

HOUSE BILL 488

M3

71r1277

By: **Delegates Morhaim, Bobo, and Montgomery**

Introduced and read first time: February 6, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Statewide Electronics Recycling Program**

3 FOR the purpose of altering a certain recycling program to include certain additional
4 electronic devices; authorizing a county to address methods for the separate
5 collection and recycling of certain electronic devices in a certain recycling plan;
6 requiring that certain unspent or unencumbered funds, in excess of a certain
7 amount, revert to the General Fund of the State; requiring certain fines and
8 penalties be deposited into the State Recycling Trust Fund; requiring
9 manufacturers of certain electronic devices to submit to the Department of the
10 Environment a certain registration and fee; altering a certain manufacturer
11 registration fee; requiring the Department to maintain a certain list of certain
12 registered electronic device manufacturers; requiring the Department to provide
13 the list to the Comptroller in a certain manner; prohibiting a certain retailer
14 from selling certain electronic devices under certain circumstances; authorizing
15 the Comptroller to assess a certain fine against certain retailers for certain
16 violations; requiring the fine to be deposited into the State Recycling Trust
17 Fund in a certain manner; repealing the termination date of certain provisions
18 of a certain Act; defining certain terms; and generally relating to the Statewide
19 Electronics Recycling Program.

20 BY repealing and reenacting, with amendments,

21 Article – Environment

22 Section 9–1701, 9–1702(d)(4), 9–1703(c), and 9–1707(f); and 9–1727 through

23 9–1730 to be under the amended part “Part IV. Statewide Electronics
24 Recycling Program”

25 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1996 Replacement Volume and 2006 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Environment
4 Section 9–1702(a)
5 Annotated Code of Maryland
6 (1996 Replacement Volume and 2006 Supplement)

7 BY adding to
8 Article – Environment
9 Section 9–1728.1 to be under the amended part “Part IV. Statewide Electronics
10 Recycling Program”
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, with amendments,
14 Chapter 384 of the Acts of the General Assembly of 2005
15 Section 3

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

18 **Article – Environment**

19 9–1701.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) “Compost” means the product of composting in accordance with the
22 standards established by the Secretary of Agriculture under § 6–221 of the Agriculture
23 Article.

24 (c) “Composting” means the controlled biological decomposition of organic
25 waste material in accordance with the standards established by the Secretary under
26 this title.

27 (d) (1) “Computer” means a desktop personal computer or laptop
28 computer, including the computer monitor.

29 (2) “Computer” does not include:

30 (i) A personal digital assistant device;

31 (ii) A computer peripheral device, including:

- 1 1. A mouse or other similar pointing device;
- 2 2. A printer; or
- 3 3. A detachable keyboard.

4 (e) (1) **“COVERED ELECTRONIC DEVICE” MEANS A COMPUTER OR**
5 **VIDEO DISPLAY DEVICE WITH A SCREEN THAT IS GREATER THAN 4 INCHES**
6 **MEASURED DIAGONALLY.**

7 (2) **“COVERED ELECTRONIC DEVICE” DOES NOT INCLUDE A**
8 **VIDEO DISPLAY DEVICE THAT IS PART OF A MOTOR VEHICLE OR THAT IS**
9 **CONTAINED WITHIN A HOUSEHOLD APPLIANCE OR COMMERCIAL, INDUSTRIAL,**
10 **OR MEDICAL EQUIPMENT.**

11 (F) [“Computer”] **“COVERED ELECTRONIC DEVICE takeback program”**
12 means a program, established by a [computer] **COVERED ELECTRONIC DEVICE**
13 manufacturer, for the collection and recycling, refurbishing, or reuse of a [computer]
14 **COVERED ELECTRONIC DEVICE** labeled with the name of the manufacturer or the
15 manufacturer’s brand label, including:

16 (1) Providing, at no cost to the returner, a method of returning a
17 [computer] **COVERED ELECTRONIC DEVICE** to the manufacturer, including postage
18 paid mailing packages or designated collection points throughout the State;

19 (2) Contracting with a recycler, local government, other manufacturer,
20 or any other person; or

21 (3) Any other program approved by the Department.

22 [(f)] (G) **“Director”** means the Director of the Office of Recycling.

23 [(g)] (H) **“Manufacturer”** means [the corporation or other legal entity that is
24 the brand owner or importer of a computer sold in the State] **A PERSON WHO HAS**
25 **LEGAL OWNERSHIP OF A COVERED ELECTRONIC DEVICE BRAND SOLD IN THE**
26 **STATE, BY ANY MEANS, INCLUDING TRANSACTIONS CONDUCTED THROUGH**
27 **SALES OUTLETS, CATALOGS, OR THE INTERNET.**

28 [(h)] (I) (1) **“Natural wood waste”** means tree and other natural
29 vegetative refuse.

1 (2) “Natural wood waste” includes tree stumps, brush and limbs, root
2 mats, logs, and other natural vegetative material.

3 [(i)] (J) (1) “Natural wood waste recycling facility” means a facility
4 where recycling services for natural wood waste are provided.

5 (2) “Natural wood waste recycling facility” does not include a collection
6 or processing facility operated by:

7 (i) A nonprofit or governmental organization located in the
8 State; or

9 (ii) A single individual or business that provides recycling
10 services for its own employees or for its own recyclable materials generated on its own
11 premises.

12 [(j)] (K) “Office” means the Office of Recycling within the Department.

13 [(k)] (L) “Recyclable materials” means those materials that:

14 (1) Would otherwise become solid waste for disposal in a refuse
15 disposal system; and

16 (2) May be collected, separated, or processed and returned to the
17 marketplace in the form of raw materials or products.

18 [(l)] (M) (1) “Recycling” means any process in which materials that
19 would otherwise become solid waste are collected, separated, or processed and
20 returned to the marketplace in the form of raw materials or products.

21 (2) “Recycling” includes composting.

22 [(m)] (N) “Recycling services” means the services provided by persons
23 engaged in the business of recycling, including the collection, processing, storage,
24 purchase, sale, or disposition of recyclable materials.

25 [(n)] (O) “Resource recovery facility” means a facility in existence as of
26 January 1, 1988 that:

27 (1) Processes solid waste to produce valuable resources, including
28 steam, electricity, metals, or refuse-derived fuel; and

1 (2) Achieves a volume reduction of at least 50 percent of its solid waste
2 stream.

3 [(o)] (P) (1) “Solid waste stream” means garbage or refuse that would,
4 unless recycled, be disposed of in a refuse disposal system located in this State.

5 (2) “Solid waste stream” does not include:

6 (i) Hospital waste;

7 (ii) Rubble;

8 (iii) Scrap material;

9 (iv) Land clearing debris;

10 (v) Sewage sludge; or

11 (vi) Waste generated by a single individual or business and
12 disposed of in a facility dedicated solely for that entity’s waste.

13 **(Q) (1) “VIDEO DISPLAY DEVICE” MEANS AN ELECTRONIC DEVICE**
14 **WITH AN OUTPUT SURFACE THAT DISPLAYS OR IS CAPABLE OF DISPLAYING**
15 **MOVING GRAPHICAL IMAGES OR VISUAL REPRESENTATIONS OF IMAGE**
16 **SEQUENCES OR PICTURES THAT SHOW A NUMBER OF QUICKLY CHANGING**
17 **IMAGES ON A SCREEN TO CREATE THE ILLUSION OF MOTION.**

18 **(2) “VIDEO DISPLAY DEVICE” INCLUDES A DEVICE THAT IS AN**
19 **INTEGRAL PART OF THE DISPLAY AND CANNOT EASILY BE REMOVED FROM THE**
20 **DISPLAY BY THE CONSUMER AND THAT PRODUCES THE MOVING IMAGE ON THE**
21 **SCREEN.**

22 **(3) A VIDEO DISPLAY DEVICE MAY USE A CATHODE-RAY TUBE**
23 **(CRT), LIQUID CRYSTAL DISPLAY (LCD), GAS PLASMA, DIGITAL LIGHT**
24 **PROCESSING, OR OTHER IMAGE-PROJECTION TECHNOLOGY.**

25 [(p)] (R) “White goods” includes:

26 (1) Refrigerators;

- 1 (2) Stoves;
- 2 (3) Washing machines;
- 3 (4) Dryers;
- 4 (5) Water heaters; and
- 5 (6) Air conditioners.

6 [(q)] (S) (1) "Yard waste" means organic plant waste derived from
7 gardening, landscaping, and tree trimming activities.

8 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds,
9 and prunings.

10 9-1702.

11 (a) There is an Office of Recycling created within the Department.

12 (d) The Office shall:

13 (4) Administer the Statewide [Computer] **ELECTRONICS** Recycling
14 [Pilot] Program under Part IV of this subtitle.

15 9-1703.

16 (c) (1) In preparing the recycling plan as required under § 9-505 of this
17 title, the county may address methods for the separate collection and recycling of
18 [computers] **COVERED ELECTRONIC DEVICES**, including efforts by the county to
19 establish partnerships with [computer] **COVERED ELECTRONIC DEVICE**
20 manufacturers, recyclers, retailers, or other local governments for the collection and
21 recycling of [computers] **COVERED ELECTRONIC DEVICES**.

22 (2) If a county elects to address methods for the separate collection
23 and recycling of [computers] **COVERED ELECTRONIC DEVICES** in its recycling plan,
24 any reduction in the county's solid waste stream attributable to the implementation of
25 the methods shall count towards the county's required reduction through recycling of
26 the solid waste stream under § 9-505 of this title.

27 9-1707.

- 1 (f) (1) There is a State Recycling Trust Fund.
- 2 (2) The Fund shall consist of:
- 3 (i) The newsprint recycling incentive fee;
- 4 (ii) The telephone directory recycling incentive fee collected
5 under § 9–1709 of this subtitle;
- 6 (iii) The [computer] **COVERED ELECTRONIC DEVICE**
7 manufacturer registration fee collected under § 9–1728 of this subtitle;
- 8 (iv) **ALL FINES AND PENALTIES COLLECTED UNDER THIS**
9 **SUBTITLE;**
- 10 (v) Money appropriated in the State budget to the Fund; and
- 11 [(v)] (vi) Any other money from any other source accepted for
12 the benefit of the Fund.
- 13 (3) The Secretary shall administer the Fund.
- 14 (4) The Treasurer shall hold the Fund separately and the Comptroller
15 shall account for the Fund.
- 16 (5) At the end of each fiscal year, any unspent or unencumbered
17 balance in the Fund **THAT EXCEEDS \$2,000,000** shall revert to the General Fund of
18 the State in accordance with § 7–302 of the State Finance and Procurement Article.
- 19 (6) In accordance with the State budget, the Fund shall be used only:
- 20 (i) To provide grants to the counties to be used by the counties
21 to develop and implement local recycling plans;
- 22 (ii) To provide grants to counties that have addressed methods
23 for the separate collection and recycling of [computers] **COVERED ELECTRONIC**
24 **DEVICES** in accordance with § 9–1703(c)(1) of this subtitle;
- 25 (iii) To provide grants to municipalities to be used by the
26 municipalities to implement local [computer] **COVERED ELECTRONIC DEVICE**
27 recycling programs; and

1 (iv) To carry out the purposes of the Office of Recycling under
2 this subtitle.

3 (7) (i) The Treasurer shall invest the money in the Fund in the
4 same manner as other State money may be invested.

5 (ii) Any investment earnings of the Fund shall be credited to the
6 General Fund of the State.

7 Part IV. Statewide [Computer] **ELECTRONICS** Recycling [Pilot] Program.

8 9–1727.

9 (a) This section applies to a manufacturer that manufactured an average of
10 more than 1,000 [computers] **COVERED ELECTRONIC DEVICES** per year in the
11 immediately preceding 3–year period.

12 (b) [On or after January 1, 2006, a] **A** manufacturer may not sell or offer for
13 sale to any person in the State a new [computer] **COVERED ELECTRONIC DEVICE**
14 unless:

15 (1) The [computer] **COVERED ELECTRONIC DEVICE** is labeled with
16 the name of the manufacturer or the manufacturer’s brand label; and

17 (2) The manufacturer has registered with and submitted a
18 registration fee to the Department as provided under this part.

19 9–1728.

20 (a) A [computer] **COVERED ELECTRONIC DEVICE** manufacturer’s
21 registration shall include:

22 (1) The brand names under which the manufacturer sells or offers for
23 sale [computers] **COVERED ELECTRONIC DEVICES** in the State;

24 (2) Whether the manufacturer has implemented a [computer]
25 **COVERED ELECTRONIC DEVICE** takeback program;

26 (3) If the manufacturer has implemented a [computer] **COVERED**
27 **ELECTRONIC DEVICE** takeback program:

1 (i) A toll-free number or website address that provides
2 information about the takeback program, including a detailed description of how a
3 person may return a [computer] **COVERED ELECTRONIC DEVICE** for recycling,
4 refurbishing, or reuse; and

5 (ii) One year after the implementation of the program and each
6 year thereafter, a report on the implementation of the program during the prior year,
7 including:

8 1. The total weight of the [computers] **COVERED**
9 **ELECTRONIC DEVICES** received by the program from Maryland during the prior year;

10 2. The total number of [computers] **COVERED**
11 **ELECTRONIC DEVICES** from Maryland recycled, refurbished, and reused during the
12 prior year; and

13 3. The processes and methods used to recycle, refurbish,
14 or reuse the [computers] **COVERED ELECTRONIC DEVICES** received from Maryland;
15 and

16 (4) Any additional information required by the Department in
17 regulation.

18 (b) The registration shall:

19 (1) Be submitted to the Department by January 1 of each year; and

20 (2) If the manufacturer has implemented a [computer] **COVERED**
21 **ELECTRONIC DEVICE** takeback program, be updated prior to any significant change
22 in the program.

23 (c) The [computer] **COVERED ELECTRONIC DEVICE** manufacturer
24 registration fee is:

25 (1) [~~\$5,000~~] **\$10,000** for the initial registration by the manufacturer;

26 (2) (i) \$5,000 for each subsequent annual registration by a
27 manufacturer that did not have an implemented [computer] **COVERED ELECTRONIC**
28 **DEVICE** takeback program in the prior year; or

1 (ii) \$500 for each subsequent annual registration by a
2 manufacturer that had an implemented [computer] **COVERED ELECTRONIC DEVICE**
3 takeback program in the prior year;

4 (3) Submitted to the Department by January 1 of each year; and

5 (4) Paid into the State Recycling Trust Fund.

6 (d) (1) The Department shall:

7 (i) Review the registration submitted under this section; and

8 (ii) If the registration does not meet the requirements of this
9 section and the regulations adopted by the Department under this subtitle, notify the
10 manufacturer of the insufficiency.

11 (2) Within 60 days after receipt of a notice of insufficiency, the
12 manufacturer shall submit a revised registration that addresses the insufficiencies
13 noted by the Department.

14 **(E) (1) THE DEPARTMENT SHALL MAINTAIN A LIST OF REGISTERED**
15 **COVERED ELECTRONIC DEVICE MANUFACTURERS.**

16 **(2) THE DEPARTMENT SHALL PROVIDE A LIST OF REGISTERED**
17 **COVERED ELECTRONIC DEVICE MANUFACTURERS TO THE COMPTROLLER IN A**
18 **MANNER AGREED ON BY THE DEPARTMENT AND THE COMPTROLLER.**

19 **9-1728.1.**

20 **(A) IN THIS SECTION, "RETAILER" MEANS ANY PERSON THAT SELLS A**
21 **COVERED ELECTRONIC DEVICE TO A CONSUMER.**

22 **(B) IF A MANUFACTURER IS SUBJECT TO THE REQUIREMENTS OF §§**
23 **9-1727 AND 9-1728 OF THIS PART, A RETAILER MAY NOT SELL OR OFFER FOR**
24 **SALE TO ANY PERSON IN THE STATE A NEW COVERED ELECTRONIC DEVICE**
25 **MANUFACTURED BY THE MANUFACTURER, UNLESS THE MANUFACTURER HAS**
26 **COMPLIED WITH THE REQUIREMENTS OF §§ 9-1727 AND 9-1728 OF THIS PART.**

27 **9-1729.**

