

SENATE BILL 713

M3

(7lr3288)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environment and Transportation* —

Introduced by **Senators Young, Madaleno, Manno, Pinsky, and Smith**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Products That Contain Mercury – Prohibition on Sale of Electric Switches,**
3 **Electric Relays, and Gas Valve Switches**

4 FOR the purpose of prohibiting a certain marketer from *knowingly* selling or providing
5 certain electric switches, electric relays, and gas valve switches that contain mercury
6 to a consumer *on or after a certain date; establishing certain penalties for certain*
7 *violations; authorizing the Department of the Environment to impose certain*
8 *penalties in a certain manner for certain violations*; providing for the application of
9 this Act; ~~providing for a delayed effective date~~; and generally relating to products
10 that contain mercury.

11 BY renumbering

12 Article – Environment

13 Section 6–905.3 through 6–905.6, respectively

14 to be Section 6–905.4 through 6–905.7, respectively

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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2013 Replacement Volume and 2016 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Environment
5 Section 6–905(a)
6 Annotated Code of Maryland
7 (2013 Replacement Volume and 2016 Supplement)

8 BY adding to
9 Article – Environment
10 Section 6–905(b–1), (b–2), and (c–1) and 6–905.3
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2016 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Environment
15 Section 6–905(e) and (f)
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2016 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That Section(s) 6–905.3 through 6–905.6, respectively, of Article – Environment of the
20 Annotated Code of Maryland be renumbered to be Section(s) 6–905.4 through 6–905.7,
21 respectively.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
23 as follows:

24 **Article – Environment**

25 6–905.

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

27 **(B–1) “ELECTRIC RELAY” MEANS A PRODUCT OR DEVICE THAT OPENS OR**
28 **CLOSES ELECTRICAL CONTACTS TO EFFECT THE OPERATION OF OTHER DEVICES IN**
29 **THE SAME OR ANOTHER ELECTRICAL CIRCUIT.**

30 **(B–2) “ELECTRIC SWITCH” MEANS A PRODUCT OR DEVICE THAT OPENS OR**
31 **CLOSES AN ELECTRICAL CIRCUIT.**

32 **(C–1) “GAS VALVE SWITCH” MEANS A PRODUCT OR DEVICE THAT OPENS OR**
33 **CLOSES A GAS VALVE.**

1 (e) "Marketer" means a person that manufactures, assembles, sells, distributes,
2 affixes a brand name or private label to, or licenses the use of a brand name on:

3 (1) A fever thermometer containing mercury; [or]

4 (2) A thermostat containing mercury;

5 (3) AN ELECTRIC SWITCH CONTAINING MERCURY OR A PRODUCT
6 COMPONENT WITH AN ELECTRIC SWITCH CONTAINING MERCURY;

7 (4) AN ELECTRIC RELAY CONTAINING MERCURY OR A PRODUCT
8 COMPONENT WITH AN ELECTRIC RELAY CONTAINING MERCURY; OR

9 (5) A GAS VALVE SWITCH CONTAINING MERCURY OR A PRODUCT
10 COMPONENT WITH A GAS VALVE SWITCH CONTAINING MERCURY.

11 (f) "Mercury-added product" means any of the following products if containing
12 elemental mercury or a mercury compound that has been added to the product for any
13 reason:

14 (1) Dyes or pigments; AND

15 (2) [Electric switches; and

16 (3)] Fluorescent lamps.

17 **6-905.3.**

18 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON OR
19 AFTER OCTOBER 1, 2018, A MARKETER MAY NOT KNOWINGLY SELL OR PROVIDE TO
20 A CONSUMER INDIVIDUALLY OR AS A PRODUCT COMPONENT:

21 (1) AN ELECTRIC SWITCH CONTAINING MERCURY;

22 (2) AN ELECTRIC RELAY CONTAINING MERCURY; OR

23 (3) A GAS VALVE SWITCH CONTAINING MERCURY.

24 (B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC SWITCH, AN ELECTRIC
25 RELAY, OR A GAS VALVE SWITCH THAT IS SOLD OR PROVIDED TO REPLACE A SWITCH
26 OR RELAY THAT IS A COMPONENT OF A LARGER PRODUCT IN USE ON OR BEFORE
27 OCTOBER 1, ~~2017~~ 2018, IF:

28 (1) THE LARGER PRODUCT IS USED IN MANUFACTURING;

1 (2) THE LARGER PRODUCT IS USED IN A GENERATING,
2 TRANSMISSION, OR DISTRIBUTING FACILITY FOR ELECTRIC ENERGY, GAS, OR
3 WATER;

4 (3) THE SWITCH OR RELAY IS INTEGRATED WITH, AND NOT
5 PHYSICALLY SEPARATE FROM, OTHER COMPONENTS OF THE LARGER PRODUCT; ~~OR~~

6 (4) THE USE OF THE SWITCH OR RELAY IS REQUIRED UNDER FEDERAL
7 LAW OR REGULATION; OR

8 (5) THE MANUFACTURER OF THE LARGER PRODUCT HAS NOT
9 APPROVED FOR USE IN THE LARGER PRODUCT A SWITCH OR RELAY THAT DOES NOT
10 CONTAIN MERCURY.

11 (C) (1) A PERSON THAT VIOLATES THIS SECTION IS LIABLE FOR A CIVIL
12 PENALTY TO BE COLLECTED IN A CIVIL ACTION IN THE CIRCUIT COURT FOR ANY
13 COUNTY IN THE STATE NOT EXCEEDING:

14 (I) \$1,000 FOR A FIRST OFFENSE;

15 (II) \$2,500 FOR A SECOND OFFENSE; OR

16 (III) \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.

17 (2) (I) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW
18 OR IN EQUITY, AFTER AN OPPORTUNITY FOR A HEARING, THE DEPARTMENT MAY
19 IMPOSE A FINE FOR EACH VIOLATION OF THIS SECTION, NOT EXCEEDING:

20 1. \$1,000 FOR A FIRST OFFENSE;

21 2. \$2,500 FOR A SECOND OFFENSE; OR

22 3. \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.

23 (II) THE DEPARTMENT SHALL CONSIDER THE FOLLOWING IN
24 ASSESSING THE FINE IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:

25 1. THE WILLFULNESS OF THE VIOLATION;

26 2. THE EXTENT TO WHICH THE VIOLATION WAS KNOWN,
27 BUT UNCORRECTED, BY THE VIOLATOR;

28 3. THE EXTENT TO WHICH THE VIOLATION RESULTED IN
29 ACTUAL HARM TO HUMAN HEALTH OR THE ENVIRONMENT;

1 4. THE NATURE AND DEGREE OF INJURY TO, OR
2 INTERFERENCE WITH, GENERAL WELFARE AND HEALTH; AND

3 5. THE EXTENT TO WHICH THE CURRENT VIOLATION IS
4 PART OF A PATTERN OF THE SAME OR A SIMILAR TYPE OF VIOLATION BY THE
5 VIOLATOR.

6 (3) EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE
7 UNDER THIS SECTION.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, ~~2017~~ ~~2018~~ 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.