

# HOUSE BILL 879

M3

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By: **Delegate Morhaim**

Introduced and read first time: February 9, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Statewide Electronics Recycling Program**

3 FOR the purpose of altering the application of certain provisions of law relating to  
4 certain registration requirements under the Statewide Electronics Recycling  
5 Program; altering certain registration requirements and fees; requiring certain  
6 sales data to be treated as confidential and proprietary; requiring the  
7 Department of the Environment to maintain a certain list on its Web site;  
8 requiring a certain electronic device manufacturer that has implemented a  
9 certain takeback program to destroy or sanitize data from a returned electronic  
10 device in a certain manner; altering certain fines; repealing the authority of the  
11 Comptroller to assess and forward certain fines in a certain manner;  
12 authorizing the Department to assess certain fines; and generally relating to  
13 the Statewide Electronics Recycling Program.

14 BY repealing and reenacting, with amendments,  
15 Article – Environment  
16 Section 9–1727, 9–1728, and 9–1730  
17 Annotated Code of Maryland  
18 (2007 Replacement Volume and 2011 Supplement)

19 BY adding to  
20 Article – Environment  
21 Section 9–1728.2  
22 Annotated Code of Maryland  
23 (2007 Replacement Volume and 2011 Supplement)

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

26 **Article – Environment**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-1727.

2 (a) This section applies to a manufacturer that [manufactured an average of  
3 more than 1,000 covered electronic devices per year in the immediately preceding  
4 3-year period] **SELLS OR OFFERS FOR SALE A NEW COVERED ELECTRONIC**  
5 **DEVICE IN THE STATE.**

6 (b) A manufacturer may not sell or offer for sale to any person in the State a  
7 new covered electronic device unless:

8 (1) The covered electronic device is labeled with the name of the  
9 manufacturer or the manufacturer's brand label; and

10 (2) The manufacturer has registered with and, **IF APPLICABLE,**  
11 submitted a registration fee to the Department as provided under this part.

12 9-1728.

13 (a) A covered electronic device manufacturer's registration shall include:

14 (1) The brand names under which the manufacturer sells or offers for  
15 sale covered electronic devices in the State;

16 (2) Whether the manufacturer has implemented a covered electronic  
17 device takeback program;

18 (3) If the manufacturer has implemented a covered electronic device  
19 takeback program:

20 (i) A toll-free number or website address that provides  
21 information about the takeback program, including a detailed description of how a  
22 person may return a covered electronic device for recycling, refurbishing, or reuse; and

23 (ii) One year after the implementation of the program and each  
24 year thereafter, a report on the implementation of the program during the prior year,  
25 including:

26 1. The total weight of the covered electronic devices  
27 received by the program from Maryland during the prior year;

28 2. The total number of covered electronic devices from  
29 Maryland recycled, refurbished, and reused during the prior year; and

30 3. The processes and methods used to recycle, refurbish,  
31 or reuse the covered electronic devices received from Maryland; [and]

1           **(4) THE TOTAL NUMBER OF COVERED ELECTRONIC DEVICES**  
2 **SOLD IN THE STATE IN THE PRIOR YEAR, INCLUDING:**

3                   **(I) THE TYPES OF COVERED ELECTRONIC DEVICES SOLD;**  
4 **AND**

5                   **(II) THE BRAND NAMES UNDER WHICH THE COVERED**  
6 **ELECTRONIC DEVICES WERE SOLD; AND**

7           **[(4) (5)]** Any additional information required by the Department in  
8 regulation.

9           (b) The registration shall:

10                   (1) Be submitted to the Department by **[January 1] MARCH 1** of each  
11 year; and

12                   (2) If the manufacturer has implemented a covered electronic device  
13 takeback program, be updated prior to any significant change in the program.

14           (c) **[The covered electronic device manufacturer registration fee is:**

15                   (1) \$10,000 for the initial registration by the manufacturer;

16                   (2) (i) \$5,000 for each subsequent annual registration by a  
17 manufacturer that did not have an implemented covered electronic device takeback  
18 program in the prior year; or

19                               (ii) \$500 for each subsequent annual registration by a  
20 manufacturer that had an implemented covered electronic device takeback program in  
21 the prior year;

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

23                   (4) Paid into the State Recycling Trust Fund.]

24           **(1) THE COVERED ELECTRONIC DEVICE MANUFACTURER**  
25 **REGISTRATION FEE SHALL BE PAID BY A MANUFACTURER IN ACCORDANCE THIS**  
26 **SUBSECTION.**

27           **(2) FOR THE INITIAL REGISTRATION BY A MANUFACTURER, THE**  
28 **REGISTRATION FEE IS:**

29                   **(I) \$10,000 FOR A MANUFACTURER THAT SOLD AT LEAST**  
30 **1,000 COVERED ELECTRONIC DEVICES IN THE STATE IN THE PRIOR YEAR;**

1                   **(II) \$5,000 FOR A MANUFACTURER THAT SOLD AT LEAST**  
2 **250 BUT NOT MORE THAN 999 COVERED ELECTRONIC DEVICES IN THE STATE IN**  
3 **THE PRIOR YEAR; AND**

4                   **(III) \$1,250 FOR A MANUFACTURER THAT SOLD AT LEAST 50**  
5 **BUT NOT MORE THAN 249 COVERED ELECTRONIC DEVICES IN THE STATE IN THE**  
6 **PRIOR YEAR.**

7                   **(3) FOR EACH SUBSEQUENT ANNUAL REGISTRATION BY A**  
8 **MANUFACTURER THAT DID NOT HAVE AN IMPLEMENTED COVERED ELECTRONIC**  
9 **DEVICE TAKEBACK PROGRAM IN THE PRIOR YEAR, THE REGISTRATION FEE IS:**

10                   **(I) \$10,000 FOR A MANUFACTURER THAT SOLD AT LEAST**  
11 **1,000 COVERED ELECTRONIC DEVICES IN THE STATE IN THE PRIOR YEAR;**

12                   **(II) \$5,000 FOR A MANUFACTURER THAT SOLD AT LEAST**  
13 **250 BUT NOT MORE THAN 999 COVERED ELECTRONIC DEVICES IN THE STATE IN**  
14 **THE PRIOR YEAR; AND**

15                   **(III) \$1,250 FOR A MANUFACTURER THAT SOLD AT LEAST 50**  
16 **BUT NOT MORE THAN 249 COVERED ELECTRONIC DEVICES IN THE STATE IN THE**  
17 **PRIOR YEAR.**

18                   **(4) FOR EACH SUBSEQUENT ANNUAL REGISTRATION BY A**  
19 **MANUFACTURER THAT HAD AN IMPLEMENTED COVERED ELECTRONIC DEVICE**  
20 **TAKEBACK PROGRAM IN THE PRIOR YEAR, THE REGISTRATION FEE IS \$500.**

21                   **(5) THERE IS NO REGISTRATION FEE FOR A MANUFACTURER**  
22 **THAT SOLD LESS THAN 50 COVERED ELECTRONIC DEVICES IN THE STATE IN**  
23 **THE PRIOR YEAR.**

24                   **(6) THE REGISTRATION FEE REQUIRED UNDER THIS SUBSECTION**  
25 **SHALL:**

26                   **(I) BE SUBMITTED TO THE DEPARTMENT BY MARCH 1 OF**  
27 **EACH YEAR; AND**

28                   **(II) BE PAID INTO THE STATE RECYCLING TRUST FUND.**

29                   (d) (1) The Department shall:

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

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

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

7 (e) [(1)] The Department shall maintain a list of registered covered  
8 electronic device manufacturers **ON ITS WEB SITE**.

9 [(2) The Department shall provide a list of registered covered electronic  
10 device manufacturers to the Comptroller in a manner agreed on by the Department  
11 and the Comptroller.]

12 **(F) THE SALES DATA SUBMITTED IN ACCORDANCE WITH SUBSECTION**  
13 **(A)(4) OF THIS SECTION SHALL BE TREATED AS CONFIDENTIAL AND**  
14 **PROPRIETARY, AND MAY NOT BE DISCLOSED EXCEPT AS OTHERWISE REQUIRED**  
15 **BY LAW.**

16 **9-1728.2.**

17 **A MANUFACTURER THAT HAS IMPLEMENTED A COVERED ELECTRONIC**  
18 **DEVICE TAKEBACK PROGRAM SHALL:**

19 **(1) DESTROY OR SANITIZE DATA FROM A COVERED ELECTRONIC**  
20 **DEVICE THAT IS ACCEPTED BY THE TAKEBACK PROGRAM FROM A RETURNER IN**  
21 **THE STATE; AND**

22 **(2) CERTIFY TO THE RETURNER THAT THE DATA HAS BEEN**  
23 **DESTROYED OR SANITIZED.**

24 **9-1730.**

25 (a) The provisions and penalties of § 9-342 of this title shall be used and  
26 shall apply to enforce violations of this part.

27 (b) (1) In addition to any other penalty provided by law, the [Comptroller]  
28 **DEPARTMENT** may assess against any retailer that violates § 9-1728.1(b) of this part  
29 a fine up to **[\$500] \$1,000** for each violation, but not exceeding **[\$5,000] \$10,000**  
30 total.

31 (2) A fine under paragraph (1) of this subsection may be assessed only  
32 after the retailer that committed the violation has been issued three warnings  
33 regarding the violation.

1                   (3) Each day on which a violation occurs or continues is a separate  
2 violation under this subsection.

3                   [(4) At the end of each quarter, the Comptroller shall forward all fines  
4 to the State Recycling Trust Fund in a manner agreed on by the Department and the  
5 Comptroller.]

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2012.