

# SENATE BILL 221

J1, M3

EMERGENCY BILL  
**ENROLLED BILL**

(11r0630)

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by **Senator Conway**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Decabrominated Diphenyl Ether – Trace Amounts**

3 FOR the purpose of exempting certain aircraft from the application of a prohibition on  
4 the manufacture, lease, sale, or distribution for sale or lease of certain products  
5 that contain decabrominated diphenyl ether; altering certain prohibitions on the  
6 manufacturing, leasing, selling, or distributing of certain products that contain  
7 decabrominated diphenyl ether; making this Act an emergency measure; and  
8 generally relating to the use of decabrominated diphenyl ether.

9 BY repealing and reenacting, without amendments,  
10 Article – Environment  
11 Section 6–1201(a) and (b)  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2010 Supplement)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY repealing and reenacting, with amendments,  
 2 Article – Environment  
 3 Section 6–1202.1  
 4 Annotated Code of Maryland  
 5 (2007 Replacement Volume and 2010 Supplement)

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

8 **Article – Environment**

9 6–1201.

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

11 (b) “DecaBDE” means decabrominated diphenyl ether.

12 6–1202.1.

13 (a) (1) In this section, “transportation equipment”, “military equipment”,  
 14 and “components of transportation or military equipment” do not include shipping  
 15 pallets used to transport unpackaged fruits and vegetables.

16 (2) This section does not apply to:

17 (i) Original equipment manufacturer replacement service parts  
 18 or other products manufactured before January 1, 2011, if the part or products were  
 19 manufactured in compliance with applicable federal, State, and local laws; and

20 (ii) 1. A vehicle, as defined in § 11–176 of the  
 21 Transportation Article; ~~or~~

22 **2. AN AIRCRAFT, AS DEFINED IN § 5–101 OF THE**  
 23 **TRANSPORTATION ARTICLE; OR**

24 ~~2. 3.~~ A product, part, or replacement part for use in a  
 25 vehicle **OR AIRCRAFT.**

26 (b) (1) Beginning on December 31, 2010, a person may not manufacture,  
 27 lease, sell, or distribute for sale or lease in the State any of the following products that  
 28 contain **MORE THAN ONE–TENTH OF 1% OF** decabBDE **BY MASS** ~~OF THE PRODUCT~~  
 29 **AS A WHOLE:**

30 (i) Mattresses;

31 (ii) Upholstered furniture designed for residential use; and

1 (iii) Electrical or electronic equipment.

2 (2) Except as provided in paragraph (3) of this subsection, beginning  
3 on December 31, 2012, a person may not manufacture, lease, sell, or distribute for sale  
4 or lease in the State any product that contains **MORE THAN ONE-TENTH OF 1% OF**  
5 **decaBDE BY MASS ~~OF THE PRODUCT AS A WHOLE~~.**

6 (3) Paragraph (2) of this subsection does not apply to:

7 (i) Transportation equipment;

8 (ii) Military equipment; or

9 (iii) Components of transportation or military equipment.

10 (c) On or after December 31, 2013, a person may not manufacture, lease,  
11 sell, or distribute for sale or lease in the State the following products that contain  
12 **MORE THAN ONE-TENTH OF 1% OF** decaBDE BY MASS **~~OF THE PRODUCT AS A~~**  
13 **~~WHOLE~~:**

14 (1) Transportation equipment;

15 (2) Military equipment; or

16 (3) Components of transportation or military equipment.

17 (d) This section does not prohibit:

18 (1) A retailer that is in possession of a product prohibited for  
19 manufacture, lease, sale, or distribution for sale or lease under subsections (b) and (c)  
20 of this section from selling, recycling, or otherwise disposing of a product that is in the  
21 retailer's or lessor's inventory on or after the date that the prohibition takes effect;

22 (2) A person from recycling a product that contains decaBDE;

23 (3) A person from selling, leasing, recycling, or otherwise disposing of  
24 a product that contains recycled decaBDE;

25 (4) Any activity involving a product that contains decaBDE that  
26 occurs subsequent to first sale at retail; or

27 (5) A person from transporting or storing a product prohibited under  
28 subsections (b) and (c) of this section for later distribution outside the State.

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
2 measure, is necessary for the immediate preservation of the public health or safety,  
3 has been passed by a yea and nay vote supported by three-fifths of all the members  
4 elected to each of the two Houses of the General Assembly, and shall take effect from  
5 the date it is enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.