

SENATE BILL 494

P1, P3, M5
SB 418/21 – EHE

2lr2462
CF HB 772

By: **Senators Pinsky, Lam, King, Lee, Washington, and Guzzone**

Introduced and read first time: January 27, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2022

CHAPTER _____

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,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – State Government
2 Section 9–2006(a)(1)
3 Annotated Code of Maryland
4 (2021 Replacement Volume)

5 BY adding to
6 Article – State Government
7 Section 9–2006(a)(2) through (17), (c), and (d)
8 Annotated Code of Maryland
9 (2021 Replacement Volume)

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 9–2006(a)(33), (b), and (g) through (n)
13 Annotated Code of Maryland
14 (2021 Replacement Volume)

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17 of the Annotated Code of Maryland be repealed.

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

20 **Article – State Government**

21 9–2006.

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

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

26 (II) “AIR PURIFIER” DOES NOT INCLUDE INDOOR AIR CLEANING
27 DEVICES THAT ARE MANUFACTURED, ADVERTISED, MARKETED, AND LABELED FOR
28 INDUSTRIAL USE.

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

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

1 (II) “COMMERCIAL STEAM COOKER” INCLUDES:

2 1. COUNTERTOP MODELS;

3 2. WALL-MOUNTED MODELS; AND

4 3. FLOOR MODELS MOUNTED ON A STAND, PEDESTAL,
5 OR CABINET-STYLE BASE.

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

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

12 (II) “FAUCET” INCLUDES:

13 1. A PRIVATE LAVATORY FAUCET;

14 2. A PUBLIC LAVATORY FAUCET;

15 3. A RESIDENTIAL KITCHEN FAUCET; AND

16 4. A REPLACEMENT AERATOR FOR A PRIVATE LAVATORY
17 FAUCET, PUBLIC LAVATORY FAUCET, OR RESIDENTIAL KITCHEN FAUCET.

18 (III) “FAUCET” DOES NOT INCLUDE A METERING FAUCET.

19 (7) (I) “HIGH COLOR RENDERING INDEX FLUORESCENT LAMP” OR
20 “HIGH CRI FLUORESCENT LAMP” MEANS A FLUORESCENT LAMP WITH A COLOR
21 RENDERING INDEX OF 87 OR GREATER.

22 (II) “HIGH COLOR RENDERING INDEX FLUORESCENT LAMP”
23 DOES NOT INCLUDE A COMPACT FLUORESCENT LAMP.

24 (8) “PORTABLE ELECTRIC SPA” MEANS A FACTORY-BUILT ELECTRIC
25 SPA OR HOT TUB THAT INCLUDES WATER-HEATING OR WATER-CIRCULATING
26 EQUIPMENT.

27 (9) “PUBLIC LAVATORY FAUCET” MEANS A FAUCET DESIGNED TO BE
28 INSTALLED IN A PUBLIC BATHROOM.

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

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

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

5 **(11) “RESIDENTIAL VENTILATING FAN” MEANS A CEILING FAN,**
6 **WALL-MOUNTED FAN, OR A FAN MOUNTED OUTSIDE THE AREA TO BE VENTILATED**
7 **(ALSO KNOWN AS A REMOTELY MOUNTED FAN) THAT IS DESIGNED TO MOVE AIR**
8 **FROM INSIDE A BUILDING TO THE OUTDOORS, SUCH AS FANS USED IN A BATHROOM**
9 **OR UTILITY ROOM.**

10 **(12) “RETAILER” MEANS A PERSON ENGAGED IN THE BUSINESS OF**
11 **MAKING RETAIL SALES WITHIN THE STATE.**

12 **(13) (I) “SHOWERHEAD” MEANS A DEVICE OR SET OF DEVICES THAT**
13 **IS:**

14 1. **ATTACHED TO A SINGLE WATER SUPPLY FITTING; AND**

15 2. **USED FOR SPRAYING WATER FOR BATHING.**

16 **(II) “SHOWERHEAD” INCLUDES A SHOWERHEAD THAT CAN BE**
17 **HELD OR FIXED IN PLACE AND CONNECTED BY A FLEXIBLE HOSE (ALSO KNOWN AS A**
18 **HAND-HELD SHOWERHEAD).**

19 **(III) “SHOWERHEAD” DOES NOT INCLUDE SAFETY EQUIPMENT**
20 **SUCH AS EYEWASH STATIONS OR DRENCH SHOWERS.**

21 **(14) “SPRAY SPRINKLER BODY” MEANS THE EXTERIOR CASE OR SHELL**
22 **OF A SPRINKLER THAT:**

23 **(I) INCLUDES A METHOD FOR CONNECTING TO THE WATER**
24 **SYSTEM PIPING; AND**

25 **(II) HOUSES A SPRAY NOZZLE THAT APPLIES WATER TO THE**
26 **GROUND.**

27 **(15) (I) “URINAL” MEANS A PLUMBING FIXTURE THAT:**

28 1. **IS DESIGNED TO RECEIVE ONLY LIQUID BODY WASTE;**

29 **AND**

1 2. CONVEYS THE WASTE THROUGH A TRAP INTO A
2 DRAINAGE SYSTEM.

3 (II) “URINAL” DOES NOT INCLUDE:

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

6 2. ~~THROUGH-TYPE~~ TROUGH-TYPE URINALS.

7 (16) (I) “WATER CLOSET” MEANS A PLUMBING FIXTURE HAVING A
8 WATER-CONTAINING RECEPTACLE DESIGNED TO RECEIVE LIQUID AND SOLID BODY
9 WASTE AND CONVEY THE WASTE THROUGH AN INTEGRAL TRAP INTO A DRAINAGE
10 SYSTEM.

11 (II) “WATER CLOSET” INCLUDES A WATER CLOSET
12 INCORPORATING A FEATURE THAT ALLOWS THE USER TO FLUSH THE WATER CLOSET
13 WITH EITHER A REDUCED LOAD OR A FULL VOLUME OF WATER, ALSO KNOWN AS A
14 DUAL-FLUSH WATER CLOSET.

15 (17) (I) “WATER COOLER” MEANS A FREESTANDING DEVICE THAT
16 USES ENERGY TO COOL OR HEAT POTABLE WATER.

17 (II) “WATER COOLER” INCLUDES:

18 1. COLD ONLY UNITS THAT DISPENSE ONLY COLD
19 WATER;

20 2. HOT AND COLD UNITS THAT DISPENSE BOTH HOT AND
21 COLD WATER;

22 3. COOK AND COLD UNITS THAT DISPENSE BOTH COLD
23 AND ROOM TEMPERATURE WATER; AND

24 4. STORAGE-TYPE UNITS THAT STORE THERMALLY
25 CONDITIONED WATER IN A TANK INSIDE THE WATER COOLER THAT IS AVAILABLE
26 INSTANTANEOUSLY, INCLUDING POINT-OF-USE, DRY STORAGE COMPARTMENT,
27 AND BOTTLED WATER COOLERS.

28 [(33)] (18) “Widely available in Maryland” means a conforming product
29 available in the State from three or more manufacturers.

30 (b) (1) This section applies to the testing, certification, and enforcement of
31 efficiency standards for the following types of new products sold, offered for sale, or
32 installed **FOR PROFIT** in the State:

- 1 (i) [torchiere lighting fixtures;
- 2 (ii) unit heaters;
- 3 (iii) low-voltage dry-type distribution transformers;
- 4 (iv) ceiling fan light kits;
- 5 (v) red and green traffic signal modules;
- 6 (vi) illuminated exit signs;
- 7 (vii) commercial refrigeration cabinets;
- 8 (viii) large packaged air-conditioning equipment;
- 9 (ix) commercial clothes washers;
- 10 (x) bottle-type water dispensers;
- 11 (xi) commercial hot food holding cabinets;
- 12 (xii) metal halide lamp fixtures;
- 13 (xiii) residential furnaces;
- 14 (xiv) single-voltage external AC to DC power supplies;
- 15 (xv) state-regulated incandescent reflector lamps; and
- 16 (xvi) walk-in refrigerators and freezers] **ELECTRIC VEHICLE**
- 17 **SUPPLY EQUIPMENT;**
- 18 **(II) HIGH CRI FLUORESCENT LAMPS;**
- 19 **(III) PORTABLE ELECTRIC SPAS;**
- 20 **(IV) AIR PURIFIERS;**
- 21 **(V) COMMERCIAL DISHWASHERS;**
- 22 **(VI) COMMERCIAL STEAM COOKERS;**
- 23 **(VII) FAUCETS;**

1 **(VIII) RESIDENTIAL VENTILATING FANS;**

2 **(IX) SHOWERHEADS;**

3 **(X) SPRAY SPRINKLER BODIES;**

4 **(XI) URINALS;**

5 **(XII) WATER CLOSETS; AND**

6 **(XIII) WATER COOLERS.**

7 (2) This section does not apply to:

8 (i) new products manufactured in the State and sold outside the
9 State;

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

12 (iii) products installed in mobile manufactured homes at the time of
13 construction;

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

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

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

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

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

27 **(2) BEGINNING OCTOBER 1, 2024, A NEW PRODUCT SPECIFIED IN
28 SUBSECTION (B)(1)(I) OR (II) OF THIS SECTION MAY NOT BE SOLD OR OFFERED FOR
29 SALE IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR**

1 EXCEEDS THE EFFICIENCY STANDARDS SPECIFIED IN REGULATIONS ADOPTED, IF
2 ANY, UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

6 (II) BEGINNING OCTOBER 1, 2025, A NEW PRODUCT SPECIFIED
7 IN SUBSECTION (B)(1)(I) OR (II) OF THIS SECTION MAY NOT BE INSTALLED FOR
8 PROFIT IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR
9 EXCEEDS THE EFFICIENCY STANDARDS SPECIFIED IN REGULATIONS ADOPTED, IF
10 ANY, UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

15 (II) THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING
16 MINIMUM EFFICIENCY STANDARDS:

17 1. AIR PURIFIERS SHALL MEET THE FOLLOWING
18 REQUIREMENTS AS MEASURED IN ACCORDANCE WITH THE ENERGY STAR PROGRAM
19 REQUIREMENTS PRODUCT SPECIFICATION FOR ROOM AIR CLEANERS, VERSION
20 2.0:

21 A. THE CLEAN AIR DELIVERY RATE FOR SMOKE MUST BE
22 30 OR GREATER;

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

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

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

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

1 **F. FOR MODELS WITH A WI-FI NETWORK CONNECTION**
2 **ENABLED BY DEFAULT WHEN SHIPPED, PARTIAL ON-MODE POWER MAY NOT EXCEED**
3 **2 WATTS; AND**

4 **G. FOR MODELS WITHOUT A WI-FI NETWORK**
5 **CONNECTION ENABLED BY DEFAULT WHEN SHIPPED, PARTIAL ON-MODE POWER**
6 **MAY NOT EXCEED 1 WATT;**

7 **2. COMMERCIAL DISHWASHERS MUST MEET THE**
8 **APPLICABLE QUALIFICATION CRITERIA SPECIFIED IN THE ENERGY STAR PROGRAM**
9 **REQUIREMENTS PRODUCT SPECIFICATION FOR COMMERCIAL DISHWASHERS,**
10 **VERSION 2.0;**

11 **3. COMMERCIAL STEAM COOKERS MUST MEET THE**
12 **REQUIREMENTS SPECIFIED IN THE ENERGY STAR PROGRAM REQUIREMENTS**
13 **PRODUCT SPECIFICATION FOR COMMERCIAL STEAM COOKERS, VERSION 1.2;**

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

19 **A. LAVATORY FAUCETS AND REPLACEMENT AERATORS**
20 **MUST NOT EXCEED A MAXIMUM FLOW RATE OF 1.5 GALLONS PER MINUTE AT 60**
21 **POUNDS PER SQUARE INCH;**

22 **B. RESIDENTIAL KITCHEN FAUCETS AND REPLACEMENT**
23 **AERATORS MUST NOT EXCEED A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE**
24 **AT 60 POUNDS PER SQUARE INCH, WITH OPTIONAL TEMPORARY FLOW OF 2.2**
25 **GALLONS PER MINUTE PROVIDED THE FAUCET DEFAULTS TO A MAXIMUM FLOW**
26 **RATE OF 1.8 GALLONS PER MINUTE AT 60 POUNDS PER SQUARE INCH AFTER EACH**
27 **USE; AND**

28 **C. PUBLIC LAVATORY FAUCETS AND REPLACEMENT**
29 **AERATORS MUST NOT EXCEED A MAXIMUM FLOW RATE OF 0.5 GALLONS PER MINUTE**
30 **AT 60 POUNDS PER SQUARE INCH;**

31 **5. PORTABLE ELECTRIC SPAS MUST MEET THE**
32 **REQUIREMENTS OF THE AMERICAN NATIONAL STANDARD FOR PORTABLE**
33 **ELECTRIC SPA ENERGY EFFICIENCY SPECIFICALLY KNOWN AS ANSI/APSC/ICC**
34 **14-2019;**

1 **6. RESIDENTIAL VENTILATING FANS MUST MEET THE**
2 **FOLLOWING REQUIREMENTS WHEN TESTED IN ACCORDANCE WITH THE HOME**
3 **VENTILATION INSTITUTE’S HVI AIRFLOW TEST PROCEDURE (HVI PUBLICATION**
4 **916):**

5 **A. IN-LINE RESIDENTIAL VENTILATING FANS MUST BE**
6 **EQUIPPED WITH A FAN MOTOR WITH AN EFFICIENCY OF AT LEAST 2.8 CUBIC FEET**
7 **PER MINUTE PER WATT; AND**

8 **B. NON-IN-LINE RESIDENTIAL VENTILATING FANS MUST**
9 **BE EQUIPPED WITH A FAN MOTOR WITH AN EFFICIENCY OF AT LEAST 1.4 CUBIC FEET**
10 **PER MINUTE PER WATT FOR AIRFLOWS LESS THAN 90 CUBIC FEET PER MINUTE AND**
11 **AT LEAST 2.8 CUBIC FEET PER MINUTE PER WATT FOR AIRFLOWS GREATER THAN OR**
12 **EQUAL TO 90 CUBIC FEET PER MINUTE;**

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

19 **8. SPRAY SPRINKLER BODIES THAT ARE NOT**
20 **SPECIFICALLY EXCLUDED FROM THE SCOPE OF THE WATERSENSE SPECIFICATION**
21 **FOR SPRAY SPRINKLER BODIES, VERSION 1.0 MUST INCLUDE AN INTEGRAL**
22 **PRESSURE REGULATOR AND MEET THE WATER EFFICIENCY, PERFORMANCE**
23 **CRITERIA, AND OTHER REQUIREMENTS SPECIFIED IN THE WATERSENSE**
24 **SPECIFICATION FOR SPRAY SPRINKLER BODIES, VERSION 1.0;**

25 **9. URINALS MUST HAVE A MAXIMUM FLUSH VOLUME OF**
26 **0.5 GALLONS PER FLUSH WHEN TESTED IN ACCORDANCE WITH 10 C.F.R. § 430,**
27 **SUBPART B, APPENDIX T, COMPLIANCE WITH WHICH MUST BE VERIFIED BY USING**
28 **THE UNIFORM TEST METHOD FOR MEASURING THE WATER CONSUMPTION OF**
29 **WATER CLOSETS AND URINALS IN EFFECT ON JANUARY 1, 2020;**

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

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

1 **B. DUAL-FLUSH TANK-TYPE WATER CLOSETS MUST**
2 **HAVE A MAXIMUM DUAL-FLUSH EFFECTIVE VOLUME OF 1.28 GALLONS PER FLUSH;**
3 **AND**

4 **11. WATER COOLERS INCLUDED IN THE SCOPE OF THE**
5 **ENERGY STAR PROGRAM'S WATER COOLERS SPECIFICATION, VERSION 2.0 MUST**
6 **HAVE AN ON MODE WITH NO WATER DRAW ENERGY CONSUMPTION THAT IS LESS**
7 **THAN OR EQUAL TO THE FOLLOWING VALUES AS MEASURED IN ACCORDANCE WITH**
8 **THE ON MODE WITH NO WATER DRAW TEST MODE SPECIFIED IN THE WATER**
9 **COOLERS SPECIFICATION:**

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

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

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

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

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

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

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

31 **(2) On request of a Maryland business or consumer and after public notice**
32 **and comment, the Administration may delay the effective date of any standard under this**
33 **section by not more than 1 year if the Administration determines that products conforming**
34 **to the standard will not be widely available in Maryland by the applicable date stated in**

1 subsections [(e)(1) and (f)(1), (2), and (3)] **(C)(2) AND (3)(II) AND (D)(2) AND (3)(II)** of this
2 section.

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

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

8 (2) Every 2 years, the Administration shall consider and propose to the
9 General Assembly:

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

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

14 (3) In considering new or amended standards, the Administration shall
15 propose new or amended efficiency standards if it determines that any new or increased
16 efficiency standards would:

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

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

20 (iii) be technologically feasible and economically justified.

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

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

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

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

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

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

9 [(i)] (G) (1) After public notice and comment, the Administration shall adopt
10 procedures by rule for testing the energy efficiency of the new products listed in subsection
11 (b)(1) of this section if testing procedures are not provided for in the Maryland Building
12 Performance Standards.

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

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

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

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

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

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

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

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

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

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

9 (4) Repeat violators shall be subject to a civil penalty of not more than
 10 \$250.

11 (5) Each violation of this section shall constitute a separate offense and
 12 each day that a violation continues shall constitute a separate offense.

13 (6) Penalties assessed under this subsection are in addition to costs
 14 assessed under subsection **[(l)(2)(i)] (J)(2)(I)** of this section.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.