

§1616. Appliance and product efficiency standards
(REALLOCATED FROM TITLE 38, SECTION 1613)

1. Sale prohibition; appliances and products. The following provisions apply to the sale or offering for sale in the State of certain new appliances and products.

A. Except as provided in subsection 2, beginning January 1, 2023, a person may not sell or offer for sale in the State any of the following appliances and products manufactured on or after January 1, 2023 that are prohibited from sale in rules adopted by the department in accordance with subsection 3:

- (1) Computers and computer monitors;
- (2) General service lamps;
- (3) Commercial hot food holding cabinets;
- (4) Plumbing fittings that are showerheads, lavatory faucets, kitchen faucets, public lavatory faucets, metering faucets, kitchen replacement aerators and lavatory replacement aerators;
- (5) Plumbing fixtures that are water closets and urinals;
- (6) Portable electric spas;
- (7) Spray sprinkler bodies; and
- (8) Water dispensers.

For the purposes of this paragraph, the appliances and products listed in subparagraphs (1) to (8) have the same meanings as in rules adopted by the department under subsection 3, except that "general service lamps" means medium-base incandescent light bulbs that are: reflector lamps that are ER30, BR30, BR40 or ER40 lamps rated at 50 watts or less; reflector lamps that are BR30, BR40 or ER40 lamps rated at 65 watts; reflector lamps that are R20 lamps rated at 45 watts or less; B, BA, CA, F and G shape lamps as defined in American National Standards Institute standard C79.1-2002 with a lumen output greater than or equal to 200 and rated at 40 watts or less; A and C shape lamps as defined in American National Standards Institute standard C79.1-2002 with a lumen output greater than or equal to 200 and less than 310; shatter-resistant lamps; and 3-way lamps. [PL 2021, c. 433, §1 (NEW); RR 2021, c. 2, Pt. A, §135 (RAL).]

B. In determining a person's compliance with paragraph A, the department shall, to the greatest extent practicable and where consistent with the requirements of this subsection, use information available from other states that regulate the same appliances and products. [PL 2021, c. 433, §1 (NEW); RR 2021, c. 2, Pt. A, §135 (RAL).]

C. A person who violates paragraph A commits a civil violation for which a fine of not more than \$100 may be adjudged. [PL 2021, c. 433, §1 (NEW); RR 2021, c. 2, Pt. A, §135 (RAL).]
[PL 2021, c. 433, §1 (NEW); RR 2021, c. 2, Pt. A, §135 (RAL).]

2. Exclusions; federal preemption. This section does not apply to any appliances and products listed in subsection 1, paragraph A, subparagraphs (1) to (8) that are manufactured before January 1, 2023 or that are sold or offered for sale in the State in used condition. An appliance or product listed in subsection 1, paragraph A is exempt from the prohibitions in this section and the rules adopted pursuant to this section if state regulation of the appliance or product is preempted by federal statute or regulation, for as long as that federal preemption remains in effect. [PL 2021, c. 433, §1 (NEW); RR 2021, c. 2, Pt. A, §135 (RAL).]

3. Rules. The department may adopt rules to prohibit the sale or offering for sale in the State of appliances or products described in subsection 1, paragraph A. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 433, §1 (NEW); RR 2021, c. 2, Pt. A, §135 (RAL).]

SECTION HISTORY

PL 2021, c. 433, §1 (NEW). RR 2021, c. 2, Pt. A, §135 (RAL).

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