



State of Wisconsin
2023 - 2024 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 324**

September 21, 2023 - Offered by Senator TOMCZYK.

- 1 **AN ACT to create** 101.02 (1r) and 101.02 (7m) of the statutes; **relating to:**
2 building code restrictions on the use of certain refrigerants.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Safety and Professional Services to promulgate rules establishing standards for the construction of certain types of buildings (commonly known as “building codes”). Current law also provides that the powers of DSPS do not deprive local units of government of their power or jurisdiction over any place of employment or public building.

Current federal law provides that, to the extent practicable, certain ozone-depleting substances must be replaced by chemicals, product substitutes, or alternative manufacturing processes that reduce risks to human health and the environment. The U.S. Environmental Protection Agency is required to promulgate administrative rules identifying acceptable alternatives to these ozone-depleting substances.

This bill prohibits DSPS from promulgating any rule establishing building codes that prohibit or limit the use of a refrigerant that the EPA has designated as acceptable for use. The bill also prohibits counties, cities, villages, and towns from

enacting or enforcing any ordinance establishing building codes that prohibit or limit the use of a refrigerant that the EPA has designated as acceptable for use.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.02 (1r) of the statutes is created to read:

2 101.02 **(1r)** Notwithstanding sub. (1) (b), the department may not promulgate
3 or enforce a rule establishing building codes that prohibit or otherwise limit the use
4 of a refrigerant designated as acceptable for use pursuant to 42 USC 7671k, provided
5 that any equipment containing the refrigerant is listed and installed in accordance
6 with safety standards and use conditions imposed pursuant to the designation of the
7 refrigerant as acceptable for use.

8 **SECTION 2.** 101.02 (7m) of the statutes is created to read:

9 101.02 **(7m)** Notwithstanding sub. (7) (a), no county, city, village, or town may
10 enact or enforce an ordinance establishing building codes that prohibit or otherwise
11 limit the use of a refrigerant designated as acceptable for use pursuant to 42 USC
12 7671k, provided that any equipment containing the refrigerant is listed and installed
13 in accordance with safety standards and use conditions imposed pursuant to the
14 designation of the refrigerant as acceptable for use.

15 **(END)**