

SENATE BILL 556

M3, J1

0lr2437

By: **Senators Conway, Della, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, Kramer, Madaleno, Miller, Muse, Pugh, and Raskin**

Introduced and read first time: February 4, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 25, 2010

CHAPTER _____

1 AN ACT concerning

2 **Environment – Decabrominated Diphenyl Ether – Prohibitions**

3 FOR the purpose of prohibiting, on or after certain dates, the manufacturing,
4 processing, or distributing of certain products that contain decabrominated
5 diphenyl ether; providing that this Act does not prohibit certain retailers from
6 selling, recycling, or disposing of certain products that contain decabrominated
7 diphenyl ether under certain circumstances; providing that this Act does not
8 prohibit a person from transporting or storing certain products that contain
9 decabrominated diphenyl ether under certain circumstances; defining ~~a~~ certain
10 ~~term~~ terms; and generally relating to the use of decabrominated diphenyl ether.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 6–1201
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2009 Supplement)

16 BY adding to
17 Article – Environment
18 Section 6–1202.1
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Environment**

4 6–1201.

5 (a) In this subtitle the following words have the meanings indicated.

6 **(B) “DECABDE” MEANS DECABROMINATED DIPHENYL ETHER.**

7 **[(b)] (C) “OctaBDE” means octabrominated diphenyl ether.**

8 **[(c)] (D) “PentaBDE” means pentabrominated diphenyl ether.**

9 **6–1202.1.**

10 **(A) IN THIS SECTION, “TRANSPORTATION EQUIPMENT”, “MILITARY**
11 **EQUIPMENT”, AND “COMPONENTS OF TRANSPORTATION OR MILITARY**
12 **EQUIPMENT” DO NOT INCLUDE ~~PLASTIC~~ SHIPPING PALLETS USED TO**
13 **TRANSPORT UNPACKAGED FRUITS AND VEGETABLES.**

14 **~~(A)~~ (B) (1) BEGINNING ON DECEMBER 31, 2010, A PERSON MAY**
15 **NOT MANUFACTURE, LEASE, SELL, OR DISTRIBUTE FOR SALE OR LEASE IN THE**
16 **STATE ANY OF THE FOLLOWING PRODUCTS THAT CONTAIN DECABDE:**

17 **(I) MATTRESSES;**

18 **(II) UPHOLSTERED FURNITURE DESIGNED FOR**
19 **RESIDENTIAL USE; AND**

20 **(III) ELECTRICAL OR ELECTRONIC EQUIPMENT.**

21 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
22 **SUBSECTION, BEGINNING ON DECEMBER 31, 2012, A PERSON MAY NOT**
23 **MANUFACTURE, LEASE, SELL, OR DISTRIBUTE FOR SALE OR LEASE IN THE**
24 **STATE ANY PRODUCT THAT CONTAINS DECABDE.**

25 **(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO:**

26 **(I) TRANSPORTATION EQUIPMENT;**

27 **(II) MILITARY EQUIPMENT; OR**

1 (III) COMPONENTS OF TRANSPORTATION OR MILITARY
2 EQUIPMENT.

3 ~~(B)~~ (C) ON OR AFTER DECEMBER 31, 2013, A PERSON MAY NOT
4 MANUFACTURE, LEASE, SELL, OR DISTRIBUTE FOR SALE OR LEASE IN THE
5 STATE THE FOLLOWING PRODUCTS THAT CONTAIN DECABDE:

6 (1) TRANSPORTATION EQUIPMENT;

7 (2) MILITARY EQUIPMENT; OR

8 (3) COMPONENTS OF TRANSPORTATION OR MILITARY
9 EQUIPMENT.

10 ~~(C)~~ (D) THIS SECTION DOES NOT PROHIBIT:

11 (1) A RETAILER THAT IS IN POSSESSION OF A PRODUCT
12 PROHIBITED FOR MANUFACTURE, LEASE, SALE, OR DISTRIBUTION FOR SALE OR
13 LEASE UNDER SUBSECTIONS ~~(A) AND (B)~~ (B) AND (C) OF THIS SECTION ON OR
14 AFTER DECEMBER 31, 2013, FROM SELLING, RECYCLING, OR OTHERWISE
15 DISPOSING OF THE REMAINING INVENTORY OF THE PRODUCT; OR

16 (2) A PERSON FROM TRANSPORTING OR STORING A PRODUCT
17 PROHIBITED UNDER SUBSECTIONS ~~(A) AND (B)~~ (B) AND (C) OF THIS SECTION
18 FOR LATER DISTRIBUTION OUTSIDE THE STATE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.