
By: **Delegates Morhaim and Bobo**
Introduced and read first time: January 28, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Electronic Waste Management**

3 FOR the purpose of requiring the Department of the Environment, on or before a
4 certain date, to establish an electronic waste recycling system that includes
5 electronic waste collection and recycling facilities; providing qualifications for
6 electronic waste collectors and recyclers; requiring the Department to give
7 preference to certain existing collectors and recyclers; requiring the Department
8 to adopt certain regulations; establishing an electronic waste recycling fee to be
9 imposed on the first sale of an electronic video device and computer product in
10 the State by a retailer to a consumer; establishing the maximum electronic
11 waste recycling fees for certain products; requiring the Department to establish
12 the electronic waste recycling fee; requiring certain retailers to submit, under
13 oath, a return and to remit any collected fees to the Department according to
14 procedures established by the Department; authorizing a certain credit to a
15 retailer who complies with the requirements of this Act; prohibiting, on or after
16 certain dates, the sale of computer products and electronic video devices to a
17 consumer in the State unless the the manufacturer of the product is in
18 compliance with certain provisions of this Act; requiring, on or after a certain
19 date and at least once annually thereafter, certain manufacturers to submit a
20 certain report to the Department and to make certain information available to
21 the public; requiring a manufacturer of certain products, on or before a certain
22 date, to inform the retailer if the manufacturer's products are subject to the
23 electronic waste recycling fee; establishing the Electronic Waste Recycling Fund;
24 authorizing the Department to use the Fund for certain purposes; requiring the
25 Department to submit a certain annual report to the General Assembly;
26 imposing certain penalties for certain violations; defining certain terms; and
27 generally relating to the management of electronic waste.

28 BY adding to
29 Article - Environment
30 Section 6-1201 through 6-1206 to be under the new subtitle "Subtitle 12.
31 Electronic Waste"
32 Annotated Code of Maryland
33 (1996 Replacement Volume and 2003 Supplement)

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

3 **Article - Environment**

4 **SUBTITLE 12. ELECTRONIC WASTE.**

5 6-1201.

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) "CATHODE RAY TUBE" MEANS A VACUUM TUBE OR PICTURE USED TO
9 CONVERT AN ELECTRICAL SIGNAL INTO A VISUAL IMAGE.

10 (C) "COMPUTER PRODUCT" MEANS:

11 (1) A DESKTOP COMPUTER, PERSONAL COMPUTER, LAPTOP COMPUTER,
12 OR OTHER PIECE OF AUTOMATED OR ELECTRONIC EQUIPMENT THAT INCLUDES A
13 CENTRAL PROCESSING UNIT;

14 (2) A COMPUTER KEYBOARD;

15 (3) A MOUSE OR OTHER POINTING DEVICE; AND

16 (4) A PRINTER.

17 (D) (1) "CONSUMER" MEANS A PURCHASER OR OWNER OF A COMPUTER
18 PRODUCT OR ELECTRONIC VIDEO DEVICE.

19 (2) "CONSUMER" DOES NOT INCLUDE AN ENTITY INVOLVED IN A
20 WHOLESALE TRANSACTION BETWEEN A DISTRIBUTOR AND RETAILER.

21 (E) (1) "ELECTRONIC VIDEO DEVICE" MEANS A CATHODE RAY TUBE, FLAT
22 PANEL SCREEN, OR ANY OTHER SIMILAR VIDEO DISPLAY DEVICE WITH A SCREEN
23 SIZE THAT IS GREATER THAN 4 INCHES IN SIZE MEASURED DIAGONALLY THAT THE
24 DEPARTMENT DETERMINES, WHEN DISCARDED OR DISPOSED, WOULD BE A
25 HAZARDOUS WASTE.

26 (2) "ELECTRONIC VIDEO DEVICE" DOES NOT INCLUDE AN AUTOMOBILE
27 OR A LARGE PIECE OF COMMERCIAL OR INDUSTRIAL EQUIPMENT, INCLUDING
28 COMMERCIAL MEDICAL EQUIPMENT, THAT CONTAINS A CATHODE RAY TUBE,
29 CATHODE RAY TUBE DEVICE, FLAT PANEL SCREEN, OR OTHER SIMILAR VIDEO
30 DISPLAY DEVICE THAT IS CONTAINED WITHIN, AND IS NOT SEPARATE FROM, THE
31 LARGER PIECE OF INDUSTRIAL OR COMMERCIAL EQUIPMENT.

32 (F) "ELECTRONIC WASTE" MEANS A COMPUTER PRODUCT OR ELECTRONIC
33 VIDEO DEVICE THAT IS DISCARDED OR DISPOSED.

1 (G) (1) "MANUFACTURER" MEANS THE CORPORATION OR OTHER LEGAL
2 ENTITY THAT IS THE BRAND OWNER OR IMPORTER OF A COMPUTER PRODUCT OR
3 ELECTRONIC VIDEO DEVICE SOLD IN THE STATE.

4 (2) "MANUFACTURER" INCLUDES A PERSON WHO SELLS A COMPUTER
5 PRODUCT OR ELECTRONIC VIDEO DEVICE IN THE STATE UNDER THE PERSON'S
6 BRAND NAME.

7 6-1202.

8 (A) ON OR BEFORE OCTOBER 1, 2005, THE DEPARTMENT SHALL ESTABLISH AN
9 ELECTRONIC WASTE RECYCLING SYSTEM THAT INCLUDES ELECTRONIC WASTE
10 COLLECTION AND RECYCLING FACILITIES.

11 (B) AN ELECTRONIC WASTE COLLECTION OR RECYCLING FACILITY:

12 (1) MAY BE LOCATED INSIDE OR OUTSIDE THE STATE;

13 (2) MAY BE PUBLICLY OR PRIVATELY OWNED AND OPERATED;

14 (3) SHALL MEET ALL ZONING AND LAND USE REQUIREMENTS OF THE
15 COUNTY OR MUNICIPAL CORPORATION IN WHICH THE FACILITY IS TO BE LOCATED;

16 (4) SHALL BE PROVIDED FOR IN THE COUNTY PLAN REQUIRED UNDER §
17 9-503 OF THIS ARTICLE; AND

18 (5) SHALL BE LICENSED OR APPROVED BY THE DEPARTMENT.

19 (C) IN ESTABLISHING THE ELECTRONIC WASTE RECYCLING SYSTEM, THE
20 DEPARTMENT SHALL GIVE PREFERENCE TO EXISTING PRIVATE OR PUBLIC
21 COLLECTORS AND RECYCLERS WHO:

22 (1) ACCEPT ELECTRONIC WASTE; AND

23 (2) MEET THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

24 (D) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO
25 ADMINISTER THE PROVISIONS OF THIS SUBTITLE, INCLUDING:

26 (1) MINIMUM STANDARDS FOR THE OPERATION, MAINTENANCE,
27 MONITORING, REPORTING, AND SUSPENSION OF EACH ELECTRONIC WASTE
28 COLLECTOR AND RECYCLER;

29 (2) METHODS OF PROVING FINANCIAL ABILITY TO PROPERLY
30 ESTABLISH, OPERATE, AND MAINTAIN AN ELECTRONIC WASTE COLLECTION OR
31 RECYCLING FACILITY, INCLUDING THE POSTING OF BONDS AND OTHER SECURITIES
32 AS MAY BE REQUIRED BY THE DEPARTMENT; AND

33 (3) THE FORFEITURE OF BONDS AND OTHER SECURITIES REQUIRED BY
34 THE DEPARTMENT FOR NONCOMPLIANCE WITH THE REQUIREMENTS OF THIS
35 SECTION OR ANY APPLICABLE REGULATION.

1 6-1203.

2 (A) BEGINNING ON JULY 1, 2005, AN ELECTRONIC WASTE RECYCLING FEE
3 SHALL BE IMPOSED ON THE FIRST SALE OF A COMPUTER PRODUCT OR ELECTRONIC
4 VIDEO DEVICE IN THE STATE BY A RETAILER TO A CONSUMER.

5 (B) THE ELECTRONIC WASTE RECYCLING FEE:

6 (1) MAY NOT EXCEED:

7 (I) FOR AN ELECTRONIC VIDEO DEVICE WITH A SCREEN SIZE OF
8 LESS THAN 15 INCHES MEASURED DIAGONALLY - \$6;

9 (II) FOR A COMPUTER PRODUCT OR AN ELECTRONIC VIDEO DEVICE
10 WITH A SCREEN SIZE GREATER THAN OR EQUAL TO 15 INCHES BUT LESS THAN 35
11 INCHES MEASURED DIAGONALLY - \$8; AND

12 (III) FOR AN ELECTRONIC VIDEO DEVICE WITH A SCREEN SIZE
13 GREATER THAN OR EQUAL TO 35 INCHES MEASURED DIAGONALLY - \$10; AND

14 (2) SHALL BE ESTABLISHED BY THE DEPARTMENT.

15 (C) EACH COMPUTER PRODUCT AND ELECTRONIC VIDEO DEVICE RETAILER
16 SHALL SUBMIT, UNDER OATH, AN ACCOUNTING OF FEES COLLECTED AND REMIT
17 THE FEES TO THE DEPARTMENT IN ACCORDANCE WITH A SCHEDULE AND
18 PROCEDURES ADOPTED BY THE DEPARTMENT IN REGULATION.

19 (D) A RETAILER WHO TIMELY FILES AN ELECTRONIC WASTE RECYCLING FEE
20 RETURN AND REMITS ALL APPROPRIATE FEES TO THE DEPARTMENT IS ALLOWED,
21 FOR THE EXPENSE OF ADMINISTERING AND PAYING THE FEE, A CREDIT EQUAL TO
22 1.2% OF THE GROSS AMOUNT OF THE FEES COLLECTED.

23 6-1204.

24 (A) ON AND AFTER JANUARY 1, 2006, A RETAILER MAY NOT SELL OR OFFER
25 FOR SALE IN THE STATE A COMPUTER PRODUCT OR ELECTRONIC VIDEO DEVICE
26 UNLESS THE PRODUCT OR DEVICE IS LABELED WITH THE NAME OF THE
27 MANUFACTURER OR THE MANUFACTURER'S BRAND LABEL SO THAT IT IS READILY
28 VISIBLE.

29 (B) ON AND AFTER JULY 1, 2005, A RETAILER MAY NOT SELL OR OFFER FOR
30 SALE A COMPUTER PRODUCT OR ELECTRONIC VIDEO DEVICE TO A CONSUMER IN
31 THE STATE UNLESS THE DEPARTMENT DETERMINES THAT THE MANUFACTURER OF
32 THE PRODUCT OR DEVICE DEMONSTRATES COMPLIANCE WITH THIS SECTION.

33 (C) ON OR BEFORE APRIL 1, 2005, A MANUFACTURER SHALL INFORM THE
34 RETAILER IF A COMPUTER PRODUCT OR ELECTRONIC VIDEO DEVICE SOLD BY THAT
35 MANUFACTURER IS SUBJECT TO THE ELECTRONIC WASTE RECYCLING FEE
36 ESTABLISHED UNDER THIS SUBTITLE.

1 (D) ON OR BEFORE JANUARY 1, 2006, AND AT LEAST ONCE ANNUALLY
2 THEREAFTER AS DETERMINED BY THE DEPARTMENT, EACH MANUFACTURER OF A
3 COMPUTER PRODUCT OR ELECTRONIC VIDEO DEVICE THAT SELLS THOSE PRODUCTS
4 OR DEVICES IN THE STATE SHALL:

5 (1) SUBMIT TO THE DEPARTMENT A REPORT THAT INCLUDES ALL OF
6 THE FOLLOWING INFORMATION:

7 (I) AN ESTIMATE OF THE NUMBER OF PRODUCTS AND DEVICES
8 SOLD BY THE MANUFACTURER IN THE STATE DURING THE PREVIOUS YEAR;

9 (II) A BASELINE OR SET OF BASELINES THAT SHOW THE TOTAL
10 ESTIMATED AMOUNTS OF MERCURY, CADMIUM, LEAD, HEXAVALENT CHROMIUM,
11 PBDES, AND PBBS USED IN THE PRODUCTS AND DEVICES MANUFACTURED BY THE
12 MANUFACTURER IN THAT YEAR AND THE REDUCTION IN THE USE OF THOSE
13 HAZARDOUS MATERIALS FROM THE PREVIOUS YEAR;

14 (III) A BASELINE OR SET OF BASELINES THAT SHOW THE TOTAL
15 ESTIMATED AMOUNT OF RECYCLED MATERIALS CONTAINED IN THE PRODUCTS AND
16 DEVICES SOLD BY THE MANUFACTURER IN THE STATE IN THAT YEAR AND THE
17 INCREASE IN THE USE OF THOSE RECYCLABLE MATERIALS FROM THE PREVIOUS
18 YEAR; AND

19 (IV) A BASELINE OR A SET OF BASELINES THAT DESCRIBE ANY
20 EFFORTS TO DESIGN THE PRODUCTS AND DEVICES FOR RECYCLING AND GOALS AND
21 PLANS FOR INCREASING THE DESIGN FOR RECYCLING; AND

22 (2) MAKE INFORMATION AVAILABLE TO CONSUMERS THAT DESCRIBES
23 WHERE AND HOW TO RETURN, RECYCLE, AND DISPOSE OF THE PRODUCTS AND
24 DEVICES AND OPPORTUNITIES AND LOCATIONS FOR THE COLLECTION OR RETURN
25 OF THE PRODUCTS AND DEVICES, THROUGH THE USE OF A TOLL-FREE TELEPHONE
26 NUMBER, AN INTERNET WEBSITE, INFORMATION LABELED ON THE DEVICE,
27 INFORMATION INCLUDED IN THE PACKAGING, OR INFORMATION ACCOMPANYING
28 THE SALE OF THE PRODUCT OR DEVICE.

29 6-1205.

30 (A) THERE IS AN ELECTRONIC WASTE RECYCLING FUND.

31 (B) ALL ELECTRONIC WASTE RECYCLING FEES, LESS THE 1.2% CREDIT
32 ALLOWED FOR A RETAILER, AND CIVIL PENALTIES COLLECTED UNDER THIS
33 SUBTITLE SHALL BE PAID INTO THE ELECTRONIC WASTE RECYCLING FUND.

34 (C) SUBJECT TO THE APPROPRIATION PROCESS IN THE ANNUAL OPERATING
35 BUDGET, THE DEPARTMENT SHALL USE THE ELECTRONIC WASTE RECYCLING FUND
36 TO:

37 (1) MAKE PAYMENTS TO ELECTRONIC WASTE COLLECTORS AND
38 RECYCLERS THAT PARTICIPATE IN THE ELECTRONIC WASTE RECYCLING SYSTEM;

1 (2) PROVIDE FOR THE COSTS OF ADMINISTRATING THIS SUBTITLE; AND

2 (3) ESTABLISH A PUBLIC INFORMATION PROGRAM TO EDUCATE THE
3 PUBLIC ON THE HAZARDS OF IMPROPER ELECTRONIC WASTE STORAGE AND
4 DISPOSAL AND ON THE OPPORTUNITIES TO RECYCLE ELECTRONIC WASTE.

5 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
6 DEPARTMENT SHALL MAKE PAYMENTS TO AN ELECTRONIC WASTE COLLECTOR OR
7 RECYCLER FOR THE COLLECTION OR RECYCLING OF ELECTRONIC WASTE ON
8 RECEIPT OF A COMPLETED AND VERIFIED INVOICE SUBMITTED TO THE
9 DEPARTMENT IN THE FORM AND MANNER DETERMINED BY THE DEPARTMENT.

10 (2) THE DEPARTMENT MAY NOT PROVIDE ANY PAYMENT UNLESS THE
11 MATERIALS COLLECTED OR RECYCLED WILL BE HANDLED IN COMPLIANCE WITH
12 ALL RELEVANT STATUTES AND REGULATIONS REGARDING HAZARDOUS WASTES.

13 (E) AT THE END OF EACH FISCAL YEAR, THE DEPARTMENT SHALL:

14 (1) PREPARE AN ANNUAL REPORT ON THE FUND THAT INCLUDES AN
15 ACCOUNTING OF ALL FINANCIAL RECEIPTS TO AND EXPENDITURES FROM THE
16 FUND; AND

17 (2) PROVIDE A COPY OF THE REPORT TO THE GENERAL ASSEMBLY IN
18 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

19 6-1206.

20 (A) THE DEPARTMENT MAY IMPOSE A PENALTY OF UP TO \$2,500 FOR EACH
21 VIOLATION ON A RETAILER THAT SELLS A COMPUTER PRODUCT OR ELECTRONIC
22 VIDEO DEVICE AND FAILS TO REMIT THE ELECTRONIC WASTE RECYCLING RETURN
23 AND FEE AS REQUIRED BY § 6-1202 OF THIS SUBTITLE.

24 (B) A RETAILER WHO SELLS A COMPUTER PRODUCT OR ELECTRONIC VIDEO
25 DEVICE AND FAILS TO REMIT THE ELECTRONIC VIDEO WASTE RECYCLING FEE AS
26 REQUIRED BY § 6-1202 OF THIS SUBTITLE IS LIABLE FOR A CIVIL PENALTY OF UP TO
27 \$5,000, TO BE COLLECTED IN A CIVIL ACTION IN THE CIRCUIT COURT OF ANY COUNTY.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2004.