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By: **Delegates Owings, Baldwin, Elliott, Klausmeier, Mohorovic, Redmer,  
Stull, Kach, and Cadden**

Introduced and read first time: January 11, 2002

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Ozone Transport Region - Restrictions on the Sale of Products - Regulations**

3 FOR the purpose of prohibiting the Department of the Environment from adopting  
4 regulations, in accordance with certain guidelines of the Ozone Transport  
5 Commission, that restrict the sale of products; providing for the application of  
6 this Act; and generally relating to regulations affecting air quality adopted by  
7 the Department.

8 BY repealing and reenacting, with amendments,  
9 Article - Environment  
10 Section 2-303.1  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 2001 Supplement)

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

15 **Article - Environment**

16 2-303.1.

17 (A) The Department may not adopt regulations to implement Stage II of the  
18 Program for Volatile Organic Emissions Control from gasoline retailing operations  
19 unless:

20 (1) The Department is mandated by the United States Environmental  
21 Protection Agency;

22 (2) The Department is unable to find other control strategies; and

23 (3) The Environmental Protection Agency publishes notice in the Federal  
24 Register that the State of Maryland is not in compliance with the provisions of the  
25 Clean Air Act (42 U.S.C. §§ 7401 through 7602).

1 (B) THE DEPARTMENT MAY NOT ADOPT REGULATIONS THAT ARE BASED ON  
2 MODEL RULES PROPOSED OR RECOMMENDED BY THE OZONE TRANSPORT  
3 COMMISSION THAT RESTRICT THE SALE OF A PRODUCT UNLESS:

4 (1) AT LEAST A MAJORITY OF THE STATES WITHIN THE OZONE  
5 TRANSPORT REGION HAVE ENACTED LAWS OR ADOPTED REGULATIONS CONTAINING  
6 RESTRICTIONS THAT ARE THE SAME AS THE RESTRICTIONS THE DEPARTMENT  
7 PROPOSES TO ADOPT; AND

8 (2) THE REGULATIONS INCLUDE A PROVISION THAT ALLOWS SELLERS  
9 OF THE RESTRICTED PRODUCT TO SELL THEN EXISTING INVENTORIES OF THE  
10 PRODUCT FOR AT LEAST 2 YEARS FROM THE EFFECTIVE DATE OF THE REGULATIONS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
12 construed to apply retroactively and shall be applied to and interpreted to affect any  
13 regulation proposed for adoption or adopted on or after September 1, 2001.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 June 1, 2002.