

## Chapter 320

(Senate Bill 556)

AN ACT concerning

### Environment – Decabrominated Diphenyl Ether – Prohibitions

FOR the purpose of prohibiting, on or after certain dates, the manufacturing, ~~processing~~ *leasing, selling,* or distributing of certain products that contain decabrominated diphenyl ether; providing that this Act does not prohibit certain retailers from selling, recycling, or disposing of certain products that contain decabrominated diphenyl ether under certain circumstances; *providing that this Act does not prohibit certain persons from recycling certain products that contain decabrominated diphenyl ether; providing that this Act does not prohibit a certain person from selling, leasing, recycling, or disposing of certain products that contain recycled decabrominated diphenyl ether; providing that this Act does not prohibit certain activities involving a product that contains decabrominated diphenyl ether that occur at a certain time;* providing that this Act does not prohibit a person from transporting or storing certain products that contain decabrominated diphenyl ether under certain circumstances; defining ~~a~~ certain ~~term~~ terms; *providing for the application of this Act;* and generally relating to the use of decabrominated diphenyl ether.

BY repealing and reenacting, with amendments,

Article – Environment

Section 6–1201

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

BY adding to

Article – Environment

Section 6–1202.1

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

### Article – Environment

6–1201.

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

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

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

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

**6-1202.1.**

**(A) (1) IN THIS SECTION, “TRANSPORTATION EQUIPMENT”, “MILITARY EQUIPMENT”, AND “COMPONENTS OF TRANSPORTATION OR MILITARY EQUIPMENT” DO NOT INCLUDE ~~PLASTIC~~ SHIPPING PALLETS USED TO TRANSPORT UNPACKAGED FRUITS AND VEGETABLES.**

**(2) THIS SECTION DOES NOT APPLY TO:**

**(I) ORIGINAL EQUIPMENT MANUFACTURER REPLACEMENT SERVICE PARTS OR OTHER PRODUCTS MANUFACTURED BEFORE JANUARY 1, 2011, IF THE PART OR PRODUCTS WERE MANUFACTURED IN COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL LAWS; AND**

**(II) 1. A VEHICLE, AS DEFINED IN § 11-176 OF THE TRANSPORTATION ARTICLE; OR**

**2. A PRODUCT, PART, OR REPLACEMENT PART FOR USE IN A VEHICLE.**

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

**(I) MATTRESSES;**

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

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

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

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

- (I) TRANSPORTATION EQUIPMENT;
- (II) MILITARY EQUIPMENT; OR
- (III) COMPONENTS OF TRANSPORTATION OR MILITARY EQUIPMENT.

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

- (1) TRANSPORTATION EQUIPMENT;
- (2) MILITARY EQUIPMENT; OR
- (3) COMPONENTS OF TRANSPORTATION OR MILITARY EQUIPMENT.

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

(1) A RETAILER THAT IS IN POSSESSION OF A PRODUCT PROHIBITED FOR MANUFACTURE, LEASE, SALE, OR DISTRIBUTION FOR SALE OR LEASE UNDER SUBSECTIONS ~~(A) AND (B)~~ (B) AND (C) OF THIS SECTION ~~ON OR AFTER DECEMBER 31, 2013~~, FROM SELLING, RECYCLING, OR OTHERWISE DISPOSING OF ~~THE REMAINING INVENTORY OF THE PRODUCT; OR A PRODUCT THAT IS IN THE RETAILER'S OR LESSOR'S INVENTORY ON OR AFTER THE DATE THAT THE PROHIBITION TAKES EFFECT;~~

(2) A PERSON FROM RECYCLING A PRODUCT THAT CONTAINS DECABDE;

(3) A PERSON FROM SELLING, LEASING, RECYCLING, OR OTHERWISE DISPOSING OF A PRODUCT THAT CONTAINS RECYCLED DECABDE;

(4) ANY ACTIVITY INVOLVING A PRODUCT THAT CONTAINS DECABDE THAT OCCURS SUBSEQUENT TO FIRST SALE AT RETAIL; OR

~~(2)~~ (5) A PERSON FROM TRANSPORTING OR STORING A PRODUCT PROHIBITED UNDER SUBSECTIONS ~~(A) AND (B)~~ (B) AND (C) OF THIS SECTION FOR LATER DISTRIBUTION OUTSIDE THE STATE.

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

**Approved by the Governor, May 4, 2010.**