

Chapter 197

(Senate Bill 221)

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

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

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

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

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

Article – Environment

6–1201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “DecaBDE” means decabrominated diphenyl ether.

6–1202.1.

- (a) (1) In this section, “transportation equipment”, “military equipment”, and “components of transportation or military equipment” do not include shipping pallets used to transport unpackaged fruits and vegetables.
- (2) This section does not apply to:

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

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

2. AN AIRCRAFT, AS DEFINED IN § 5-101 OF THE TRANSPORTATION ARTICLE; OR

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

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

- (i) Mattresses;
- (ii) Upholstered furniture designed for residential use; and
- (iii) Electrical or electronic equipment.

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

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

- (i) Transportation equipment;
- (ii) Military equipment; or
- (iii) Components of transportation or military equipment.

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

- (1) Transportation equipment;

- (2) Military equipment; or
 - (3) Components of transportation or military equipment.
- (d) This section does not prohibit:

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

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

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

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

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

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

Approved by the Governor, May 10, 2011.