



GOV. MSG. NO. 1327

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 5, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2023, the following bill was signed into law:

SB691 SD2 HD2 CD1

RELATING TO EFFICIENCY STANDARDS.
ACT 224

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 5 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 691
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO EFFICIENCY STANDARDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the high cost of
2 living in Hawaii adds to the importance of adopting policies
3 that promote and encourage energy efficiency, which can provide
4 relief for families and businesses faced with high utility
5 bills. In 2019, the legislature took the notable step of
6 establishing minimum energy and water efficiency standards for
7 certain products sold, leased, or rented in the State. These
8 standards are estimated to result in \$169,700,000 in cumulative
9 utility bill savings for Hawaii over the next fifteen years.

10 The legislature further finds that water conservation is
11 growing in significance for a variety of reasons, including
12 increasing incidence of drought conditions and the fuel spills
13 at Red Hill that have led to the closure of the Halawa shaft,
14 which previously provided twenty per cent of the water supply
15 for urban Honolulu. Water efficiency and energy efficiency are
16 closely linked, because pumping water requires energy, and water
17 conservation leads to energy conservation.



1 The legislature also finds that expanding the list of
2 products requiring minimum efficiency standards can help Hawaii
3 save millions of dollars on utility bills annually and can offer
4 even more benefits for Hawaii residents, businesses, the
5 environment, and the economy as a whole. Adopting additional
6 minimum efficiency standards, among other benefits, could:

- 7 (1) Provide a boost to the local economy as a result of
8 consumers and businesses spending their financial
9 savings on other goods and services in the State;
- 10 (2) Protect consumers from manufacturers who would
11 otherwise unload less-efficient appliances that the
12 manufacturers could not sell in other states with
13 heightened efficiency standards;
- 14 (3) Ensure that Hawaii residents do not miss out on
15 potential savings while awaiting uncertain progress
16 regarding standards to be adopted at the federal
17 level;
- 18 (4) Conserve and protect the State's precious and
19 vulnerable water resources, the importance of which
20 has recently been underscored by the Red Hill water
21 crisis;



1 (5) Lower electricity bills for residents and businesses
2 by millions of dollars annually; and

3 (6) Reduce air pollutants and greenhouse gas emissions,
4 which could result in public health benefits and help
5 the State meet its clean energy and climate change
6 mitigation targets.

7 Numerous states, including California, Colorado,
8 Connecticut, Maine, Maryland, Massachusetts, Nevada, New Jersey,
9 Oregon, Rhode Island, Vermont, and Washington, have adopted
10 robust state energy and water efficiency standards to take
11 advantage of these benefits. The legislature believes that
12 these states can serve as important sources of information for
13 the enforcement and implementation of new or amended energy and
14 water efficiency standards in Hawaii.

15 Furthermore, the legislature finds that most of the
16 products encompassed by this Act are equal in cost to
17 noncompliant products or have a short payback period ranging
18 from zero to seven months.

19 Accordingly, the purpose of this Act is to:

20 (1) Authorize the chief energy officer of the Hawaii state
21 energy office, instead of the director of business,



1 economic development, and tourism, to adopt rules to
2 enforce minimum efficiency standards for certain
3 products and adopt or amend minimum efficiency
4 standards in certain situations; and

5 (2) Regulate the minimum efficiency standards for portable
6 electric spas, residential ventilating fans, toilets,
7 urinals, and water coolers.

8 SECTION 2. Section 196-81, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By adding eight new definitions to be appropriately
11 inserted and to read:

12 "Chief energy officer" means the chief energy officer of
13 the Hawaii state energy office.

14 "Plumbing fixture" means an exchangeable device that
15 connects to a plumbing system to deliver and drain away water
16 and waste.

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

20 "Residential ventilating fan" means a ceiling or wall-
21 mounted fan, or remotely mounted in-line fan, designed to be



1 used in a bathroom or utility room for the purpose of moving air
2 from inside the building to the outdoors.

3 "Toilet" or "water closet" means a plumbing fixture that
4 includes a water-containing receptor that is designed to receive
5 liquid and solid human waste through an exposed integral trap
6 into a drainage system. "Toilet" or "water closet" includes a
7 dual-flush toilet.

8 "Trough-type urinal" means a urinal designed for
9 simultaneous use by two or more persons.

10 "Urinal" means a plumbing fixture that is designed to
11 receive only liquid body waste and conveys the waste through a
12 trap into a drainage system. "Urinal" includes a trough-type
13 urinal.

14 "Water cooler" means a freestanding device that consumes
15 energy in order to dispense cold water, room-temperature water,
16 hot water, or any combination thereof. "Water cooler"
17 includes a storage-type water cooler and an on-demand water
18 cooler."

19 2. By amending the definition of "showerhead" to read:

20 "Showerhead" means a device through which water is
21 discharged for a shower or bath. [Showerhead] "Showerhead"



1 includes handheld showerheads and any other showerhead[~~7~~
2 ~~including a handheld showerhead~~], except a safety showerhead."

3 3. By deleting the definitions of "department" and
4 "director".

5 [~~"Department" means the department of business, economic~~
6 ~~development, and tourism.~~

7 ~~"Director" means the director of business, economic~~
8 ~~development, and tourism."~~]

9 SECTION 3. Section 196-83, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[~~+~~§196-83[~~+~~] Rules. The [~~director~~] chief energy officer
12 may adopt rules pursuant to chapter 91 to [~~enforce~~]:

13 (1) Enforce the minimum efficiency standards [~~for the~~
14 ~~types of new products~~] set forth in section [~~196-84.~~]
15 196-85; and

16 (2) Adopt or amend efficiency standards for any products
17 as the chief energy officer deems appropriate,
18 including but not limited to those products listed or
19 incorporated in section 196-84(a); provided that the
20 chief energy officer shall set efficiency standards
21 upon a determination that new or increased efficiency



1 standards would serve to promote energy or water
2 conservation in the State and would be cost-effective
3 for consumers who newly purchase and use those
4 products; provided further that no new or increased
5 efficiency standards shall become effective within one
6 year following the adoption of any amended rules
7 establishing the new or increased efficiency
8 standards."

9 SECTION 4. Section 196-84, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) ~~[Appliance]~~ Minimum efficiency standards are
12 established under this part for the following ~~[appliances,]~~
13 products, if standards for these ~~[appliances]~~ products are not
14 preempted by federal law:

- 15 (1) Computers and computer monitors;
16 (2) Faucets;
17 (3) High color rendering index fluorescent lamps;
18 (4) Portable electric spas;
19 (5) Residential ventilating fans;
20 ~~[-(4)-]~~ (6) Showerheads; ~~[and~~
21 ~~-(5)-]~~ (7) Spray sprinkler bodies [-];



- 1 (8) Toilets;
- 2 (9) Urinals; and
- 3 (10) Water coolers."

4 SECTION 5. Section 196-85, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~f~~] §196-85 [~~]- Appliance~~] Minimum efficiency standards.

7 [~~a~~] The following minimum efficiency standards shall apply to
8 products listed or incorporated in section 196-84:

- 9 (1) Computers and computer monitors shall meet the
10 requirements set forth in California Code of
11 Regulations, Title 20, Section 1605.3, as amended;
- 12 (2) Faucets shall meet the minimum efficiency standards
13 set forth in California Code of Regulations, Title 20,
14 Section 1605.1, as amended;
- 15 (3) High color rendering index fluorescent lamps shall
16 meet the minimum efficacy requirements contained in
17 [~~Section~~] title 10 Code of Federal Regulations section
18 430.32(n)(4) [~~of Title 10 of the Code of Federal~~
19 Regulations], as in effect on January 3, 2017, as
20 measured in accordance with [~~Appendix~~] title 10 Code
21 of Federal Regulations part 430, appendix R to



1 ~~[Subpart]~~ subpart B ~~[of Part 430 of Title 10 of the~~
2 ~~Code of Federal Regulations]~~—"Uniform Test Method for
3 Measuring Average Lamp Efficacy (LE), Color Rendering
4 Index (CRI), and Correlated Color Temperature (CCT) of
5 Electric Lamps"—as amended;

6 (4) Portable electric spas shall meet the requirements of
7 the American National Standard for Portable Electric
8 Spa Energy Efficiency (ANSI/APSP/ICC 14-2019);

9 (5) In-line residential ventilating fans shall have a fan
10 motor efficacy of not less than 2.8 cubic feet per
11 minute per watt. All other residential ventilating
12 fans shall have a fan motor efficacy of not less than
13 1.4 cubic feet per minute per watt for airflows less
14 than ninety cubic feet per minute and not less than
15 2.8 cubic feet per minute per watt for other airflows
16 when tested in accordance with Home Ventilation
17 Institute Publication 916 "HVI Airflow Test
18 Procedure";

19 ~~[-(4)]~~ (6) Showerheads shall meet the minimum efficiency
20 standards set forth in California Code of Regulations,
21 Title 20, Section 1605.1, as amended; ~~[and~~



1 ~~(5)~~] (7) Spray sprinkler bodies that are not specifically
2 excluded from the scope of the Environmental
3 Protection Agency's WaterSense Specification for Spray
4 Sprinkler Bodies, Version 1.0, shall include an
5 integral pressure regulator and shall meet the water
6 efficiency and performance criteria and other
7 requirements of that specification, as amended~~[+]~~];
8 (8) Toilets, water closets, and urinals, other than those
9 designed and marketed exclusively for use at prisons
10 or mental health facilities, shall meet the standards
11 shown in subparagraphs (A) to (D) when tested in
12 accordance with title 10 Code of Federal Regulations
13 Part 430, appendix T to subpart B -- "Uniform Test
14 Method for Measuring the Water Consumption of Water
15 Closets and Urinals" -- and toilets shall pass the
16 waste extraction test for water closets (Section 7.9)
17 of the American Society of Mechanical Engineers
18 A112.19.2/CSA B45.1-2018:
19 (A) Wall-mounted urinals, except for trough-type
20 urinals and urinals designed and marketed
21 exclusively for use in prisons and mental health



1 care facilities, shall have a maximum flush
2 volume of 0.5 gallon per flush;

3 (B) Floor-mounted urinals, except for trough-type
4 urinals and urinals designed and marketed
5 exclusively for use in prisons and mental health
6 care facilities, shall have a maximum flush
7 volume of 0.5 gallon per flush;

8 (C) Toilets, except for dual-flush tank-type toilets
9 and toilets designed and marketed exclusively for
10 use in prisons and mental health care facilities,
11 shall have a maximum flush volume of 1.28 gallons
12 per flush; and

13 (D) Dual-flush tank-type toilets shall have a maximum
14 dual-flush effective flush volume of 1.28 gallons
15 per flush. As used in this subparagraph, "dual-
16 flush effective flush volume" means the average
17 flush volume of two reduced flushes and one full
18 flush; and

19 (9) Water coolers included in the scope of the ENERGY STAR
20 Program Requirements Product Specification for Water
21 Coolers, Version 2.0, shall have an on mode with no



1 water draw energy consumption less than or equal to
2 the following values as measured in accordance with
3 the test requirements of that program:

4 (A) 0.16 kilowatt-hour per day for cold-only units
5 and cook and cold units. As used in this
6 subparagraph, "cold-only units" means water
7 cooler units that dispense cold water only;

8 (B) 0.87 kilowatt-hour per day for storage-type hot
9 and cold units. As used in this subparagraph:

10 "Hot and cold units" means water coolers
11 that dispense hot and cold water.

12 "Storage-type" means water cooler units in
13 which thermally conditioned water is stored in a
14 tank in the water cooler and is available
15 instantaneously, including point-of-use, dry
16 storage compartment, and bottled water coolers;
17 and

18 (C) 0.18 kilowatt-hour per day for on-demand hot and
19 cold units. As used in this subparagraph:

20 "Hot and cold units" means water coolers
21 that dispense both hot and cold water.



1 "On-demand" means a water cooler unit in
2 which water is heated as it is requested, which
3 typically takes a few minutes to deliver.

4 ~~[(b) When adopting standards for appliances pursuant to~~
5 ~~section 196-84(a), the director shall set appliance efficiency~~
6 ~~standards upon a determination that increased efficiency~~
7 ~~standards would serve to promote energy or water conservation in~~
8 ~~the State and would be cost effective for consumers who purchase~~
9 ~~and use such new products.] "~~

10 SECTION 6. Section 196-86, Hawaii Revised Statutes, is
11 amended to read as follows:

12 " ~~[f]~~ §196-86 ~~[f]~~ Implementation. (a) On or after
13 January 1, 2021, no new computer or computer monitor, faucet,
14 high color rendering index fluorescent lamp, showerhead, or
15 spray sprinkler body ~~[may]~~ shall be sold or offered for sale,
16 lease, or rent in the State unless the efficiency of the new
17 product meets or exceeds the efficiency standards provided in
18 section 196-85.

19 (b) On or after January 1, 2025, no new portable electric
20 spa, residential ventilating fan, toilet, urinal, or water
21 cooler that is manufactured on or after January 1, 2025, shall



1 be sold or offered for sale, lease, or rent in the State unless
2 the efficiency of the new product meets or exceeds the minimum
3 efficiency standards provided in section 196-85.

4 ~~[(b)]~~ (c) One year after the date upon which the sale or
5 offering for sale of certain products becomes subject to the
6 requirements of ~~[subsection]~~ subsections (a) ~~[, no such]~~ and (b),
7 these products ~~[may]~~ shall not be installed for compensation in
8 the State unless the efficiency of the new product meets or
9 exceeds the minimum efficiency standards provided in section
10 196-85."

11 SECTION 7. Section 196-88, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~§~~§196-88~~]~~ Testing, certification, and labeling.
14 Manufacturers shall test, certify, and label products meeting
15 the minimum efficiency standards set forth in section 196-85 and
16 may utilize testing, certification, and labeling programs of
17 other states and federal agencies with similar standards,
18 including the Home Ventilating Institute's certified products
19 directory certification program, for purposes of compliance
20 under this part. Products listed in California's Modernized



1 Appliance Efficiency Database System shall be deemed to be in
2 compliance with this part."

3 SECTION 8. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect on June 30, 2023.

APPROVED this 5th day of July, 2023



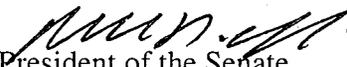
GOVERNOR OF THE STATE OF HAWAII



THE SENATE OF THE STATE OF HAWAI‘I

Date: May 2, 2023
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 691, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives