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KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS  
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**MEMORANDUM**

To: Chairperson Erickson and Senate Committee on Commerce  
From: Charles Reimer, Office of Revisor of Statutes  
Date: 3/9/2023  
Subject: HB 2173

HB 2173 would prohibit building codes, or any ordinances, resolutions, rules or regulations of any “political subdivision,” as defined in the bill, including cities, counties or state agencies, from prohibiting or limiting the use of refrigerants that are approved and listed by federal law, if the equipment containing the refrigerant is used and installed in accordance with federal law, including any safety standards or use conditions.

The relevant federal law is found at 42 U.S.C. § 7671k (Section 612 of the amended Clean Air Act of 1990) and the rules of the Environmental Protection Agency pertaining to that section. This section provides that “to the maximum extent practicable” certain “Class I and Class II” substances shall be replaced by “chemicals, product substitutes, or alternative manufacturing processes that reduce overall risks to human health and the environment.” Class I and Class II substances are listed in 42 U.S.C. § 7671a(a) and (b). Certain refrigerants are included in the chemicals and substances that are regulated under these provisions by the EPA.

The federal law provides that it is unlawful to replace any Class I or Class II substance with any substitute that the Environmental Protection Agency has determined may present adverse effects to human health or the environment if the EPA has identified an available alternative that reduces such overall effects and risk. The EPA adopts and publishes rules listing prohibited substitutes and safer alternatives, as directed by the law. Certain substances are approved subject to use conditions or to narrowed use limits.

The bill passed the House 105-17. If enacted, the bill would become effective July 1, 2023.