

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2173**

As Recommended by House Committee on  
Commerce, Labor and Economic Development

**Brief\***

HB 2173 would prohibit any state agency or local unit of government from prohibiting or restricting the use of any refrigerant approved for use under federal Safe Alternatives Policy (42 U.S. Code Section 7671k) or its enacting regulations when the refrigerant is installed and used in accordance with federal law.

Any rule, regulation, resolution, ordinance, or building code in violation of the prohibition would be declared null and void.

**Background**

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of Representative Kessler.

***House Committee on Commerce, Labor and Economic  
Development***

At the House Committee hearing, **proponent** testimony was offered by a representative of the Air-Conditioning, Heating, and Refrigeration Institute, stating the bill would avoid a situation where the only federally approved refrigerants were prohibited by state or local units of government.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Written-only proponent testimony was provided by a representative of Johnson Controls.

**Opponent** testimony was provided by a representative of the League of Kansas Municipalities, stating the bill would encroach on areas of public health regulation that are most appropriately left to local units of government.

Written-only opponent testimony was provided by representatives of the City of Overland Park and Kansas Association of Counties.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Association of Counties indicates enactment of the bill could have a fiscal impact on counties who have building codes declared null and void by the bill. The League of Kansas Municipalities indicates the bill would have no fiscal effect on cities. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Refrigerants; building codes; federal approval