HOUSE DOCKET, NO. 2448 FILED ON: 1/19/2023

HOUSE . . . . . No. 777

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to clean lighting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Josh S. Cutler	*6th Plymouth*	*1/18/2023*
Kenneth I. Gordon	*21st Middlesex*	*1/24/2023*
Lindsay N. Sabadosa	*1st Hampshire*	*1/25/2023*
Margaret R. Scarsdale	*1st Middlesex*	*1/26/2023*
Christopher Hendricks	*11th Bristol*	*1/26/2023*
Jessica Ann Giannino	*16th Suffolk*	*1/27/2023*
Jack Patrick Lewis	*7th Middlesex*	*1/30/2023*
Thomas M. Stanley	*9th Middlesex*	*2/7/2023*
Kate Lipper-Garabedian	*32nd Middlesex*	*2/22/2023*
Vanna Howard	*17th Middlesex*	*2/27/2023*
Steven Owens	*29th Middlesex*	*3/13/2023*
Patrick Joseph Kearney	*4th Plymouth*	*3/13/2023*
Jennifer Balinsky Armini	*8th Essex*	*3/13/2023*
James C. Arena-DeRosa	*8th Middlesex*	*3/13/2023*
Simon Cataldo	*14th Middlesex*	*3/13/2023*
Kate Donaghue	*19th Worcester*	*3/13/2023*
Sean Garballey	*23rd Middlesex*	*3/13/2023*
Samantha Montaño	*15th Suffolk*	*3/13/2023*

Carmine Lawrence Gentile	*13th Middlesex*	*3/14/2023*
Natalie M. Higgins	*4th Worcester*	*3/14/2023*
Tommy Vitolo	*15th Norfolk*	*3/30/2023*
James B. Eldridge	*Middlesex and Worcester*	*4/4/2023*
John J. Cronin	*Worcester and Middlesex*	*4/4/2023*
Jason M. Lewis	*Fifth Middlesex*	*4/4/2023*
Carol A. Doherty	*3rd Bristol*	*4/21/2023*
Marjorie C. Decker	*25th Middlesex*	*5/4/2023*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*7/6/2023*
Angelo J. Puppolo, Jr.	*12th Hampden*	*11/7/2023*

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HOUSE . . . . . No. 777

By Representative Cutler of Pembroke, a petition (accompanied by bill, House, No. 777) of Josh S. Cutler and others relative to clean lighting. Environment and Natural Resources.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to clean lighting.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of Chapter 21H of the General Laws, as appearing in the 2020 official Edition, is hereby amended by striking out the definition of "Mercury-added Lamp" and inserting in place thereof the following definitions:-

"Compact fluorescent lamp" means a compact low-pressure, mercury-containing, electric-discharge light source in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

(i) One base (end cap) of any type, including, but not limited to, screw, bayonet, two pins, and four pins.

(ii) Integrally ballasted or non-integrally ballasted.

(iii) Light emission between a correlated color temperature of 1700K and 24000K and a Duv of +0.024 and -0.024 in the International Commission on Illumination (CIE) Uniform Color Space (CAM02-UCS).

(iv) All tube diameters and all tube lengths.

(v) All lamp sizes and shapes for directional and nondirectional installations, including, but not limited to, PL, spiral, twin tube, triple twin, 2D, U-bend, and circular.

"Linear fluorescent lamp" means a low-pressure, mercury-containing, electric-discharge light source in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

(i) Two bases (end caps) of any type, including, but not limited to, single-pin, two-pin, and recessed double contact.

(ii) Light emission between a correlated color temperature of 1700K and 24000K and a Duv of +0.024 and -0.024 in the CIE CAM02-UCS.

(iii) All tube diameters, including, but not limited to, T5, T8, T10, and T12.

(iv) All tube lengths from 0.5 to 8.0 feet, inclusive.

(v) All lamp shapes, including, but not limited to, linear, U-bend, and circular.

SECTION 2. Section 6J of Chapter 21H of the General Laws is hereby amended by striking out sections (d)(1) and (d)(2) in their entirety and inserting in place thereof the following:-

(d)(1) On and after January 1, 2024, no person shall offer for final sale or distribute in this state as a new manufactured product a screw or bayonet base type compact fluorescent lamp.

(d)(2) On and after January 1, 2025, no person shall offer for final sale or distribute in this state as a new manufactured product a pin-base type compact fluorescent lamp or a linear fluorescent lamp.

SECTION 3. Section 6J of Chapter 21H of the general laws is further amended by adding the following sections:-

(k) Sections (d)(1) and (d)(2) do not apply to a lamp designed and marketed exclusively for image capture and projection, including:

(i) photocopying;

(ii) printing, directly or in preprocessing;

(iii) lithography;

(iv) film and video projection; and

(v) holography.

(l) Sections (d)(1) and (d)(2) do not apply to a lamp that has a high proportion of ultraviolet light emission and is one of the following:

(i) A lamp with high ultraviolet content that has ultraviolet power greater than two milliwatts per kilolumen (mW/klm).

(ii) A lamp for germicidal use, such as the destruction of DNA, that emits a peak radiation of approximately 253.7 nanometers.

(iii) A lamp designed and marketed exclusively for disinfection or fly trapping from which either the radiation power emitted between 250 and 315 nanometers represents at least 5 percent of, or the radiation power emitted between 315 and 400 nanometers represents at least 20 percent of, the total radiation power emitted between 250 and 800 nanometers.

(iv) A lamp designed and marketed exclusively for the generation of ozone where the primary purpose is to emit radiation at approximately 185.1 nanometers.

(v) A lamp designed and marketed exclusively for coral zooxanthellae symbiosis from which the radiation power emitted between 400 and 480 nanometers represents at least 40 percent of the total radiation power emitted between 250 and 800 nanometers.

(vi) Any lamp designed and marketed exclusively for use in a sunlamp product, as defined in section 1040.20(b)(9) of subchapter J of title 21 of the Code of Federal Regulations, as in effect on the date of enactment of this Act.

(m) Sections (d)(1) and (d)(2) do not apply to a lamp designed and marketed exclusively for use in medical or veterinary diagnosis or treatment, or in a medical device.

(n) Sections (d)(1) and (d)(2) do not apply to a lamp designed and marketed exclusively for use in the manufacturing or quality control of pharmaceutical products.

(o) Sections (d)(1) and (d)(2) do not apply to a lamp designed and marketed exclusively for spectroscopy and photometric applications, such as UV-visible spectroscopy, molecular spectroscopy, atomic absorption spectroscopy, nondispersive infrared (NDIR), Fourier transform

infrared (FTIR), medical analysis, ellipsometry, layer thickness measurement, process monitoring, or environmental monitoring.

(p) Sections (d)(1) and (d)(2) do not apply to a lamp used by academic and research institutions for conducting research projects and experiments.

(q) The department may cause periodic inspections to be made of distributors or retailers in order to determine compliance with (d)(1) and (d)(2). The department shall investigate complaints received concerning violations of (d)(1) and (d)(2).

(r) If the department finds that any person has committed a violation of any provision of (d)(1) or (d)(2), the department shall issue a warning to such person. Any person who commits a violation after the issuance of such warning shall be subject to a civil penalty, issued by the department, of up to one hundred dollars for each offense. Any further violations committed by such person after this second violation shall be subject to a civil penalty of not more than five hundred dollars for each offense. Each lamp offered, sold, or distributed in violation of (d)(1) or (d)(2), each violation shall constitute a separate offense, and each day that such violation occurs shall constitute a separate offense.

(s) If the department finds repeated violations have occurred, it shall report the results of such violations to the Attorney General. The Attorney General may institute proceedings to seek an injunction in state court to enforce the provisions of (d)(1) or (d)(2).

(t) The department may adopt such further regulations as necessary to ensure the proper implementation and enforcement of the provisions of (d)(1) and (d)(2).

SECTION 4. The department of energy resources shall consult with the department of public utilities, the administrators of energy efficiency programs established under section 19 of chapter 25, and municipal lighting plants to offer incentives and rebates for converting to high-efficiency lighting technologies for eligible homeowners. Eligible homeowners shall include any homeowner in the commonwealth that:

(a) resides in a house or apartment or other unit of housing built over 50 years before the current date; and

(b) resides in a home with light ballasts incompatible with non-mercury containing light bulbs or lamps.