



April 16, 2025

The Honorable Jesse Bjorkman
Chair
Senate Labor and Commerce Committee
State Capitol Room 427
Juneau AK, 99801

RE: SB 111—Digital Right to Repair Act—Request for Exemption

Dear Chair Bjorkman, Senator Dunbar and Members of the Senate Labor and Commerce Committee:

I serve as Senior Director of State Government Affairs for the Air Conditioning, Heating, and Refrigeration Institute (AHRI), which represents over 90% of U.S. manufacturers of residential and commercial heating, ventilation, air conditioning (HVAC) and water heating systems. I'm writing regarding **SB 111, the Digital Product Repair Act**, which is being considered in your committee.

AHRI is concerned about the inclusion of HVAC equipment under this bill, since modern systems incorporate integrated digital controls and IoT technologies for remote monitoring, energy efficiency, and enhanced functionality. HVAC systems integrate advanced components like compressors, coils, fans, thermostats, air filters, and ductwork—all designed to manage temperature, humidity, and air quality. These systems must be serviced by qualified professionals to ensure proper operation and public safety.

While the bill seeks to expand repair access, HVAC systems are complex and highly specialized. Access to OEM tools, parts, and manuals is not sufficient, since safe and effective service requires **trained, certified technicians**. The Clean Air Act has recognized this since 1990, requiring **EPA Section 608 certification** to service systems with refrigerants. Alaska's contractor laws currently do not address this federal requirement. Improper repairs can jeopardize safety and performance, undermine energy efficiency goals, and void warranties.

Because of these concerns, we respectfully request that **HVAC and water heating equipment be explicitly exempted** from SB 111—like New York's 2022 right-to-repair law (S4104-A/A7006-B) which clarified its digital electronic equipment definition and exempted air conditioning or

heating units that have a digital electronic product embedded within it. See recommended amendment language below.

AHRI Recommends Amending the Definition of “Digital Product” And Exempting HVAC

Sec. 45.45.899. Definitions. In AS 45.45.800 - 45.45.899,

(1) "authorized service provider" means a person that is an authorized service provider under AS 45.45.860; 14

(2) "digital product" means a product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product; **does not include any product sold under a specific business-to-government or business-to-business contract, which is not otherwise offered for sale directly by a retail seller.**

(3) "digital product manufacturer" means a person engaged in the business of selling, leasing, or otherwise supplying new digital products manufactured by or on behalf of the person to another person;

Sec. 45.45.895. Exemptions.

(a) The provisions of AS 45.45.800 - 45.45.899 do not apply to

(1) a digital product that is a medical device intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in humans or animals;

(2) the diagnosis, maintenance, or repair of a digital product that is a motor vehicle or a part for a motor vehicle.

(b) In this section, "medical device" has the meaning given to "device" in 21 U.S.C. 321(h)(1);

(3) any heating, ventilation, air conditioning (HVAC) or water heating equipment.

Thank you for your time and consideration. I would be happy to schedule a Zoom meeting to discuss this further at your convenience.

Sincerely,



Petra M. Smeltzer
Senior Director of State Government Affairs
202-304-9995