

HOUSE BILL 772

P1, P3, M5
SB 418/21 – EHE

2lr2460
CF SB 494

By: **Delegate Ruth**

Introduced and read first time: February 3, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Energy Administration – Energy and Water Efficiency Standards –**
3 **Alterations**

4 FOR the purpose of repealing certain provisions of law regarding the adoption of
5 regulations establishing certain efficiency standards and prohibiting the sale or
6 offering for sale of certain products; altering the application of certain testing,
7 certification, and enforcement requirements for certain efficiency standards;
8 requiring the Maryland Energy Administration to review certain efficiency
9 standards on or before a certain date; prohibiting the sale, offering for sale, and
10 installation of certain products in the State under certain circumstances beginning
11 on a certain date; requiring the Administration to adopt regulations on efficiency
12 standards for certain products on or before a certain date; authorizing a
13 manufacturer that has certified a product to the WaterSense Program to use that
14 certification in lieu of a separate Maryland certification under certain circumstances;
15 including the Maryland Department of Labor as one of the agencies with which the
16 Administration must coordinate on certain matters; and generally relating to energy
17 and water efficiency standards.

18 BY repealing

19 Article – State Government
20 Section 9–2006(a)(2) through (32) and (c) through (f)
21 Annotated Code of Maryland
22 (2021 Replacement Volume)

23 BY repealing and reenacting, without amendments,

24 Article – State Government
25 Section 9–2006(a)(1)
26 Annotated Code of Maryland
27 (2021 Replacement Volume)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Government
 2 Section 9–2006(a)(2) through (17), (c), and (d)
 3 Annotated Code of Maryland
 4 (2021 Replacement Volume)

5 BY repealing and reenacting, with amendments,
 6 Article – State Government
 7 Section 9–2006(a)(33), (b), and (g) through (n)
 8 Annotated Code of Maryland
 9 (2021 Replacement Volume)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 11 That Section(s) 9–2006(a)(2) through (32) and (c) through (f) of Article – State Government
 12 of the Annotated Code of Maryland be repealed.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 14 as follows:

15 **Article – State Government**

16 9–2006.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) (I) **“AIR PURIFIER”, ALSO KNOWN AS A “ROOM AIR CLEANER”,**
 19 **MEANS AN ELECTRIC, CORD–CONNECTED, PORTABLE APPLIANCE THAT PRIMARILY**
 20 **FUNCTIONS TO REMOVE PARTICULATE MATTER FROM THE AIR.**

21 (II) **“AIR PURIFIER” DOES NOT INCLUDE INDOOR AIR CLEANING**
 22 **DEVICES THAT ARE MANUFACTURED, ADVERTISED, MARKETED, AND LABELED FOR**
 23 **INDUSTRIAL USE.**

24 (3) **“COMMERCIAL DISHWASHER” MEANS A MACHINE DESIGNED TO**
 25 **CLEAN AND SANITIZE DINNERWARE, FLATWARE, COOKING UTENSILS, AND SIMILAR**
 26 **ITEMS BY APPLYING SPRAYS OF DETERGENT SOLUTION AND A SANITIZING RINSE.**

27 (4) (I) **“COMMERCIAL STEAM COOKER”, ALSO KNOWN AS A**
 28 **“COMPARTMENT STEAMER”, MEANS A DEVICE WITH ONE OR MORE FOOD–STEAMING**
 29 **COMPARTMENTS IN WHICH THE ENERGY IN THE STEAM IS TRANSFERRED TO THE**
 30 **FOOD BY DIRECT CONTACT.**

31 (II) **“COMMERCIAL STEAM COOKER” INCLUDES:**

32 1. **COUNTERTOP MODELS;**

33 2. **WALL–MOUNTED MODELS; AND**

1 **3. FLOOR MODELS MOUNTED ON A STAND, PEDESTAL,**
2 **OR CABINET-STYLE BASE.**

3 **(5) “ELECTRIC VEHICLE SUPPLY EQUIPMENT” MEANS THE FITTINGS,**
4 **DEVICES, AND APPARATUSES INSTALLED SPECIFICALLY FOR THE PURPOSE OF**
5 **DELIVERING ENERGY FROM A PREMISES’ WIRING TO AN ALL-ELECTRIC OR HYBRID**
6 **VEHICLE.**

7 **(6) (I) “FAUCET” MEANS A FITTING THAT CONTROLS AND GUIDES**
8 **THE FLOW OF WATER IN A WATER SUPPLY SYSTEM.**

9 **(II) “FAUCET” INCLUDES:**

10 **1. A PRIVATE LAVATORY FAUCET;**

11 **2. A PUBLIC LAVATORY FAUCET;**

12 **3. A RESIDENTIAL KITCHEN FAUCET; AND**

13 **4. A REPLACEMENT AERATOR FOR A PRIVATE LAVATORY**
14 **FAUCET, PUBLIC LAVATORY FAUCET, OR RESIDENTIAL KITCHEN FAUCET.**

15 **(7) (I) “HIGH COLOR RENDERING INDEX FLUORESCENT LAMP” OR**
16 **“HIGH CRI FLUORESCENT LAMP” MEANS A FLUORESCENT LAMP WITH A COLOR**
17 **RENDERING INDEX OF 87 OR GREATER.**

18 **(II) “HIGH COLOR RENDERING INDEX FLUORESCENT LAMP”**
19 **DOES NOT INCLUDE A COMPACT FLUORESCENT LAMP.**

20 **(8) “PORTABLE ELECTRIC SPA” MEANS A FACTORY-BUILT ELECTRIC**
21 **SPA OR HOT TUB THAT INCLUDES WATER-HEATING OR WATER-CIRCULATING**
22 **EQUIPMENT.**

23 **(9) “PUBLIC LAVATORY FAUCET” MEANS A FAUCET DESIGNED TO BE**
24 **INSTALLED IN A PUBLIC BATHROOM.**

25 **(10) “REPLACEMENT AERATOR” MEANS AN AERATOR SOLD:**

26 **(I) AS A REPLACEMENT; AND**

27 **(II) SEPARATELY FROM THE FAUCET TO WHICH THE AERATOR**
28 **WAS INTENDED TO BE ATTACHED.**

29 **(11) “RESIDENTIAL VENTILATING FAN” MEANS A CEILING FAN,**

1 WALL-MOUNTED FAN, OR A FAN MOUNTED OUTSIDE THE AREA TO BE VENTILATED
2 (ALSO KNOWN AS A REMOTELY MOUNTED FAN) THAT IS DESIGNED TO MOVE AIR
3 FROM INSIDE A BUILDING TO THE OUTDOORS, SUCH AS FANS USED IN A BATHROOM
4 OR UTILITY ROOM.

5 (12) "RETAILER" MEANS A PERSON ENGAGED IN THE BUSINESS OF
6 MAKING RETAIL SALES WITHIN THE STATE.

7 (13) (I) "SHOWERHEAD" MEANS A DEVICE OR SET OF DEVICES THAT
8 IS:

9 1. ATTACHED TO A SINGLE WATER SUPPLY FITTING; AND

10 2. USED FOR SPRAYING WATER FOR BATHING.

11 (II) "SHOWERHEAD" INCLUDES A SHOWERHEAD THAT CAN BE
12 HELD OR FIXED IN PLACE AND CONNECTED BY A FLEXIBLE HOSE (ALSO KNOWN AS A
13 HAND-HELD SHOWERHEAD).

14 (III) "SHOWERHEAD" DOES NOT INCLUDE SAFETY EQUIPMENT
15 SUCH AS EYEWASH STATIONS OR DRENCH SHOWERS.

16 (14) "SPRAY SPRINKLER BODY" MEANS THE EXTERIOR CASE OR SHELL
17 OF A SPRINKLER THAT:

18 (I) INCLUDES A METHOD FOR CONNECTING TO THE WATER
19 SYSTEM PIPING; AND

20 (II) HOUSES A SPRAY NOZZLE THAT APPLIES WATER TO THE
21 GROUND.

22 (15) (I) "URINAL" MEANS A PLUMBING FIXTURE THAT:

23 1. IS DESIGNED TO RECEIVE ONLY LIQUID BODY WASTE;
24 AND

25 2. CONVEYS THE WASTE THROUGH A TRAP INTO A
26 DRAINAGE SYSTEM.

27 (II) "URINAL" DOES NOT INCLUDE:

28 1. URINALS DESIGNED AND MARKETED EXCLUSIVELY
29 FOR USE AT PRISONS OR MENTAL HEALTH FACILITIES; AND

- 1 (v) red and green traffic signal modules;
- 2 (vi) illuminated exit signs;
- 3 (vii) commercial refrigeration cabinets;
- 4 (viii) large packaged air-conditioning equipment;
- 5 (ix) commercial clothes washers;
- 6 (x) bottle-type water dispensers;
- 7 (xi) commercial hot food holding cabinets;
- 8 (xii) metal halide lamp fixtures;
- 9 (xiii) residential furnaces;
- 10 (xiv) single-voltage external AC to DC power supplies;
- 11 (xv) state-regulated incandescent reflector lamps; and
- 12 (xvi) walk-in refrigerators and freezers] **ELECTRIC VEHICLE**
- 13 **SUPPLY EQUIPMENT;**
- 14 **(II) HIGH CRI FLUORESCENT LAMPS;**
- 15 **(III) PORTABLE ELECTRIC SPAS;**
- 16 **(IV) AIR PURIFIERS;**
- 17 **(V) COMMERCIAL DISHWASHERS;**
- 18 **(VI) COMMERCIAL STEAM COOKERS;**
- 19 **(VII) FAUCETS;**
- 20 **(VIII) RESIDENTIAL VENTILATING FANS;**
- 21 **(IX) SHOWERHEADS;**
- 22 **(X) SPRAY SPRINKLER BODIES;**
- 23 **(XI) URINALS;**

1 (XII) WATER CLOSETS; AND

2 (XIII) WATER COOLERS.

3 (2) This section does not apply to:

4 (i) new products manufactured in the State and sold outside the
5 State;

6 (ii) new products manufactured outside the State and sold at
7 wholesale inside the State for final retail sale and installation outside the State;

8 (iii) products installed in mobile manufactured homes at the time of
9 construction;

10 (iv) products designed expressly for installation and use in
11 recreational vehicles **OR MARINE VESSELS**; or

12 (v) [residential furnaces that use natural gas or propane and that
13 are installed as a replacement for a previously installed furnace] **PRODUCTS TO BE SOLD
14 AT RETAIL THAT ARE IN STOCK AT THE RETAIL ESTABLISHMENT BEFORE THE
15 EFFECTIVE DATE OF ANY EFFICIENCY STANDARD REGULATION FOR THAT ITEM.**

16 (C) (1) **ON OR BEFORE JANUARY 1, 2023, THE ADMINISTRATION:**

17 (I) **SHALL REVIEW MINIMUM EFFICIENCY STANDARDS
18 REGULATIONS FOR THE NEW PRODUCTS SPECIFIED IN SUBSECTION (B)(1)(I) AND
19 (II) OF THIS SECTION; AND**

20 (II) **MAY ADOPT NEW REGULATIONS ESTABLISHING MINIMUM
21 EFFICIENCY STANDARDS FOR THE NEW PRODUCTS SPECIFIED IN SUBSECTION
22 (B)(1)(I) AND (II) OF THIS SECTION.**

23 (2) **BEGINNING OCTOBER 1, 2024, A NEW PRODUCT SPECIFIED IN
24 SUBSECTION (B)(1)(I) OR (II) OF THIS SECTION MAY NOT BE SOLD OR OFFERED FOR
25 SALE IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR
26 EXCEEDS THE EFFICIENCY STANDARDS SPECIFIED IN REGULATIONS ADOPTED, IF
27 ANY, UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

28 (3) (I) **THIS PARAGRAPH DOES NOT APPLY TO A PRODUCT THAT IS
29 SOLD BEFORE THE REGULATIONS ADOPTED, IF ANY, UNDER PARAGRAPH (1) OF THIS
30 SUBSECTION ARE IN EFFECT.**

31 (II) **BEGINNING OCTOBER 1, 2025, A NEW PRODUCT SPECIFIED
32 IN SUBSECTION (B)(1)(I) OR (II) OF THIS SECTION MAY NOT BE INSTALLED FOR**

1 PROFIT IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR
2 EXCEEDS THE EFFICIENCY STANDARDS SPECIFIED IN REGULATIONS ADOPTED, IF
3 ANY, UNDER PARAGRAPH (1) OF THIS SUBSECTION.

4 (D) (1) (I) ON OR BEFORE JANUARY 1, 2023, THE ADMINISTRATION
5 SHALL ADOPT REGULATIONS ESTABLISHING MINIMUM EFFICIENCY STANDARDS FOR
6 THE NEW PRODUCTS SPECIFIED IN SUBSECTION (B)(1)(III) THROUGH (XIII) OF THIS
7 SECTION.

8 (II) THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING
9 MINIMUM EFFICIENCY STANDARDS:

10 1. AIR PURIFIERS SHALL MEET THE FOLLOWING
11 REQUIREMENTS AS MEASURED IN ACCORDANCE WITH THE ENERGY STAR PROGRAM
12 REQUIREMENTS PRODUCT SPECIFICATION FOR ROOM AIR CLEANERS, VERSION
13 2.0:

14 A. THE CLEAN AIR DELIVERY RATE FOR SMOKE MUST BE
15 30 OR GREATER;

16 B. FOR MODELS WITH A CLEAN AIR DELIVERY RATE FOR
17 SMOKE OF LESS THAN 100, THE CLEAN AIR DELIVERY RATE PER WATT FOR SMOKE
18 MUST BE GREATER THAN OR EQUAL TO 1.7;

19 C. FOR MODELS WITH A CLEAN AIR DELIVERY RATE FOR
20 SMOKE GREATER THAN OR EQUAL TO 100 AND LESS THAN 150, THE CLEAN AIR
21 DELIVERY RATE PER WATT FOR SMOKE MUST BE GREATER THAN OR EQUAL TO 1.9;

22 D. FOR MODELS WITH A CLEAN AIR DELIVERY RATE FOR
23 SMOKE GREATER THAN OR EQUAL TO 150, THE CLEAN AIR DELIVERY RATE PER
24 WATT FOR SMOKE MUST BE GREATER THAN OR EQUAL TO 2.0;

25 E. FOR OZONE-EMITTING MODELS, MEASURED OZONE
26 MUST BE LESS THAN OR EQUAL TO 50 PARTS PER BILLION;

27 F. FOR MODELS WITH A WI-FI NETWORK CONNECTION
28 ENABLED BY DEFAULT WHEN SHIPPED, PARTIAL ON-MODE POWER MAY NOT EXCEED
29 2 WATTS; AND

30 G. FOR MODELS WITHOUT A WI-FI NETWORK
31 CONNECTION ENABLED BY DEFAULT WHEN SHIPPED, PARTIAL ON-MODE POWER
32 MAY NOT EXCEED 1 WATT;

33 2. COMMERCIAL DISHWASHERS MUST MEET THE

1 APPLICABLE QUALIFICATION CRITERIA SPECIFIED IN THE ENERGY STAR PROGRAM
2 REQUIREMENTS PRODUCT SPECIFICATION FOR COMMERCIAL DISHWASHERS,
3 VERSION 2.0;

4 3. COMMERCIAL STEAM COOKERS MUST MEET THE
5 REQUIREMENTS SPECIFIED IN THE ENERGY STAR PROGRAM REQUIREMENTS
6 PRODUCT SPECIFICATION FOR COMMERCIAL STEAM COOKERS, VERSION 1.2;

7 4. FAUCETS MUST MEET THE FOLLOWING STANDARDS
8 WHEN TESTED IN ACCORDANCE WITH 10 C.F.R. § 430, SUBPART B, APPENDIX S,
9 COMPLIANCE WITH WHICH MUST BE VERIFIED BY USING THE UNIFORM TEST
10 METHOD FOR MEASURING THE WATER CONSUMPTION OF FAUCETS AND
11 SHOWERHEADS IN EFFECT ON JANUARY 1, 2020:

12 A. LAVATORY FAUCETS AND REPLACEMENT AERATORS
13 MUST NOT EXCEED A MAXIMUM FLOW RATE OF 1.5 GALLONS PER MINUTE AT 60
14 POUNDS PER SQUARE INCH;

15 B. RESIDENTIAL KITCHEN FAUCETS AND REPLACEMENT
16 AERATORS MUST NOT EXCEED A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE
17 AT 60 POUNDS PER SQUARE INCH, WITH OPTIONAL TEMPORARY FLOW OF 2.2
18 GALLONS PER MINUTE PROVIDED THE FAUCET DEFAULTS TO A MAXIMUM FLOW
19 RATE OF 1.8 GALLONS PER MINUTE AT 60 POUNDS PER SQUARE INCH AFTER EACH
20 USE; AND

21 C. PUBLIC LAVATORY FAUCETS AND REPLACEMENT
22 AERATORS MUST NOT EXCEED A MAXIMUM FLOW RATE OF 0.5 GALLONS PER MINUTE
23 AT 60 POUNDS PER SQUARE INCH;

24 5. PORTABLE ELECTRIC SPAS MUST MEET THE
25 REQUIREMENTS OF THE AMERICAN NATIONAL STANDARD FOR PORTABLE
26 ELECTRIC SPA ENERGY EFFICIENCY SPECIFICALLY KNOWN AS ANSI/APSC/ICC
27 14-2019;

28 6. RESIDENTIAL VENTILATING FANS MUST MEET THE
29 FOLLOWING REQUIREMENTS WHEN TESTED IN ACCORDANCE WITH THE HOME
30 VENTILATION INSTITUTE'S HVI AIRFLOW TEST PROCEDURE (HVI PUBLICATION
31 916):

32 A. IN-LINE RESIDENTIAL VENTILATING FANS MUST BE
33 EQUIPPED WITH A FAN MOTOR WITH AN EFFICIENCY OF AT LEAST 2.8 CUBIC FEET
34 PER MINUTE PER WATT; AND

35 B. NON-IN-LINE RESIDENTIAL VENTILATING FANS MUST

1 BE EQUIPPED WITH A FAN MOTOR WITH AN EFFICIENCY OF AT LEAST 1.4 CUBIC FEET
2 PER MINUTE PER WATT FOR AIRFLOWS LESS THAN 90 CUBIC FEET PER MINUTE AND
3 AT LEAST 2.8 CUBIC FEET PER MINUTE PER WATT FOR AIRFLOWS GREATER THAN OR
4 EQUAL TO 90 CUBIC FEET PER MINUTE;

5 7. SHOWERHEADS MUST NOT EXCEED A MAXIMUM FLOW
6 RATE OF 2.0 GALLONS PER MINUTE AT 80 POUNDS PER SQUARE INCH WHEN TESTED
7 IN ACCORDANCE WITH 10 C.F.R. § 430, SUBPART B, APPENDIX S, COMPLIANCE
8 WITH WHICH MUST BE VERIFIED BY USING THE UNIFORM TEST METHOD FOR
9 MEASURING THE WATER CONSUMPTION OF FAUCETS AND SHOWERHEADS IN
10 EFFECT ON JANUARY 1, 2020;

11 8. SPRAY SPRINKLER BODIES THAT ARE NOT
12 SPECIFICALLY EXCLUDED FROM THE SCOPE OF THE WATERSENSE SPECIFICATION
13 FOR SPRAY SPRINKLER BODIES, VERSION 1.0 MUST INCLUDE AN INTEGRAL
14 PRESSURE REGULATOR AND MEET THE WATER EFFICIENCY, PERFORMANCE
15 CRITERIA, AND OTHER REQUIREMENTS SPECIFIED IN THE WATERSENSE
16 SPECIFICATION FOR SPRAY SPRINKLER BODIES, VERSION 1.0;

17 9. URINALS MUST HAVE A MAXIMUM FLUSH VOLUME OF
18 0.5 GALLONS PER FLUSH WHEN TESTED IN ACCORDANCE WITH 10 C.F.R. § 430,
19 SUBPART B, APPENDIX T, COMPLIANCE WITH WHICH MUST BE VERIFIED BY USING
20 THE UNIFORM TEST METHOD FOR MEASURING THE WATER CONSUMPTION OF
21 WATER CLOSETS AND URINALS IN EFFECT ON JANUARY 1, 2020;

22 10. WATER CLOSETS MUST MEET THE FOLLOWING
23 STANDARDS WHEN TESTED IN ACCORDANCE WITH 10 C.F.R. § 430, SUBPART B,
24 APPENDIX T, COMPLIANCE WITH WHICH MUST BE VERIFIED BY USING THE UNIFORM
25 TEST METHOD FOR MEASURING THE WATER CONSUMPTION OF WATER CLOSETS
26 AND URINALS IN EFFECT ON JANUARY 1, 2020:

27 A. SUBJECT TO ITEM B OF THIS ITEM, WATER CLOSETS
28 MUST HAVE A MAXIMUM FLUSH VOLUME OF 1.28 GALLONS PER FLUSH; AND

29 B. DUAL-FLUSH TANK-TYPE WATER CLOSETS MUST
30 HAVE A MAXIMUM DUAL-FLUSH EFFECTIVE VOLUME OF 1.28 GALLONS PER FLUSH;
31 AND

32 11. WATER COOLERS INCLUDED IN THE SCOPE OF THE
33 ENERGY STAR PROGRAM'S WATER COOLERS SPECIFICATION, VERSION 2.0 MUST
34 HAVE AN ON MODE WITH NO WATER DRAW ENERGY CONSUMPTION THAT IS LESS
35 THAN OR EQUAL TO THE FOLLOWING VALUES AS MEASURED IN ACCORDANCE WITH
36 THE ON MODE WITH NO WATER DRAW TEST MODE SPECIFIED IN THE WATER
37 COOLERS SPECIFICATION:

1 **A. 0.16 KILOWATT-HOURS PER DAY FOR COLD ONLY**
2 **UNITS AND COOK AND COLD UNITS;**

3 **B. 0.87 KILOWATT-HOURS PER DAY FOR STORAGE TYPE**
4 **HOT AND COLD UNITS; AND**

5 **C. 0.18 KILOWATT-HOURS PER DAY FOR ON-DEMAND**
6 **HOT AND COLD UNITS.**

7 **(2) BEGINNING JANUARY 1, 2024, A NEW PRODUCT SPECIFIED IN**
8 **SUBSECTION (B)(1)(III) THROUGH (XIII) OF THIS SECTION MAY NOT BE SOLD OR**
9 **OFFERED FOR SALE IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT**
10 **MEETS OR EXCEEDS THE EFFICIENCY STANDARDS SPECIFIED IN THE REGULATIONS**
11 **ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

12 **(3) (I) THIS PARAGRAPH DOES NOT APPLY TO A PRODUCT THAT IS**
13 **SOLD BEFORE THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS**
14 **SUBSECTION ARE IN EFFECT.**

15 **(II) BEGINNING JANUARY 1, 2025, A NEW PRODUCT SPECIFIED**
16 **IN SUBSECTION (B)(1)(III) THROUGH (XIII) OF THIS SECTION MAY NOT BE INSTALLED**
17 **FOR PROFIT IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS**
18 **OR EXCEEDS THE EFFICIENCY STANDARDS SPECIFIED IN THE REGULATIONS**
19 **ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

20 **[(g)] (E) (1) By regulation, the Administration may clarify but not expand the**
21 **scope of the devices defined under subsections (a) and (b) of this section.**

22 **(2) On request of a Maryland business or consumer and after public notice**
23 **and comment, the Administration may delay the effective date of any standard under this**
24 **section by not more than 1 year if the Administration determines that products conforming**
25 **to the standard will not be widely available in Maryland by the applicable date stated in**
26 **subsections [(e)(1) and (f)(1), (2), and (3)] (C)(2) AND (3)(II) AND (D)(2) AND (3)(II) of this**
27 **section.**

28 **(3) The Administration may limit a delay under paragraph (2) of this**
29 **subsection to identifiable subcategories of any category of covered products.**

30 **[(h)] (F) (1) The Administration may adopt regulations to increase the**
31 **efficiency standards for the products listed in subsection [(b)(1)(x) through (xvi)] (B)(1) of**
32 **this section.**

33 **(2) Every 2 years, the Administration shall consider and propose to the**
34 **General Assembly:**

1 (i) new standards for products not specifically listed in subsection
2 (b)(1) of this section; and

3 (ii) revised, more stringent standards for products listed in
4 subsection (b)(1) of this section.

5 (3) In considering new or amended standards, the Administration shall
6 propose new or amended efficiency standards if it determines that any new or increased
7 efficiency standards would:

8 (i) serve to promote energy conservation in the State;

9 (ii) be life-cycle cost effective for consumers who purchase and use
10 the new products; and

11 (iii) be technologically feasible and economically justified.

12 (4) A new or increased efficiency standard may not become effective less
13 than 1 year after the adoption of that standard.

14 (5) Subject to paragraphs (6) and (7) of this subsection, the Administration
15 may apply for a waiver of federal preemption in accordance with federal procedures (42
16 U.S.C. § 6297(d)) for State efficiency standards for any product regulated by the federal
17 government.

18 (6) The Administration may apply for a waiver under paragraph (5) of this
19 subsection, if:

20 (i) at least 90 days before the day on which the application for the
21 waiver is submitted to the federal government, the Administration announces its intention
22 to submit the application by publication in the Maryland Register and writing to the
23 presiding officers of the General Assembly; and

24 (ii) at least 60 days before the day on which the application for the
25 waiver is submitted to the federal government, the Administration, after reasonable notice
26 other than publication in the Maryland Register, shall hold a public hearing on the
27 proposed application to receive public comment.

28 (7) The President of the Senate and the Speaker of the House of Delegates
29 may direct that the appropriate standing committees of the General Assembly hold
30 hearings on the proposed application for the waiver and provide comments to the
31 Administration.

32 **[(i)] (G)** (1) After public notice and comment, the Administration shall adopt
33 procedures by rule for testing the energy efficiency of the new products listed in subsection
34 (b)(1) of this section if testing procedures are not provided for in the Maryland Building

1 Performance Standards.

2 (2) The Administration may adopt updated test methods by regulation
3 when new versions of test methods become available or when an alternative test method
4 has been adopted by another state or the federal government.

5 (3) The Administration shall use appropriate nationally recognized test
6 methods such as those approved by the United States Department of Energy.

7 (4) The manufacturers of new products listed in subsection (b)(1) of this
8 section shall cause samples of their products to be tested in accordance with the test
9 procedures adopted under this subsection or those specified in the Maryland Building
10 Performance Standards.

11 ~~[(j)]~~ **(H)** (1) ~~[Except for those products listed in subsection (b)(1)(xiv) and~~
12 ~~(xvi) of this section, manufacturers]~~ **MANUFACTURERS** of new products listed in
13 subsection (b)(1) of this section shall certify to the Administration that the products are in
14 compliance with the provisions of this section.

15 (2) (i) The Administration shall adopt regulations governing the
16 certification of new products and may coordinate with the certification programs of other
17 states with similar standards **OR NATIONAL VOLUNTARY CERTIFICATION PROGRAMS.**

18 (ii) Any manufacturer that has certified a product to another state
19 **[or to],** the federal Energy Star Program, **OR THE FEDERAL WATERSENSE PROGRAM**
20 may provide the Administration with a copy of the certification that the manufacturer made
21 to the other state or agency in place of a separate certification to the State of Maryland,
22 provided that:

23 1. the other state's standards or the Energy Star **OR**
24 **WATERSENSE** specifications are equivalent to or more stringent than the standards of the
25 State of Maryland; and

26 2. all information required by the regulations adopted under
27 subparagraph (i) of this paragraph is included in the certification.

28 ~~[(k)]~~ **(I)** (1) ~~[Manufacturers of new products listed in subsection (b)(1) of this~~
29 ~~section shall identify each product offered through retailers for sale or installation in the~~
30 ~~State as in compliance with the minimum efficiency standards established under~~
31 ~~subsection (c) of this section by means of a mark, label, or tag on the product or packaging~~
32 ~~at the time of sale or installation.~~

33 (2) (i) ~~]~~ The Administration shall adopt regulations governing the
34 identification of such products or packaging which shall be coordinated to the greatest
35 practical extent with the labeling programs and requirements of other states and federal
36 agencies with equivalent efficiency standards.

1 [(ii)] (2) If a national efficiency standard is established by federal
2 law or regulation for a product listed in subsection (b) of this section, the labeling
3 requirements set forth in COMAR 14.26.03.11 do not apply to that product.

4 [(iii)] (3) In accordance with COMAR 14.26.03.11, all display
5 models of products shall be displayed with a mark, label, or tag on the product.

6 [(l)] (J) (1) The Administration may test products listed in subsection (b)(1)
7 of this section using an accredited testing facility.

8 (2) If products tested are found not to be in compliance with the minimum
9 efficiency standards established under subsections (c) and (d) of this section, the
10 Administration shall:

11 (i) charge the manufacturer of the product for the cost of product
12 purchase and testing; and

13 (ii) make information available to the public on products found not
14 to be in compliance with the standards.

15 [(m)] (K) (1) With prior notice and at reasonable and convenient hours, the
16 Administration may make periodic inspections of distributors or retailers of new products
17 listed in subsection (b)(1) of this section in order to determine compliance with the
18 provisions of this section.

19 (2) The Administration shall coordinate with the Department of Housing
20 and Community Development **AND THE MARYLAND DEPARTMENT OF LABOR** regarding
21 inspections, prior to occupancy, of newly constructed buildings containing new products
22 that are also covered by the Maryland Building Performance Standards.

23 [(n)] (L) (1) The Administration may investigate complaints received
24 concerning violations of this section and shall report the results of an investigation to the
25 Attorney General.

26 (2) The Attorney General may institute proceedings to enforce the
27 provisions of this section.

28 (3) A manufacturer, distributor, or retailer of new products listed in
29 subsection (b)(1) of this section that violates any provision of this section shall be issued a
30 warning by the Administration for a first violation.

31 (4) Repeat violators shall be subject to a civil penalty of not more than
32 \$250.

33 (5) Each violation of this section shall constitute a separate offense and

1 each day that a violation continues shall constitute a separate offense.

2 (6) Penalties assessed under this subsection are in addition to costs
3 assessed under subsection ~~[(1)(2)(i)]~~ **(J)(2)(I)** of this section.

4 (7) Penalties assessed under this subsection shall be paid into the General
5 Fund of the State.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2022.