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THIRD REPRINT

A.B. 383

ASSEMBLY BILL NO. 383—ASSEMBLYMEN WATTS,
BROWN-MAY; AND C.H. MILLER

MARCH 23, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Establishes provisions governing the energy efficiency of certain appliances. (BDR 58-490)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to energy; requiring the Director of the Office of Energy to adopt standards of energy efficiency for certain appliances; prohibiting the sale, lease, rental or installation of certain new appliances that are not in compliance with energy efficiency standards; authorizing the Director to adopt standards of energy efficiency for certain additional appliances; requiring the Director to adopt regulations establishing a procedure for a consumer to apply for a delay in the implementation of a standard of energy efficiency for certain appliances; requiring a manufacturer to submit a certification for certain appliances prior to sale; authorizing the Director to take certain actions to investigate possible violations; establishing a civil penalty for violations; authorizing the adoption of appliance standards to facilitate the implementation of flexible demand technology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Sections 2-30** of this bill establish definitions for terms related to the energy
2 efficiency of appliances.

3 **Section 31** of this bill requires the Director of the Office of Energy to adopt
4 regulations establishing minimum standards of energy efficiency for certain
5 appliances sold in this State and methods for verifying whether appliances comply
6 with those standards. **Section 31** prohibits, after certain dates, the sale, lease, rental
7 or installation of a new appliance that does not meet the standards for energy
8 efficiency adopted by the Director. **Section 31** prescribes minimum standards of



energy efficiency which the standards of energy efficiency adopted by the Director must meet or exceed.

Section 32 of this bill authorizes the Director, if certain findings are made, to adopt standards of energy efficiency for appliances other than the appliances for which standards of energy efficiency are specifically required to be adopted by this bill. **Section 32** prohibits, after certain dates, the sale, lease, rental or installation of a new appliance that does not meet the standards for energy efficiency adopted by the Director pursuant to that section.

Section 32.5 of this bill requires the Director to adopt regulations establishing a procedure for a consumer to apply to the Director to delay by not more than 1 year the implementation of a standard of energy efficiency for an appliance. **Section 32.5** authorizes the Director to grant such a request if the consumer has set forth sufficient evidence that the requirement to procure an appliance that meets the established standard would impose an unreasonable burden on consumers in this State.

Section 34 of this bill requires a manufacturer, before an appliance is made available for sale, lease or rent in this State, to submit to the Director a certification for the appliance demonstrating that the appliance complies with the energy efficiency standards established by the Director. **Section 34** requires a manufacturer to ensure that a new appliance that has received a certification demonstrating that it complies with the minimum standards of energy efficiency includes a mark, label or tag at the time of sale or installation identifying the appliance as a certified appliance. **Section 34** requires the Director to adopt regulations governing the certification of appliances and the labeling of certified appliances.

Section 35 of this bill authorizes the Director to investigate complaints concerning alleged violations of the provisions of this bill. **Section 35** establishes a civil penalty for violations of the provisions of this bill and authorizes the Attorney General to institute a civil action against a manufacturer, distributor, retailer or installer for such violations.

Section 36 of this bill authorizes the Director to adopt regulations to carry out the provisions of this bill and requires the Director, in designing such regulations, to attempt to minimize the cost to consumers for appliances.

Section 37 of this bill authorizes the Director to adopt standards for appliances and other provisions to facilitate the deployment of flexible demand technologies.

Section 38 of this bill excludes certain appliances from the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. *As used in sections 2 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 30, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Air purifier” means an electric, cord-connected, portable appliance with the primary function of removing particulate matter from the air and which can be moved from room to room.*



1 **Sec. 4.** *“Cold only water cooler” means a water cooler that*
2 *dispenses cold water only.*

3 **Sec. 5.** *“Cold-temperature fluorescent lamp” means a*
4 *fluorescent lamp that:*

5 1. *Is not a compact fluorescent lamp;*

6 2. *Is specifically designed to operate at temperatures as low*
7 *as -20 degrees Fahrenheit when used with a ballast conforming to*
8 *the requirements of Standard Nos. C78.81 and C78.901 of the*
9 *American National Standards Institute; and*

10 3. *Is expressly designated as a cold-temperature fluorescent*
11 *lamp both in markings on the lamp and in marketing materials,*
12 *including, without limitation, catalogs, sales literature or*
13 *promotional materials.*

14 **Sec. 6.** *“Commercial dishwasher” means a machine*
15 *designed to clean and sanitize plates, pots, pans, glasses, cups,*
16 *bowls, utensils and trays by applying sprays of detergent solution,*
17 *with or without blasting media granules, and a sanitizing rinse,*
18 *and which is distributed for industrial or commercial use.*

19 **Sec. 7.** *“Commercial fryer” means an appliance, including,*
20 *without limitation, a cooking vessel, in which:*

21 1. *Oil is placed to such a depth that the cooking food is*
22 *essentially supported by displacement of the cooking fluid rather*
23 *than by the bottom of the vessel.*

24 2. *Heat is delivered to the cooking fluid by means of an*
25 *immersed electric element or band-wrapped vessel for electric*
26 *fryers or by heat transfer from gas burners through either the*
27 *walls of the fryer or through tubes passing through the cooking*
28 *fluid for gas fryers.*

29 **Sec. 8.** *“Commercial hot-food holding cabinet”:*

30 1. *Means a heated, fully enclosed compartment with one or*
31 *more solid or transparent doors designed to maintain the*
32 *temperature of hot food that has been cooked using a separate*
33 *appliance.*

34 2. *Does not include heated glass merchandizing cabinets,*
35 *drawer warmers or cook-and-hold appliances.*

36 **Sec. 9.** *“Commercial oven” means a chamber designed for*
37 *heating, roasting or baking food by conduction, convection,*
38 *radiation or electromagnetic energy and which is distributed for*
39 *industrial or commercial use.*

40 **Sec. 10.** *“Commercial steam cooker”:*

41 1. *Means a device with one or more food steaming*
42 *compartments in which the energy in the steam is transferred to*
43 *the food by direct contact.*



2. Includes, without limitation, countertop models, wall-mounted models and floor models mounted on a stand, pedestal or cabinet-style base.

Sec. 11. “Compensation” means money or any other thing of value, regardless of form, received by a person for services rendered.

Sec. 12. “Computer”:

1. Means a device that performs logical operations and processes data and is composed of, at a minimum:

(a) A central processing unit to perform operations or, if no central processing unit is present, then the device must function as a client gateway to a server and the server acts as a computational central processing unit;

(b) The ability to support user input devices such as a keyboard, mouse or touchpad; and

(c) An integrated display screen or the ability to support an external display screen to output information.

2. Includes both stationary and portable units, and includes, without limitation, a desktop computer, portable all-in-one computer, notebook computer, mobile gaming system, high-expandability computer, small-scale server, thin client or workstation.

3. Does not include a tablet, game console, television, small computer device, server other than a small-scale server or an industrial computer.

Sec. 13. “Computer monitor”:

1. Means an analog or digital device of diagonal screen size not less than 17 inches and not more than 61 inches, that has a pixel density of more than 5,000 pixels per square inch and that is designed primarily for the display of computer generated signals for viewing by one person in a desk-based environment and which is composed of a display screen and associated electronics.

2. Does not include:

(a) Displays with integrated or replaceable batteries designed to support primary operation without alternating current mains or external direct current power, including, without limitation, electronic readers, mobile phones, tablets and battery-powered digital frames; or

(b) A television or signage display.

Sec. 14. “Cook and cold water cooler” means a water cooler that dispenses both cold water and room-temperature water.

Sec. 15. “Decorative gas fireplace” means a vented fireplace, including, without limitation, an appliance that is freestanding, recessed or zero clearance or a gas fireplace insert, that is:

1. Fueled by natural gas or propane;



2. *Marked for decorative use only; and*
3. *Not equipped with a thermostat or intended for use as a heater.*

Sec. 15.5. *“Distributor” means a person:*

1. *Whose primary business is the wholesale distribution of commercial goods for resale;*

2. *Who maintains an inventory of commercial goods for resale;*

3. *Who has the right to sell or distribute commercial goods in this State for resale to retailers or other resellers or to an industrial or commercial manufacturer; and*

4. *Who conducts business in this State.*

Sec. 16. *“Electric vehicle supply equipment”:*

1. *Means the conductors, including, without limitation, the ungrounded, grounded and equipment-grounding conductors, the electric vehicle connectors, the attachment plugs and all other fittings, devices, power outlets or apparatuses, installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle.*

2. *Does not include conductors, connectors and fittings that are part of a vehicle.*

Sec. 17. *“Flexible demand” means the capability to schedule, shift or curtail the electrical demand of a customer of a utility through direct action by the customer or through action by a third party, the utility or a grid-balancing authority, with the consent of the customer.*

Sec. 18. *“Gas fireplace” means a decorative gas fireplace or a heating gas fireplace.*

Sec. 19. *“Heating gas fireplace” means a vented fireplace, including, without limitation, an appliance that is freestanding, recessed or zero clearance or a gas fireplace insert, that is:*

1. *Fueled by natural gas or propane; and*

2. *Not a decorative gas fireplace.*

Sec. 20. *“High color rendering index fluorescent lamp” means a fluorescent lamp with a color rendering index of 87 or more that is not a compact fluorescent lamp.*

Sec. 21. *“Hot and cold water cooler” means a water cooler that dispenses both hot and cold water and which may or may not dispense room-temperature water.*

Sec. 22. *“Impact-resistant fluorescent lamp” means a fluorescent lamp that:*

1. *Is not a compact fluorescent lamp;*

2. *Has a coating or equivalent technology that is compliant with Standard No. 51 of the American National Standards*



Institute and is designed to contain the glass if the glass envelope of the lamp is broken; and

3. Is designated and marketed for the intended application with:

(a) The designation on the lamp packaging; and

(b) Marketing materials that identify the lamp as being impact-resistant, shatter-resistant, shatterproof or shatter-protected.

Sec. 23. "Industrial air purifier" means an indoor air-cleaning device manufactured, advertised, marketed, labeled and used solely for industrial use and that is marketed solely through industrial supply outlets or businesses and prominently labeled as follows: "Solely for industrial use. Potential health hazard: emits ozone."

Sec. 23.3. "Installer" means a person engaged in the attachment of a regulated appliance or an appliance for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act that the installer has purchased or been contracted to attach to a structure by means of the electrical, plumbing or ventilation system of the structure.

Sec. 23.7. "Manufacturer" means a person who makes new products by hand or machine.

Sec. 24. "New" means that an appliance has not previously been sold to an end user.

Sec. 25. "On-demand" means a water cooler that heats water as it is requested, and which may take a few minutes to deliver hot water.

Sec. 26. "Portable electric spa" means a factory-built electric spa or hot tub which may or may not include any combination of integral controls, water heating or water-circulating equipment.

Sec. 27. "Regulated appliance" includes the following appliances:

- 1. An air purifier that is not an industrial air purifier;*
- 2. A cold-temperature fluorescent lamp;*
- 3. A commercial dishwasher;*
- 4. A commercial fryer;*
- 5. A commercial hot-food holding cabinet;*
- 6. A commercial oven;*
- 7. A commercial steam cooker;*
- 8. A computer;*
- 9. A computer monitor;*
- 10. Electric vehicle supply equipment;*
- 11. A gas fireplace;*
- 12. A high color rendering index fluorescent lamp;*
- 13. An impact-resistant fluorescent lamp;*
- 14. A portable electric spa;*



15. A residential ventilating fan; and

16. A water cooler.

Sec. 28. "Residential ventilating fan" means a ceiling or wall-mounted fan, or remotely mounted in-line fan, designed to be used in a bathroom or utility room for the purpose of moving air from inside the building to outside the building.

Sec. 28.5. "Retailer" means a person engaged in the business of making retail sales of regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act within this State.

Sec. 29. "Storage-type":

1. Means a water cooler that stores thermally conditioned water in a tank and makes such water available instantaneously.

2. Includes point-of-use, dry storage compartment and bottled water coolers.

Sec. 30. "Water cooler" means a freestanding device that consumes energy to cool or heat potable water.

Sec. 31. 1. Not later than October 1, 2022, the Director of the Office of Energy shall adopt regulations establishing minimum standards of energy efficiency for regulated appliances and methods for verifying whether a regulated appliance complies with those standards.

2. On and after July 1, 2023, a new regulated appliance may not be sold, leased or rented in this State, or offered for sale, lease or rent in this State, unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1. If the Director amends the regulations adopted pursuant to subsection 1 to establish more stringent standards of energy efficiency for regulated appliances, the Director shall establish an effective date for such amended regulations which must be not earlier than 365 days after the date on which the amended regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. On and after January 1, 2024, a new regulated appliance may not be installed for compensation in this State unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1. If the Director amends the regulations adopted pursuant to subsection 1 to establish more stringent standards of energy efficiency for new regulated appliances, beginning 1 year after the amended regulations are filed with the Secretary of State pursuant to NRS 233B.070, it shall be unlawful to install for compensation in this State a new regulated appliance that does not meet or exceed the more stringent standards of energy efficiency adopted by the Director.



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4. The minimum standards of energy efficiency for regulated appliances adopted by the Director pursuant to subsection 1 must meet or exceed the following standards:

(a) An air purifier which is not an industrial air purifier must meet the following requirements as measured in accordance with version 2.0 of the "ENERGY STAR Product Specification for Room Air Cleaners" adopted by the United States Environmental Protection Agency:

(1) The clean air delivery rate for smoke must be not less than 30 cubic feet per minute;

(2) For models with a clean air delivery rate for smoke that is less than 100 cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 1.7 cubic feet per minute;

(3) For models with a clean air delivery rate for smoke that is 100 or more but less than 150 cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 1.9 cubic feet per minute;

(4) For models with a clean air delivery rate for smoke that is 150 or more cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 2.0 cubic feet per minute;

(5) For ozone-emitting models, the measured ozone must be not more than 50 parts per billion;

(6) For models with a wireless fidelity network connection enabled by default when shipped, the energy consumed when in partial on mode power must be not more than 2 watts; and

(7) For models without a wireless fidelity network connection enabled by default when shipped, the energy consumed when in partial on mode must be not more than 1 watt.

(b) Commercial dishwashers included in the scope of version 2.0 of the "ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers" must meet the eligibility criteria of that specification.

(c) Commercial fryers included in the scope of version 2.0 of the "ENERGY STAR Program Requirements Product Specification for Commercial Fryers" must meet the criteria of that specification.

(d) Commercial hot food holding cabinets included in the scope of version 2.0 of the "ENERGY STAR Program Requirements Product Specification for Commercial Hot Food Holding Cabinets" must meet the criteria of that specification.

(e) Commercial ovens included in the scope of version 2.2 of the "ENERGY STAR Program Requirements Product Specification for Commercial Ovens" must meet the criteria of that specification.



(f) Commercial steam cookers included in the scope of version 1.2 of the “ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers” must meet the criteria of that specification.

(g) Computers and computer monitors must meet the requirements set forth in section 1605.3(v) of Title 20 of the California Code of Regulations as in effect on January 1, 2020, and the test procedures for computers and computer monitors adopted by the Director must be in accordance with the testing method prescribed in section 1604(v) of Title 20 of the California Code of Regulations as in effect on January 1, 2020, except that the Director may elect to amend the test procedure to reflect changes to section 1604(v) of Title 20 of the California Code of Regulations that occur after January 1, 2020.

(h) Electric vehicle supply equipment included in the scope of version 1.0 of the “ENERGY STAR Program Requirements for Electric Vehicle Supply Equipment” must meet the eligibility criteria of that specification.

(i) Gas fireplaces must:

(1) Be capable of automatically extinguishing any pilot flame when the main gas burner flame is extinguished.

(2) Prevent any ignition source for the main gas burner flame from operating continuously for more than 7 days.

(3) If the gas fireplace is a heating gas fireplace, have a fireplace efficiency greater than or equal to 50 percent when tested in accordance with Standard No. P.4.1-15 of the Canadian Standards Association, “Testing Method for Measuring Annual Fireplace Efficiency.”

(j) High color rendering index fluorescent lamps, cold temperature fluorescent lamps and impact-resistant fluorescent lamps must meet the minimum efficacy requirements contained in 10 C.F.R. § 430.32(n)(4), as in effect on January 1, 2020, as measured in accordance with 10 C.F.R. Part 430, subpart B, Appendix R, “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps,” as in effect on January 1, 2020.

(k) Portable electric spas must meet the requirements of the “American National Standard for Portable Electric Spa Energy Efficiency,” ANSI/APSP/ICC 14-2019 of the Association of Pool and Spa Professionals.

(l) In-line residential ventilating fans must have a fan motor efficacy of not less than 2.8 cubic feet per minute per watt.

(m) Residential ventilating fans other than in-line residential ventilating fans must have a fan motor efficacy of not less than 1.4



cubic feet per minute per watt for airflows less than 90 cubic feet per minute and not less than 2.8 cubic feet per minute per watt for other airflows when tested in accordance with HVI Publication 916, "HVI Airflow Test Procedure," of the Home Ventilating Institute.

(n) Water coolers included in the scope of version 2.0 of the "ENERGY STAR Program Requirements Product Specification for Water Coolers" must have an on mode with no water draw energy consumption of the following values as measured in accordance with the test requirements of that specification:

(1) Not more than 0.16 kilowatt-hours per day for cold only water coolers and cook and cold water coolers;

(2) Not more than 0.87 kilowatt-hours per day for storage-type hot and cold water coolers; and

(3) Not more than 0.18 kilowatt-hours per day for on-demand hot and cold water coolers.

Sec. 32. 1. The Director may adopt regulations establishing minimum standards of energy efficiency for new appliances other than regulated appliances and methods for verifying whether such an appliance complies with those standards upon a finding that the adoption of such standards would serve to promote energy or water conservation in this State and would be cost effective for consumers who purchase and use such new appliances.

2. The Director shall establish an effective date for regulations adopted pursuant to subsection 1 which must be not earlier than 365 days after the date on which the regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. On and after the effective date of any regulations adopted pursuant to subsection 1, a new appliance may not be sold, leased or rented in this State or offered for sale, lease or rent in this State unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1.

4. Beginning 1 year after the effective date of any regulations adopted pursuant to subsection 1, it shall be unlawful to install for compensation in this State a new appliance that does not meet or exceed the standards of energy efficiency adopted by the Director pursuant to subsection 1.

Sec. 32.5. 1. The Director shall adopt regulations establishing a procedure whereby a consumer may apply to the Director to delay the implementation of a minimum standard of energy efficiency adopted pursuant to section 31 or 32 of this act for a period of not more than 1 year. The Director may grant a request to delay the implementation of a minimum standard of energy efficiency adopted pursuant to section 31 or 32 of this act if the Director determines that the consumer has set forth sufficient



evidence that a requirement to procure a product that conforms to the minimum standard would impose an unreasonable burden on consumers in this State.

2. As used in this section, “unreasonable burden” includes, without limitation, fewer than three manufacturers having a product that conforms to the minimum standard available for purchase.

Sec. 33. (Deleted by amendment.)

Sec. 34. 1. Before a new regulated appliance is made available for sale, lease or rent in this State, the manufacturer of the regulated appliance shall submit to the Director a certification which demonstrates that the regulated appliance complies with the minimum standard of energy efficiency for that appliance adopted by the Director pursuant to section 31 of this act.

2. Before a new appliance for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act is made available for sale, lease or rent in this State, the manufacturer of the appliance shall submit to the Director a certification which demonstrates that the appliance complies with the minimum standard of energy efficiency for that appliance adopted by the Director pursuant to section 32 of this act.

3. A manufacturer of regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act shall comply with such other requirements or submit such other information as the Director may require by regulation.

4. The Director shall adopt regulations governing the certification of regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act. In doing so, the Director shall coordinate with the certification programs of other states and federal agencies with similar standards of energy efficiency.

5. A manufacturer shall ensure that, at the time of sale or installation, a new appliance for which the manufacturer has submitted a certification pursuant to subsection 1 or 2 includes a mark, label or tag on the product and packaging of the appliance which identifies the appliance as meeting the standards of energy efficiency established by the Director pursuant to sections 31 and 32 of this act. The Director shall adopt regulations governing the identification of certified appliances through the inclusion of a mark, label or tag, coordinating to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent standards of energy efficiency. The Director shall permit the use of existing marks, labels or tags which connote



1 compliance with the standards of energy efficiency adopted
2 pursuant to sections 31 and 32 of this act.

3 **Sec. 35.** 1. The Director may investigate complaints
4 received concerning alleged violations of sections 2 to 38,
5 inclusive, of this act and may report any alleged violation of
6 sections 2 to 38, inclusive, of this act which the Director verifies or
7 discovers after investigation to the Attorney General.

8 2. Whenever it appears that a manufacturer, distributor,
9 retailer or installer has violated or is violating the provisions of
10 sections 2 to 38, inclusive, of this act, the Attorney General may
11 institute a civil action in any district court of this State for
12 injunctive relief to restrain the violation and for the assessment
13 and recovery of a civil penalty.

14 3. Any manufacturer, distributor, retailer or installer who
15 violates any of the provisions of sections 2 to 38, inclusive, of this
16 act must, for a first time violation, be issued a warning and, for
17 any subsequent violation, is liable to the State for a civil penalty
18 of:

19 (a) For the first time a civil penalty is assessed, not more than
20 \$100 for each day of violation and for each act of violation.

21 (b) For any subsequent assessment of a civil penalty, not more
22 than \$500 for each day of violation and for each act of violation.

23 4. Nothing in this section or in sections 2 to 38, inclusive, of
24 this act shall be construed to require a city or county to take any
25 action or to enforce the provisions of sections 2 to 38, inclusive, of
26 this act.

27 **Sec. 36.** The Director may adopt such regulations as are
28 necessary to carry out the provisions of sections 2 to 38, inclusive,
29 of this act. In designing such regulations, the Director shall
30 attempt to minimize the overall cost to consumers for regulated
31 appliances and appliances for which the Director has adopted a
32 minimum standard of energy efficiency pursuant to section 32 of
33 this act, considering the needs of consumers related to appliances,
34 technological feasibility and anticipated product availability and
35 performance.

36 **Sec. 37.** 1. The Director may adopt by regulation standards
37 for appliances and other provisions which are necessary and
38 convenient to facilitate the deployment of flexible demand
39 technologies, including, without limitation, regulations relating to
40 the labeling of appliances incorporating flexible demand
41 technologies to promote the use of such appliances. Any such
42 regulations must be based on feasible and attainable efficiencies
43 or feasible improvements that will enable appliance operations to
44 be scheduled, shifted or curtailed to reduce emissions of
45 greenhouse gases associated with electricity generation.



2. The Director shall establish an effective date for regulations adopted pursuant to subsection 1 which must be not earlier than 365 days after the date on which the regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. In establishing standards for appliances pursuant to subsection 1, the Director shall:

(a) Consider the reliability and cybersecurity protocols of the National Institute of Standards and Technology of the United States Department of Commerce, or other cybersecurity protocols that are equally or more protective and adopt, at minimum, the North American Electric Reliability Corporation Critical Infrastructure Protection Standards, as those standards exist on the effective date of this act.

(b) Consult with the Public Utilities Commission of Nevada and electric utilities to better align the flexible demand appliance standards with demand response programs and to incentivize the deployment of flexible demand appliances.

4. Flexible demand appliance standards adopted pursuant to subsection 1 must prioritize:

(a) Appliances that can more conveniently have their electrical demand controlled by load-management technology and third-party load-management programs.

(b) Appliances with load-management technology options that are readily available.

(c) Appliances that have a user-friendly interface and follow a straightforward setup and connection process, such as remote setup by means of an Internet website or application.

(d) Appliances with load-management technology options that follow simple standards for third-party direct operation of the appliances.

(e) Appliances that are interoperable or open source.

Sec. 38. The provisions of sections 2 to 38, inclusive, of this act, and any regulations adopted pursuant thereto, do not apply to:

1. A new appliance manufactured in this State and sold outside of this State.

2. A new appliance sold at wholesale in this State for final retail sale outside of this State.

3. An appliance installed in a mobile home or manufactured home at the time of construction.

4. An appliance designed expressly for installation and use in a recreational vehicle, as defined in NRS 482.101.

Sec. 39. This act becomes effective on July 1, 2021.

