nondispersive infrared, Fourier transform infrared, medical analysis, ellipsometry, layer thickness measurement, process monitoring or environmental monitoring; or

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

SECTION 6. [NEW MATERIAL] NEW AND REVISED STANDARDS.--The department may adopt rules, pursuant to the State Rules Act, to establish increased efficiency standards or updated test procedures for the products listed or incorporated in Subsection A of Section 3 of the Environmental Standards for Appliances and Fixtures Act. The department may also establish efficiency standards for products not specifically listed in Subsection A of Section 3 of the Environmental Standards for

.223555.3AIC February 2, 2023 (11:16am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

Appliances and Fixtures Act so long as such standards are already in place in one or more other states. In considering such new or amended standards, the department shall set efficiency standards upon a determination that increased efficiency standards would serve to promote energy or water conservation in New Mexico and would be cost effective for consumers who purchase and use such new products; provided that no new or increased efficiency standards shall become effective within one year following the adoption of any amended regulations establishing such increased efficiency standards.

SECTION 7. [NEW MATERIAL] TESTING--CERTIFICATION-- LABELING.--The manufacturers of products covered by the Environmental Standards for Appliances and Fixtures Act shall demonstrate that products comply with that act by doing any one or more of the following:

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

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

C. appearing in the state appliance standards database maintained by the northeast energy efficiency

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

partnership or a successor organization; or

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

SECTION 8. [NEW MATERIAL] ENFORCEMENT.--

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

B. The HENRC→department←HENRC HENRC→attorney general←HENRC shall accept anonymous online reports of potential violations from members of the public.

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

D. The department may promulgate further rules as

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

necessary to ensure the proper implementation and enforcement of the Environmental Standards for Appliances and Fixtures Act.

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

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