
By: **Senator Conway**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Mercury-Added Products - Prohibition of Sale of Thermostats and Report**

3 FOR the purpose of prohibiting a certain marketer from selling or providing a
4 thermostat containing mercury to a consumer; requiring the Department of the
5 Environment to make a certain report to the Governor and certain legislative
6 committees on or before a certain date, relating to the Statewide collection,
7 reclamation, and recycling of all products containing mercury; requiring the
8 Secretary of the Environment to convene and consult with a certain advisory
9 group in preparing a certain report; providing that a certain lobbyist is not
10 subject to certain provisions of law if the lobbyist is appointed to serve on a
11 certain advisory group; defining a certain term; altering a certain definition;
12 and generally relating to mercury-added products.

13 BY renumbering

14 Article - Environment
15 Section 6-905.2
16 to be Section 6-905.3
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article - Environment
21 Section 6-905
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 2005 Supplement)

24 BY adding to

25 Article - Environment
26 Section 6-905.2
27 Annotated Code of Maryland
28 (1996 Replacement Volume and 2005 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 6-905.2 of Article - Environment of the Annotated Code
3 of Maryland be renumbered to be Section(s) 6-905.3.

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

6 **Article - Environment**

7 6-905.

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

9 (b) "Manufacturer" means a person that:

10 (1) Produces a product;

11 (2) For a multicomponent product, produces or assembles the final
12 product; or

13 (3) Serves as an importer or domestic distributor of a product produced
14 outside of the United States.

15 (c) "Marketer" means a person who manufactures, assembles, sells,
16 distributes, affixes a brand name or private label to, or licenses the use of a brand
17 name on [a]:

18 (1) A fever thermometer containing mercury; OR

19 (2) A THERMOSTAT CONTAINING MERCURY.

20 (d) "Mercury-added product" means any of the following products if
21 containing elemental mercury or a mercury compound that has been added to the
22 product for any reason:

23 (1) Dyes or pigments;

24 (2) Electric switches; AND

25 (3) Fluorescent lamps[; and

26 (4) Thermostats].

27 (e) "Motor vehicle" has the meaning stated in § 11-135 of the Transportation
28 Article.

29 (f) "Reclamation facility" means a site:

30 (1) Where equipment is used to recapture mercury from mercury-added
31 fluorescent lamps for the purpose of recycling or reusing the mercury; or

1 (2) That collects mercury containing components from mercury-added
2 fluorescent lamps for the eventual recapture and recycling or reuse of the mercury.

3 (G) "THERMOSTAT" MEANS A DEVICE THAT REGULATES TEMPERATURE IN AN
4 ENCLOSED AREA BY CONTROLLING HEATING, COOLING, OR VENTILATION
5 EQUIPMENT.

6 6-905.2.

7 A MARKETER MAY NOT SELL OR PROVIDE A THERMOSTAT CONTAINING
8 MERCURY TO A CONSUMER.

9 SECTION 3. AND BE IT FURTHER ENACTED, That:

10 (a) On or before October 1, 2007, the Department of the Environment shall
11 study and report to the Governor and in accordance with § 2-1246 of the State
12 Government Article, the Senate Education, Health, and Environmental Affairs
13 Committee and the House Environmental Matters Committee regarding the
14 Statewide collection, reclamation, and recycling of all products that contain mercury,
15 including:

16 (1) current collection, reclamation, and recycling programs for each of
17 these products, who administers these programs and how they are organized, and to
18 what extent the current collection of hazardous materials covers mercury-added
19 products;

20 (2) current and planned incentives and pilot programs designed to
21 improve Maryland's rate of exclusion of mercury-added products from the landfill
22 and incinerator waste streams, including advance disposal fees, manufacturer "take
23 back" programs, the use of bounties, and residential collection;

24 (3) current and planned efforts to educate the general public regarding
25 the health and environmental impacts of mercury-added products in comparison with
26 similar products that do not contain mercury;

27 (4) a summary of measures utilized in other states regarding items (1)
28 through (3) of this subsection and projections regarding the probable level of
29 effectiveness of these measures in Maryland; and

30 (5) departmental recommendations for actions or programs related to
31 items (1) through (3) of this subsection.

32 (b) In preparing the report and recommendations required under subsection
33 (a) of this section, the Secretary of the Environment shall convene and consult with
34 an advisory group of interested stakeholders, including at least two individuals
35 representing:

36 (1) manufacturers of mercury-added products;

37 (2) retail sale of mercury-added products;

- 1 (3) waste collectors;
- 2 (4) the environmental community; or
- 3 (5) the health care community.

4 (c) If the Secretary appoints a regulated lobbyist to serve as a member of the
5 advisory group convened under subsection (b) of this section, the lobbyist is not
6 subject to the provisions of § 15-504(d)(1) or § 15-703(f)(3)(i) of the State Government
7 Article.

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2006.