

Chapter 564

(House Bill 772)

AN ACT concerning

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

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

BY repealing

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

BY repealing and reenacting, without amendments,

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

BY adding to

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

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–2006(a)(33), (b), and (g) through (n)
Annotated Code of Maryland
(2021 Replacement Volume)

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9–2006(a)(2) through (32) and (c) through (f) of Article – State Government of the Annotated Code of Maryland be repealed.

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

Article – State Government

9–2006.

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

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

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

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

(4) (I) **“COMMERCIAL STEAM COOKER”, ALSO KNOWN AS A “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.**

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

1. **COUNTERTOP MODELS;**
2. **WALL–MOUNTED MODELS; AND**
3. **FLOOR MODELS MOUNTED ON A STAND, PEDESTAL, OR CABINET–STYLE BASE.**

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

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

(II) “FAUCET” INCLUDES:

- 1. A PRIVATE LAVATORY FAUCET;**
- 2. A PUBLIC LAVATORY FAUCET;**
- 3. A RESIDENTIAL KITCHEN FAUCET; AND**
- 4. A REPLACEMENT AERATOR FOR A PRIVATE LAVATORY FAUCET, PUBLIC LAVATORY FAUCET, OR RESIDENTIAL KITCHEN FAUCET.**

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

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

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

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

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

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

(I) AS A REPLACEMENT; AND

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

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

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

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

- 1. ATTACHED TO A SINGLE WATER SUPPLY FITTING; AND**
- 2. USED FOR SPRAYING WATER FOR BATHING.**

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

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

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

- (I) INCLUDES A METHOD FOR CONNECTING TO THE WATER SYSTEM PIPING; AND**
- (II) HOUSES A SPRAY NOZZLE THAT APPLIES WATER TO THE GROUND.**

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

- 1. IS DESIGNED TO RECEIVE ONLY LIQUID BODY WASTE; AND**
- 2. CONVEYS THE WASTE THROUGH A TRAP INTO A DRAINAGE SYSTEM.**

(II) “URINAL” DOES NOT INCLUDE:

- 1. URINALS DESIGNED AND MARKETED EXCLUSIVELY FOR USE AT PRISONS OR MENTAL HEALTH FACILITIES; AND**
- 2. ~~THROUGH-TYPE~~ TROUGH-TYPE URINALS.**

(16) (I) “WATER CLOSET” MEANS A PLUMBING FIXTURE HAVING A WATER-CONTAINING RECEPTACLE DESIGNED TO RECEIVE LIQUID AND SOLID BODY

WASTE AND CONVEY THE WASTE THROUGH AN INTEGRAL TRAP INTO A DRAINAGE SYSTEM.

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

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

(II) “WATER COOLER” INCLUDES:

1. COLD ONLY UNITS THAT DISPENSE ONLY COLD WATER;
2. HOT AND COLD UNITS THAT DISPENSE BOTH HOT AND COLD WATER;
3. COOK AND COLD UNITS THAT DISPENSE BOTH COLD AND ROOM TEMPERATURE WATER; AND
4. STORAGE-TYPE UNITS THAT STORE THERMALLY CONDITIONED WATER IN A TANK INSIDE THE WATER COOLER THAT IS AVAILABLE INSTANTANEOUSLY, INCLUDING POINT-OF-USE, DRY STORAGE COMPARTMENT, AND BOTTLED WATER COOLERS.

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

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

- (i) [torchiere lighting fixtures;
- (ii) unit heaters;
- (iii) low-voltage dry-type distribution transformers;
- (iv) ceiling fan light kits;
- (v) red and green traffic signal modules;
- (vi) illuminated exit signs;

- (vii) commercial refrigeration cabinets;
- (viii) large packaged air-conditioning equipment;
- (ix) commercial clothes washers;
- (x) bottle-type water dispensers;
- (xi) commercial hot food holding cabinets;
- (xii) metal halide lamp fixtures;
- (xiii) residential furnaces;
- (xiv) single-voltage external AC to DC power supplies;
- (xv) state-regulated incandescent reflector lamps; and
- (xvi) walk-in refrigerators and freezers]

SUPPLY EQUIPMENT; ELECTRIC VEHICLE

- (II) HIGH CRI FLUORESCENT LAMPS;**
- (III) PORTABLE ELECTRIC SPAS;**
- (IV) AIR PURIFIERS;**
- (V) COMMERCIAL DISHWASHERS;**
- (VI) COMMERCIAL STEAM COOKERS;**
- (VII) FAUCETS;**
- (VIII) RESIDENTIAL VENTILATING FANS;**
- (IX) SHOWERHEADS;**
- (X) SPRAY SPRINKLER BODIES;**
- (XI) URINALS;**
- (XII) WATER CLOSETS; AND**
- (XIII) WATER COOLERS.**

(2) This section does not apply to:

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

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

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

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

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

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

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

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

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

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

(II) BEGINNING OCTOBER 1, 2025, A NEW PRODUCT SPECIFIED IN SUBSECTION (B)(1)(I) OR (II) OF THIS SECTION MAY NOT BE INSTALLED FOR PROFIT IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE ON MODE WITH NO WATER DRAW TEST MODE SPECIFIED IN THE WATER COOLERS SPECIFICATION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) be technologically feasible and economically justified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.