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**AB-663 Hydrofluorocarbon gases: sale and distribution prohibition: exemptions.** (2025-2026)

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**Assembly Bill No. 663**

**CHAPTER 161**

An act to amend Section 39735 of the Health and Safety Code, relating to greenhouse gases, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor October 01, 2025. Filed with Secretary of State October 01, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 663, McKinnor. Hydrofluorocarbon gases: sale and distribution prohibition: exemptions.

Existing law prohibits a person from offering for sale or distribution, or otherwise entering into commerce in the state, bulk hydrofluorocarbons or bulk blends containing hydrofluorocarbons that exceed a specified global warming potential limit beginning January 1, 2025, and lower global warming potential limits beginning January 1, 2030, and January 1, 2033. Existing law exempts from that prohibition hydrofluorocarbons that are reclaimed, as defined under a specified federal regulation. Under existing law, a violation of these prohibitions is a crime.

This bill would eliminate the exemption for reclaimed hydrofluorocarbons and would instead create new exemptions for certain refrigerants, as specified. By eliminating the exemption for reclaimed hydrofluorocarbons, the bill would expand the scope of a crime and thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 39735 of the Health and Safety Code is amended to read:

**39735.** (a) For purposes of this section, the following definitions apply:

(1) "Bulk" has the same meaning as defined in Section 84.3 of Title 40 of the Code of Federal Regulations, as that regulation existed as of October 1, 2024.

(2) "Certified reclaimed refrigerant" means used (recovered) refrigerant that meets all of the following criteria:

(A) Has been reclaimed by a refrigerant reclaimer certified by the United States Environmental Protection Agency from a previously operational appliance.

(B) Meets all specifications in Appendix A to Subpart F (commencing with Section 82.150) of Part 82 of Title 40 of the Code of Federal Regulations, as those regulations existed as of October 1, 2024, as demonstrated by an analysis conducted to verify that it meets these specifications.

(C) Contains no greater than 15 percent new hydrofluorocarbon refrigerant by weight to meet the specifications in Appendix A to Subpart F (commencing with Section 82.150) of Part 82 of Title 40 of the Code of Federal Regulations, as those regulations existed as of October 1, 2024, and has documentation prepared by a refrigerant reclaimer certified by the United States Environmental Protection Agency that supports that the reclaimed refrigerant does not exceed the maximum allowable new hydrofluorocarbon refrigerant content.

(3) "Hydrofluorocarbons" has the same meaning as "regulated substance" as defined in Section 84.3 of Title 40 of the Code of Federal Regulations, as that regulation existed as of October 1, 2024.

(4) "Global warming potential" or "GWP" is a measure of how much energy the emissions of one ton of a gas will absorb over a given period of time, relative to the emissions of one ton of carbon dioxide. "Global warming potential" or "GWP" means the 100-year global warming potential values published by the Intergovernmental Panel on Climate Change (IPCC) in its Fourth Assessment Report (AR4) in 2007, and if a relevant value is not contained in AR4, "global warming potential" means the 100-year global warming potential values published by the IPCC in its Fifth Assessment Report (AR5) in 2013 or as determined by the state board in a regulation adopted pursuant to this section.

(5) "Low GWP" means GWP of less than 150.

(6) "New hydrofluorocarbon refrigerant" means hydrofluorocarbon refrigerant that has not been previously used.

(7) "Person" has the same meaning as defined in Section 39047.

(8) "Ultra-low GWP" means GWP of less than 10.

(b) (1) A person shall not offer for sale or distribution, or otherwise enter into commerce in the state, bulk hydrofluorocarbons or bulk blends containing hydrofluorocarbons that exceed any of the global warming potential limits as specified in paragraph (2), (3), or (4).

(2) Beginning January 1, 2025, the global warming potential shall not exceed 2,200.

(3) Beginning January 1, 2030, the global warming potential shall not exceed 1,500.

(4) Beginning January 1, 2033, the global warming potential shall not exceed 750.

(c) Nothing in this section shall restrict the authority of the state board to establish by regulation maximum allowable global warming potential levels for hydrofluorocarbons entered into commerce in the state below the maximum levels established in subdivision (b).

(d) (1) The prohibitions established pursuant to subdivision (b) or (c) shall not apply to any of the following:

(A) Certified reclaimed refrigerants.

(B) (i) Hydrofluorocarbons that are exclusively for use in metered dose inhalers approved by the United States Food and Drug Administration for medical purposes.

(ii) The exemption established pursuant to clause (i) shall become inoperative on December 27, 2030.

(C) (i) Hydrofluorocarbons that are exclusively for use in very low temperature refrigeration or cooling designed to maintain temperatures below -58 degrees Fahrenheit (-50 degrees Celsius), including, but not limited to, medical and laboratory freezers, refrigerated transport, specialized industrial process cooling applications, and extreme temperature environmental testing.

(ii) The exemption established pursuant to clause (i) shall become inoperative on January 1, 2028.

(2) For bulk blends containing hydrofluorocarbons, the global warming potential limits established pursuant to subdivision (b) or (c) apply to the global warming potential of the blended product and do not apply to any component of the blend in isolation.

(e) (1) Beginning January 1, 2025, hydrofluorocarbons shall not be used to replenish any leaks or otherwise service stationary equipment owned or operated by the state if the hydrofluorocarbons have a GWP greater than 750.

(2) Paragraph (1) does not apply to certified reclaimed refrigerants.

(f) To achieve the transition described in subdivision (a) of Section 39736, the state board shall initiate a rulemaking requiring low or ultra-low GWP alternatives to hydrofluorocarbons in a sector unless it is not practicable for entities in the sector to comply with the requirement.

(g) (1) Any violation of this section or any rule, regulation, order, or other measure adopted by the state board pursuant to this section may be enjoined pursuant to Section 41513, and the violation is subject to those penalties set forth in Section 38580 and Article 3 (commencing with Section 42400) of Chapter 4 of Part 4.

(2) Notwithstanding Section 42405 or any other law, penalties collected for a violation of this section shall be deposited in the Air Pollution Control Fund.

(h) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SEC. 3.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to encourage more reclaimed hydrofluorocarbons to be reused, rather than disposed of, at the earliest possible date, it is necessary that this act take effect immediately.