



**SENATE:** Yes Envir. & Energy  
Budget & Appropri.

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes 12/2/2021

**LEGISLATIVE FISCAL ESTIMATE:** Yes 11/8/2021  
12/23/2021

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA



P.L. 2021, CHAPTER 464, *approved January 18, 2022*  
Assembly, No. 5160 (*Third Reprint*)

1 AN ACT establishing minimum energy and water efficiency  
2 standards for certain products sold, offered for sale, or leased, in  
3 the State and supplementing Title <sup>1</sup>**[48]** 52<sup>1</sup> of the Revised  
4 Statutes.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

- 8  
9 1. The Legislation finds and declares that:
- 10 (a) Energy efficiency standards for certain products sold or  
11 installed in the <sup>2</sup>**[state]** State<sup>2</sup> assure consumers and businesses that  
12 such products meet minimum efficiency performance levels,  
13 thereby reducing energy and water waste and saving consumers and  
14 businesses money on their utility bills;
- 15 (b) Energy efficiency standards save energy and therefore  
16 reduce climate-changing emissions and other environmental  
17 impacts associated with the production, distribution, and use of  
18 electricity, natural gas, and other fuels;
- 19 (c) Energy efficiency standards save water, mitigate the effects  
20 of short- and long-term droughts, and help to conserve fresh water  
21 supplies;
- 22 (d) Energy efficiency standards produce savings resulting from  
23 more efficient products that benefit all consumers but are especially  
24 important to low-income families which spend a disproportionate  
25 share of their income on utilities. Such standards also help the State  
26 and local economy since savings can be instead spent on local  
27 goods and services; and
- 28 (e) Energy and water savings help reduce or delay the need for  
29 expensive investments in new power plants, transmission lines,  
30 distribution system upgrades, new and expanded gas pipelines, and  
31 water and sewer infrastructure improvements.

32  
33 <sup>2</sup>**[2.** As used in this act:  
34 “Air purifier” means an electric, cord-connected, portable  
35 appliance with the primary function of removing particulate matter  
36 from the air and which can be moved from room to room.

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly ATU committee amendments adopted February 24, 2021.

<sup>2</sup>Senate SBA committee amendments adopted November 8, 2021.

<sup>3</sup>Senate floor amendments adopted December 2, 2021.

1 “Cold temperature fluorescent lamp” means a fluorescent bulb or  
2 lamp that is not a compact fluorescent lamp and which:

3 (a) is designed to start at -20°F when used with a ballast  
4 conforming to the requirements of the American National Standard  
5 ANSI C78.81 and ANSI C78.901; and

6 (b) is designated as a cold temperature lamp both in markings on  
7 the lamp and in marketing materials, including catalogs, sales  
8 literature, and promotional material.

9 “Commercial dishwasher” means a machine designed to clean  
10 and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and  
11 trays by applying sprays of detergent solution and a sanitizing rinse.

12 “Commercial fryer” means an appliance in which oil is placed to  
13 such a depth that the cooking food is supported by displacement of  
14 the cooking fluid rather than by the bottom of the vessel, and in  
15 which heat is delivered to the cooking fluid by means of an  
16 immersed electric element or by heat transfer from gas burners.

17 “Commercial hot-food holding cabinet” means a heated, fully  
18 enclosed compartment with one or more solid or transparent doors  
19 designed to maintain the temperature of cooked food.

20 “Commercial hot-food holding cabinet” shall not include heated  
21 glass merchandizing cabinets, drawer warmers, or cook-and-hold  
22 appliances.

23 “Commercial oven” means a chamber designed for heating,  
24 roasting, or baking food by conduction, convection, radiation, or  
25 electromagnetic energy.

26 “Commercial steam cooker,” means a device also known as a  
27 “compartment steamer,” with one or more food-steaming  
28 compartments in which the energy in the steam is transferred to the  
29 food by direct contact.

30 “Commissioner” means the Commissioner of Community  
31 Affairs.

32 “Computer” means a computer as defined in California Code of  
33 Regulations, Title 20, Section 1602(v).

34 “Computer monitor” means a computer monitor as defined in  
35 California Code of Regulations, Title 20, Section 1602(v).

36 “Dual-flush effective flush volume” means the average flush  
37 volume of two reduced flushes and one full flush.

38 “Dual-flush tank-type toilet” means a toilet that allows the user  
39 to flush the toilet with either a reduced or a full volume of water.

40 “Electric vehicle service equipment” means the same as the term  
41 is defined in section 2 of P.L.2019, c.362 (C.48:25-2).

42 “Faucet” means a private lavatory faucet, residential kitchen  
43 faucet, metering faucet, public lavatory faucet, or replacement  
44 aerator for a private lavatory, public lavatory or residential kitchen  
45 faucet.

46 “General service lamp” means a light bulb, including a general  
47 service incandescent lamp, compact fluorescent lamp, general

1 service light-emitting diode lamp, organic light-emitting diode  
2 lamp, and any other lamps or bulbs that are used to satisfy lighting  
3 applications traditionally served by general service incandescent  
4 lamps.

5 “State-regulated general service lamp” means any of the  
6 following medium-based incandescent light bulbs:

- 7 (1) Shatter-resistant lamps.
- 8 (2) 3-way lamps.
- 9 (3) Reflector lamps that are:
  - 10 (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or  
11 less;
  - 12 (b) BR30, BR40, or ER40 lamps rated at 65 watts; or
  - 13 (c) R20 lamps rated at 45 watts or less.
- 14 (4) B, BA, CA, F and G shape lamps as defined in ANSI  
15 C79.1:2002 with a lumen output of greater than or equal to 200 and  
16 rated at 40 watts or less.
- 17 (5) A and C shape lamps as defined in ANSI C79.1:2002 with  
18 lumen output greater than or equal to 200 and less than 310.

19 “Hand-held showerhead” means a showerhead that can be held  
20 or fixed in place for the purpose of spraying water onto a bather and  
21 that is connected to a flexible hose.

22 “High color rendering index fluorescent lamp” means a  
23 fluorescent lamp with a color rendering index of 87 or greater that  
24 is not a compact fluorescent lamp.

25 “Impact-resistant fluorescent lamp” means a fluorescent lamp or  
26 bulb that is not a compact fluorescent lamp and which:

- 27 (a) has a coating or equivalent technology that is compliant with  
28 ANSI 51 and is designed to contain the glass if the glass envelope  
29 of the lamp is broken; and
- 30 (b) is designated and marketed as being impact-resistant,  
31 shatter-resistant, shatter-proof, or shatter-protected;

32 “Industrial air purifier” means an indoor air cleaning device  
33 manufactured, advertised, marketed, labeled, and used solely for  
34 industrial use that are marketed solely through industrial supply  
35 outlets or businesses and prominently labeled as “Solely for  
36 industrial use. Potential health hazard: emits ozone;”

37 “Lamp efficacy” or “luminous efficacy” means the measure of  
38 how well a light source produces visible light, and which is the ratio  
39 of luminous flux to power, measured in lumens per watt.

40 “Metering faucet” means a fitting that, when turned on, will  
41 gradually shut itself off over a period of several seconds.

42 “On demand water cooler” means the water cooler heats water as  
43 it is requested, which typically takes a few minutes to deliver water.

44 “Portable electric spa” means a factory-built electric spa or hot  
45 tub which may include any combination of integral controls, water  
46 heating, or water circulating equipment.

1 “Pressure regulator” means a device that maintains constant  
2 operating pressure immediately downstream from the device, given  
3 higher pressure upstream.

4 “Public lavatory faucet” means a fitting designed to be installed  
5 in nonresidential lavatories that are exposed to walk-in traffic.

6 “Replacement aerator” means an aerator sold as a replacement,  
7 separate from the faucet to which it is intended to be attached.

8 “Residential ventilating fan” means a ceiling, wall-mounted, or  
9 remotely mounted in-line fan designed to be used in a lavatory or  
10 utility room, whose purpose is to move air from inside the building  
11 to the outdoors.

12 “Showerhead” means a device through which water is discharged  
13 for a shower bath and includes a hand-held showerhead but does not  
14 include a safety shower showerhead.

15 “Spray sprinkler body” means the exterior case or shell of a  
16 sprinkler incorporating a means of connection to the piping system  
17 designed to convey water to a nozzle or orifice.

18 “Trough-type urinal” means a urinal designed for simultaneous  
19 use by two or more persons.

20 “Urinal” means a plumbing fixture that receives only liquid body  
21 waste and conveys the waste through a trap into a drainage system.

22 “Water cooler” means a freestanding device that consumes  
23 energy to cool or heat potable water. **1**<sup>2</sup>

24

25 <sup>2</sup>2. As used in this act:

26 “Air purifier” means an electric, cord-connected, portable  
27 appliance with the primary function of removing particulate matter  
28 from the air and which can be moved from room to room.

29 “Cold temperature fluorescent lamp” means a fluorescent bulb or  
30 lamp that is not a compact fluorescent lamp and which:

31 (a) is designed to start at -20°F when used with a ballast  
32 conforming to the requirements of the American National Standard  
33 ANSI C78.81 and ANSI C78.901; and

34 (b) is designated as a cold temperature lamp both in markings on  
35 the lamp and in marketing materials, including catalogs, sales  
36 literature, and promotional material.

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38 sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by  
39 applying sprays of detergent solution and a sanitizing rinse.

40 “Commercial fryer” means an appliance in which oil is placed to  
41 such a depth that the cooking food is supported by displacement of the  
42 cooking fluid rather than by the bottom of the vessel, and in which  
43 heat is delivered to the cooking fluid by means of an immersed electric  
44 element or by heat transfer from gas burners.

1       “Commercial hot-food holding cabinet” means a heated, fully  
2 enclosed compartment with one or more solid or transparent doors  
3 designed to maintain the temperature of cooked food.

4       “Commercial hot-food holding cabinet” shall not include heated  
5 glass merchandizing cabinets, drawer warmers, or cook-and-hold  
6 appliances.

7       “Commercial oven” means a chamber designed for heating,  
8 roasting, or baking food by conduction, convection, radiation, or  
9 electromagnetic energy.

10       “Commercial steam cooker,” means a device also known as a  
11 “compartment steamer,” with one or more food-steaming  
12 compartments in which the energy in the steam is transferred to the  
13 food by direct contact.

14       “Commissioner” means the Commissioner of <sup>3</sup>【Community  
15 Affairs】 Environmental Protection<sup>3</sup> .

16       “Computer” means a computer as defined in California Code of  
17 Regulations, Title 20, Section 1602(v).

18       “Computer monitor” means a computer monitor as defined in  
19 California Code of Regulations, Title 20, Section 1602(v).

20       <sup>3</sup>“Department” means the Department of Environmental  
21 Protection.<sup>3</sup>

22       “Dual-flush effective flush volume” means the average flush  
23 volume of two reduced flushes and one full flush.

24       “Dual-flush tank-type toilet” means a toilet that allows the user to  
25 flush the toilet with either a reduced or a full volume of water.

26       “Electric vehicle service equipment” means the same as the term is  
27 defined in section 2 of P.L.2019, c.362 (C.48:25-2).

28       “Faucet” means a private lavatory faucet, residential kitchen  
29 faucet, metering faucet, public lavatory faucet, or replacement aerator  
30 for a private lavatory, public lavatory or residential kitchen faucet.

31       “General service lamp” means a light bulb, including a general  
32 service incandescent lamp, compact fluorescent lamp, general service  
33 light-emitting diode lamp, organic light-emitting diode lamp, and any  
34 other lamps or bulbs that are used to satisfy lighting applications  
35 traditionally served by general service incandescent lamps.

36       “Hand-held showerhead” means a showerhead that can be held or  
37 fixed in place for the purpose of spraying water onto a bather and that  
38 is connected to a flexible hose.

39       “High color rendering index fluorescent lamp” means a fluorescent  
40 lamp with a color rendering index of 87 or greater that is not a  
41 compact fluorescent lamp.

42       “Impact-resistant fluorescent lamp” means a fluorescent lamp or  
43 bulb that is not a compact fluorescent lamp and which:

44       (a) has a coating or equivalent technology that is compliant with  
45 ANSI 51 and is designed to contain the glass if the glass envelope of  
46 the lamp is broken; and

1       (b) is designated and marketed as being impact-resistant, shatter-  
2 resistant, shatter-proof, or shatter-protected.

3       “Industrial air purifier” means an indoor air cleaning device  
4 manufactured, advertised, marketed, labeled, and used solely for  
5 industrial use that are marketed solely through industrial supply outlets  
6 or businesses and prominently labeled as “Solely for industrial use.  
7 Potential health hazard: emits ozone.”

8       “Lamp efficacy” or “luminous efficacy” means the measure of  
9 how well a light source produces visible light, and which is the ratio of  
10 luminous flux to power, measured in lumens per watt.

11       “Metering faucet” means a fitting that, when turned on, will  
12 gradually shut itself off over a period of several seconds.

13       “On demand water cooler” means the water cooler heats water as it  
14 is requested, which typically takes a few minutes to deliver water.

15       <sup>3</sup>“Person” means an individual, corporation, company, association,  
16 society, firm, partnership, or joint stock company.<sup>3</sup>

17       “Portable electric spa” means a factory-built electric spa or hot tub  
18 which may include any combination of integral controls, water  
19 heating, or water circulating equipment.

20       “Pressure regulator” means a device that maintains constant  
21 operating pressure immediately downstream from the device, given  
22 higher pressure upstream.

23       “Public lavatory faucet” means a fitting designed to be installed in  
24 nonresidential lavatories that are exposed to walk-in traffic.

25       “Replacement aerator” means an aerator sold as a replacement,  
26 separate from the faucet to which it is intended to be attached.

27       “Residential ventilating fan” means a ceiling, wall-mounted, or  
28 remotely mounted in-line fan designed to be used in a lavatory or  
29 utility room, whose purpose is to move air from inside the building to  
30 the outdoors.

31       “Showerhead” means a device through which water is discharged  
32 for a shower bath and includes a hand-held showerhead but does not  
33 include a safety shower showerhead.

34       “Spray sprinkler body” means the exterior case or shell of a  
35 sprinkler incorporating a means of connection to the piping system  
36 designed to convey water to a nozzle or orifice.

37       “State-regulated general service lamp” means any of the following  
38 medium-based incandescent light bulbs:

39       (1) Shatter-resistant lamps;

40       (2) 3-way lamps;

41       (3) Reflector lamps that are:

42       (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or less;

43       (b) BR30, BR40, or ER40 lamps rated at 65 watts; or

44       (c) R20 lamps rated at 45 watts or less;

1       (4) B, BA, CA, F and G shape lamps as defined in ANSI  
2 C79.1:2002 with a lumen output of greater than or equal to 200 and  
3 rated at 40 watts or less.

4       (5) A and C shape lamps as defined in ANSI C79.1:2002 with  
5 lumen output greater than or equal to 200 and less than 310.

6       “Trough-type urinal” means a urinal designed for simultaneous use  
7 by two or more persons.

8       “Urinal” means a plumbing fixture that receives only liquid body  
9 waste and conveys the waste through a trap into a drainage system.

10       “Water cooler” means a freestanding device that consumes energy  
11 to cool or heat potable water.<sup>2</sup>

12  
13       <sup>2</sup>[2.] 3.<sup>2</sup> a. <sup>3</sup>[No] Beginning one year after the date of enactment  
14 of this act, no<sup>3</sup> person shall sell, offer for sale, or lease a new air  
15 purifier, cold temperature fluorescent lamp, commercial dishwasher,  
16 commercial fryer, commercial hot-food holding cabinet, commercial  
17 oven, commercial steam cooker, computer, computer monitor,  
18 electrical vehicle service equipment, high color rendering index  
19 fluorescent lamp, impact-resistant fluorescent lamp, faucet,  
20 showerhead, toilet, urinal, portable electric spa, residential ventilating  
21 fan, state-regulated general service lamp; spray sprinkler body, urinal,  
22 or water cooler in the State unless the new product <sup>3</sup>includes a mark,  
23 label, or tag required pursuant to subsection c. of section 7 of this act,  
24 denoting that the product<sup>3</sup> meets or exceeds the efficiency standards  
25 <sup>3</sup>[adopted in rules and regulations pursuant to] established in<sup>3</sup> section  
26 <sup>2</sup>[3] 4<sup>2</sup> of this act.

27       b. <sup>3</sup>[No later than] Beginning<sup>3</sup> one year after the date of  
28 enactment of this act, no product <sup>3</sup>[subject to the requirements of]  
29 identified in<sup>3</sup> subsection a. <sup>3</sup>[or b.]<sup>3</sup> of this section may be installed  
30 for compensation in the State unless the <sup>3</sup>[efficiency of the]<sup>3</sup> new  
31 product <sup>3</sup>includes a mark, label, or tag required pursuant to subsection  
32 c. of section 7 of this act, denoting that the product<sup>3</sup> meets or exceeds  
33 the efficiency standards <sup>3</sup>[adopted in rules and regulations pursuant  
34 to] established in<sup>3</sup> section <sup>2</sup>[3] 4<sup>2</sup> of this act.

35       <sup>3</sup>c. Beginning one year after the date of enactment of this act, upon  
36 final inspection of the installation of any appliance or product subject  
37 to the State Uniform Construction Code, the appropriate subcode  
38 official shall ensure that any product identified in subsection a. of this  
39 section contains a mark, label, or tag denoting that the product meets  
40 or exceeds the efficiency standards established in section 4 of this act.

41       d. No person shall affix a mark, label, or tag to a product denoting  
42 compliance with this act unless the product meets or exceeds the  
43 efficiency standards established in section 4 of this act.<sup>3</sup>

1           <sup>2</sup>**[3.]** <sup>4</sup><sup>2</sup> <sup>3</sup>**[a.]** No later than one year after the date of enactment of  
2 this act, the commissioner, pursuant to the "Administrative Procedure  
3 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
4 regulations to establish energy efficiency standards to implement the  
5 provisions of this act.

6           b. The rules and regulations shall provide for the minimum  
7 efficiency standards for the following products<sup>3</sup> Except as provided  
8 in section 5 of this act, products identified in subsection a. of section 3  
9 of this act shall, at a minimum, meet the following efficiency  
10 standards:

11           <sup>3</sup>**[(1)]** <sup>3</sup>a. Air purifiers, except industrial air purifiers, shall meet  
12 the following requirements as measured in accordance with the  
13 ENERGY STAR Program Requirements Product Specification for  
14 Room Air Cleaners, Version 2.0:

15           <sup>3</sup>**[(a)]** <sup>3</sup>(1) Clean air delivery rate for smoke shall be 30 or greater;

16           <sup>3</sup>**[(b)]** <sup>3</sup>(2) For models with a clean air delivery rate for smoke less  
17 than 100, clean air delivery rate per Watt for smoke shall be greater  
18 than or equal to 1.7;

19           <sup>3</sup>**[(c)]** <sup>3</sup>(3) For models with a clean air delivery rate for smoke  
20 greater than or equal to 100 and less than 150, clean air delivery rate  
21 per Watt for smoke shall be greater than or equal to 1.9;

22           <sup>3</sup>**[(d)]** <sup>3</sup>(4) For models with a clean air delivery rate for smoke  
23 greater than or equal to 150, clean air delivery rate per Watt for smoke  
24 shall be greater than or equal to 2.0;

25           <sup>3</sup>**[(e)]** <sup>3</sup>(5) For ozone-emitting models, measured ozone shall be  
26 less than or equal to 50 parts per billion (ppb);

27           <sup>3</sup>**[(f)]** <sup>3</sup>(6) For models with a Wi-Fi network connection enabled  
28 by default when shipped, partial on mode power shall not exceed 2  
29 watts; and

30           <sup>3</sup>**[(g)]** <sup>3</sup>(7) For models without a Wi-Fi network connection  
31 enabled by default when shipped, partial on mode power shall not  
32 exceed 1 watt.

33           <sup>3</sup>**[(2)]** <sup>3</sup>b. A commercial dishwasher shall meet the product  
34 specifications of the "Energy Star Program Requirements for  
35 Commercial dishwashers Version 2.0" developed by the United States  
36 Environmental Protection Agency<sup>2</sup>**[.]**;<sup>2</sup>

37           <sup>3</sup>**[(3)]** <sup>3</sup>c. A commercial fryer shall meet the product  
38 specifications of the "Energy Star Program Requirements for  
39 Commercial Fryers Version 2.0" developed by the United States  
40 Environmental Protection Agency;

41           <sup>3</sup>**[(4)]** <sup>3</sup>d. A commercial hot-food holding cabinet shall meet the  
42 product specifications of the "Energy Star Program Requirements for  
43 Commercial Hot Food Holding Cabinets Version 2.0" developed by  
44 the United States Environmental Protection Agency;

1       <sup>3</sup>[(5)] e.<sup>3</sup> A commercial oven shall meet the product  
2 specifications of the "Energy Star Program Requirements for  
3 Commercial Oven Version 2.2" developed by the United States  
4 Environmental Protection Agency;

5       <sup>3</sup>[(6)] f.<sup>3</sup> A commercial steam cooker shall meet the product  
6 specifications of the "Energy Star Program Requirements for  
7 Commercial Steam Cookers, Version 1.2" developed by the United  
8 States Environmental Protection Agency;

9       <sup>3</sup>[(7)] g.<sup>3</sup> A computer or computer monitor shall meet the  
10 requirements of the California Code of Regulations, Title 20, Section  
11 1605.3(v) and compliance with those requirements shall be measured  
12 in accordance with test methods prescribed in the California Code of  
13 Regulations, Title 20, Section 1604(v);

14       <sup>3</sup>[(8)] h.<sup>3</sup> Electric vehicle service equipment shall meet the  
15 product specifications of the "Energy Star Program Requirements  
16 Product Specification for Electric Vehicle Supply Equipment, Version  
17 1.0" developed by the United States Environmental Protection  
18 Agency;

19       <sup>3</sup>[(9)] i.<sup>3</sup> A faucet, except for a metering faucet, shall meet the  
20 standards in this <sup>3</sup>[paragraph] subsection<sup>3</sup> when tested in accordance  
21 with Appendix S to Subpart B of Part 430 of Title 10, Code of Federal  
22 Regulations and compliance with those requirements shall be in  
23 accordance with the "Uniform Test Method for Measuring the Water  
24 Consumption of Faucets and Showerheads" <sup>3</sup>[;] :<sup>3</sup>

25       <sup>3</sup>[(a)] (1)<sup>3</sup> A lavatory faucet or a replacement aerator for a  
26 lavatory faucet shall not exceed a maximum flow rate of 1.5 gallons  
27 per minute at 60 pounds per square inch;

28       <sup>3</sup>[(b)] (2)<sup>3</sup> A residential kitchen faucet or replacement aerator for  
29 a residential kitchen faucet shall not exceed a maximum flow rate of  
30 1.8 gallons per minute at 60 pounds per square inch, with an optional  
31 temporary flow rate of 2.2 gallons per minute, provided the faucet or  
32 replacement aerator defaults to a maximum flow rate of 1.8 gallons per  
33 minute at 60 pounds per square inch after each use; and

34       <sup>3</sup>[(c)] (3)<sup>3</sup> A public lavatory faucet or a replacement aerator for a  
35 public lavatory faucet shall not exceed a maximum flow rate of 0.5  
36 gallons per minute at 60 pounds per square inch <sup>2</sup>[;] :<sup>2</sup>

37       <sup>3</sup>[(10)] j.<sup>3</sup> A state-regulated general service lamp shall meet a  
38 lamp efficacy of 45 lumens per watt, when tested in accordance with  
39 the applicable federal test procedures for general service lamps,  
40 prescribed in Section 430.23(gg) of Title 10, Code of Federal  
41 Regulations;

42       <sup>3</sup>[(11)] k.<sup>3</sup> A High color rendering index, cold temperature, or  
43 impact-resistant fluorescent lamp shall meet the minimum efficacy  
44 requirements contained in Section 430.32(n)(4) of Title 10, Code of  
45 Federal Regulations, as measured in accordance with the "Uniform

1 Test Method for Measuring Average Lamp Efficacy (LE), Color  
2 Rendering Index (CRI), and Correlated Color Temperature (CCT) of  
3 Electric Lamps" in Appendix R to Subpart B of Part 430 of Title 10,  
4 Code of Federal Regulations;

5 <sup>3</sup>[(12)] l.<sup>3</sup> A portable electric spa shall meet the requirements of  
6 the "American National Standard for Portable Electric Spa Energy  
7 Efficiency 14-2019";

8 <sup>3</sup>[(13)] m.<sup>3</sup> An in-line residential ventilating fan shall have a fan  
9 motor efficacy of no less than 2.8 cubic feet per minute per watt. All  
10 other residential ventilating fans shall have a fan motor efficacy of no  
11 less than 1.4 cubic feet per minute per watt for airflows less than 90  
12 cubic feet per minute and no less than 2.8 cubic feet per minute per  
13 watt for other airflows when tested in accordance with Home  
14 Ventilation Institute Publication 916 "HVI Airflow Test Procedure" <sup>2</sup>;<sup>2</sup>

15 <sup>3</sup>[(14)] n.<sup>3</sup> A showerhead shall not exceed a maximum flow rate  
16 of 2.0 gallons per minute at 80 pounds per square inch when tested in  
17 accordance with Appendix S to Subpart B of Part 430 of Title 10,  
18 Code of Federal Regulations and compliance with those requirements  
19 shall be the "Uniform Test Method for Measuring the Water  
20 Consumption of Faucets and Showerheads <sup>2</sup>[""] <sup>2</sup>;

21 <sup>3</sup>[(15)] o.<sup>3</sup> A spray sprinkler body that is not specifically  
22 excluded from the scope of the United States Environmental  
23 Protection Agency's WaterSense program "Specification for Spray  
24 Sprinkler Bodies, Version 1.0," shall include an integral pressure  
25 regulator and shall meet the water efficiency and performance criteria  
26 and other requirements of the "Specification for Spray Sprinkler  
27 Bodies, Version 1.0" <sup>2</sup>["."] <sup>2</sup>;

28 <sup>3</sup>[(16)] p.<sup>3</sup> A urinal or toilet, other than those designed and  
29 marketed exclusively for use at prisons or mental health facilities, shall  
30 meet the standards in <sup>3</sup>[subparagraphs (a)] paragraphs (1)<sup>3</sup> through  
31 <sup>3</sup>[(d)] (4) of this subsection<sup>3</sup> when tested in accordance with  
32 Appendix T to Subpart B of Part 430 of Title 10 , Code of Federal  
33 Regulations "Uniform Test Method for Measuring the Water  
34 Consumption of Water Closets and Urinals." A toilet shall be required  
35 to pass the waste extraction test for toilets in the American Society of  
36 Mechanical Engineers standard A112.19.2, Section 7.9 <sup>3</sup>[";"] <sup>3</sup>;

37 <sup>3</sup>[(a)] (1)<sup>3</sup> A wall-mounted urinal, except for a trough-type urinal,  
38 shall have a maximum flush volume of 0.5 gallons per flush;

39 <sup>3</sup>[(b)] (2)<sup>3</sup> A floor-mounted urinal, except for a trough-type urinal,  
40 shall have a maximum flush volume of 0.5 gallons per flush;

41 <sup>3</sup>[(c)] (3)<sup>3</sup> A toilet, except for a dual-flush tank-type toilet, shall  
42 have a maximum flush volume of 1.28 gallons per flush; <sup>2</sup>and<sup>2</sup>

43 <sup>3</sup>[(d)] (4)<sup>3</sup> A dual-flush tank-type toilet shall have a maximum  
44 dual-flush effective flush volume of 1.28 gallons per flush.

1       <sup>3</sup>[(17)] q.<sup>3</sup> A water cooler shall meet the product specifications of  
2 the "Energy Star Program Requirements Product Specification for  
3 Water Coolers, Version 2.0" developed by the United States  
4 Environmental Protection Agency

5  
6       <sup>2</sup>[4.] 5.<sup>2</sup> The provisions of this act shall not apply to:

7       (1) new products manufactured in the State and sold outside the  
8 State;

9       (2) new products manufactured outside the State and sold <sup>3</sup>outside  
10 the State or<sup>3</sup> at wholesale inside the State for final retail sale and  
11 installation outside the State;

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

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

16  
17       <sup>2</sup>[5.] 6.<sup>2</sup> <sup>3</sup>[a. The commissioner may require an updated test  
18 method pursuant to rules and regulations adopted pursuant to the  
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
20 when a new test procedure becomes available for a product regulated  
21 pursuant to this act.

22       b. The commissioner shall identify each product regulated  
23 pursuant to section <sup>2</sup>[3] 4<sup>2</sup> of this act and shall allow the use of  
24 existing marks, labels, or tags, to denote compliance with the  
25 efficiency requirements of this act, pursuant to rules and regulations  
26 adopted pursuant to the "Administrative Procedure Act," P.L.1968,  
27 c.410 (C.52:14B-1 et seq.).] Nothing in this act shall be construed to  
28 impose liability on any news media that accepts or publishes  
29 advertising for any product that may fall within the scope of this act.<sup>3</sup>

30  
31       <sup>2</sup>[6.] 7.<sup>2</sup> a. A manufacturer of a product regulated pursuant to  
32 section <sup>2</sup>[3] 4<sup>2</sup> of this act shall annually test samples of its products  
33 <sup>3</sup>[in accordance with the test procedures adopted pursuant to this act]  
34 in order to ensure compliance with the efficiency standards established  
35 therein<sup>3</sup> .

36       b. A manufacturer of a product regulated pursuant to section <sup>2</sup>[3]  
37 4<sup>2</sup> of this act shall annually certify to the commissioner that the  
38 product is in compliance with the provisions of this act.

39       c. A manufacturer of a product regulated pursuant to section <sup>2</sup>[3]  
40 4<sup>2</sup> of this act shall identify that each product offered for sale in the  
41 State is in compliance with the provisions of this act by means of a  
42 mark, label, or tag on the product and packaging at the time of sale.  
43 <sup>3</sup>An existing mark, label, or tag may be used to satisfy this  
44 requirement, provided that it clearly expresses that the product meets  
45 the applicable efficiency standard. A manufacturer shall include

1 information about the mark, label, or tag used to comply with the  
 2 provisions of this subsection in its annual certification to the  
 3 commissioner required by subsection b. of this section.<sup>3</sup>

4 d. With prior notice, the commissioner may periodically inspect  
 5 distributors or retailers of new products regulated pursuant to this act  
 6 in order to determine compliance with the provisions of this act.

7 e. The commissioner shall investigate complaints received  
 8 concerning violations of this act <sup>3</sup>[and shall report the results of such  
 9 investigations to the Attorney General]<sup>3</sup>. A manufacturer, distributor,  
 10 retailer, or person who violates the provisions of this act, shall be  
 11 issued a warning by the commissioner for a first violation and shall be  
 12 subject to a civil penalty of up to <sup>3</sup>[\$100] \$1,000<sup>3</sup> for each subsequent  
 13 offense. Third and subsequent violations shall be subject to a civil  
 14 penalty of not more than <sup>3</sup>[\$500] \$5,000<sup>3</sup> for each offense. Each  
 15 violation shall constitute a separate offense, and each day that such  
 16 violation continues shall constitute a separate offense. <sup>3</sup>The  
 17 department may institute an action or proceeding in the Superior Court  
 18 for injunctive and other relief for any violation of this act or of any  
 19 rule or regulation adopted pursuant thereto, and the court may proceed  
 20 in the action in a summary manner. Such relief may include  
 21 prohibiting the person from selling or offering for sale the non-  
 22 compliant product in the State.<sup>3</sup>

23 f. <sup>3</sup>[If] In addition the penalties provided in subsection e. of this  
 24 section, if<sup>3</sup> a product regulated pursuant to this act is found not to be in  
 25 compliance with the minimum efficiency standards established under  
 26 this act, the commissioner shall issue a violation to the manufacturer of  
 27 such product which shall subject the manufacturer to a civil penalty  
 28 equal to <sup>3</sup>twice<sup>3</sup> the cost of product purchase and testing. The  
 29 commissioner shall make information available to <sup>3</sup>[the Attorney  
 30 General and]<sup>3</sup> the public on products found not to be in compliance  
 31 with the standards.

32 g. A civil penalty imposed pursuant to this section shall be  
 33 collected in a summary manner under the “Penalty Enforcement Law  
 34 of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). All monies <sup>3</sup>[shall be  
 35 deposited into the Societal Benefits Charge account] collected by the  
 36 department may be retained by the department for the costs of  
 37 administering and enforcing the provisions of this act.<sup>3</sup>

38

39 <sup>2</sup>[7.] <sup>2</sup>8.<sup>2</sup> No later than 3 years after the date of enactment of  
 40 this act, the <sup>3</sup>department, in consultation with the Board of Public  
 41 Utilities and the<sup>3</sup> Department of Community Affairs <sup>3,3</sup> shall  
 42 conduct a study to evaluate whether to add additional products to  
 43 those regulated pursuant to this act, and whether to adopt more  
 44 stringent energy standards or water conservation standards. The  
 45 commissioner shall submit a written report thereon to the Governor

1 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
2 Legislature with recommendations for legislative action.

3

4 <sup>3</sup>9. The department may adopt rules and regulations, pursuant to  
5 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
6 seq.), as necessary to implement the provisions of this act.<sup>3</sup>

7

8 <sup>2</sup>[8.] <sup>3</sup>[9.<sup>2</sup>] 10.<sup>3</sup> This act shall take effect <sup>3</sup>[on January 1, 2022]  
9 immediately<sup>3</sup>.

10

11

12

13

14 Establishes minimum energy and water efficiency standards for  
15 certain products sold, offered for sale, or leased in the State.

# ASSEMBLY, No. 5160

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 16, 2020

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblywoman Timberlake, Assemblyman Benson, Assemblywoman Reynolds-Jackson, Assemblyman Mukherji, Assemblywomen Swain, Quijano and Assemblyman Verrelli**

**SYNOPSIS**

Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/22/2021)**

1 AN ACT establishing minimum energy and water efficiency  
2 standards for certain products sold, offered for sale, or leased, in  
3 the State and supplementing Title 48 of the Revised Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislation finds and declares that:

9 (a) Energy efficiency standards for certain products sold or  
10 installed in the state assure consumers and businesses that such  
11 products meet minimum efficiency performance levels, thereby  
12 reducing energy and water waste and saving consumers and  
13 businesses money on their utility bills;

14 (b) Energy efficiency standards save energy and therefore  
15 reduce climate-changing emissions and other environmental  
16 impacts associated with the production, distribution, and use of  
17 electricity, natural gas, and other fuels;

18 (c) Energy efficiency standards save water, mitigate the effects  
19 of short- and long-term droughts, and help to conserve fresh water  
20 supplies;

21 (d) Energy efficiency standards produce savings resulting from  
22 more efficient products that benefit all consumers but are especially  
23 important to low-income families which spend a disproportionate  
24 share of their income on utilities. Such standards also help the State  
25 and local economy since savings can be instead spent on local  
26 goods and services; and

27 (e) Energy and water savings help reduce or delay the need for  
28 expensive investments in new power plants, transmission lines,  
29 distribution system upgrades, new and expanded gas pipelines, and  
30 water and sewer infrastructure improvements.

31 2. As used in this act:

32 “Air purifier” means an electric, cord-connected, portable  
33 appliance with the primary function of removing particulate matter  
34 from the air and which can be moved from room to room.

35 “Cold temperature fluorescent lamp” means a fluorescent bulb or  
36 lamp that is not a compact fluorescent lamp and which:

37 (a) is designed to start at -20°F when used with a ballast  
38 conforming to the requirements of the American National Standard  
39 ANSI C78.81 and ANSI C78.901; and

40 (b) is designated as a cold temperature lamp both in markings on  
41 the lamp and in marketing materials, including catalogs, sales  
42 literature, and promotional material.

43 “Commercial dishwasher” means a machine designed to clean  
44 and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and  
45 trays by applying sprays of detergent solution and a sanitizing rinse.

46 “Commercial fryer” means an appliance in which oil is placed to  
47 such a depth that the cooking food is supported by displacement of

1 the cooking fluid rather than by the bottom of the vessel, and in  
2 which heat is delivered to the cooking fluid by means of an  
3 immersed electric element or by heat transfer from gas burners.

4 “Commercial hot-food holding cabinet” means a heated, fully  
5 enclosed compartment with one or more solid or transparent doors  
6 designed to maintain the temperature of cooked food.

7 “Commercial hot-food holding cabinet” shall not include heated  
8 glass merchandizing cabinets, drawer warmers, or cook-and-hold  
9 appliances.

10 “Commercial oven” means a chamber designed for heating,  
11 roasting, or baking food by conduction, convection, radiation, or  
12 electromagnetic energy.

13 “Commercial steam cooker,” means a device also known as a  
14 “compartment steamer,” with one or more food-steaming  
15 compartments in which the energy in the steam is transferred to the  
16 food by direct contact.

17 “Commissioner” means the Commissioner of Community  
18 Affairs.

19 “Computer” means a computer as defined in California Code of  
20 Regulations, Title 20, Section 1602(v).

21 “Computer monitor” means a computer monitor as defined in  
22 California Code of Regulations, Title 20, Section 1602(v).

23 “Dual-flush effective flush volume” means the average flush  
24 volume of two reduced flushes and one full flush.

25 “Dual-flush tank-type toilet” means a toilet that allows the user  
26 to flush the toilet with either a reduced or a full volume of water.

27 “Electric vehicle service equipment” means the same as the term  
28 is defined in section 2 of P.L.2019, c.362 (C.48:25-2).

29 “Faucet” means a private lavatory faucet, residential kitchen  
30 faucet, metering faucet, public lavatory faucet, or replacement  
31 aerator for a private lavatory, public lavatory or residential kitchen  
32 faucet.

33 “General service lamp” means a light bulb, including a general  
34 service incandescent lamp, compact fluorescent lamp, general  
35 service light-emitting diode lamp, organic light-emitting diode  
36 lamp, and any other lamps or bulbs that are used to satisfy lighting  
37 applications traditionally served by general service incandescent  
38 lamps.

39 “State-regulated general service lamp” means any of the  
40 following medium-based incandescent light bulbs:

- 41 (1) Shatter-resistant lamps.
- 42 (2) 3-way lamps.
- 43 (3) Reflector lamps that are:
  - 44 (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or  
45 less;
  - 46 (b) BR30, BR40, or ER40 lamps rated at 65 watts; or
  - 47 (c) R20 lamps rated at 45 watts or less.

1 (4) B, BA, CA, F and G shape lamps as defined in ANSI  
2 C79.1:2002 with a lumen output of greater than or equal to 200 and  
3 rated at 40 watts or less.

4 (5) A and C shape lamps as defined in ANSI C79.1:2002 with  
5 lumen output greater than or equal to 200 and less than 310.

6 “Hand-held showerhead” means a showerhead that can be held  
7 or fixed in place for the purpose of spraying water onto a bather and  
8 that is connected to a flexible hose.

9 “High color rendering index fluorescent lamp” means a  
10 fluorescent lamp with a color rendering index of 87 or greater that  
11 is not a compact fluorescent lamp.

12 “Impact-resistant fluorescent lamp” means a fluorescent lamp or  
13 bulb that is not a compact fluorescent lamp and which:

14 (a) has a coating or equivalent technology that is compliant with  
15 ANSI 51 and is designed to contain the glass if the glass envelope  
16 of the lamp is broken; and

17 (b) is designated and marketed as being impact-resistant, shatter-  
18 resistant, shatter-proof, or shatter-protected;

19 “Industrial air purifier” means an indoor air cleaning device  
20 manufactured, advertised, marketed, labeled, and used solely for  
21 industrial use that are marketed solely through industrial supply  
22 outlets or businesses and prominently labeled as “Solely for  
23 industrial use. Potential health hazard: emits ozone;”

24 “Lamp efficacy” or “luminous efficacy” means the measure of  
25 how well a light source produces visible light, and which is the ratio  
26 of luminous flux to power, measured in lumens per watt.

27 “Metering faucet” means a fitting that, when turned on, will  
28 gradually shut itself off over a period of several seconds.

29 “On demand water cooler” means the water cooler heats water as  
30 it is requested, which typically takes a few minutes to deliver water.

31 “Portable electric spa” means a factory-built electric spa or hot  
32 tub which may include any combination of integral controls, water  
33 heating, or water circulating equipment.

34 “Pressure regulator” means a device that maintains constant  
35 operating pressure immediately downstream from the device, given  
36 higher pressure upstream.

37 “Public lavatory faucet” means a fitting designed to be installed  
38 in nonresidential lavatories that are exposed to walk-in traffic.

39 “Replacement aerator” means an aerator sold as a replacement,  
40 separate from the faucet to which it is intended to be attached.

41 “Residential ventilating fan” means a ceiling, wall-mounted, or  
42 remotely mounted in-line fan designed to be used in a lavatory or  
43 utility room, whose purpose is to move air from inside the building  
44 to the outdoors.

45 “Showerhead” means a device through which water is discharged  
46 for a shower bath and includes a hand-held showerhead but does not  
47 include a safety shower showerhead.

1       “Spray sprinkler body” means the exterior case or shell of a  
2       sprinkler incorporating a means of connection to the piping system  
3       designed to convey water to a nozzle or orifice.

4       “Trough-type urinal” means a urinal designed for simultaneous  
5       use by two or more persons.

6       “Urinal” means a plumbing fixture that receives only liquid body  
7       waste and conveys the waste through a trap into a drainage system.

8       “Water cooler” means a freestanding device that consumes  
9       energy to cool or heat potable water.

10

11       2. a. No person shall sell, offer for sale, or lease a new air  
12       purifier, cold temperature fluorescent lamp, commercial  
13       dishwasher, commercial fryer, commercial hot-food holding  
14       cabinet, commercial oven, commercial steam cooker, computer,  
15       computer monitor, electrical vehicle service equipment, high color  
16       rendering index fluorescent lamp, impact-resistant fluorescent lamp,  
17       faucet, showerhead, toilet, urinal, portable electric spa, residential  
18       ventilating fan, state-regulated general service lamp; spray sprinkler  
19       body, urinal, or water cooler in the State unless the new product  
20       meets or exceeds the efficiency standards adopted in rules and  
21       regulations pursuant to section 3 of this act.

22       b. No later than one year after the date of enactment of this  
23       act, no product subject to the requirements of subsection a. or b. of  
24       this section may be installed for compensation in the State unless  
25       the efficiency of the new product meets or exceeds the efficiency  
26       standards adopted in rules and regulations pursuant to section 3 of  
27       this act.

28

29       3. a. No later than one year after the date of enactment of this  
30       act, the commissioner, pursuant to the "Administrative Procedure  
31       Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
32       regulations to establish energy efficiency standards to implement  
33       the provisions of this act.

34       b. The rules and regulations shall provide for the minimum  
35       efficiency standards for the following products:

36       (1) Air purifiers, except industrial air purifiers, shall meet the  
37       following requirements as measured in accordance with the  
38       ENERGY STAR Program Requirements Product Specification for  
39       Room Air Cleaners, Version 2.0:

40       (a) Clean air delivery rate for smoke shall be 30 or greater;

41       (b) For models with a clean air delivery rate for smoke less than  
42       100, clean air delivery rate per Watt for smoke shall be greater than  
43       or equal to 1.7;

44       (c) For models with a clean air delivery rate for smoke greater  
45       than or equal to 100 and less than 150, clean air delivery rate per  
46       Watt for smoke shall be greater than or equal to 1.9;

- 1 (d) For models with a clean air delivery rate for smoke greater  
2 than or equal to 150, clean air delivery rate per Watt for smoke shall  
3 be greater than or equal to 2.0;
- 4 (e) For ozone-emitting models, measured ozone shall be less  
5 than or equal to 50 parts per billion (ppb);
- 6 (f) For models with a Wi-Fi network connection enabled by  
7 default when shipped, partial on mode power shall not exceed 2  
8 watts; and
- 9 (g) For models without a Wi-Fi network connection enabled by  
10 default when shipped, partial on mode power shall not exceed 1  
11 watt.
- 12 (2) A commercial dishwasher shall meet the product  
13 specifications of the "Energy Star Program Requirements for  
14 Commercial dishwashers Version 2.0" developed by the United  
15 States Environmental Protection Agency.
- 16 (3) A commercial fryer shall meet the product specifications of  
17 the "Energy Star Program Requirements for Commercial Fryers  
18 Version 2.0" developed by the United States Environmental  
19 Protection Agency;
- 20 (4) A commercial hot-food holding cabinet shall meet the  
21 product specifications of the "Energy Star Program Requirements  
22 for Commercial Hot Food Holding Cabinets Version 2.0" developed  
23 by the United States Environmental Protection Agency;
- 24 (5) A commercial oven shall meet the product specifications of  
25 the "Energy Star Program Requirements for Commercial Oven  
26 Version 2.2" developed by the United States Environmental  
27 Protection Agency;
- 28 (6) A commercial steam cooker shall meet the product  
29 specifications of the "Energy Star Program Requirements for  
30 Commercial Steam Cookers, Version 1.2" developed by the United  
31 States Environmental Protection Agency;
- 32 (7) A computer or computer monitor shall meet the  
33 requirements of the California Code of Regulations, Title 20,  
34 Section 1605.3(v) and compliance with those requirements shall be  
35 measured in accordance with test methods prescribed in the  
36 California Code of Regulations, Title 20, Section 1604(v);
- 37 (8) Electric vehicle service equipment shall meet the product  
38 specifications of the "Energy Star Program Requirements Product  
39 Specification for Electric Vehicle Supply Equipment, Version 1.0"  
40 developed by the United States Environmental Protection Agency;
- 41 (9) A faucet, except for a metering faucet, shall meet the  
42 standards in this paragraph when tested in accordance with  
43 Appendix S to Subpart B of Part 430 of Title 10, Code of Federal  
44 Regulations and compliance with those requirements shall be in  
45 accordance with the "Uniform Test Method for Measuring the  
46 Water Consumption of Faucets and Showerheads";

- 1 (a) A lavatory faucet or a replacement aerator for a lavatory  
2 faucet shall not exceed a maximum flow rate of 1.5 gallons per  
3 minute at 60 pounds per square inch;
- 4 (b) A residential kitchen faucet or replacement aerator for a  
5 residential kitchen faucet shall not exceed a maximum flow rate of  
6 1.8 gallons per minute at 60 pounds per square inch, with an  
7 optional temporary flow rate of 2.2 gallons per minute, provided the  
8 faucet or replacement aerator defaults to a maximum flow rate of  
9 1.8 gallons per minute at 60 pounds per square inch after each use;  
10 and
- 11 (c) A public lavatory faucet or a replacement aerator for a  
12 public lavatory faucet shall not exceed a maximum flow rate of 0.5  
13 gallons per minute at 60 pounds per square inch;
- 14 (10) A state-regulated general service lamp shall meet a lamp  
15 efficacy of 45 lumens per watt, when tested in accordance with the  
16 applicable federal test procedures for general service lamps,  
17 prescribed in Section 430.23(gg) of Title 10, Code of Federal  
18 Regulations;
- 19 (11) A High color rendering index, cold temperature, or impact-  
20 resistant fluorescent lamp shall meet the minimum efficacy  
21 requirements contained in Section 430.32(n)(4) of Title 10, Code of  
22 Federal Regulations, as measured in accordance with the "Uniform  
23 Test Method for Measuring Average Lamp Efficacy (LE), Color  
24 Rendering Index (CRI), and Correlated Color Temperature (CCT)  
25 of Electric Lamps" in Appendix R to Subpart B of Part 430 of Title  
26 10, Code of Federal Regulations;
- 27 (12) A portable electric spa shall meet the requirements of the  
28 "American National Standard for Portable Electric Spa Energy  
29 Efficiency 14-2019";
- 30 (13) An in-line residential ventilating fan shall have a fan motor  
31 efficacy of no less than 2.8 cubic feet per minute per watt. All other  
32 residential ventilating fans shall have a fan motor efficacy of no less  
33 than 1.4 cubic feet per minute per watt for airflows less than 90  
34 cubic feet per minute and no less than 2.8 cubic feet per minute per  
35 watt for other airflows when tested in accordance with Home  
36 Ventilation Institute Publication 916 "HVI Airflow Test Procedure"
- 37 (14) A showerhead shall not exceed a maximum flow rate of  
38 2.0 gallons per minute at 80 pounds per square inch when tested in  
39 accordance with Appendix S to Subpart B of Part 430 of Title 10,  
40 Code of Federal Regulations and compliance with those  
41 requirements shall be the "Uniform Test Method for Measuring the  
42 Water Consumption of Faucets and Showerheads;"
- 43 (15) A spray sprinkler body that is not specifically excluded  
44 from the scope of the United States Environmental Protection  
45 Agency's WaterSense program "Specification for Spray Sprinkler  
46 Bodies, Version 1.0," shall include an integral pressure regulator  
47 and shall meet the water efficiency and performance criteria and

1 other requirements of the "Specification for Spray Sprinkler Bodies,  
2 Version 1.0".

3 (16) A urinal or toilet, other than those designed and marketed  
4 exclusively for use at prisons or mental health facilities, shall meet  
5 the standards in subparagraphs (a) through (d) when tested in  
6 accordance with Appendix T to Subpart B of Part 430 of Title 10 ,  
7 Code of Federal Regulations "Uniform Test Method for Measuring  
8 the Water Consumption of Water Closets and Urinals." A toilet  
9 shall be required to pass the waste extraction test for toilets in the  
10 American Society of Mechanical Engineers standard A112.19.2,  
11 Section 7.9;

12 (a) A wall-mounted urinal, except for a trough-type urinal, shall  
13 have a maximum flush volume of 0.5 gallons per flush;

14 (b) A floor-mounted urinal, except for a trough-type urinal, shall  
15 have a maximum flush volume of 0.5 gallons per flush;

16 (c) A toilet, except for a dual-flush tank-type toilet, shall have a  
17 maximum flush volume of 1.28 gallons per flush;

18 (d) A dual-flush tank-type toilet shall have a maximum dual-  
19 flush effective flush volume of 1.28 gallons per flush.

20 (17) A water cooler shall meet the product specifications of the  
21 "Energy Star Program Requirements Product Specification for  
22 Water Coolers, Version 2.0" developed by the United States  
23 Environmental Protection Agency.

24

25 4. The provisions of this act shall not apply to:

26 (1) new products manufactured in the State and sold outside the  
27 State;

28 (2) new products manufactured outside the State and sold at  
29 wholesale inside the State for final retail sale and installation  
30 outside the State;

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

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

35

36 5. a. The commissioner may require an updated test method  
37 pursuant to rules and regulations adopted pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.) when a new test procedure becomes available for a product  
40 regulated pursuant to this act.

41 b. The commissioner shall identify each product regulated  
42 pursuant to section 3 of this act and shall allow the use of existing  
43 marks, labels, or tags, to denote compliance with the efficiency  
44 requirements of this act, pursuant to rules and regulations adopted  
45 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
46 (C.52:14B-1 et seq.).

- 1       6. a. A manufacturer of a product regulated pursuant to section  
2 3 of this act shall annually test samples of its products in  
3 accordance with the test procedures adopted pursuant to this act.
- 4       b. A manufacturer of a product regulated pursuant to section 3  
5 of this act shall annually certify to the commissioner that the  
6 product is in compliance with the provisions of this act.
- 7       c. A manufacturer of a product regulated pursuant to section 3  
8 of this act shall identify that each product offered for sale in the  
9 State is in compliance with the provisions of this act by means of a  
10 mark, label, or tag on the product and packaging at the time of sale.
- 11       d. With prior notice, the commissioner may periodically  
12 inspect distributors or retailers of new products regulated pursuant  
13 to this act in order to determine compliance with the provisions of  
14 this act.
- 15       e. The commissioner shall investigate complaints received  
16 concerning violations of this act and shall report the results of such  
17 investigations to the Attorney General. A manufacturer, distributor,  
18 retailer, or person who violates the provisions of this act, shall be  
19 issued a warning by the commissioner for a first violation and shall  
20 be subject to a civil penalty of up to \$100 for each subsequent  
21 offense. Third and subsequent violations shall be subject to a civil  
22 penalty of not more than \$500 for each offense. Each violation shall  
23 constitute a separate offense, and each day that such violation  
24 continues shall constitute a separate offense.
- 25       f. If a product regulated pursuant to this act is found not to be  
26 in compliance with the minimum efficiency standards established  
27 under this act, the commissioner shall issue a violation to the  
28 manufacturer of such product which shall subject the manufacturer  
29 to a civil penalty equal to the cost of product purchase and testing.  
30 The commissioner shall make information available to the Attorney  
31 General and the public on products found not to be in compliance  
32 with the standards.
- 33       g. A civil penalty imposed pursuant to this section shall be  
34 collected in a summary manner under the “Penalty Enforcement  
35 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). All monies  
36 shall be deposited into the Societal Benefits Charge account.  
37
- 38       7. No later than 3 years after the date of enactment of this act,  
39 the Department of Community Affairs shall conduct a study to  
40 evaluate whether to add additional products to those regulated  
41 pursuant to this act, and whether to adopt more stringent energy  
42 standards or water conservation standards. The commissioner shall  
43 submit a written report thereon to the Governor and, pursuant to  
44 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature with  
45 recommendations for legislative action.

1       8. This act shall take effect on January 1, 2022.

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3

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STATEMENT

5

6       This bill sets specific, up-to-date efficiency standards for  
7 selected residential and commercial products. These energy and  
8 water efficiency standards are based on various sources including  
9 ENERGY STAR and WaterSense specifications, standards  
10 developed and adopted by the California Energy Commission.

11       The commissioner may require an updated test method when a  
12 new test procedure becomes available for a product regulated  
13 pursuant to this act. The commissioner shall identify each product  
14 regulated under the bill and is required to allow the use of existing  
15 marks, labels, or tags, to denote compliance with the efficiency  
16 requirements of this act, pursuant to rules and regulations adopted  
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
18 (C.52:14B-1 et seq.).

19       A manufacturer of a product regulated pursuant to section 3 of  
20 this act shall annually test samples of its products in accordance  
21 with the test procedures adopted under this bill. A manufacturer of a  
22 product regulated under this bill is required annually certify to the  
23 commissioner that the product is in compliance with the provisions  
24 of this act. A manufacturer of a product regulated pursuant to this  
25 bill is required to identify that each product offered for sale in the  
26 State is in compliance with the provisions of this act by means of a  
27 mark, label, or tag on the product and packaging at the time of sale.  
28 With prior notice, the commissioner may periodically inspect  
29 distributors or retailers of new products regulated under this bill in  
30 order to determine compliance with the provisions of the bill.

31       The commissioner is required investigate complaints received  
32 concerning violations of this act and is required report the results of  
33 such investigations to the Attorney General. A manufacturer,  
34 distributor, retailer, or person who violates the provisions of this  
35 act, shall be issued a warning by the commissioner for a first  
36 violation and shall be subject to a civil penalty of up to \$100 for  
37 each subsequent offense. Third and subsequent violations shall be  
38 subject to a civil penalty of not more than \$500 for each offense.  
39 Each violation shall constitute a separate offense, and each day that  
40 such violation continues shall constitute a separate offense.

41       If a product regulated pursuant to this act is found not to be in  
42 compliance with the minimum efficiency standards established  
43 under this bill, the commissioner is required issue a violation to the  
44 manufacturer of such product which will subject the manufacturer  
45 to a civil penalty equal to the cost of product purchase and testing.  
46 The commissioner will be required to make information available to

1 the Attorney General and the public on products found not to be in  
2 compliance with the standards.

3 A civil penalty imposed pursuant to this section shall be  
4 collected in a summary manner under the “Penalty Enforcement  
5 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.) and deposited  
6 into the Societal Benefits Charge account.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 5160**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 24, 2021

The Assembly Telecommunications and Utilities Committee reports favorably and with committee amendments Assembly Bill No. 5160.

As amended and reported, this bill sets specific, up-to-date efficiency standards for selected residential and commercial products as adopted by the Commissioner of Community Affairs (commissioner). The bill prohibits the sale, offer for sale, or lease of a new air purifier, cold temperature fluorescent lamp, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, computer, computer monitor, electrical vehicle service equipment, high color rendering index fluorescent lamp, impact-resistant fluorescent lamp, faucet, showerhead, toilet, urinal, portable electric spa, residential ventilating fan, state-regulated general service lamp; spray sprinkler body, urinal, or water cooler in the State unless the new product meets or exceeds the efficiency standards adopted in rules and regulations by the commissioner. The commissioner may require an updated test method when a new test procedure becomes available for a product regulated pursuant to the bill. The commissioner is to identify each product regulated under the bill and is required to allow the use of existing marks, labels, or tags, to denote compliance with the efficiency requirements of the bill, pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act."

A manufacturer of a product regulated under the bill is to annually test samples of its products in accordance with the test procedures adopted under the bill, annually certify to the commissioner that the product is in compliance with the provisions of the bill, and identify that each product offered for sale in the State is in compliance with the provisions of the bill by means of a mark, label, or tag on the product and packaging at the time of sale. With prior notice, the commissioner may periodically inspect distributors or retailers of new products regulated under the bill in order to determine compliance with the provisions of the bill.

The commissioner is required investigate complaints received concerning violations of the bill and is required report the results of the investigations to the Attorney General. A manufacturer, distributor, retailer, or person who violates the provisions of the bill, is to be issued a warning by the commissioner for a first violation and is to be subject to a civil penalty of up to \$100 for each subsequent offense. Third and subsequent violations are subject to a civil penalty of not more than \$500 for each offense. Each violation is to constitute a separate offense, and each day that the violation continues is to constitute a separate offense.

If a product regulated under the bill is found not to be in compliance with the minimum efficiency standards established under the bill, the commissioner is required to issue a violation to the manufacturer of the product which will subject the manufacturer to a civil penalty equal to the cost of product purchase and testing. The commissioner will be required to make information available to the Attorney General and the public on products found not to be in compliance with the standards.

A civil penalty imposed pursuant to the bill is to be collected in a summary manner under the "Penalty Enforcement Law of 1999."

COMMITTEE AMENDMENTS:

The committee amended the title of the bill to change the title number of the statutes the bill's provisions are to supplement.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 5160

with committee amendments

# STATE OF NEW JERSEY

DATED: NOVEMBER 8, 2021

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 5160 (1R), with committee amendments.

This bill sets specific, up-to-date efficiency standards for selected residential and commercial products. The energy and water efficiency standards are based on various sources including ENERGY STAR and WaterSense specifications and standards developed and adopted by the California Energy Commission.

The bill prohibits the sale, offer for sale, or lease of a new air purifier, cold temperature fluorescent lamp, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, computer, computer monitor, electrical vehicle service equipment, high color rendering index fluorescent lamp, impact-resistant fluorescent lamp, faucet, showerhead, toilet, urinal, portable electric spa, residential ventilating fan, state-regulated general service lamp; spray sprinkler body, urinal, or water cooler in the State unless the new product meets or exceeds the efficiency standards adopted in rules and regulations by the Commissioner of Community Affairs (commissioner).

The commissioner may require an updated test method when a new test procedure becomes available for a product regulated under the bill. The commissioner is to identify each product regulated under the bill and is required to allow the use of existing marks, labels, or tags, to denote compliance with the efficiency requirements of this bill, pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act."

A manufacturer of a product regulated under the bill is to annually test samples of its products in accordance with the test procedures adopted under the bill, annually certify to the commissioner that the product is in compliance with the provisions of the bill, and identify that each product offered for sale in the State is in compliance with the provisions of the bill by means of a mark, label, or tag on the product and packaging at the time of sale. With prior notice, the commissioner

may periodically inspect distributors or retailers of new products regulated under the bill in order to determine compliance with the provisions of the bill.

The commissioner would be required to investigate complaints received concerning violations of this bill and to report the results of such investigations to the Attorney General. A manufacturer, distributor, retailer, or person who violates the provisions of this bill, is to be issued a warning by the commissioner for a first violation and is to be subject to a civil penalty of up to \$100 for each subsequent offense. Third and subsequent violations are subject to a civil penalty of not more than \$500 for each offense. Each violation is to constitute a separate offense, and each day that such violation continues is to constitute a separate offense.

If a product regulated under the bill is found not to be in compliance with the minimum efficiency standards established under this bill, the commissioner is required to issue a violation to the manufacturer of such product which would subject the manufacturer to a civil penalty equal to the cost of product purchase and testing. The commissioner will be required to make information available to the Attorney General and the public on products found not to be in compliance with the standards.

A civil penalty imposed under this bill is to be collected in a summary manner under the "Penalty Enforcement Law of 1999."

As amended and reported by the committee, Assembly Bill No. A5160 (2R) is identical to Senate Bill No. 3324 (1R), which was also reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amendments make technical and clarifying corrections to the bill.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill will result in a marginal one-time expenditure increase to the State as the Department of Community Affairs (DCA) is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of the bill. Furthermore, the DCA is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.

The OLS notes that there may be an additional marginal annual expenditure increase by the DCA for periodically inspecting distributors and retailers of new products regulated under this bill;

investigating complaints received concerning violations; and issuing violations. The OLS assumes that these responsibilities can be subsumed within normal staff duties.

The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 5160**

with Senate Floor Amendments  
(Proposed by Senator SMITH)

ADOPTED: DECEMBER 2, 2021

These floor amendments would:

1) provide that the Department of Environmental Protection (DEP), rather than the Department of Community Affairs, would be responsible for enforcing the bill's provisions;

2) add a definition of "person" to the bill, which includes both natural and artificial persons;

3) provide that the bill's prohibition on the sale and installation of certain products would go into effect one year after the bill's enactment, rather than on January 1, 2022, and that the rest of the bill's provisions would take effect immediately;

4) clarify that the bill would prohibit the sale and installation of certain products that do not include a mark, tag, or label indicating that the product complies with the bill's efficiency standards, rather than products that do not meet the bill's efficiency standards simpliciter;

5) require subcode officials to verify the presence of the mark, tag, or label required by the bill on certain products that are required to be inspected pursuant to the State Uniform Construction Code;

6) prohibit persons from affixing a mark, tag, or label to a product covered under the bill unless the product meets the efficiency standards established in the bill;

7) remove the requirement for the Commissioner of Community Affairs to adopt rules and regulations to implement the bill, and insert a provision authorizing the DEP to adopt such rules and regulations;

8) clarify that the bill's provisions do not apply to products manufactured and sold outside the State;

9) remove the authorization for the Commissioner of Community Affairs to require manufacturers to use updated test procedures to determine the efficiency of their products;

10) remove a requirement for the Commissioner of Community Affairs to identify each product covered under the bill;

11) provide that the bill would not impose liability on any news media that accepts or publishes advertising for any product covered under the bill;

12) remove all explicit authorization for the Attorney General to be involved in enforcing the bill's provisions;

13) require manufacturers of products covered by the bill to include information about the mark, tag, or label they plan to use to satisfy the bill's requirement in their annual certification to the DEP commissioner, required by subsection b. of section 7 of the bill;

14) increase the civil penalties imposed by the bill, and provide that civil penalties collected by the department may be used to enforce the bill's provisions;

15) authorize the DEP to take injunctive action to enforce the bill's provisions;

16) direct the DEP, in conjunction with the Department of Community Affairs and the Board of Public Utilities to perform the study required by section 8 of the bill, rather than the Department of Community Affairs; and

17) make technical changes to the bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 5160

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 24, 2021

#### SUMMARY

- Synopsis:** Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State.
- Type of Impact:** Annual State expenditure and revenue increase.
- Agencies Affected:** Department of Community Affairs; Department of Law and Public Safety

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Expenditure Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) determines that this bill will result in a marginal one-time expenditure increase to the State as the Commissioner of Community Affairs is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of the bill. Furthermore, the Department of Community Affairs (DCA) is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.
- The OLS notes that there may be an additional marginal annual expenditure increase by the DCA for periodically inspecting distributors or retailers of new products regulated under this bill; investigating complaints received concerning violations; and issuing violations. The OLS assumes that these responsibilities can be subsumed within normal staff duties.
- The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

## **BILL DESCRIPTION**

This bill sets specific, up-to-date efficiency standards for selected residential and commercial products. These energy and water efficiency standards are based on various sources including ENERGY STAR and WaterSense specifications, standards developed and adopted by the California Energy Commission.

No later than one year after the date of enactment of this act, the commissioner is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of this act. The commissioner may require an updated test method when a new test procedure becomes available for a product regulated pursuant to this act. The commissioner is required to identify each product regulated under the bill and is required to allow the use of existing marks, labels, or tags, to denote compliance with the efficiency requirements of this act, pursuant to rules and regulations adopted pursuant to the Administrative Procedure Act.

A manufacturer of a product regulated pursuant to this act is required to annually test samples of its products in accordance with the test procedures adopted under this bill. A manufacturer of a product regulated under this bill is required to annually certify to the commissioner that the product is in compliance with the provisions of this act. A manufacturer of a product regulated pursuant to this bill is required to identify that each product offered for sale in the State is in compliance with the provisions of this act by means of a mark, label, or tag on the product and packaging at the time of sale. With prior notice, the commissioner may periodically inspect distributors or retailers of new products regulated under this bill in order to determine compliance with the provisions of the bill.

The commissioner is required investigate complaints received concerning violations of this act and is required report the results of such investigations to the Attorney General. A manufacturer, distributor, retailer, or person who violates the provisions of this act will be issued a warning by the commissioner for a first violation and will be subject to a civil penalty of up to \$100 for each subsequent offense. Third and subsequent violations will be subject to a civil penalty of not more than \$500 for each offense. Each violation will constitute a separate offense, and each day that such violation continues will constitute a separate offense.

If a product regulated pursuant to this act is found not to be in compliance with the minimum efficiency standards established under this bill, the commissioner is required issue a violation to the manufacturer of such product which will subject the manufacturer to a civil penalty equal to the cost of product purchase and testing. The commissioner will be required to make information available to the Attorney General and the public on products found not to be in compliance with the standards.

No later than three years after the date of enactment of this act, the Department of Community Affairs is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to this act, and whether to adopt more stringent energy standards or water conservation standards. The commissioner is required to submit a written report thereon to the Governor and to the Legislature with recommendations for legislative action.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS determines that this bill will result in a marginal one-time expenditure increase to the State as the Commissioner of Community Affairs is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of the bill. Further, no later than three years after the date of enactment of the bill, the DCA is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.

The OLS notes that there may be an additional marginal annual expenditure increase for periodically inspecting distributors or retailers of new products regulated under this bill in order to determine compliance with the provisions of the bill; investigating complaints received concerning violations of the bill's provisions and reporting the results of such investigations to the Attorney General; and issuing a violation to the manufacturer if a product regulated pursuant to the bill is found not to be in compliance with the minimum efficiency standards established under the bill and making such information regarding the violation available to the Attorney General and the public. The OLS assumes that these responsibilities can be subsumed within normal staff duties.

The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

*Section: Environment, Agriculture, Energy, and Natural Resources*

*Analyst: Neha Patel  
Senior Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## ASSEMBLY, No. 5160

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: NOVEMBER 19, 2021

#### SUMMARY

- Synopsis:** Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State.
- Type of Impact:** Annual State expenditure and revenue increase.
- Agencies Affected:** Department of Community Affairs; Department of Law and Public Safety

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Expenditure Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) determines that this bill will result in a marginal one-time expenditure increase to the State as the Commissioner of Community Affairs is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of the bill. Furthermore, the Department of Community Affairs (DCA) is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.
- The OLS notes that there may be an additional marginal annual expenditure increase by the DCA for periodically inspecting distributors or retailers of new products regulated under this bill; investigating complaints received concerning violations; and issuing violations. The OLS assumes that these responsibilities can be subsumed within normal staff duties.
- The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

## **BILL DESCRIPTION**

This bill sets specific, up-to-date efficiency standards for selected residential and commercial products. These energy and water efficiency standards are based on various sources including ENERGY STAR and WaterSense specifications, standards developed and adopted by the California Energy Commission.

No later than one year after the date of enactment of this act, the commissioner is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of this act. The commissioner may require an updated test method when a new test procedure becomes available for a product regulated pursuant to this act. The commissioner is required to identify each product regulated under the bill and is required to allow the use of existing marks, labels, or tags, to denote compliance with the efficiency requirements of this act, pursuant to rules and regulations adopted pursuant to the Administrative Procedure Act.

A manufacturer of a product regulated pursuant to this act is required to annually test samples of its products in accordance with the test procedures adopted under this bill. A manufacturer of a product regulated under this bill is required to annually certify to the commissioner that the product is in compliance with the provisions of this act. A manufacturer of a product regulated pursuant to this bill is required to identify that each product offered for sale in the State is in compliance with the provisions of this act by means of a mark, label, or tag on the product and packaging at the time of sale. With prior notice, the commissioner may periodically inspect distributors or retailers of new products regulated under this bill in order to determine compliance with the provisions of the bill.

The commissioner is required investigate complaints received concerning violations of this act and is required report the results of such investigations to the Attorney General. A manufacturer, distributor, retailer, or person who violates the provisions of this act will be issued a warning by the commissioner for a first violation and will be subject to a civil penalty of up to \$100 for each subsequent offense. Third and subsequent violations will be subject to a civil penalty of not more than \$500 for each offense. Each violation will constitute a separate offense, and each day that such violation continues will constitute a separate offense.

If a product regulated pursuant to this act is found not to be in compliance with the minimum efficiency standards established under this bill, the commissioner is required issue a violation to the manufacturer of such product which will subject the manufacturer to a civil penalty equal to the cost of product purchase and testing. The commissioner will be required to make information available to the Attorney General and the public on products found not to be in compliance with the standards.

No later than three years after the date of enactment of this act, the Department of Community Affairs is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to this act, and whether to adopt more stringent energy standards or water conservation standards. The commissioner is required to submit a written report thereon to the Governor and to the Legislature with recommendations for legislative action.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS determines that this bill will result in a marginal one-time expenditure increase to the State as the Commissioner of Community Affairs is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of the bill. Further, no later than three years after the date of enactment of the bill, the DCA is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.

The OLS notes that there may be an additional marginal annual expenditure increase for periodically inspecting distributors or retailers of new products regulated under this bill in order to determine compliance with the provisions of the bill; investigating complaints received concerning violations of the bill's provisions and reporting the results of such investigations to the Attorney General; and issuing a violation to the manufacturer if a product regulated pursuant to the bill is found not to be in compliance with the minimum efficiency standards established under the bill and making such information regarding the violation available to the Attorney General and the public. The OLS assumes that these responsibilities can be subsumed within normal staff duties.

The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

*Section: Environment, Agriculture, Energy, and Natural Resources*

*Analyst: Eric Hansen  
Associate Research Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

## ASSEMBLY, No. 5160

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: DECEMBER 23, 2021

#### SUMMARY

- Synopsis:** Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State.
- Type of Impact:** Annual State expenditure and revenue increase from the General Fund; annual local expenditure increase.
- Agencies Affected:** Department of Environmental Protection, Department of Community Affairs, Board of Public Utilities, local governments

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Expenditure Increase</b>		Indeterminate	
<b>Local Expenditure Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) determines that this bill will result in a marginal one-time expenditure increase to the State as the Department of Environmental Protection (DEP) is required to adopt rules and regulations to implement the provisions of the bill. Furthermore, the DEP, in conjunction with the Department of Community Affairs and the Board of Public Utilities, is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.
- The OLS notes that there may be an additional marginal annual expenditure increase by the DEP for periodically inspecting distributors or retailers of new products regulated under this bill; investigating complaints received concerning violations; and pursuing injunctive relief and issuing violations. The OLS assumes that these responsibilities can be subsumed within normal staff duties.
- The OLS notes that there may be an additional marginal annual expenditure increase by local governments for the requirement that the local subcode official ensure that certain products identified in the bill for which the installation is subject to the State Uniform Construction

Code, contain a mark, label, or tag denoting that the product meets or exceeds the efficiency standards established in the bill.

- The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

## **BILL DESCRIPTION**

This bill sets specific, up-to-date efficiency standards for selected residential and commercial products. These energy and water efficiency standards are based on various sources including ENERGY STAR and WaterSense specifications and standards developed and adopted by the California Energy Commission. Beginning one year after the date of enactment, the bill prohibits the sale, offer for sale, or lease of a new product regulated under the bill unless the product includes a mark, label, or tag denoting that the product meets the efficiency standards established in the bill.

The DEP is authorized to adopt rules and regulations to implement the provisions of the bill. A manufacturer of a product regulated under this bill is required to annually certify to the DEP that the product is in compliance with the provisions of the bill and identify that each product offered for sale in the State is in compliance with the provisions of the bill by means of a mark, label, or tag on the product and packaging at the time of sale. A manufacturer may use an existing mark, label, or tag to satisfy the requirement, provided that it clearly expresses that the product meets the applicable efficiency standard. With prior notice, the DEP may periodically inspect distributors or retailers of new products regulated under the bill in order to determine compliance with the provisions of the bill. Beginning one year after the date of enactment, upon final inspection of the installation of any appliance or product subject to the State Uniform Construction Code, the appropriate subcode official would be required to ensure that the certain products identified in the bill contain a mark, label or tag denoting that the product meets the efficiency standards established in the bill.

The DEP is required investigate complaints received concerning violations of the bill. A manufacturer, distributor, retailer, or person who violates the provisions of the bill will be issued a warning for a first violation and will be subject to a civil penalty of up to \$1,000 for each subsequent offense. Third and subsequent violations will be subject to a civil penalty of not more than \$5,000 for each offense. Each violation will constitute a separate offense, and each day that such violation continues will constitute a separate offense. The department may also institute an action in Superior Court for injunctive relief for a violation of the bill and the court may prohibit the person from selling or offering for sale the non-compliant product in the State.

If a product regulated pursuant to the bill is found not to be in compliance with the minimum efficiency standards established in the bill, the DEP is required to issue a violation to the manufacturer of such product, which will subject the manufacturer to a civil penalty equal to twice the cost of product purchase and testing. The department will be required to make information available to the public on products found not to be in compliance with the standards. All monies collected by the department may be retained and used for the costs of administering and enforcing the bill.

No later than three years after the date of enactment of the bill, the DEP, in consultation with the Board of Public Utilities and the Department of Community Affairs, is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The DEP is

required to submit a written report thereon to the Governor and to the Legislature with recommendations for legislative action.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS determines that this bill will result in a marginal one-time expenditure increase from the General Fund, as the DEP is required to adopt rules and regulations to implement the provisions of the bill. Further, no later than three years after the date of enactment of the bill, the DEP is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.

The OLS notes that there may be an additional marginal annual expenditure increase from the General Fund, representing costs incurred by the DEP for: periodically inspecting distributors or retailers of new products regulated under this bill in order to determine compliance with the provisions of the bill; investigating complaints received concerning violations of the bill's provisions; issuing a violation to the manufacturer if a product regulated pursuant to the bill is found not to be in compliance with the minimum efficiency standards established under the bill, pursuing injunctive relief to prohibit the sale or offer for sale of non-compliant products; and making such information regarding the violation available to the public. The OLS assumes that these responsibilities can be subsumed within normal staff duties.

The OLS notes that there may be an additional marginal annual expenditure increase by local governments for the requirement that the local subcode official ensure that certain products identified in the bill for which the installation is subject to the State Uniform Construction Code, contain a mark, label, or tag denoting that the product meets or exceeds the efficiency standards established in the bill.

The OLS also notes that there may be a marginal annual State revenue increase from the civil penalties established pursuant to the bill.

*Section: Environment, Agriculture, Energy, and Natural Resources*

*Analyst: Judith Horowitz  
Section Chief*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 3324

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 11, 2021

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Senators Diegnan, Weinberg, Gopal and Singleton**

**SYNOPSIS**

Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/21/2021)**

1 AN ACT establishing minimum energy and water efficiency  
2 standards for certain products sold, offered for sale, or leased, in  
3 the State and supplementing Title 48 of the Revised Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislation finds and declares that:

9 (a) Energy efficiency standards for certain products sold or  
10 installed in the state assure consumers and businesses that such  
11 products meet minimum efficiency performance levels, thereby  
12 reducing energy and water waste and saving consumers and  
13 businesses money on their utility bills;

14 (b) Energy efficiency standards save energy and therefore  
15 reduce climate-changing emissions and other environmental  
16 impacts associated with the production, distribution, and use of  
17 electricity, natural gas, and other fuels;

18 (c) Energy efficiency standards save water, mitigate the effects  
19 of short- and long-term droughts, and help to conserve fresh water  
20 supplies;

21 (d) Energy efficiency standards produce savings resulting from  
22 more efficient products that benefit all consumers but are especially  
23 important to low-income families which spend a disproportionate  
24 share of their income on utilities. Such standards also help the State  
25 and local economy since savings can be instead spent on local  
26 goods and services; and

27 (e) Energy and water savings help reduce or delay the need for  
28 expensive investments in new power plants, transmission lines,  
29 distribution system upgrades, new and expanded gas pipelines, and  
30 water and sewer infrastructure improvements.

31 2. As used in this act:

32 “Air purifier” means an electric, cord-connected, portable  
33 appliance with the primary function of removing particulate matter  
34 from the air and which can be moved from room to room.

35 “Cold temperature fluorescent lamp” means a fluorescent bulb or  
36 lamp that is not a compact fluorescent lamp and which:

37 (a) is designed to start at -20°F when used with a ballast  
38 conforming to the requirements of the American National Standard  
39 ANSI C78.81 and ANSI C78.901; and

40 (b) is designated as a cold temperature lamp both in markings on  
41 the lamp and in marketing materials, including catalogs, sales  
42 literature, and promotional material.

43 “Commercial dishwasher” means a machine designed to clean  
44 and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and  
45 trays by applying sprays of detergent solution and a sanitizing rinse.

46 “Commercial fryer” means an appliance in which oil is placed to  
47 such a depth that the cooking food is supported by displacement of  
48 the cooking fluid rather than by the bottom of the vessel, and in

1 which heat is delivered to the cooking fluid by means of an  
2 immersed electric element or by heat transfer from gas burners.

3 “Commercial hot-food holding cabinet” means a heated, fully  
4 enclosed compartment with one or more solid or transparent doors  
5 designed to maintain the temperature of cooked food.

6 “Commercial hot-food holding cabinet” shall not include heated  
7 glass merchandizing cabinets, drawer warmers, or cook-and-hold  
8 appliances.

9 “Commercial oven” means a chamber designed for heating,  
10 roasting, or baking food by conduction, convection, radiation, or  
11 electromagnetic energy.

12 “Commercial steam cooker,” means a device also known as a  
13 “compartment steamer,” with one or more food-steaming  
14 compartments in which the energy in the steam is transferred to the  
15 food by direct contact.

16 “Commissioner” means the Commissioner of Community  
17 Affairs.

18 “Computer” means a computer as defined in California Code of  
19 Regulations, Title 20, Section 1602(v).

20 “Computer monitor” means a computer monitor as defined in  
21 California Code of Regulations, Title 20, Section 1602(v).

22 “Dual-flush effective flush volume” means the average flush  
23 volume of two reduced flushes and one full flush.

24 “Dual-flush tank-type toilet” means a toilet that allows the user  
25 to flush the toilet with either a reduced or a full volume of water.

26 “Electric vehicle service equipment” means the same as the term  
27 is defined in section 2 of P.L.2019, c.362 (C.48:25-2).

28 “Faucet” means a private lavatory faucet, residential kitchen  
29 faucet, metering faucet, public lavatory faucet, or replacement  
30 aerator for a private lavatory, public lavatory or residential kitchen  
31 faucet.

32 “General service lamp” means a light bulb, including a general  
33 service incandescent lamp, compact fluorescent lamp, general  
34 service light-emitting diode lamp, organic light-emitting diode  
35 lamp, and any other lamps or bulbs that are used to satisfy lighting  
36 applications traditionally served by general service incandescent  
37 lamps.

38 “State-regulated general service lamp” means any of the  
39 following medium-based incandescent light bulbs:

- 40 (1) Shatter-resistant lamps.
- 41 (2) 3-way lamps.
- 42 (3) Reflector lamps that are:
  - 43 (a) ER30, BR30, BR40, or ER40 lamps rated at 50 Watts or  
44 less;
  - 45 (b) BR30, BR40, or ER40 lamps rated at 65 watts; or
  - 46 (c) R20 lamps rated at 45 watts or less.

1 (4) B, BA, CA, F and G shape lamps as defined in ANSI  
2 C79.1:2002 with a lumen output of greater than or equal to 200 and  
3 rated at 40 watts or less.

4 (5) A and C shape lamps as defined in ANSI C79.1:2002 with  
5 lumen output greater than or equal to 200 and less than 310.

6 “Hand-held showerhead” means a showerhead that can be held  
7 or fixed in place for the purpose of spraying water onto a bather and  
8 that is connected to a flexible hose.

9 “High color rendering index fluorescent lamp” means a  
10 fluorescent lamp with a color rendering index of 87 or greater that  
11 is not a compact fluorescent lamp.

12 “Impact-resistant fluorescent lamp” means a fluorescent lamp or  
13 bulb that is not a compact fluorescent lamp and which:

14 (a) has a coating or equivalent technology that is compliant with  
15 ANSI 51 and is designed to contain the glass if the glass envelope  
16 of the lamp is broken; and

17 (b) is designated and marketed as being impact-resistant,  
18 shatter-resistant, shatter-proof, or shatter-protected;

19 “Industrial air purifier” means an indoor air cleaning device  
20 manufactured, advertised, marketed, labeled, and used solely for  
21 industrial use that are marketed solely through industrial supply  
22 outlets or businesses and prominently labeled as “Solely for  
23 industrial use. Potential health hazard: emits ozone;”

24 “Lamp efficacy” or “luminous efficacy” means the measure of  
25 how well a light source produces visible light, and which is the ratio  
26 of luminous flux to power, measured in lumens per watt.

27 “Metering faucet” means a fitting that, when turned on, will  
28 gradually shut itself off over a period of several seconds.

29 “On demand water cooler” means the water cooler heats water as  
30 it is requested, which typically takes a few minutes to deliver water.

31 “Portable electric spa” means a factory-built electric spa or hot  
32 tub which may include any combination of integral controls, water  
33 heating, or water circulating equipment.

34 “Pressure regulator” means a device that maintains constant  
35 operating pressure immediately downstream from the device, given  
36 higher pressure upstream.

37 “Public lavatory faucet” means a fitting designed to be installed  
38 in nonresidential lavatories that are exposed to walk-in traffic.

39 “Replacement aerator” means an aerator sold as a replacement,  
40 separate from the faucet to which it is intended to be attached.

41 “Residential ventilating fan” means a ceiling, wall-mounted, or  
42 remotely mounted in-line fan designed to be used in a lavatory or  
43 utility room, whose purpose is to move air from inside the building  
44 to the outdoors.

45 “Showerhead” means a device through which water is discharged  
46 for a shower bath and includes a hand-held showerhead but does not  
47 include a safety shower showerhead.

1       “Spray sprinkler body” means the exterior case or shell of a  
2       sprinkler incorporating a means of connection to the piping system  
3       designed to convey water to a nozzle or orifice.

4       “Trough-type urinal” means a urinal designed for simultaneous  
5       use by two or more persons.

6       “Urinal” means a plumbing fixture that receives only liquid body  
7       waste and conveys the waste through a trap into a drainage system.

8       “Water cooler” means a freestanding device that consumes  
9       energy to cool or heat potable water.

10

11       2. a. No person shall sell, offer for sale, or lease a new air  
12       purifier, cold temperature fluorescent lamp, commercial  
13       dishwasher, commercial fryer, commercial hot-food holding  
14       cabinet, commercial oven, commercial steam cooker, computer,  
15       computer monitor, electrical vehicle service equipment, high color  
16       rendering index fluorescent lamp, impact-resistant fluorescent lamp,  
17       faucet, showerhead, toilet, urinal, portable electric spa, residential  
18       ventilating fan, state-regulated general service lamp; spray sprinkler  
19       body, urinal, or water cooler in the State unless the new product  
20       meets or exceeds the efficiency standards adopted in rules and  
21       regulations pursuant to section 3 of this act.

22       b. No later than one year after the date of enactment of this  
23       act, no product subject to the requirements of subsection a. or b. of  
24       this section may be installed for compensation in the State unless  
25       the efficiency of the new product meets or exceeds the efficiency  
26       standards adopted in rules and regulations pursuant to section 3 of  
27       this act.

28

29       3. a. No later than one year after the date of enactment of this  
30       act, the commissioner, pursuant to the "Administrative Procedure  
31       Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
32       regulations to establish energy efficiency standards to implement  
33       the provisions of this act.

34       b. The rules and regulations shall provide for the minimum  
35       efficiency standards for the following products:

36       (1) Air purifiers, except industrial air purifiers, shall meet the  
37       following requirements as measured in accordance with the  
38       ENERGY STAR Program Requirements Product Specification for  
39       Room Air Cleaners, Version 2.0:

40       (a) Clean air delivery rate for smoke shall be 30 or greater;

41       (b) For models with a clean air delivery rate for smoke less than  
42       100, clean air delivery rate per Watt for smoke shall be greater than  
43       or equal to 1.7;

44       (c) For models with a clean air delivery rate for smoke greater  
45       than or equal to 100 and less than 150, clean air delivery rate per  
46       Watt for smoke shall be greater than or equal to 1.9;

- 1 (d) For models with a clean air delivery rate for smoke greater  
2 than or equal to 150, clean air delivery rate per Watt for smoke shall  
3 be greater than or equal to 2.0;
- 4 (e) For ozone-emitting models, measured ozone shall be less  
5 than or equal to 50 parts per billion (ppb);
- 6 (f) For models with a Wi-Fi network connection enabled by  
7 default when shipped, partial on mode power shall not exceed 2  
8 watts; and
- 9 (g) For models without a Wi-Fi network connection enabled by  
10 default when shipped, partial on mode power shall not exceed 1  
11 watt.
- 12 (2) A commercial dishwasher shall meet the product  
13 specifications of the "Energy Star Program Requirements for  
14 Commercial dishwashers Version 2.0" developed by the United  
15 States Environmental Protection Agency.
- 16 (3) A commercial fryer shall meet the product specifications of  
17 the "Energy Star Program Requirements for Commercial Fryers  
18 Version 2.0" developed by the United States Environmental  
19 Protection Agency;
- 20 (4) A commercial hot-food holding cabinet shall meet the  
21 product specifications of the "Energy Star Program Requirements  
22 for Commercial Hot Food Holding Cabinets Version 2.0" developed  
23 by the United States Environmental Protection Agency;
- 24 (5) A commercial oven shall meet the product specifications of  
25 the "Energy Star Program Requirements for Commercial Oven  
26 Version 2.2" developed by the United States Environmental  
27 Protection Agency;
- 28 (6) A commercial steam cooker shall meet the product  
29 specifications of the "Energy Star Program Requirements for  
30 Commercial Steam Cookers, Version 1.2" developed by the United  
31 States Environmental Protection Agency;
- 32 (7) A computer or computer monitor shall meet the  
33 requirements of the California Code of Regulations, Title 20,  
34 Section 1605.3(v) and compliance with those requirements shall be  
35 measured in accordance with test methods prescribed in the  
36 California Code of Regulations, Title 20, Section 1604(v);
- 37 (8) Electric vehicle service equipment shall meet the product  
38 specifications of the "Energy Star Program Requirements Product  
39 Specification for Electric Vehicle Supply Equipment, Version 1.0"  
40 developed by the United States Environmental Protection Agency;
- 41 (9) A faucet, except for a metering faucet, shall meet the  
42 standards in this paragraph when tested in accordance with  
43 Appendix S to Subpart B of Part 430 of Title 10, Code of Federal  
44 Regulations and compliance with those requirements shall be in  
45 accordance with the "Uniform Test Method for Measuring the  
46 Water Consumption of Faucets and Showerheads";

- 1 (a) A lavatory faucet or a replacement aerator for a lavatory  
2 faucet shall not exceed a maximum flow rate of 1.5 gallons per  
3 minute at 60 pounds per square inch;
- 4 (b) A residential kitchen faucet or replacement aerator for a  
5 residential kitchen faucet shall not exceed a maximum flow rate of  
6 1.8 gallons per minute at 60 pounds per square inch, with an  
7 optional temporary flow rate of 2.2 gallons per minute, provided the  
8 faucet or replacement aerator defaults to a maximum flow rate of  
9 1.8 gallons per minute at 60 pounds per square inch after each use;  
10 and
- 11 (c) A public lavatory faucet or a replacement aerator for a  
12 public lavatory faucet shall not exceed a maximum flow rate of 0.5  
13 gallons per minute at 60 pounds per square inch;
- 14 (10) A state-regulated general service lamp shall meet a lamp  
15 efficacy of 45 lumens per watt, when tested in accordance with the  
16 applicable federal test procedures for general service lamps,  
17 prescribed in Section 430.23(gg) of Title 10, Code of Federal  
18 Regulations;
- 19 (11) A High color rendering index, cold temperature, or impact-  
20 resistant fluorescent lamp shall meet the minimum efficacy  
21 requirements contained in Section 430.32(n)(4) of Title 10, Code of  
22 Federal Regulations, as measured in accordance with the "Uniform  
23 Test Method for Measuring Average Lamp Efficacy (LE), Color  
24 Rendering Index (CRI), and Correlated Color Temperature (CCT)  
25 of Electric Lamps" in Appendix R to Subpart B of Part 430 of Title  
26 10, Code of Federal Regulations;
- 27 (12) A portable electric spa shall meet the requirements of the  
28 "American National Standard for Portable Electric Spa Energy  
29 Efficiency 14-2019";
- 30 (13) An in-line residential ventilating fan shall have a fan motor  
31 efficacy of no less than 2.8 cubic feet per minute per watt. All other  
32 residential ventilating fans shall have a fan motor efficacy of no less  
33 than 1.4 cubic feet per minute per watt for airflows less than 90  
34 cubic feet per minute and no less than 2.8 cubic feet per minute per  
35 watt for other airflows when tested in accordance with Home  
36 Ventilation Institute Publication 916 "HVI Airflow Test Procedure"
- 37 (14) A showerhead shall not exceed a maximum flow rate of  
38 2.0 gallons per minute at 80 pounds per square inch when tested in  
39 accordance with Appendix S to Subpart B of Part 430 of Title 10,  
40 Code of Federal Regulations and compliance with those  
41 requirements shall be the "Uniform Test Method for Measuring the  
42 Water Consumption of Faucets and Showerheads;"
- 43 (15) A spray sprinkler body that is not specifically excluded  
44 from the scope of the United States Environmental Protection  
45 Agency's WaterSense program "Specification for Spray Sprinkler  
46 Bodies, Version 1.0," shall include an integral pressure regulator  
47 and shall meet the water efficiency and performance criteria and

1 other requirements of the "Specification for Spray Sprinkler Bodies,  
2 Version 1.0".

3 (16) A urinal or toilet, other than those designed and marketed  
4 exclusively for use at prisons or mental health facilities, shall meet  
5 the standards in subparagraphs (a) through (d) when tested in  
6 accordance with Appendix T to Subpart B of Part 430 of Title 10 ,  
7 Code of Federal Regulations "Uniform Test Method for Measuring  
8 the Water Consumption of Water Closets and Urinals." A toilet  
9 shall be required to pass the waste extraction test for toilets in the  
10 American Society of Mechanical Engineers standard A112.19.2,  
11 Section 7.9;

12 (a) A wall-mounted urinal, except for a trough-type urinal, shall  
13 have a maximum flush volume of 0.5 gallons per flush;

14 (b) A floor-mounted urinal, except for a trough-type urinal, shall  
15 have a maximum flush volume of 0.5 gallons per flush;

16 (c) A toilet, except for a dual-flush tank-type toilet, shall have a  
17 maximum flush volume of 1.28 gallons per flush;

18 (d) A dual-flush tank-type toilet shall have a maximum dual-  
19 flush effective flush volume of 1.28 gallons per flush.

20 (17) A water cooler shall meet the product specifications of the  
21 "Energy Star Program Requirements Product Specification for  
22 Water Coolers, Version 2.0" developed by the United States  
23 Environmental Protection Agency.

24

25 4. The provisions of this act shall not apply to:

26 (1) new products manufactured in the State and sold outside the  
27 State;

28 (2) new products manufactured outside the State and sold at  
29 wholesale inside the State for final retail sale and installation  
30 outside the State;

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

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

35

36 5. a. The commissioner may require an updated test method  
37 pursuant to rules and regulations adopted pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.) when a new test procedure becomes available for a product  
40 regulated pursuant to this act.

41 b. The commissioner shall identify each product regulated  
42 pursuant to section 3 of this act and shall allow the use of existing  
43 marks, labels, or tags, to denote compliance with the efficiency  
44 requirements of this act, pursuant to rules and regulations adopted  
45 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
46 (C.52:14B-1 et seq.).

- 1       6. a. A manufacturer of a product regulated pursuant to section  
2 3 of this act shall annually test samples of its products in  
3 accordance with the test procedures adopted pursuant to this act.
- 4       b. A manufacturer of a product regulated pursuant to section 3  
5 of this act shall annually certify to the commissioner that the  
6 product is in compliance with the provisions of this act.
- 7       c. A manufacturer of a product regulated pursuant to section 3  
8 of this act shall identify that each product offered for sale in the  
9 State is in compliance with the provisions of this act by means of a  
10 mark, label, or tag on the product and packaging at the time of sale.
- 11       d. With prior notice, the commissioner may periodically  
12 inspect distributors or retailers of new products regulated pursuant  
13 to this act in order to determine compliance with the provisions of  
14 this act.
- 15       e. The commissioner shall investigate complaints received  
16 concerning violations of this act and shall report the results of such  
17 investigations to the Attorney General. A manufacturer, distributor,  
18 retailer, or person who violates the provisions of this act, shall be  
19 issued a warning by the commissioner for a first violation and shall  
20 be subject to a civil penalty of up to \$100 for each subsequent  
21 offense. Third and subsequent violations shall be subject to a civil  
22 penalty of not more than \$500 for each offense. Each violation shall  
23 constitute a separate offense, and each day that such violation  
24 continues shall constitute a separate offense.
- 25       f. If a product regulated pursuant to this act is found not to be  
26 in compliance with the minimum efficiency standards established  
27 under this act, the commissioner shall issue a violation to the  
28 manufacturer of such product which shall subject the manufacturer  
29 to a civil penalty equal to the cost of product purchase and testing.  
30 The commissioner shall make information available to the Attorney  
31 General and the public on products found not to be in compliance  
32 with the standards.
- 33       g. A civil penalty imposed pursuant to this section shall be  
34 collected in a summary manner under the “Penalty Enforcement  
35 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). All monies  
36 shall be deposited into the Societal Benefits Charge account.  
37
- 38       7. No later than 3 years after the date of enactment of this act,  
39 the Department of Community Affairs shall conduct a study to  
40 evaluate whether to add additional products to those regulated  
41 pursuant to this act, and whether to adopt more stringent energy  
42 standards or water conservation standards. The commissioner shall  
43 submit a written report thereon to the Governor and, pursuant to  
44 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature with  
45 recommendations for legislative action.  
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- 47       8. This act shall take effect on January 1, 2022.

## STATEMENT

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This bill sets specific, up-to-date efficiency standards for selected residential and commercial products. These energy and water efficiency standards are based on various sources including ENERGY STAR and WaterSense specifications, standards developed and adopted by the California Energy Commission.

The commissioner may require an updated test method when a new test procedure becomes available for a product regulated pursuant to this act. The commissioner shall identify each product regulated under the bill and is required to allow the use of existing marks, labels, or tags, to denote compliance with the efficiency requirements of this act, pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

A manufacturer of a product regulated pursuant to section 3 of this act shall annually test samples of its products in accordance with the test procedures adopted under this bill. A manufacturer of a product regulated under this bill is required annually certify to the commissioner that the product is in compliance with the provisions of this act. A manufacturer of a product regulated pursuant to this bill is required to identify that each product offered for sale in the State is in compliance with the provisions of this act by means of a mark, label, or tag on the product and packaging at the time of sale. With prior notice, the commissioner may periodically inspect distributors or retailers of new products regulated under this bill in order to determine compliance with the provisions of the bill.

The commissioner is required investigate complaints received concerning violations of this act and is required report the results of such investigations to the Attorney General. A manufacturer, distributor, retailer, or person who violates the provisions of this act, shall be issued a warning by the commissioner for a first violation and shall be subject to a civil penalty of up to \$100 for each subsequent offense. Third and subsequent violations shall be subject to a civil penalty of not more than \$500 for each offense. Each violation shall constitute a separate offense, and each day that such violation continues shall constitute a separate offense.

If a product regulated pursuant to this act is found not to be in compliance with the minimum efficiency standards established under this bill, the commissioner is required issue a violation to the manufacturer of such product which will subject the manufacturer to a civil penalty equal to the cost of product purchase and testing. The commissioner will be required to make information available to the Attorney General and the public on products found not to be in compliance with the standards.

1 A civil penalty imposed pursuant to this section shall be  
2 collected in a summary manner under the “Penalty Enforcement  
3 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.) and deposited  
4 into the Societal Benefits Charge account.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 3324**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 4, 2021

The Senate Environment and Energy Committee favorably reports Senate Bill No. 3324 with committee amendments.

This bill would set specific, up-to-date efficiency standards for selected residential and commercial products. The energy and water efficiency standards are based on various sources including ENERGY STAR and WaterSense specifications and standards developed and adopted by the California Energy Commission.

The bill would prohibit the sale, offer for sale, or lease of a new air purifier, cold temperature fluorescent lamp, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, computer, computer monitor, electrical vehicle service equipment, high color rendering index fluorescent lamp, impact-resistant fluorescent lamp, faucet, showerhead, toilet, urinal, portable electric spa, residential ventilating fan, state-regulated general service lamp; spray sprinkler body, urinal, or water cooler in the State unless the new product meets or exceeds the efficiency standards adopted in rules and regulations by the Commissioner of Community Affairs (commissioner).

The commissioner may require an updated test method when a new test procedure becomes available for a product regulated under the bill. The commissioner is to identify each product regulated under the bill and is required to allow the use of existing marks, labels, or tags, to denote compliance with the efficiency requirements of this bill, pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act."

A manufacturer of a product regulated under the bill is to annually test samples of its products in accordance with the test procedures adopted under the bill, annually certify to the commissioner that the product is in compliance with the provisions of the bill, and identify that each product offered for sale in the State is in compliance with the provisions of the bill by means of a mark, label, or tag on the product and packaging at the time of sale. With prior notice, the commissioner may periodically inspect distributors or retailers of new products regulated under the bill in order to determine compliance with the provisions of the bill.

The commissioner would be required to investigate complaints received concerning violations of this bill and to report the results of such investigations to the Attorney General. A manufacturer, distributor, retailer, or person who violates the provisions of this bill, is to be issued a warning by the commissioner for a first violation and is to be subject to a civil penalty of up to \$100 for each subsequent offense. Third and subsequent violations are subject to a civil penalty of not more than \$500 for each offense. Each violation is to constitute a separate offense, and each day that such violation continues is to constitute a separate offense.

If a product regulated under the bill is found not to be in compliance with the minimum efficiency standards established under this bill, the commissioner is required to issue a violation to the manufacturer of such product which would subject the manufacturer to a civil penalty equal to the cost of product purchase and testing. The commissioner will be required to make information available to the Attorney General and the public on products found not to be in compliance with the standards.

A civil penalty imposed under this bill is to be collected in a summary manner under the "Penalty Enforcement Law of 1999."

The committee amendments:

- (1) amend the title of the bill to change the title number of the statutes the bill's provisions are to supplement; and
- (2) make technical and clarifying corrections to the bill.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 3324**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 8, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3324 (1R).

This bill sets specific, up-to-date efficiency standards for selected residential and commercial products. The energy and water efficiency standards are based on various sources including ENERGY STAR and WaterSense specifications and standards developed and adopted by the California Energy Commission.

The bill prohibits the sale, offer for sale, or lease of a new air purifier, cold temperature fluorescent lamp, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, computer, computer monitor, electrical vehicle service equipment, high color rendering index fluorescent lamp, impact-resistant fluorescent lamp, faucet, showerhead, toilet, urinal, portable electric spa, residential ventilating fan, state-regulated general service lamp; spray sprinkler body, urinal, or water cooler in the State unless the new product meets or exceeds the efficiency standards adopted in rules and regulations by the Commissioner of Community Affairs (commissioner).

The commissioner may require an updated test method when a new test procedure becomes available for a product regulated under the bill. The commissioner is to identify each product regulated under the bill and is required to allow the use of existing marks, labels, or tags, to denote compliance with the efficiency requirements of this bill, pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act."

A manufacturer of a product regulated under the bill is to annually test samples of its products in accordance with the test procedures adopted under the bill, annually certify to the commissioner that the product is in compliance with the provisions of the bill, and identify that each product offered for sale in the State is in compliance with the provisions of the bill by means of a mark, label, or tag on the product and packaging at the time of sale. With prior notice, the commissioner may periodically inspect distributors or retailers of new products regulated under the bill in order to determine compliance with the provisions of the bill.

The commissioner would be required to investigate complaints received concerning violations of this bill and to report the results of such investigations to the Attorney General. A manufacturer, distributor, retailer, or person who violates the provisions of this bill, is to be issued a warning by the commissioner for a first violation and is to be subject to a civil penalty of up to \$100 for each subsequent offense. Third and subsequent violations are subject to a civil penalty of not more than \$500 for each offense. Each violation is to constitute a separate offense, and each day that such violation continues is to constitute a separate offense.

If a product regulated under the bill is found not to be in compliance with the minimum efficiency standards established under this bill, the commissioner is required to issue a violation to the manufacturer of such product which would subject the manufacturer to a civil penalty equal to the cost of product purchase and testing. The commissioner will be required to make information available to the Attorney General and the public on products found not to be in compliance with the standards.

A civil penalty imposed under this bill is to be collected in a summary manner under the "Penalty Enforcement Law of 1999."

As reported, this bill is identical to Assembly Bill No. 5160 (2R), as amended and reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill will result in a marginal one-time expenditure increase to the State as the Department of Community Affairs (DCA) is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of the bill. Furthermore, the DCA is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.

The OLS notes that there may be an additional marginal annual expenditure increase by the DCA for periodically inspecting distributors and retailers of new products regulated under this bill; investigating complaints received concerning violations; and issuing violations. The OLS assumes that these responsibilities can be subsumed within normal staff duties.

The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 3324**

with Senate Floor Amendments  
(Proposed by Senator SMITH)

ADOPTED: DECEMBER 2, 2021

These floor amendments would:

1) provide that the Department of Environmental Protection (DEP), rather than the Department of Community Affairs, would be responsible for enforcing the bill's provisions;

2) add a definition of "person" to the bill, which includes both natural and artificial persons;

3) provide that the bill's prohibition on the sale and installation of certain products would go into effect one year after the bill's enactment, rather than on January 1, 2022, and that the rest of the bill's provisions would take effect immediately;

4) clarify that the bill would prohibit the sale and installation of certain products that do not include a mark, tag, or label indicating that the product complies with the bill's efficiency standards, rather than products that do not meet the bill's efficiency standards simpliciter;

5) require subcode officials to verify the presence of the mark, tag, or label required by the bill on certain products that are required to be inspected pursuant to the State Uniform Construction Code;

6) prohibit persons from affixing a mark, tag, or label to a product covered under the bill unless the product meets the efficiency standards established in the bill;

7) remove the requirement for the Commissioner of Community Affairs to adopt rules and regulations to implement the bill, and insert a provision authorizing the DEP to adopt such rules and regulations;

8) clarify that the bill's provisions do not apply to products manufactured and sold outside the State;

9) remove the authorization for the Commissioner of Community Affairs to require manufacturers to use updated test procedures to determine the efficiency of their products;

10) remove a requirement for the Commissioner of Community Affairs to identify each product covered under the bill;

11) provide that the bill would not impose liability on any news media that accepts or publishes advertising for any product covered under the bill;

12) remove all explicit authorization for the Attorney General to be involved in enforcing the bill's provisions;

13) require manufacturers of products covered by the bill to include information about the mark, tag, or label they plan to use to satisfy the bill's requirement in their annual certification to the DEP commissioner, required by subsection b. of section 7 of the bill;

14) increase the civil penalties imposed by the bill, and provide that civil penalties collected by the department may be used to enforce the bill's provisions;

15) authorize the DEP to take injunctive action to enforce the bill's provisions;

16) direct the DEP, in conjunction with the Department of Community Affairs and the Board of Public Utilities to perform the study required by section 8 of the bill, rather than the Department of Community Affairs; and

17) make technical changes to the bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**SENATE, No. 3324**

## **STATE OF NEW JERSEY 219th LEGISLATURE**

DATED: NOVEMBER 8, 2021

### **SUMMARY**

- Synopsis:** Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State.
- Type of Impact:** Annual State expenditure and revenue increase.
- Agencies Affected:** Department of Community Affairs; Department of Law and Public Safety

#### **Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Expenditure Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) determines that this bill will result in a marginal one-time expenditure increase to the State as the Department of Community Affairs (DCA) is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of the bill. Furthermore, the DCA is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.
- The OLS notes that there may be an additional marginal annual expenditure increase by the DCA for periodically inspecting distributors and retailers of new products regulated under this bill; investigating complaints received concerning violations; and issuing violations. The OLS assumes that these responsibilities can be subsumed within normal staff duties.
- The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

### **BILL DESCRIPTION**

This bill would set specific, up-to-date efficiency standards for selected residential and commercial products. The energy and water efficiency standards are based on various sources

including ENERGY STAR and WaterSense specifications and standards developed and adopted by the California Energy Commission.

The bill would prohibit the sale, offer for sale, or lease of a new air purifier, cold temperature fluorescent lamp, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, computer, computer monitor, electrical vehicle service equipment, high color rendering index fluorescent lamp, impact-resistant fluorescent lamp, faucet, showerhead, toilet, urinal, portable electric spa, residential ventilating fan, state-regulated general service lamp; spray sprinkler body, urinal, or water cooler in the State unless the new product meets or exceeds the efficiency standards adopted in rules and regulations by the Commissioner of the DCA.

The commissioner may require an updated test method when a new test procedure becomes available for a product regulated under the bill. The commissioner is to identify each product regulated under the bill and is required to allow the use of existing marks, labels, or tags, to denote compliance with the efficiency requirements of this bill.

A manufacturer of a product regulated under the bill is to annually test samples of its products in accordance with the test procedures adopted under the bill, annually certify to the commissioner that the product is in compliance with the provisions of the bill, and identify that each product offered for sale in the State is in compliance with the provisions of the bill by means of a mark, label, or tag on the product and packaging at the time of sale. With prior notice, the commissioner may periodically inspect distributors or retailers of new products regulated under the bill in order to determine compliance with the provisions of the bill.

The commissioner would be required to investigate complaints received concerning violations of this bill and to report the results of such investigations to the Attorney General. A manufacturer, distributor, retailer, or person who violates the provisions of this bill, is to be issued a warning by the commissioner for a first violation and is to be subject to a civil penalty of up to \$100 for each subsequent offense. Third and subsequent violations are subject to a civil penalty of not more than \$500 for each offense. Each violation is to constitute a separate offense, and each day that such violation continues is to constitute a separate offense.

If a product regulated under the bill is found not to be in compliance with the minimum efficiency standards established under this bill, the commissioner is required to issue a violation to the manufacturer of such product which would subject the manufacturer to a civil penalty equal to the cost of product purchase and testing. The commissioner will be required to make information available to the Attorney General and the public on products found not to be in compliance with the standards.

No later than three years after the date of enactment of this act, the Department of Community Affairs is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to this act, and whether to adopt more stringent energy standards or water conservation standards. The commissioner is required to submit a written report thereon to the Governor and to the Legislature with recommendations for legislative action.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS determines that this bill will result in a marginal one-time expenditure increase to the State as the DCA is required to adopt rules and regulations to establish energy efficiency standards to implement the provisions of the bill. Further, no later than three years after the date of enactment of the bill, the DCA is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.

The OLS notes that there may be an additional marginal annual expenditure increase for periodically inspecting distributors and retailers of new products regulated under this bill in order to determine compliance with the provisions of the bill; investigating complaints received concerning violations of the bill's provisions and reporting the results of such investigations to the Attorney General; and issuing a violation to the manufacturer if a product regulated pursuant to the bill is found not to be in compliance with the minimum efficiency standards established under the bill and making such information regarding the violation available to the Attorney General and the public. The OLS assumes that these responsibilities can be subsumed within normal staff duties.

The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

*Section: Environment, Agriculture, Energy, and Natural Resources*

*Analyst: Eric Hansen  
Associate Research Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**SENATE, No. 3324**

## **STATE OF NEW JERSEY 219th LEGISLATURE**

DATED: DECEMBER 23, 2021

### SUMMARY

- Synopsis:** Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State.
- Type of Impact:** Annual State expenditure and revenue increase from the General Fund; annual local expenditure increase.
- Agencies Affected:** Department of Environmental Protection, Department of Community Affairs, Board of Public Utilities, local governments

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Expenditure Increase</b>		Indeterminate	
<b>Local Expenditure Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) determines that this bill will result in a marginal one-time expenditure increase to the State as the Department of Environmental Protection (DEP) is required to adopt rules and regulations to implement the provisions of the bill. Furthermore, the DEP, in conjunction with the Department of Community Affairs and the Board of Public Utilities, is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.
- The OLS notes that there may be an additional marginal annual expenditure increase by the DEP for periodically inspecting distributors or retailers of new products regulated under this bill; investigating complaints received concerning violations; and pursuing injunctive relief and issuing violations. The OLS assumes that these responsibilities can be subsumed within normal staff duties.

- The OLS notes that there may be an additional marginal annual expenditure increase by local governments for the requirement that the local subcode official ensure that certain products identified in the bill for which the installation is subject to the State Uniform Construction Code, contain a mark, label, or tag denoting that the product meets or exceeds the efficiency standards established in the bill.
- The OLS notes that there may be a marginal State revenue increase from the civil penalties established pursuant to the bill.

## **BILL DESCRIPTION**

This bill sets specific, up-to-date efficiency standards for selected residential and commercial products. These energy and water efficiency standards are based on various sources including ENERGY STAR and WaterSense specifications and standards developed and adopted by the California Energy Commission. Beginning one year after the date of enactment, the bill prohibits the sale, offer for sale, or lease of a new product regulated under the bill unless the product includes a mark, label, or tag denoting that the product meets the efficiency standards established in the bill.

The DEP is authorized to adopt rules and regulations to implement the provisions of the bill. A manufacturer of a product regulated under this bill is required to annually certify to the DEP that the product is in compliance with the provisions of the bill and identify that each product offered for sale in the State is in compliance with the provisions of the bill by means of a mark, label, or tag on the product and packaging at the time of sale. A manufacturer may use an existing mark, label, or tag to satisfy the requirement, provided that it clearly expresses that the product meets the applicable efficiency standard. With prior notice, the DEP may periodically inspect distributors or retailers of new products regulated under the bill in order to determine compliance with the provisions of the bill. Beginning one year after the date of enactment, upon final inspection of the installation of any appliance or product subject to the State Uniform Construction Code, the appropriate subcode official would be required to ensure that the certain products identified in the bill contain a mark, label or tag denoting that the product meets the efficiency standards established in the bill.

The DEP is required investigate complaints received concerning violations of the bill. A manufacturer, distributor, retailer, or person who violates the provisions of the bill will be issued a warning for a first violation and will be subject to a civil penalty of up to \$1,000 for each subsequent offense. Third and subsequent violations will be subject to a civil penalty of not more than \$5,000 for each offense. Each violation will constitute a separate offense, and each day that such violation continues will constitute a separate offense. The department may also institute an action in Superior Court for injunctive relief for a violation of the bill and the court may prohibit the person from selling or offering for sale the non-compliant product in the State.

If a product regulated pursuant to the bill is found not to be in compliance with the minimum efficiency standards established in the bill, the DEP is required to issue a violation to the manufacturer of such product, which will subject the manufacturer to a civil penalty equal to twice the cost of product purchase and testing. The department will be required to make information available to the public on products found not to be in compliance with the standards. All monies collected by the department may be retained and used for the costs of administering and enforcing the bill.

No later than three years after the date of enactment of the bill, the DEP, in consultation with the Board of Public Utilities and the Department of Community Affairs, is required to conduct a

study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The DEP is required to submit a written report thereon to the Governor and to the Legislature with recommendations for legislative action.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS determines that this bill will result in a marginal one-time expenditure increase from the General Fund, as the DEP is required to adopt rules and regulations to implement the provisions of the bill. Further, no later than three years after the date of enactment of the bill, the DEP is required to conduct a study to evaluate whether to add additional products to those regulated pursuant to the bill, and whether to adopt more stringent energy standards or water conservation standards. The OLS assumes that these requirements can be subsumed within existing staff duties.

The OLS notes that there may be an additional marginal annual expenditure increase from the General Fund, representing costs incurred by the DEP for: periodically inspecting distributors or retailers of new products regulated under this bill in order to determine compliance with the provisions of the bill; investigating complaints received concerning violations of the bill's provisions; issuing a violation to the manufacturer if a product regulated pursuant to the bill is found not to be in compliance with the minimum efficiency standards established under the bill, pursuing injunctive relief to prohibit the sale or offer for sale of non-compliant products; and making such information regarding the violation available to the public. The OLS assumes that these responsibilities can be subsumed within normal staff duties.

The OLS notes that there may be an additional marginal annual expenditure increase by local governments for the requirement that the local subcode official ensure that certain products identified in the bill for which the installation is subject to the State Uniform Construction Code, contain a mark, label, or tag denoting that the product meets or exceeds the efficiency standards established in the bill.

The OLS also notes that there may be a marginal annual State revenue increase from the civil penalties established pursuant to the bill.

*Section: Environment, Agriculture, Energy, and Natural Resources*

*Analyst: Judith Horowitz  
Section Chief*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

01/18/2022

**TRENTON** – Governor Murphy today signed the following bills:

**S-384/A-1964 (Weinberg, Singleton/Stanley, Munoz, McKeon, Sumter, Lampitt, Vainieri Huttie, Wimberly, Mosquera, Downey, Chiaravalloti)** – Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases

**S-386/A-1763 (Weinberg, Singleton/Munoz, Vainieri Huttie, Downey, Mosquera, Lampitt, Benson)** - Establishes mandatory domestic violence training for municipal prosecutors

**S-396/A-4903 (Weinberg, Addiego/Johnson, Mukherji)** – Adjusts statute of limitations on damage claim for construction defect in common interest communities

**S-705/A-1077 (Ruiz, Cunningham/Speight, Vainieri Huttie, Downey)** – Requires DOH to develop and implement plan to improve access to perinatal mood and anxiety disorder screening

**SCS for S-844 and 2533/ACS for A-4635 (Pou, Greenstein/Zwicker, Lopez)** – Revises reporting requirements for charitable organizations and non-profit corporations

**S-867/A-2316 (Pou/Jimenez, Giblin, Johnson)** – Permits physical therapists to perform dry needling under certain circumstances

**S-896/A-2396 (Pou, Turner/Wimberly, Timberlake, Murphy)** – Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L.1968, c.371

**S-969WGR/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen)** – Establishes loan redemption program for certain teachers to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain schools; makes annual appropriation of \$1 million

**S-994/A-6248 (Sweeney, Singleton/Lopez)** – Requires State agencies and political subdivisions to make good faith effort to purchase five percent of goods and services from Central Nonprofit Agency

**SCS for S-1016/ACS for A-2070 (Smith, Bateman/Calabrese, Mukherji, Benson)** – Restricts use of neonicotinoid pesticides

**S-1020/AS for ACS for A-1184 and 4414 (Ruiz, Gopal/Zwicker, Conaway, Verrelli, Caputo)** – Requires School Report Card to include demographic breakdown of students who receive disciplinary actions; requires Commissioner of Education to establish Statewide database concerning certain disciplinary actions

**S-1559/A-1659 (Scutari, Diegnan/Quijano, Bramnick, Mukherji, Sumter, Downey, Dancer)** – “New Jersey Insurance Fair Conduct Act”

**S-1771/A-1489 (Madden, Turner/Moriarty, Mosquera, Vainieri Huttie)** – Expressly prohibits invasive examination of unconscious patient by health care practitioner without patient’s prior informed written consent

**S-2160wGR/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey)** – Creates special education unit within the Office of Administrative Law; requires annual report

**SCS for S-2515/ACS for A-4676 (Smith, Greenstein/Quijano, Jasey, McKeon)** – Establishes postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; prohibits sale of polystyrene loose fill packaging

**S-2723/A-2614 (Sweeney, Turner/Murphy, Benson, Timberlake)** – “21st Century Integrated Digital Experience Act”

**S-2830/A-5291 (Ruiz, Singleton/Quijano)** – Requires educator preparation program to report passing rates of students who complete certain tests and to disseminate information on test fee waiver programs, and permits collection of student fee for certain testing costs

**S-2835/A-5292 (Ruiz, Cunningham/Quijano, Lampitt, Jasey)** – Requires compilation of data and issuance of annual reports on New Jersey teacher workforce

**S-2921/A-5554 (Gopal, Greenstein/Houghtaling, Downey, Mukherji)** – Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages

**S-3009/A-4847 (Vitale, Gopal, Gill/Vainieri Huttie, Quijano, Verrelli)** – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously

**S-3081/A-5219 (Singleton/McKeon, Dunn)** – Repeals law concerning excess rates and charges for title insurance; makes agreement to use services of title or settlement service company subject to attorney review

**S-3164/A-4987 (Gopal, Singleton/Houghtaling, Vainieri Huttie, Giblin)** – Creates NJ Legislative Youth Council

**S-3265/A-5074 (Diegnan, Greenstein/DeAngelo, Dancer, Mukherji)** – Permits members of SPRS to purchase service credit for prior public employment with federal government or another state

**S-3342/A-5463 (Codey, Singleton/Jasey, Giblin, Timberlake)** – Directs NJT to erect statue in honor of A. Philip Randolph; appropriates \$90,000

**S-3465/A-4336 (Oroho, Sweeney/Houghtaling, Space)** – Directs Department of Agriculture to pay annual premiums to enrolled dairy farmers for certain coverage under the federal Dairy Margin Coverage Program; appropriates \$125,000

**S-3488wGR/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman)** – Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

**S-3493/A-5458 (Vitale, Gill/Vainieri Huttie, Mukherji, McKnight)** – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe

**S-3539/A5409 (T. Kean, Gopal/Houghtaling)** – Directs DEP to establish grant program for local governments to support development of community gardens

**S-3594/A-5509 (Singleton, Scutari/Zwicker, Reynolds-Jackson, Verrelli)** – Provides that in personal

injury or wrongful death lawsuits, calculations of lost or impaired earnings capacity not be reduced because of race, ethnicity, gender identity or expression, or affectional or sexual orientation

**S-3672/A-6009 (Singleton, Turner, Moen, Johnson, McKnight)** – Permits exemption from civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State and county correctional police officers; permits hiring or appointment of such officers under certain conditions, and makes appropriation

**S-3673/A-6219 (Gopal, Greenstein/Burzichelli)** – Authorizes limited breweries and craft distilleries to sell at retail and offer for sampling purposes product bottled and stored off-site under certain circumstances

**S-3685/A-5576 (Ruiz, Codey/Jasey, Lampitt, Mukherji)** – Permits teacher and professional staff member who provides special services retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during 2021-2022 and 2022-2023 school years

**S-3707/A-5673 (Vitale, Ruiz/Vainieri Huttle, Downey, Zwicker)** – Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential

**S-3764/A-3369 (Gopal, Weinberg/Johnson, Stanley, Karabinchak)** – Establishes Commission on Asian American Heritage in DOE

**S-3810/ACS for A-5862 (Sweeney, Addiego, Greenstein/Benson, Quijano)** – "Responsible Collective Negotiations Act"

**S-3968/A-5930 (Singleton, Beach/Sumter, Karabinchak)** – Increases purchasing threshold permitting Director of Division of Purchase and Property to delegate authority to agencies; increases bid advertising threshold on certain contracts by same scale

**S-3975/A-5963 (Greenstein, Oroho/Benson, Vainieri Huttle, DeAngelo)** – Establishes requirements to commence screening newborn infants for congenital cytomegalovirus infection; establishes public awareness campaign

**S-4004wGR/A-5950 (Weinberg, Greenstein/Sumter, Benson, Reynolds-Jackson)** – Establishes database of certain appointed positions and elected offices

**S-4020/A-5867 (Gopal, Cunningham/Chiaravalloti, Jasey, Carter)** – Expands bonding authority of New Jersey Educational Facilities Authority to permit financing for general funding needs at New Jersey's institutions of higher education

**S-4021/A-6100 (Gopal, Ruiz/Mukherji, Jasey, Timberlake, Stanley)** – Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies

**S-4043/A-6005 (Cunningham/Jasey, Greenwald)** – Raises statutory threshold for certain public bidding, permits bidder disqualification due to prior negative experience, adds exemptions to public bidding requirement under "State College Contracts Law," and establishes process for cooperative pricing system

**S-4063/A-6220 (Sweeney/Giblin, Egan)** – Removes New Jersey Maritime Pilot and Docking Pilot Commission from appropriations act provision that limits compensation and health benefits; clarifies PERS and SHBP eligibility for members of commission

**S-4068/ACS for A-6110 and 6185 (Sarlo, Oroho/Benson, Mukherji, Bramnick)** – Revises elective pass-through entity business alternative income tax

**S-4074wGR/A-6000 (Ruiz, Beach/Verrelli, Lampitt, Carter)** – Allows alternative evaluation in place of basic skills testing requirements for certain teacher certification

**SCS for S-4102/A-6230 (Sweeney, Ruiz/Benson, Mejia, Zwicker)** – Establishes Direct Support Professional Career Development Program; appropriates \$1,000,000

**S-4128/A-6231 (Sweeney, Pou/Houghtaling, Conaway, Dancer)** – Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State

**S-4207/A-6119 (Sweeney, Beach/Mukherji, Egan, Pintor Marin)** – Concerns apprenticeship programs of public works contractors

**S-4210/A-6062 (Sweeney, Greenstein/Greenwald, McKnight, Mukherji)** – Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities

**S-4211/A-6228 (Sweeney, Corrado/Benson, Speight, Zwicker)** – Establishes county college-based adult centers for transition for individuals with developmental disabilities; makes annual appropriation of \$4.5 million

**S-4218/A-6256 (Scutari/Reynolds-Jackson, Wimberly, Mukherji)** – Appropriates \$2 million to CRDA to support costs associated with hosting NAACP National Convention in Atlantic City

**S-4233/A-6229 (Scutari, Gopal/Mukherji, Jimenez)** – Limits fees charged to patients and authorized third parties for copies of medical and billing records

**S-4252/A-6182 (Madden/Murphy, Chaparro)** – Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies

**A-259/S-2224 (DeAngelo, Mukherji, Benson/Gopal, Pennacchio)** – Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal

**A-798/S-52 (Verrelli, Vainieri Huttel, Armato/Singer, Greenstein)** – Establishes local drug overdose fatality review teams

**A-802/S-1352 (Verrelli, Reynolds-Jackson, Murphy/Turner, Pou)** – Requires certain retailers to train employees on gift card fraud

**A-862wGR/S-962 (Chiaravalloti, Karabinchak/Pennacchio, Pou)** – Permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as a property tax credit

**A-953/S-4031 (Karabinchak, Houghtaling/Pou)** – Requires architects disclose insurance coverage

**ACS for A-998 and 2349/S-4312 (Moen, Downey, Houghtaling, Benson, Vainieri Huttel/Ruiz, Beach, Singleton)** – The “New Jersey Social Innovation Act”; establishes social innovation loan pilot program and study commission within EDA

**A-1121/S-1871 (Murphy, Dancer, Stanley/Lagana, Pennacchio)** – Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia

**A-1219wGR/S-1054 (Chaparro, McKnight/Stack)** – Requires owner notification of rabies testing protocol prior to testing of owner’s animal for rabies

**A-1229wGR/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttle, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton)** – Requires DCA to make information on homeless prevention programs and services available on its Internet website

**A-1293/S-3977 (Greenwald, Burzichelli, Mukherji/Greenstein, Gopal)** – Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts

**A-1663/S-1842 (Quijano, Vainieri Huttle, Karabinchak/Cryan, Scutari)** – Establishes “New Jersey Nonprofit Security Grant Program”

**A-2186/S-1599 (Mukherji, Chaparro, McKnight/Codey, Pou)** – Establishes Statewide database of beds in shelters for the homeless

**A-2360/S-3285 (Chaparro, Karabinchak, Johnson/Greenstein, Stack)** – Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces

**A-2685wGR/S-4209 (Armato, Mazzeo, Mukherji/Stack)** – Concerns information on property condition disclosure statement

**A-2772/S-1040 (Downey, Houghtaling, Benson/Gopal)** – Authorizes certain Medicaid recipients residing on post-secondary school campus to participate remotely in meetings of non-medical nature regarding Medicaid benefits

**A-2877/S-1149 (Dancer, Vainieri Huttle, Reynolds-Jackson/Ruiz)** – Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties

**A-3007/S-3127 (Lampitt, Dunn, Benson/Lagana, Gopal)** – Requires institutions of higher education to provide students with access to mental health care programs and services and to establish a hotline to provide information concerning the availability of those services

**A-3392/S-1219 (Reynolds-Jackson, Timberlake, Jasey/Turner, Beach)** – Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12

**A-3804/S-1590 (Armato, Murphy, S. Kean/Beach, A.M. Bucco)** – Designates 9-1-1 operators or dispatchers as 9-1-1 first responder dispatchers

**A-3870/S-2807 (Karabinchak, Johnson, Mukherji/Greenstein, Pou)** – “Defense Against Porch Pirates Act”; amends theft statute

**A-3950wGR/S-3180 (Verrelli, Benson, Zwicker/Greenstein, Turner)** – Prohibits employer use of tracking device in vehicle operated by employee under certain circumstances

**A-4002wGR/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo)** – Allows deduction of promotional gaming credit from gross revenue on sports wagering

**A-4232/S-4231 (Houghtaling, Dancer, Wirths/Oroho, Smith)** – Creates program in Department of Agriculture for deer fencing on certain farmland

**A-4238/S-2561 (Chiaravalloti, Schaer, Benson/Gopal, Singer)** – Establishes minimum Medicaid reimbursement rate for adult medical day care services

**A-4241/S-2894 (Downey, Vainieri Huttle, Murphy/Pou)** – Requires DHS to conduct biennial survey of SNAP experience

**ACS for A-4253/S-3233 (Conaway, Pinkin, Jimenez/Cryan)** – Requires certain electronic medical programs to include demographic data entry feature; requires laboratories to record certain patients' demographic information; requires certain hospitals and laboratories to implement cultural competency training program

**A-4366/S-2801 (Taliaferro, Sumter, Mukherji/Pou, Greenstein)** – Requires Police Training Commission to contract with crisis intervention training center to provide mental health training to police officers and establish curriculum specific to persons experiencing economic crisis or substance use disorder

**A-4434wGR/S-2716 (Greenwald, Lampitt, Mukherji/Beach, Ruiz)** – Establishes Student Wellness Grant Program in DOE

**A-4478/S2759 (Vainieri Huttle, Speight, Schepisi, DeCroce/Vitale, Madden)** – Establishes additional requirements for DOH to assess sanctions and impose penalties on nursing homes; revises reporting requirements for nursing homes

**A-4569/S-3535 (Reynolds-Jackson, Benson, Karabinchak/Turner)** – Requires BPU, electric power suppliers, and gas suppliers to publish certain information related to filing of customer complaints

**ACS for A-4655/S-3595 (Reynolds-Jackson, Wimberly, Carter/Turner)** – Limits police presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box

**A-4771/S-2951 (Downey, Armato, Mukherji/Gopal, Singleton)** – Expands offenses eligible for expungement upon successful discharge from drug court

**A-4856/S-3094 (Lampitt, Benson, Caputo/Ruiz, Beach)** – Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities

**A-5033wGR/S-3279 (Benson, Dancer, Verrelli/Gopal)** – Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

**ACS for A-5075wGR/S-4001 (Burzichelli, Dancer, Johnson/Sweeney, A.M. Bucco)** – Removes Fire Museum and Fallen Firefighters Memorial from auspices of DEP and establishes museum as independent organization; makes \$200,000 supplemental appropriation

**A-5160/S-3324 (DeAngelo, Conaway, Zwicker/Smith, Bateman)** – Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State

**A-5294/S-3418 (Speight, Vainieri Huttle, Verrelli/Gopal, Madden)** – Provides fast track hiring and advancement employment opportunities by State for persons with significant disabilities

**A-5296/S-3426 (Speight, Vainieri Huttle, McKnight/T. Kean, Schepisi)** – Provides for employment by State of certain persons with disabilities

**A-5322/S-3433 (Mosquera, Vainieri Huttle, DePhillips/Cruz-Perez, T. Kean)** – Provides for process to vacate and expunge certain arrests, charges, complaints, convictions, other dispositions, and DNA

records, associated with violations by certain human trafficking victims

**A-5336wGR/S-3441 (Benson, Freiman, Vainieri Huttie/Diegnan, Madden)** – Requires DHS to establish payment programs for purchase of transportation services from private sector and government transportation service providers

**A-5439/S-3760 (Caputo, Dancer, Murphy/Gopal, Beach)** – Changes deadline for New Jersey Racing Commission's annual report from end of calendar year to end of State fiscal year

**A-5694/S-3783 (Houghtaling, Downey, Dancer/Gopal, Madden)** – Permits dependents of military member to enroll in school district in advance of military member's relocation to district

**A-5814/S-3851 (Swain, Tully, Benson/Lagana, Diegnan)** – Creates Office of School Bus Safety in Department of Education; appropriates \$200,000

**A-5864wGR/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan)** – Allows law enforcement officers to review body worn camera recordings prior to creating initial report

**A-5997/S-4084 (Coughlin, Lopez/Sweeney, O'Scanlon)** – Removes requirement for Legislature, DOE, free public libraries, and historical societies to purchase "Manual of the Legislature of New Jersey"

**A-6012/S-4076 (Moen, Murphy, Freiman/Sarlo, Gopal)** – Appropriates \$500,000 for USS New Jersey Commissioning Committee to support commissioning of boat and assigned personnel

**A-6020/S-4114 (Conaway, Jimenez, Vainieri Huttie/Codey)** – Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products

**A-6060/S-4272 (Tucker, Caputo, Mukherji/Cunningham)** – Makes supplemental appropriation of \$8 million to DHS to increase reimbursement for funeral, burial, and crematory services provided to certain beneficiaries of Work First New Jersey and Supplemental Security Income programs

**A-6073/S-4140 (Verrelli/Vitale)** – Temporarily waives certain basic life support services crewmember requirements

**A-6093/S-4201 (Stanley, Benson, Timberlake/Greenstein, Gopal)** – Mandates periodic cancer screening examinations for firefighters enrolled in SHBP

**A-6108wGR/S-4247 (DeAngelo, Egan, Houghtaling/Madden)** – Updates licenses offered by and certain licensure requirements from Board of Examiners of Electrical Contractors

**A-6132/S-4235 (Schaer, Greenwald, Conaway/Singer, Gopal)** – Permits volunteer paramedics to operate within mobile intensive care units

**A-6133/S-4251 (Bramnick, Mukherji, Downey/Scutari)** – Allows certain persons not yet appointed as administrator of estate to pursue lawsuit for damages for wrongful death on behalf of deceased's survivors

**A-6150/S-4119 (DeAngelo, Karabinchak, Wirths/Oroho, Pou)** – Revises penalties for transfer of certain professional and occupational licenses

**A-6159/S-4236 (Coughlin, McKnight/Vitale, Ruiz)** – Revises and renames Office of Food Insecurity Advocate

**A-6162/S-4246 (Benson, Stanley/Gopal)** – Requires certain motor vehicle dealers to maintain certain

requirements for business premises

**A-6205/S-4270 (Coughlin, McKeon/Pou)** – Amends certain requirements concerning insurance holding companies

**A-6206wGR/S-4260 (Wimberly/Diegnan, Oroho)** – Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship

**A-6207/S-4222 (Greenwald, Lampitt, Benson/Sweeney)** – Eliminates requirement for DOE to set certain tuition rates for approved private schools for students with disabilities in certain cases

**A-6208/S-4151 (Mosquera, DeAngelo, Armato/Greenstein, Cruz-Perez)** – Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

**A-6209/S-4154 (Freiman, Spearman, Egan/Turner, Oroho)** – Appropriates \$18 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

**A-6210/S-4150 (Taliaferro, Moriarty, Burzichelli/Cruz-Perez, Greenstein)** – Appropriates \$4.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

**A-6211/S-4149 (Houghtaling, Reynolds-Jackson, Downey/Cruz-Perez, Greenstein)** – Appropriates \$440,240 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

**A-6212/S-4148 (Jimenez, Swain, Timberlake/Codey, Corrado)** – Appropriates \$54.5 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

**A-6213/S-4155 (Kennedy, Carter, Tully/Bateman, Smith)** – Appropriates \$49.932 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

**A-6214/S-4153 (Danielsen, Zwicker, Conaway/Greenstein, Smith)** – Appropriates \$80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

**A-6215/S-4152 (Stanley, Murphy, Jasey/Smith, Greenstein)** – Appropriates \$14,687,510 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

**A-6246/S-4295 (Karabinchak/Sweeney)** – Concerns changes in control of hotels and disruptions of hotel services

**A-6257/S-4311 (McKnight/Sweeney, Singleton)** – Imposes surcharge on casino hotel occupancies to fund public safety services

**A-6262/S-4314 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean)** – Permits PERS retiree to return to employment in NJ Legislature after retirement under certain circumstances

**A-6263/S-4315 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean)** – Appropriates \$2 million to Legislative Services Commission

**Governor Murphy pocket vetoed the following bills:**

**S-73/A-4580 (Bateman, Sarlo/Zwicker, Thomson, McKnight)** – Establishes requirements for sale of cottage food products

**S-995/A-6172 (Sweeney, A.M. Bucco/Downey, McKnight)** – Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses

**S-1934/A-1158 (Sweeney, Pou, Cryan/Freiman, Lopez, Murphy)** – Authorizes use of disability benefits for transportation provided by transportation network companies

**S-2679/A-1979 (Beach, Smith/Stanley, Lopez, Kennedy)** – Requires paint producers to implement or participate in paint stewardship program

**S-2768/A-4664 (Singleton, Ruiz/Reynolds-Jackson, Stanley, Sumter)** – Authorizes State Chief Diversity Officer to conduct disparity study concerning utilization of minority-owned and women-owned businesses in State procurement process

**S-3458/A-6245 (Lagana, Gopal/Coughlin, Jimenez, Mukherji)** – Revises out-of-network arbitration process

**S-3529/A-5442 (Addiego, Diegnan/DeAngelo, Dancer, Dunn)** – Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances

**S-3715/A-5804 (Cryan/Quijano, Mukherji)** – Modifies certain definitions related to transient accommodation taxes and fees

**S-4189/A-6112 (Vitale, Cruz-Perez/Lopez)** – Permits PERS retiree to return to elective public office after retirement under certain circumstances

**A-1073/S-3432 (Speight, Pintor Marin, McKnight, Timberlake/Ruiz, O'Scanlon)** – Establishes requirements to screen certain people who are pregnant and who have given birth for preeclampsia

**A-1269/S-3490 (Greenwald, Giblin, Calabrese/Cruz-Perez, Beach)** – Eliminates one percent tax on purchasers of Class 4A commercial property transferred for consideration in excess of \$1 million

**A-4958/S-3740 (Tully, Armato, Zwicker/Lagana, Oroho)** – Provides temporary exemption under sales and use tax for winterizing certain small business operations

**A-5334/S-3442 (Lopez, Mazzeo, Stanley/Diegnan, T. Kean)** – Requires DOT, NJT, and DHS to study and implement transportation mobility and accessibility improvements for persons with autism and developmental disabilities

**A-5484/S-3817 (Dancer, Caputo, Houghtaling/Lagana)** – Requires New Jersey Racing Commission to adopt procedures to enforce internal controls; requires annual audit

**A-6033/S-4194 (Bramnick/Sweeney, T. Kean)** – Classifies golf caddies as independent contractors for purposes of State employment laws

**A-6157/S-4202 (Speight, Moen/Ruiz, Beach)** – Prohibits circumventing intergovernmental transfer process for law enforcement officers in certain circumstances

