

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 75

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Mercury Products - Sale and Disposal” and substitute “Products that Contain Mercury”; strike beginning with “prohibiting” in line 3 down through “manner” in line 6 and substitute “prohibiting certain persons from selling or providing to consumers certain fever thermometers after a certain date except under certain circumstances; establishing a certain date after which the use of mercury in certain classrooms is prohibited; requiring the Department to provide certain assistance and outreach to schools; declaring certain findings of the General Assembly”; strike beginning with “requiring” in line 7 down through “penalties;” in line 9; in line 11, after “Assembly” insert “on certain subjects”; strike beginning with “repealing” in line 12 down through “batteries;” in line 13 and substitute “requiring State agencies to give preference to certain products beginning on a certain date and under certain circumstances; authorizing the Board of Public Works to adopt certain regulations; requiring the Children’s Environmental Health and Protection Advisory Council to conduct a certain survey and provide a certain report in a certain manner by a certain date;”; strike beginning with the second “the” in line 14 down through “products” in line 15 and substitute “mercury and products that contain mercury”; in line 16, after “repealing” insert “and reenacting, without amendments,”; strike beginning with “and” in line 18 down through “Batteries” in line 19 and substitute “to be under the amended subtitle “Subtitle 9. Mercury” and the new part “Part I. Mercuric Oxide Batteries”; strike in their entirety lines 24 and 25 and substitute “Section 6-904 through 6-907, inclusive, to be under the new part “Part II. Mercury and Products that Contain Mercury””; and after line 27, insert:

“BY adding to

Article - State Finance and Procurement

Section 14-406

Annotated Code of Maryland

(1995 Replacement Volume and 2000 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 2, in lines 2, 3, and 36, in each instance, strike the brackets; in line 2, strike “Mercuric Oxide Batteries” and substitute “MERCURY”; and after line 2, insert:

“PART I. MERCURIC OXIDE BATTERIES.”

On page 3, in lines 1, 9, 10, and 12, in each instance, strike the brackets; in line 13, strike “SUBTITLE 9.” and substitute “PART II.”; in the same line, strike “MERCURY PRODUCTS” and substitute “PRODUCTS THAT CONTAIN MERCURY”; and in line 14, strike “6-901.” and substitute “6-904.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 15 on page 3 through line 16 on page 4, inclusive.

On page 5, strike in their entirety lines 4 through 10, inclusive; and in line 11, strike “6-904.” and substitute “6-905.”.

AMENDMENT NO. 3

On page 4, after line 23, insert:

“(4) BOTH INDUSTRY AND GOVERNMENT ARE WORKING TO REDUCE THE CONTENT OF MERCURY IN PRODUCTS AND TO CONTROL THE RELEASE OF MERCURY INTO THE ENVIRONMENT;”;

in line 24, strike “(4)” and substitute “(5)”; in line 26, after “EMISSIONS;” insert “AND”; and strike in their entirety lines 27 through 29, inclusive.

On page 5, in line 2, after “COMBUSTION” insert “OR DISPOSAL”.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 12 through 15, inclusive, and substitute:

“(A) IN THIS SECTION, “MARKETER” MEANS A PERSON WHO MANUFACTURES, ASSEMBLES, SELLS, DISTRIBUTES, AFFIXES A BRAND NAME OR PRIVATE LABEL TO, OR LICENSES THE USE OF A BRAND NAME ON A FEVER THERMOMETER CONTAINING MERCURY.

(B) BEGINNING OCTOBER 1, 2002, A MARKETER MAY NOT SELL OR PROVIDE A FEVER THERMOMETER CONTAINING MERCURY TO A CONSUMER EXCEPT BY PRESCRIPTION.

(C) THIS SECTION DOES NOT APPLY TO:

(1) FEVER THERMOMETERS SOLD OR PROVIDED TO BE USED IN HOSPITALS OR OTHER PLACES WHERE MEDICAL SERVICES ARE PROVIDED BY MEDICAL SERVICE PROFESSIONALS; OR

(2) DIGITAL THERMOMETERS USING MERCURY-ADDED BUTTON CELL BATTERIES.

6-906.

(A) BEGINNING OCTOBER 1, 2003, NO PRIMARY OR SECONDARY SCHOOL, EXCEPT FOR A SCHOOL ENGAGED IN VOCATIONAL TRAINING, MAY USE OR PURCHASE FOR USE ELEMENTAL OR CHEMICAL MERCURY IN A PRIMARY OR SECONDARY CLASSROOM.

(B) THE DEPARTMENT SHALL PROVIDE OUTREACH ASSISTANCE TO SCHOOLS RELATING TO THE PROPER MANAGEMENT, RECYCLING, AND DISPOSAL OF MERCURY AND MERCURY-ADDED PRODUCTS.”;

and strike in their entirety lines 16 through 24, inclusive.

AMENDMENT NO. 5

On page 5, in line 25, strike “6-906.” and substitute “6-907.”; strike beginning with “FOR” in line 27 down through “ON” in line 29 and substitute “RELATING TO”; and strike beginning with the first “AND” in line 31 down through “UNDER” in line 32 and substitute “OF”.

On page 6, strike beginning with the comma in line 7 down through “SECTION” in line 8; in

(Over)

line 9, after “That” insert “:

(a)”;

in the same line, strike the first “the” and substitute “The”; in line 13, after “Article.” insert:

“(b)”;

in the same line, strike “(a)” and substitute “(1)”; strike beginning with “and” in line 14 down through “stream” in line 16 and substitute:

“(2) report on legislation enacted in other states to require labeling of mercury and products that contain mercury and to specifically regulate mercury and products containing mercury in the waste stream; and

(3) make any recommendations for changes to this Act to improve efforts to reduce the use of mercury and the incidence of mercury in the waste stream.

(c) The report required to be submitted on or before October 1, 2003 in this section shall also:

(1) include information regarding the products, processes, and components of products and processes that contain mercury and are likely to be disposed of in wastewater, landfills, or incinerators;

(2) denominate the contribution of the various sources of mercury in each disposal method; and

(3) recommend priorities for the regulation of use and disposal of each source of mercury in order to minimize mercury contamination in the environment”.

AMENDMENT NO. 6

On page 6, after line 8, insert:

“Article - State Finance and Procurement

14-406.

(A) IN THIS SECTION, “PREFERENCE” INCLUDES:

(1) A PERCENTAGE PRICE PREFERENCE; AND

(2) ANY OTHER PROVISION THAT FAVORS PRODUCTS OR EQUIPMENT THAT ARE MERCURY FREE OR THAT CONTAIN THE LEAST AMOUNT OF MERCURY NECESSARY TO MEET PRODUCT OR EQUIPMENT PERFORMANCE STANDARDS OVER OTHER PRODUCTS.

(B) BEGINNING OCTOBER 1, 2003, ALL STATE AGENCIES SHALL GIVE PREFERENCE TO PRODUCTS AND EQUIPMENT THAT ARE MERCURY FREE OR CONTAIN THE LEAST AMOUNT OF MERCURY NECESSARY TO MEET PRODUCT OR EQUIPMENT PERFORMANCE STANDARDS.

(C) THIS SECTION DOES NOT APPLY TO A CONTRACT OR PROCUREMENT AGREEMENT IN EFFECT ON OCTOBER 1, 2001.

(D) THE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.”;

after line 16, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Children’s Environmental Health and Protection Advisory Council shall, by October 1, 2002:

(a) conduct a survey of primary and secondary schools in the State that are regulated under § 6-906 of the Environment Article as enacted by this Act to determine how many schools have elemental or chemical mercury that will be prohibited for use under this Act; and

(Over)

(b) report to the Department of the Environment, the Governor, and, subject to § 2-1246 of the State Government Article, the General Assembly on:

(1) the number and location of primary and secondary schools in the State that are regulated under this Act that have elemental or chemical mercury; and

(2) any recommendations to create a program to collect the mercury from these schools and dispose of it in accordance with regulations adopted by the Department of the Environment.”;

and in line 17, strike “3.” and substitute “4.”.