

HOUSE BILL 75

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M3

2001 Regular Session  
11r0223

(PRE-FILED)

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By: **Delegate Hubbard**

Requested: June 21, 2000

Introduced and read first time: January 10, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Mercury and Mercury Products - Sale and Disposal**

3 FOR the purpose of prohibiting a person from selling elemental mercury; prohibiting  
4 a manufacturer from selling mercury-added novelties and mercury-added  
5 products; prohibiting the disposal of mercury, mercury-added products, and  
6 mercury-added novelties on or after a certain date except in a certain manner;  
7 requiring the Department of the Environment to adopt certain regulations;  
8 providing that a person who violates certain provisions is guilty of a  
9 misdemeanor and subject to certain penalties; requiring the Department to  
10 implement a certain program; requiring the Department to review the  
11 effectiveness of this Act and report to the Governor and General Assembly by a  
12 certain date and in a certain manner; repealing provisions governing the  
13 disposal and regulation of mercuric oxide batteries; defining terms; and  
14 generally relating to the regulation of the disposal of mercury, mercury-added  
15 novelties, and mercury-added products.

16 BY repealing

17 Article - Environment

18 Section 6-901 through 6-903, inclusive, and the subtitle "Subtitle 9. Mercuric  
19 Oxide Batteries"

20 Annotated Code of Maryland

21 (1996 Replacement Volume and 2000 Supplement)

22 BY adding to

23 Article - Environment

24 Section 6-901 through 6-906, inclusive, to be under the new subtitle "Subtitle 9.  
25 Mercury and Mercury Products"

26 Annotated Code of Maryland

27 (1996 Replacement Volume and 2000 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Environment**

2 [Subtitle 9. Mercuric Oxide Batteries.]

3 [6-901.

4 (a) On or after July 1, 1994, a person may not dispose of a mercuric oxide  
5 battery except in a manner that the Department approves under regulations adopted  
6 by the Department.

7 (b) Any 2 or more manufacturers may develop a joint plan for recycling or  
8 disposal of any specified mercuric oxide battery that they manufacture.

9 (c) (1) A manufacturer shall be responsible for the environmentally sound  
10 collection, transportation, and recycling or proper disposal, including the cost of these  
11 activities, of every used mercuric oxide battery produced by the manufacturer and  
12 sold or offered for promotional purposes in the State.

13 (2) Notwithstanding paragraph (1) of this subsection, a retailer or seller  
14 may provide for the collection, recycling, or proper disposal of used mercuric oxide  
15 batteries through the sale to a refiner or a refiner's agent if the retailer or seller  
16 complies with any requirement established by the Department to implement this  
17 section.

18 (d) Manufacturers may establish or utilize a trade association or a consortium  
19 comprised of members of the dry cell battery industry in order to facilitate compliance  
20 with the requirements of this section.

21 (e) A manufacturer shall consult with the Office of Recycling in developing its  
22 plan.

23 (f) Each battery management plan submitted by a manufacturer shall  
24 include:

25 (1) The designation of the collector, transporter, processor, or collection  
26 system to be utilized by the manufacturer, or by the county or municipal corporation,  
27 institutional generator, retailer or small quantity generator on behalf of the  
28 manufacturer, for the collection, transportation, and recycling or proper disposal of  
29 used mercuric oxide batteries in each county;

30 (2) The designation of the funding source or mechanism to be used by the  
31 manufacturer to defray the costs of implementing the battery management plan; and

32 (3) A strategy for informing consumers, on any store display promoting  
33 the sale or use of the batteries the manufacturer manufactures, that these types of  
34 used dry cell batteries may not enter the solid waste stream, and that a convenient  
35 mechanism for the collection, transportation, and recycling or proper disposal of these  
36 types of used batteries is available to the consumer.]

1 [6-902.

2 A person may not sell, distribute, or offer for sale in this State a mercuric oxide  
3 battery unless:

4 (1) The person is a party to a plan approved by the Department under §  
5 6-901 of this subtitle; or

6 (2) A retailer or seller has provided for the collection, recycling, or proper  
7 disposal of used mercuric oxide batteries through the sale to a refiner or a refiner's  
8 agent and the retailer or seller has complied with any requirement established by the  
9 Department to implement § 6-901 of this subtitle.]

10 [6-903.

11 A person who violates any provision of this subtitle is guilty of a misdemeanor  
12 and on conviction is subject to a fine not exceeding \$100 for each violation.]

13 SUBTITLE 9. MERCURY AND MERCURY PRODUCTS.

14 6-901.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
16 INDICATED.

17 (B) (1) "MERCURY-ADDED NOVELTY" MEANS A MERCURY-ADDED PRODUCT  
18 INTENDED MAINLY FOR PERSONAL OR HOUSEHOLD ENJOYMENT OR ADORNMENT.

19 (2) "MERCURY-ADDED NOVELTY" INCLUDES:

20 (I) ADORNMENTS;

21 (II) CANDLES;

22 (III) CARDS;

23 (IV) FIGURINES;

24 (V) GAMES;

25 (VI) HOLIDAY DECORATIONS;

26 (VII) ITEMS INTENDED FOR USE AS PRACTICAL JOKES;

27 (VIII) ITEMS OF APPAREL, INCLUDING FOOTWEAR;

28 (IX) JEWELRY;

29 (X) ORNAMENTS;

30 (XI) TOYS; AND

1 (XII) YARD STATUES AND FIGURES.

2 (C) (1) "MERCURY-ADDED PRODUCT" MEANS A PRODUCT OR A PRODUCT  
3 WITH A COMPONENT THAT CONTAINS ELEMENTAL MERCURY OR A MERCURY  
4 COMPOUND ADDED TO THE PRODUCT FOR ANY REASON.

5 (2) "MERCURY-ADDED PRODUCT" INCLUDES:

6 (I) BATTERIES;

7 (II) CLEANSERS;

8 (III) DEGREASERS;

9 (IV) DENTAL AMALGAMS;

10 (V) DYES OR PIGMENTS;

11 (VI) ELECTRIC SWITCHES;

12 (VII) FLUORESCENT LAMPS;

13 (VIII) HOSPITAL EQUIPMENT;

14 (IX) THERMOMETERS; AND

15 (X) THERMOSTATS.

16 6-902.

17 THE GENERAL ASSEMBLY FINDS THAT:

18 (1) MERCURY IS A PERSISTENT AND TOXIC POLLUTANT THAT  
19 BIOACCUMULATES IN THE ENVIRONMENT;

20 (2) CONSUMPTION OF MERCURY-CONTAMINATED FISH POSES A  
21 SIGNIFICANT HEALTH THREAT;

22 (3) COMBUSTION OF MUNICIPAL AND OTHER SOLID WASTE IS A SOURCE  
23 OF MERCURY POLLUTION;

24 (4) ACCIDENTAL MERCURY SPILLS, BREAKAGES, AND RELEASES HAVE  
25 OCCURRED AT SCHOOLS IN THE UNITED STATES, EXPOSING STUDENTS, TEACHERS,  
26 AND ADMINISTRATORS TO MERCURY EMISSIONS;

27 (5) HEALTH CARE, EDUCATIONAL, AND RESEARCH FACILITIES IN THE  
28 UNITED STATES HAVE EXPERIENCED EMPLOYEE EXPOSURES TO MERCURY,  
29 RESULTING IN SIGNIFICANT COSTS; AND

1 (6) REMOVAL OF MERCURY AND MERCURY CONTAINING PRODUCTS  
2 FROM THE WASTE STREAM PRIOR TO COMBUSTION IS AN EFFECTIVE WAY TO  
3 REDUCE MERCURY POLLUTION.

4 6-903.

5 (A) A PERSON MAY NOT OFFER FOR SALE, SELL, OR PROVIDE IN THIS STATE  
6 ELEMENTAL MERCURY.

7 (B) A MANUFACTURER MAY NOT OFFER FOR SALE, SELL, OR PROVIDE IN THIS  
8 STATE:

9 (1) A MERCURY-ADDED NOVELTY; OR

10 (2) A MERCURY-ADDED PRODUCT.

11 6-904.

12 (A) ON OR AFTER OCTOBER 1, 2003, A PERSON MAY NOT DISPOSE OF MERCURY,  
13 A MERCURY-ADDED NOVELTY, OR A MERCURY-ADDED PRODUCT EXCEPT IN A  
14 MANNER THAT THE DEPARTMENT APPROVES UNDER REGULATIONS ADOPTED BY  
15 THE DEPARTMENT UNDER THIS SECTION.

16 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING THE  
17 DISPOSAL OF MERCURY, MERCURY-ADDED NOVELTIES, AND MERCURY-ADDED  
18 PRODUCTS.

19 6-905.

20 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A  
21 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING:

22 (1) \$100 FOR THE FIRST VIOLATION;

23 (2) \$250 FOR THE SECOND VIOLATION; AND

24 (3) \$500 FOR THE THIRD AND EACH SUBSEQUENT VIOLATION.

25 6-906.

26 (A) THE DEPARTMENT SHALL IMPLEMENT A PUBLIC EDUCATION, OUTREACH,  
27 AND ASSISTANCE PROGRAM FOR HOUSEHOLDS, WASTE GENERATORS, LOCAL AND  
28 REGIONAL SOLID WASTE MANAGEMENT UNITS, VEHICLE DISMANTLERS,  
29 INSTITUTIONS, AND SCHOOLS ON:

30 (1) THE HAZARDS OF MERCURY;

31 (2) THE REQUIREMENTS AND OBLIGATIONS OF PERSONS AND  
32 MANUFACTURERS UNDER THIS SUBTITLE; AND

1 (3) VOLUNTARY EFFORTS THAT INDIVIDUALS, INSTITUTIONS, AND  
2 BUSINESSES CAN UNDERTAKE TO HELP FURTHER REDUCE MERCURY IN THE  
3 ENVIRONMENT.

4 (B) THE DEPARTMENT SHALL COOPERATE WITH NEIGHBORING STATES AND  
5 REGIONAL ORGANIZATIONS IN THE MID-ATLANTIC AND NORTHEASTERN UNITED  
6 STATES ON DEVELOPING OUTREACH, ASSISTANCE, AND EDUCATION PROGRAMS,  
7 WHERE APPROPRIATE, ON THE ITEMS COVERED UNDER SUBSECTION (A) OF THIS  
8 SECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the  
10 Environment shall report to the Governor, the Senate Economic and Environmental  
11 Affairs Committee, and the House Environmental Matters Committee on or before  
12 October 1 in 2002, 2003, and 2004 in accordance with § 2-1246 of the State  
13 Government Article. The reports required under this section shall: (a) review the  
14 effectiveness of this Act; and (b) make any recommendations for changes to this Act to  
15 improve efforts to reduce the use of mercury and the incidence of mercury in the  
16 waste stream.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2001.