



2011 SENATE BILL 370

January 9, 2012 – Introduced by Senators GROTHMAN, HOLPERIN, SCHULTZ, TAYLOR, LASEE and HANSEN, cosponsored by Representatives KNILANS, KESTELL, BERNIER, ENDSLEY, JACQUE, LEMAHIEU, KOOYENGA, SPANBAUER, STRACHOTA, THIESFELDT, TIFFANY, VAN ROY, VOS and RIVARD. Referred to Committee on Agriculture, Forestry, and Higher Education.

1 **AN ACT** *to renumber and amend* 100.45 (5e); and *to create* 100.45 (5e) (b) of
2 the statutes; **relating to:** regulating certain substitutes for ozone-depleting
3 refrigerants.

Analysis by the Legislative Reference Bureau

Current law imposes certain restrictions on ozone-depleting refrigerants (ODRs) used in air conditioners for motor vehicles and motor vehicle trailers. The restrictions prohibit the sale of an ODR in a container holding less than 15 pounds of the ODR. Unless certain requirements are satisfied, the restrictions also prohibit repairing such an air conditioner, if the repair may release ODRs, and installing or servicing such an air conditioner, if the air conditioner contains ODRs. The requirements that must be satisfied to perform such work include training or certification requirements established by the Department of Agriculture, Trade and Consumer Protection (DATCP) that the individual who performs the work must satisfy, as well as requirements for removing and recycling the ODRs. Current law also authorizes DATCP to promulgate rules providing that any of the foregoing restrictions also apply to substances used as substitutes for ODRs (ODR substitutes).

This bill creates exceptions to DATCP's rule-making authority regarding ODR substitutes. Under the bill, DATCP may not promulgate rules that prohibit the sale of an ODR substitute in a container holding less than 15 pounds of the ODR substitute. In addition, the bill prohibits DATCP from promulgating rules regulating an individual's noncommercial use of an ODR substitute that is sold in such a container.

