

# HOUSE BILL 332

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CF SB 201

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By: **Delegates Lafferty, Frush, Lam, and S. Robinson**

Introduced and read first time: January 27, 2016

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Paint Stewardship Program**

3 FOR the purpose of requiring certain producers of architectural paint sold at retail in the  
4 State or a certain representative organization to submit a plan for the establishment  
5 of a Paint Stewardship Program to the Department of the Environment for approval,  
6 on or before a certain date, and in accordance with certain requirements; requiring  
7 a certain plan to establish a certain assessment; prohibiting a certain assessment  
8 from exceeding certain costs; requiring certain assessments to be used for a certain  
9 purpose; requiring the Office of Recycling within the Department to review and  
10 approve certain plans, including a certain assessment, submitted in accordance with  
11 the Paint Stewardship Program; requiring a producer or representative organization  
12 to pay a plan review fee, as determined by the Department; requiring certain fees to  
13 be deposited in the State Recycling Trust Fund; authorizing the State Recycling  
14 Trust Fund to be used to cover certain costs; requiring the Department to approve a  
15 certain plan under certain circumstances; requiring the Department to list certain  
16 producers and brands on its Web site under certain circumstances; requiring certain  
17 producers and retailers or distributors to add a certain assessment to the cost of all  
18 architectural paint sold in the State beginning on a certain date; requiring a certain  
19 producer or representative organization to implement a certain program on or before  
20 a certain date; prohibiting a producer or retailer from selling or offering for sale  
21 certain architectural paint under certain circumstances beginning on a certain date;  
22 requiring a certain producer or representative organization to provide consumers  
23 with certain educational materials in accordance with certain requirements;  
24 providing that certain retailers are in compliance with certain requirements under  
25 certain circumstances; providing that a certain producer or representative  
26 organization is immune from certain liability under certain circumstances; requiring  
27 a certain producer or representative organization to submit a certain report to the  
28 Department in accordance with certain requirements, on or before a certain date,  
29 and with a certain frequency thereafter; requiring the Department to keep certain  
30 data confidential; authorizing the Department to release certain summary data

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 under certain circumstances; defining certain terms; and generally relating to the  
2 Paint Stewardship Program.

3 BY repealing and reenacting, with amendments,  
4 Article – Environment  
5 Section 9–1701, 9–1702, and 9–1707(f)  
6 Annotated Code of Maryland  
7 (2014 Replacement Volume and 2015 Supplement)

8 BY adding to  
9 Article – Environment  
10 Section 9–1733 to be under the new part “Part V. Paint Stewardship Program”  
11 Annotated Code of Maryland  
12 (2014 Replacement Volume and 2015 Supplement)

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

15 **Article – Environment**

16 9–1701.

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

18 **(B) (1) “ARCHITECTURAL PAINT” MEANS INTERIOR AND EXTERIOR**  
19 **ARCHITECTURAL COATINGS SOLD IN CONTAINERS OF 5 GALLONS OR LESS.**

20 **(2) “ARCHITECTURAL PAINT” DOES NOT INCLUDE INDUSTRIAL**  
21 **COATINGS, ORIGINAL EQUIPMENT COATINGS, OR SPECIALTY COATINGS.**

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

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

28 **[(d)] (E) (1)** “Composting facility” means a facility where composting takes  
29 place.

30 **(2)** “Composting facility” does not include a facility that is required to  
31 obtain:

32 **(i)** A natural wood waste recycling facility permit in accordance with  
33 this title;

1 (ii) A sewage sludge utilization permit in accordance with this title;  
2 or

3 (iii) A refuse disposal permit in accordance with this title.

4 **[(e)] (F)** (1) “Computer” means a desktop personal computer or laptop  
5 computer, including the computer monitor.

6 (2) “Computer” does not include:

7 (i) A personal digital assistant device; or

8 (ii) A computer peripheral device, including:

9 1. A mouse or other similar pointing device;

10 2. A printer; or

11 3. A detachable keyboard.

12 **[(f)] (G)** (1) “Covered electronic device” means a computer or video display  
13 device with a screen that is greater than 4 inches measured diagonally.

14 (2) “Covered electronic device” does not include a video display device that  
15 is part of a motor vehicle or that is contained within a household appliance or commercial,  
16 industrial, or medical equipment.

17 **[(g)] (H)** “Covered electronic device takeback program” means a program,  
18 established by a covered electronic device manufacturer or a group of covered electronic  
19 device manufacturers, for the collection and recycling, refurbishing, or reuse of a covered  
20 electronic device labeled with the name of the manufacturer or the manufacturer’s brand  
21 label, including:

22 (1) Providing, at no cost to the returner, a method of returning a covered  
23 electronic device to the manufacturer, including postage paid mailing packages or  
24 designated collection points throughout the State;

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

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

28 **[(h)] (I)** “Director” means the Director of the Office of Recycling.

1           **(J) “DISTRIBUTOR” MEANS A COMPANY THAT HAS A CONTRACTUAL**  
2 **RELATIONSHIP WITH ONE OR MORE PRODUCERS TO MARKET AND SELL**  
3 **ARCHITECTURAL PAINT TO RETAILERS IN THE STATE.**

4           **[(i)] (K)**       “Manufacturer” means a person that is the brand owner of a covered  
5 electronic device sold or offered for sale in the State, by any means, including transactions  
6 conducted through sales outlets, catalogs, or the Internet.

7           **[(j)] (L)**       (1)     “Natural wood waste” means tree and other natural vegetative  
8 refuse.

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

11           **[(k)] (M)**       (1)     “Natural wood waste recycling facility” means a facility where  
12 recycling services for natural wood waste are provided.

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

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

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

18           **[(l)] (N)**       “Office” means the Office of Recycling within the Department.

19           **(O) “PAINT STEWARDSHIP ASSESSMENT” MEANS THE AMOUNT ADDED TO**  
20 **THE PURCHASE PRICE OF ARCHITECTURAL PAINT SOLD IN THE STATE THAT IS**  
21 **NECESSARY TO COVER THE PAINT STEWARDSHIP PROGRAM’S COST OF**  
22 **COLLECTING, TRANSPORTING, AND PROCESSING POSTCONSUMER PAINT**  
23 **STATEWIDE.**

24           **(P) “POSTCONSUMER PAINT” MEANS ARCHITECTURAL PAINT NOT USED**  
25 **AND NO LONGER WANTED BY A PURCHASER.**

26           **(Q) “PRODUCER” MEANS A MANUFACTURER OF ARCHITECTURAL PAINT**  
27 **THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE PAINT IN THE STATE UNDER**  
28 **THE PRODUCER’S OWN NAME OR BRAND.**

29           **[(m)] (R)**       “Recyclable materials” means those materials that:

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

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

3           [(n)] (S)   (1)   “Recycling” means any process in which recyclable materials are  
4 collected, separated, or processed and returned to the marketplace in the form of raw  
5 materials or products.

6           (2)    “Recycling” includes composting.

7           [(o)] (T)   “Recycling services” means the services provided by persons engaged in  
8 the business of recycling, including the collection, processing, storage, purchase, sale, or  
9 disposition of recyclable materials.

10           (U)    **“REPRESENTATIVE ORGANIZATION” MEANS A NONPROFIT**  
11 **ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT A PAINT STEWARDSHIP**  
12 **PROGRAM.**

13           [(p)] (V)   “Resource recovery facility” means a facility in existence as of January  
14 1, 1988 that:

15           (1)    Processes solid waste to produce valuable resources, including steam,  
16 electricity, metals, or refuse–derived fuel; and

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

19           (W)    **“RETAILER” MEANS ANY PERSON THAT OFFERS ARCHITECTURAL PAINT**  
20 **FOR SALE AT RETAIL IN THE STATE.**

21           (X)    **“SALE” OR “SELL” MEANS ANY TRANSFER OF TITLE FOR**  
22 **CONSIDERATION, INCLUDING REMOTE SALES CONDUCTED THROUGH SALES**  
23 **OUTLETS, CATALOGUES, THE INTERNET, OR ANY OTHER SIMILAR ELECTRONIC**  
24 **MEANS.**

25           [(q)] (Y)   (1)   “Solid waste stream” means garbage or refuse that would, unless  
26 recycled, be disposed of in a refuse disposal system.

27           (2)    “Solid waste stream” includes organic material capable of being  
28 composted that is not composted in accordance with regulations adopted under § 9–1725(b)  
29 of this subtitle.

30           (3)    “Solid waste stream” does not include:

31                   (i)    Hospital waste;

32                   (ii)   Rubble;

1 (iii) Scrap material;

2 (iv) Land clearing debris;

3 (v) Sewage sludge; or

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

6 **[(r)] (Z)** (1) "Video display device" means an electronic device with an output  
7 surface that displays or is capable of displaying moving graphical images or visual  
8 representations of image sequences or pictures that show a number of quickly changing  
9 images on a screen to create the illusion of motion.

10 (2) "Video display device" includes a device that is an integral part of the  
11 display and cannot easily be removed from the display by the consumer and that produces  
12 the moving image on the screen.

13 (3) A video display device may use a cathode-ray tube (CRT), liquid crystal  
14 display (LCD), gas plasma, digital light processing, or other image-projection technology.

15 **[(s)] (AA)** "White goods" includes:

16 (1) Refrigerators;

17 (2) Stoves;

18 (3) Washing machines;

19 (4) Dryers;

20 (5) Water heaters; and

21 (6) Air conditioners.

22 **[(t)] (BB)** (1) "Yard waste" means organic plant waste derived from gardening,  
23 landscaping, and tree trimming activities.

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

26 9-1702.

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

1 (b) The Secretary shall appoint a Director and sufficient staff to perform the  
2 functions of the Office. After July 1, 1989, the number of staff shall be as provided in the  
3 budget.

4 (c) The Secretary may adopt regulations to carry out the provisions of this  
5 subtitle.

6 (d) The Office shall:

7 (1) Assist the counties in developing an acceptable recycling plan required  
8 under § 9-1703 of this subtitle and § 9-505 of this title, including technical assistance to  
9 the local governments;

10 (2) Coordinate the efforts of the State to facilitate the implementation of  
11 the recycling goals at the county level;

12 (3) Review all recycling plans submitted as part of a county plan as  
13 required under § 9-505 of this title and advise the Secretary on the adequacy of the  
14 recycling plan; [and]

15 (4) Administer the Statewide Electronics Recycling Program under Part IV  
16 of this subtitle; AND

17 **(5) REVIEW AND APPROVE PLANS, INCLUDING THE PAINT**  
18 **STEWARDSHIP ASSESSMENT, SUBMITTED IN ACCORDANCE WITH A PAINT**  
19 **STEWARDSHIP PROGRAM ESTABLISHED UNDER PART V OF THIS SUBTITLE.**

20 (e) Beginning on January 1, 1990, and biannually thereafter, the Office shall, in  
21 coordination with the Maryland Environmental Service, study and report to the Governor  
22 and, subject to § 2-1246 of the State Government Article, the General Assembly on:

23 (1) The availability of local, national, and international markets for  
24 recycling materials;

25 (2) The identification and location of recycling centers, including an  
26 analysis of existing recycling centers and the need to expand these facilities or construct  
27 new recycling centers;

28 (3) Programs necessary to educate the public on the need to participate in  
29 recycling efforts;

30 (4) The economics and financing of existing and proposed systems of waste  
31 disposal and recycling;

32 (5) State procurement policies for the purchase of recycled materials;

1 (6) Programs necessary to reduce the amount of solid waste generated for  
2 disposal by a State agency or unit;

3 (7) The liaison role with local governments, the federal government, and  
4 the private sector;

5 (8) The percentage reduction in the amount of solid waste that has been  
6 achieved by each county; and

7 (9) Economically feasible methods for the recycling of scrap automobile  
8 tires, batteries, and white goods.

9 (f) (1) By December 1, 1988, the Office shall, in coordination with the  
10 Maryland Environmental Service and the Governor's Task Force on Solid Waste, make  
11 recommendations to the General Assembly for the financing of a comprehensive system of  
12 recycling at the State and local level, including funding for recycling centers, recycling  
13 equipment, recycling education, and marketing strategies.

14 (2) After the financing recommendations are made under paragraph (1) of  
15 this subsection, each county may submit to the Office and the Governor a detailed request  
16 for funds necessary to assist in the development and implementation of a recycling plan  
17 under guidelines developed by the Office.

18 (g) In studying feasible methods for the management and recycling of used tires  
19 under subsection (e)(9) of this section, the Office of Recycling shall consult with the  
20 appropriate industry, including representatives of:

21 (1) Tire manufacturers;

22 (2) Tire dealers; and

23 (3) Tire recyclers.

24 9-1707.

25 (f) (1) There is a State Recycling Trust Fund.

26 (2) The Fund shall consist of:

27 (i) The newsprint recycling incentive fee;

28 (ii) The telephone directory recycling incentive fee collected under  
29 § 9-1709 of this subtitle;

30 (iii) The covered electronic device manufacturer registration fee  
31 collected under § 9-1728 of this subtitle;



1 (iv) The mercury switch or mercury switch assembly removal fees  
2 collected under § 6–905.4(c)(6)(iii)3 of this article;

3 (v) **PAINT STEWARDSHIP PROGRAM PLAN REVIEW FEES**  
4 **COLLECTED UNDER § 9–1733 OF THIS SUBTITLE;**

5 [(v)] (vi) All fines and penalties collected under this subtitle and  
6 under §§ 6–905.4 and 6–905.6 of this article;

7 [(vi)] (vii) Money appropriated in the State budget to the Fund; and

8 [(vii)] (viii) Any other money from any other source accepted for the  
9 benefit of the Fund.

10 (3) The Secretary shall administer the Fund.

11 (4) The Treasurer shall hold the Fund separately and the Comptroller shall  
12 account for the Fund.

13 (5) At the end of each fiscal year, any unspent or unencumbered balance in  
14 the Fund that exceeds \$2,000,000 shall revert to the General Fund of the State in  
15 accordance with § 7–302 of the State Finance and Procurement Article.

16 (6) In accordance with the State budget, the Fund shall be used only:

17 (i) To provide grants to the counties to be used by the counties to  
18 develop and implement local recycling plans;

19 (ii) To provide grants to counties that have addressed methods for  
20 the separate collection and recycling of covered electronic devices in accordance with  
21 § 9–1703(c)(1) of this subtitle;

22 (iii) To provide grants to municipalities to be used by the  
23 municipalities to implement local covered electronic device recycling programs; [and]

24 (iv) **TO COVER THE COSTS OF PAINT STEWARDSHIP PLAN**  
25 **REVIEW UNDER § 9–1733(B) OF PART V OF THIS SUBTITLE; AND**

26 [(iv)] (v) To carry out the purposes of the land management  
27 administration.

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

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

1 **9-1731. RESERVED.**

2 **9-1732. RESERVED.**

3 **PART V. PAINT STEWARDSHIP PROGRAM.**

4 **9-1733.**

5 (A) (1) ON OR BEFORE APRIL 1, 2017, PRODUCERS OF ARCHITECTURAL  
6 PAINT SOLD AT RETAIL IN THE STATE, OR A REPRESENTATIVE ORGANIZATION  
7 ACTING ON A PRODUCER'S BEHALF, SHALL SUBMIT A PLAN FOR THE  
8 ESTABLISHMENT OF A PAINT STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR  
9 APPROVAL.

10 (2) THE PLAN SHALL MINIMIZE PUBLIC SECTOR INVOLVEMENT IN  
11 THE MANAGEMENT OF POSTCONSUMER PAINT BY:

12 (I) REDUCING ITS GENERATION;

13 (II) PROMOTING ITS REUSE AND RECYCLING; AND

14 (III) NEGOTIATING AND EXECUTING AGREEMENTS TO COLLECT,  
15 TRANSPORT, REUSE, RECYCLE, PROCESS FOR RESOURCE RECOVERY, AND DISPOSE  
16 OF POSTCONSUMER PAINT.

17 (3) THE PLAN SHALL PROVIDE FOR CONVENIENT AND AVAILABLE  
18 STATEWIDE COLLECTION OF POSTCONSUMER ARCHITECTURAL PAINT THAT:

19 (I) PROVIDES FOR COLLECTION RATES AND CONVENIENCE  
20 EQUAL TO OR GREATER THAN THE COLLECTION PROGRAMS AVAILABLE TO  
21 CONSUMERS PRIOR TO THE PAINT STEWARDSHIP PROGRAM;

22 (II) ADDRESSES THE COORDINATION OF THE ARCHITECTURAL  
23 PAINT STEWARDSHIP PROGRAM WITH EXISTING HOUSEHOLD HAZARDOUS WASTE  
24 COLLECTION INFRASTRUCTURE; AND

25 (III) IDENTIFIES EACH PRODUCER PARTICIPATING IN THE  
26 PAINT STEWARDSHIP PROGRAM AND THE BRANDS OF ARCHITECTURAL PAINT SOLD  
27 IN THE STATE THAT ARE COVERED BY THE PROGRAM.

28 (4) THE PLAN SHALL ESTABLISH:

1           **(I) A UNIFORM PAINT STEWARDSHIP ASSESSMENT FOR ALL**  
2 **ARCHITECTURAL PAINT SOLD IN THE STATE; AND**

3           **(II) A MECHANISM FOR PAINT PRODUCERS PARTICIPATING IN A**  
4 **PAINT STEWARDSHIP PROGRAM TO REMIT TO THE REPRESENTATIVE**  
5 **ORGANIZATION PAYMENT OF THE PAINT STEWARDSHIP ASSESSMENT FOR EACH**  
6 **CONTAINER OF ARCHITECTURAL PAINT SOLD IN THE STATE.**

7           **(5) THE TOTAL AMOUNT OF THE PAINT STEWARDSHIP ASSESSMENT**  
8 **MAY NOT EXCEED THE COSTS OF IMPLEMENTING THE PAINT STEWARDSHIP**  
9 **PROGRAM.**

10           **(6) PAINT STEWARDSHIP ASSESSMENTS MAY BE USED ONLY TO**  
11 **IMPLEMENT THE PAINT STEWARDSHIP PROGRAM.**

12           **(B) (1) THE DEPARTMENT SHALL REVIEW THE PROGRAM PLAN**  
13 **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.**

14           **(2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT**  
15 **SUBMITS A PLAN FOR APPROVAL SHALL PAY A PLAN REVIEW FEE TO BE DEPOSITED**  
16 **IN THE STATE RECYCLING TRUST FUND UNDER § 9-1707 OF THIS SUBTITLE THAT**  
17 **COVERS THE DEPARTMENT'S COST OF PLAN REVIEW, AS DETERMINED BY THE**  
18 **DEPARTMENT.**

19           **(3) IF THE DEPARTMENT DETERMINES THAT THE PROGRAM PLAN,**  
20 **INCLUDING THE PAINT STEWARDSHIP ASSESSMENT, COMPLIES WITH THE**  
21 **REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL**  
22 **APPROVE THE PROGRAM.**

23           **(4) THE DEPARTMENT SHALL LIST ON ITS WEB SITE THE PRODUCERS**  
24 **AND THE BRANDS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT**  
25 **STEWARDSHIP PROGRAM.**

26           **(C) (1) ON OR BEFORE OCTOBER 1, 2017, A PRODUCER OR**  
27 **REPRESENTATIVE ORGANIZATION SHALL IMPLEMENT A PAINT STEWARDSHIP**  
28 **PROGRAM.**

29           **(2) BEGINNING OCTOBER 1, 2017:**

30           **(I) A PRODUCER OR RETAILER MAY NOT SELL OR OFFER FOR**  
31 **SALE A BRAND OF ARCHITECTURAL PAINT TO ANY PERSON IN THE STATE UNLESS**  
32 **THE PRODUCER OF THE BRAND OR A REPRESENTATIVE ORGANIZATION TO WHICH**

1 THE PRODUCER IS A MEMBER IS IMPLEMENTING AN APPROVED PAINT  
2 STEWARDSHIP PROGRAM;

3 (II) A PRODUCER SHALL ADD THE PAINT STEWARDSHIP  
4 ASSESSMENT ESTABLISHED UNDER AN APPROVED PAINT STEWARDSHIP PROGRAM  
5 TO THE COST OF ALL ARCHITECTURAL PAINT SOLD TO RETAILERS AND  
6 DISTRIBUTORS IN THE STATE; AND

7 (III) EACH RETAILER OR DISTRIBUTOR SHALL ADD A PAINT  
8 STEWARDSHIP ASSESSMENT TO THE PURCHASE PRICE OF ALL ARCHITECTURAL  
9 PAINT SOLD IN THE STATE.

10 (D) A PRODUCER OR REPRESENTATIVE ORGANIZATION PARTICIPATING IN  
11 AN APPROVED PAINT STEWARDSHIP PROGRAM SHALL PROVIDE CONSUMERS WITH  
12 EDUCATIONAL MATERIALS REGARDING THE PROGRAM THAT INCLUDE:

13 (1) INFORMATION REGARDING AVAILABLE END-OF-LIFE  
14 MANAGEMENT OPTIONS FOR ARCHITECTURAL PAINT OFFERED THROUGH THE  
15 PROGRAM; AND

16 (2) INFORMATION THAT NOTIFIES CONSUMERS THAT AN  
17 ASSESSMENT TO COVER THE COSTS OF IMPLEMENTING THE PROGRAM IS INCLUDED  
18 IN THE PURCHASE PRICE OF ALL ARCHITECTURAL PAINT SOLD IN THE STATE.

19 (E) A RETAILER COMPLIES WITH THE REQUIREMENTS OF THIS SECTION IF,  
20 ON THE DATE THE ARCHITECTURAL PAINT WAS ORDERED FROM THE PRODUCER OR  
21 ITS AGENT, THE PRODUCER OF THE PAINT BRAND IS LISTED ON THE DEPARTMENT'S  
22 WEB SITE AS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT  
23 STEWARDSHIP PROGRAM.

24 (F) A PRODUCER OR REPRESENTATIVE ORGANIZATION THAT ORGANIZES  
25 THE COLLECTION, TRANSPORT, AND PROCESSING OF POSTCONSUMER PAINT, IN  
26 ACCORDANCE WITH AN APPROVED PAINT STEWARDSHIP PROGRAM, SHALL BE  
27 IMMUNE FROM LIABILITY FOR ANY CLAIM OF A VIOLATION OF ANTITRUST,  
28 RESTRAINT OF TRADE, OR UNFAIR TRADE PRACTICE ARISING FROM CONDUCT  
29 UNDERTAKEN IN ACCORDANCE WITH THE PROGRAM.

30 (G) BEGINNING DECEMBER 1, 2017, AND ANNUALLY THEREAFTER, THE  
31 PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT A REPORT TO THE  
32 DEPARTMENT THAT DETAILS THE PAINT STEWARDSHIP PROGRAM, INCLUDING:

33 (1) A DESCRIPTION OF THE METHODS USED TO COLLECT,  
34 TRANSPORT, AND PROCESS POSTCONSUMER PAINT IN THE STATE;

1           **(2) THE VOLUME OF POSTCONSUMER PAINT COLLECTED IN THE**  
2 **STATE;**

3           **(3) THE VOLUME AND TYPE OF POSTCONSUMER PAINT COLLECTED IN**  
4 **THE STATE BY METHOD OF DISPOSITION, INCLUDING REUSE, RECYCLING, AND**  
5 **OTHER METHODS OF PROCESSING OR DISPOSAL;**

6           **(4) THE TOTAL COST OF IMPLEMENTING THE PROGRAM, AS**  
7 **DETERMINED BY AN INDEPENDENT FINANCIAL AUDIT FUNDED BY THE PAINT**  
8 **STEWARDSHIP ASSESSMENT; AND**

9           **(5) SAMPLES OF EDUCATIONAL MATERIALS PROVIDED TO**  
10 **CONSUMERS OF ARCHITECTURAL PAINT.**

11           **(H) (1) FINANCIAL, PRODUCTION, OR SALES DATA REPORTED TO THE**  
12 **DEPARTMENT BY A PRODUCER OR THE REPRESENTATIVE ORGANIZATION SHALL BE**  
13 **KEPT CONFIDENTIAL BY THE DEPARTMENT AND MAY NOT BE SUBJECT TO PUBLIC**  
14 **INSPECTION.**

15           **(2) THE DEPARTMENT MAY RELEASE SUMMARY DATA THAT DOES**  
16 **NOT DISCLOSE FINANCIAL, PRODUCTION, OR SALES DATA OF A PRODUCER,**  
17 **RETAILER, OR REPRESENTATIVE ORGANIZATION.**

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2016.