



BILL NO. 207

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
1 Charles III, 2022*

**An Act to Amend Chapter 25
of the Acts of 2004,
the Electricity Act,
Respecting the Hydrogen Innovation Program**

CHAPTER 44
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 9, 2022**

The Honourable Tory Rushton
Minister of Natural Resources and Renewables

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 25
of the Acts of 2004,
the Electricity Act,
Respecting the Hydrogen Innovation Program**

Be it enacted by the Governor and Assembly as follows:

1 Subsection 2(1) of Chapter 25 of the Acts of 2004, the *Electricity Act*, as amended by Chapter 14 of the Acts of 2010, Chapter 15 of the Acts of 2011, Chapter 34 of the Acts of 2013, Chapter 31 of the Acts of 2015 and Chapter 12 of the Acts of 2022, is further amended by

(a) relettering clauses (aa) and (aaa) as clauses (aaa) and (aaaa), respectively;

(b) adding immediately before clause (aaa), as relettered, the following clause:

(aa) “hydrogen facility” means a facility that produces or processes hydrogen, or both;

(c) striking out “or” in the second line of clause (d) and substituting a comma;
and

(d) adding “or the owner or operator of a hydrogen facility approved to participate in the hydrogen innovation program under Section 4FA” immediately after “utility” in the second line of clause (d).

2 Chapter 25 is further amended by adding immediately after Section 4F the following Section:

4FA (1) The Minister shall develop and maintain a hydrogen innovation program for the interconnection of a hydrogen facility to the electrical grid of a public utility for the purpose of hydrogen production and processing.

(2) The owner or operator of a hydrogen facility may apply to the Minister to participate in the hydrogen innovation program by submitting an application in the form and manner prescribed by the regulations.

(3) The Minister may only approve an application made under subsection (2) if the hydrogen facility meets the hydrogen innovation program requirements and conditions prescribed by the regulations.

(4) The Governor in Council may make regulations respecting any aspect of the hydrogen innovation program including

- (a) program requirements and conditions;
- (b) participant eligibility requirements;
- (c) the application process, including any documents or information required by the Minister as part of the application package;
- (d) approval or licensing requirements;

(e) evaluation of the carbon intensity of the hydrogen and greenhouse gas emissions of the hydrogen facility;

(f) obligations relating to data collection, reporting and the sharing of information with the Minister, the owner or operator of the hydrogen facility or any other party;

(g) performance standards;

(h) enforcement measures and mechanisms;

(i) costs, fees and penalties;

(j) requirements or conditions respecting any agreement for the sale or purchase of renewable low-impact electricity or hydrogen produced from the hydrogen facility;

(k) requirements or conditions respecting consumption of the hydrogen produced or processed by the hydrogen facility in the Province; and

(l) any other matter the Governor in Council considers necessary or advisable for the proper administration of the program.

(5) The exercise by the Governor in Council of the authority contained in subsection (4) is a regulation within the meaning of the *Regulations Act*.

3 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
