

SENATE BILL 891

M3, M5

01r3375

By: **Senators Hershey and Feldman**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Solar Panel Stewardship Programs**

3 FOR the purpose of requiring the Department of the Environment to develop certain
4 guidelines for solar panel stewardship programs; requiring the Department to work
5 with certain persons in the development of certain guidelines; requiring the
6 Department to adopt certain guidelines in regulation on or before a certain date;
7 prohibiting a certain manufacturer from selling or offering for sale in the State a
8 solar panel unless the manufacturer has a certain solar panel stewardship plan and
9 operates a certain solar panel stewardship program on or after a certain date;
10 requiring a certain manufacturer to prepare and submit to the Department a certain
11 solar panel stewardship plan on or before a certain date or within a certain number
12 of days before completing a certain sale; establishing certain minimum requirements
13 for a solar panel stewardship plan; prohibiting a manufacturer from charging a fee
14 to a consumer for the takeback and recycling of an out-of-service solar panel;
15 requiring the Department to review and approve certain solar panel stewardship
16 plans under certain circumstances; authorizing a manufacturer to amend a certain
17 solar panel stewardship plan under certain circumstances; authorizing a
18 manufacturer to designate a stewardship organization to act as the manufacturer's
19 agent for certain purposes; requiring a certain stewardship organization to provide
20 certain information to the Department and to update the information at a certain
21 time; requiring a manufacturer or the manufacturer's designated stewardship
22 organization to make a certain report to the Department on or before certain dates
23 and to post a copy of a certain report to a certain website; authorizing the
24 Department to adopt certain regulations; establishing certain penalties for certain
25 violations; defining certain terms; and generally relating to solar panel recycling and
26 stewardship programs.

27 BY adding to

28 Article – Environment

29 Section 9–1733 through 9–1739 to be under the new part “Part V. Solar Panel
30 Stewardship Programs”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2019 Supplement)

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

5 **Article – Environment**

6 **9–1731. RESERVED.**

7 **9–1732. RESERVED.**

8 **PART V. SOLAR PANEL STEWARDSHIP PROGRAMS.**

9 **9–1733.**

10 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) (1) “MANUFACTURER” MEANS A PERSON THAT SELLS OR OFFERS FOR
13 SALE IN THE STATE A SOLAR PANEL UNDER A BRAND NAME UNIQUE TO THE
14 MANUFACTURER.

15 (2) “MANUFACTURER” INCLUDES A PERSON THAT:

16 (I) SELLS OR OFFERS FOR SALE IN THE STATE A SOLAR PANEL
17 ASSEMBLED FROM PARTS MANUFACTURED BY OTHER PERSONS, IF THE SOLAR
18 PANEL IS SOLD UNDER THE MANUFACTURER’S BRAND NAME;

19 (II) RESELLS OR OFFERS FOR RESALE IN THE STATE A SOLAR
20 PANEL PRODUCED BY ANOTHER SUPPLIER UNDER THE MANUFACTURER’S BRAND
21 NAME;

22 (III) PRODUCES A CO-BRANDED SOLAR PANEL FOR SALE IN THE
23 STATE THAT CARRIES THE NAME OF BOTH THE MANUFACTURER AND THE RETAILER;
24 OR

25 (IV) CHOOSES TO ASSUME THE RESPONSIBILITY AND REGISTER
26 IN PLACE OF A MANUFACTURER.

27 (C) “OUT-OF-SERVICE SOLAR PANEL” MEANS A SOLAR PANEL THAT IS
28 REMOVED, REPLACED, OR OTHERWISE TAKEN OUT OF SERVICE.

29 (D) (1) “SOLAR PANEL” MEANS A BANK OF SOLAR CELLS THAT, WHEN

1 EXPOSED TO RADIATION FROM THE SUN, IS CAPABLE OF GENERATING HEAT OR
2 ELECTRICITY.

3 (2) "SOLAR PANEL" DOES NOT INCLUDE A BANK OF SOLAR CELLS
4 THAT IS PART OF A CONSUMER ELECTRONIC DEVICE SUCH AS A WATCH OR
5 CALCULATOR.

6 (E) "STEWARDSHIP ORGANIZATION" MEANS A PERSON THAT IS IN THE
7 BUSINESS OF OPERATING A SOLAR PANEL STEWARDSHIP PROGRAM ON BEHALF OF
8 ONE OR MORE MANUFACTURERS.

9 9-1734.

10 (A) THE DEPARTMENT SHALL DEVELOP GUIDELINES FOR SOLAR PANEL
11 STEWARDSHIP PROGRAMS TO GUIDE MANUFACTURERS IN PREPARING AND
12 IMPLEMENTING A SELF-DIRECTED PROGRAM TO ENSURE THE CONVENIENT, SAFE,
13 AND ENVIRONMENTALLY SOUND TAKEBACK AND RECYCLING OF OUT-OF-SERVICE
14 SOLAR PANELS AND THEIR COMPONENT MATERIALS.

15 (B) THE DEPARTMENT SHALL WORK WITH MANUFACTURERS,
16 STEWARDSHIP ORGANIZATIONS, AND OTHER STAKEHOLDERS IN THE DEVELOPMENT
17 OF THE GUIDELINES REQUIRED UNDER THIS SECTION.

18 (C) ON OR BEFORE JULY 1, 2021, THE DEPARTMENT SHALL ADOPT THE
19 GUIDELINES DEVELOPED UNDER THIS SECTION BY REGULATION.

20 9-1735.

21 (A) ON OR AFTER JANUARY 1, 2022, A MANUFACTURER MAY NOT SELL OR
22 OFFER FOR SALE IN THE STATE A SOLAR PANEL UNLESS THE MANUFACTURER:

23 (1) HAS A SOLAR PANEL STEWARDSHIP PLAN APPROVED BY THE
24 DEPARTMENT UNDER THIS SECTION; AND

25 (2) OPERATES A SOLAR PANEL STEWARDSHIP PROGRAM IN
26 ACCORDANCE WITH THE PLAN.

27 (B) (1) ON OR BEFORE JANUARY 1, 2022, OR WITHIN 30 DAYS BEFORE
28 COMPLETING THE MANUFACTURER'S FIRST SALE IN OR INTO THE STATE, A
29 MANUFACTURER SHALL PREPARE AND SUBMIT TO THE DEPARTMENT A SOLAR
30 PANEL STEWARDSHIP PLAN.

31 (2) A SOLAR PANEL STEWARDSHIP PLAN SHALL, AT A MINIMUM:

1 **(I) CONFORM TO THE GUIDELINES ADOPTED UNDER § 9-1734**
2 **OF THIS SUBTITLE;**

3 **(II) APPLY TO ALL SOLAR PANELS SOLD BY THE**
4 **MANUFACTURER IN OR INTO THE STATE ON OR AFTER JULY 1, 2020;**

5 **(III) PROVIDE FOR THE ACCEPTANCE OF OUT-OF-SERVICE**
6 **SOLAR PANELS AT COLLECTION SITES THAT ARE CONVENIENT FOR CONSUMERS;**

7 **(IV) DESCRIBE HOW:**

8 **1. THE MANUFACTURER'S SOLAR PANEL STEWARDSHIP**
9 **PROGRAM WILL MINIMIZE THE RELEASE OF HAZARDOUS SUBSTANCES INTO THE**
10 **ENVIRONMENT AND MAXIMIZE RECOVERY OF OTHER COMPONENTS, INCLUDING**
11 **RARE EARTH METALS AND COMMERCIALY VALUABLE MATERIALS;**

12 **2. THE MANUFACTURER WILL FINANCE THE**
13 **STEWARDSHIP PROGRAM IN ACCORDANCE WITH PARAGRAPH (3) OF THIS**
14 **SUBSECTION; AND**

15 **3. RELEVANT STAKEHOLDERS, INCLUDING**
16 **CONSUMERS, INSTALLERS, BUILDING DEMOLITION FIRMS, AND RECYCLING**
17 **FACILITIES WILL RECEIVE THE INFORMATION NECESSARY IN ORDER TO PROPERLY**
18 **DISMANTLE, TRANSPORT, AND PROCESS OUT-OF-SERVICE SOLAR PANELS IN A**
19 **MANNER CONSISTENT WITH THE OBJECTIVES DESCRIBED IN ITEM 1 OF THIS ITEM;**
20 **AND**

21 **(V) ESTABLISH PERFORMANCE GOALS, INCLUDING A GOAL OF**
22 **ACHIEVING A RATE OF AT LEAST 85% FOR THE COMBINED REUSE AND RECYCLING**
23 **OF COLLECTED OUT-OF-SERVICE SOLAR PANELS AS A PERCENTAGE OF THE TOTAL**
24 **WEIGHT OF COLLECTED OUT-OF-SERVICE SOLAR PANELS.**

25 **(3) A MANUFACTURER MAY NOT CHARGE A FEE TO A CONSUMER FOR**
26 **THE TAKEBACK AND RECYCLING OF AN OUT-OF-SERVICE SOLAR PANEL.**

27 **(C) THE DEPARTMENT SHALL:**

28 **(1) REVIEW EACH SOLAR PANEL STEWARDSHIP PLAN SUBMITTED**
29 **UNDER THIS SECTION; AND**

30 **(2) APPROVE A SOLAR PANEL STEWARDSHIP PLAN ONLY IF THE PLAN**
31 **MEETS THE REQUIREMENTS OF THIS SECTION AND THE GUIDELINES ADOPTED**

1 UNDER § 9-1734 OF THIS SUBTITLE.

2 (D) A MANUFACTURER MAY AMEND THE MANUFACTURER'S SOLAR PANEL
3 STEWARDSHIP PLAN AT ANY TIME, SUBJECT TO APPROVAL BY THE DEPARTMENT.

4 9-1736.

5 (A) A MANUFACTURER MAY DESIGNATE A STEWARDSHIP ORGANIZATION TO
6 ACT AS THE MANUFACTURER'S AGENT IN IMPLEMENTING A SOLAR PANEL
7 STEWARDSHIP PROGRAM IN ACCORDANCE WITH THIS PART.

8 (B) (1) A STEWARDSHIP ORGANIZATION THAT HAS BEEN DESIGNATED IN
9 ACCORDANCE WITH THIS SECTION SHALL PROVIDE TO THE DEPARTMENT A LIST OF
10 THE MANUFACTURERS AND BRAND NAMES THAT THE STEWARDSHIP ORGANIZATION
11 REPRESENTS.

12 (2) A STEWARDSHIP ORGANIZATION SHALL UPDATE THE LIST
13 PROVIDED UNDER THIS SUBSECTION NOT LATER THAN 60 DAYS AFTER A
14 MANUFACTURER HAS:

15 (I) DESIGNATED THE STEWARDSHIP ORGANIZATION AS THE
16 MANUFACTURER'S AGENT; OR

17 (II) REMOVED THE DESIGNATION OF THE STEWARDSHIP
18 ORGANIZATION AS THE MANUFACTURER'S AGENT.

19 9-1737.

20 (A) ON OR BEFORE JULY 1, 2022, AND EACH JULY 1 THEREAFTER, A
21 MANUFACTURER OR THE MANUFACTURER'S DESIGNATED STEWARDSHIP
22 ORGANIZATION SHALL REPORT TO THE DEPARTMENT ON THE IMPLEMENTATION OF
23 THE MANUFACTURER'S SOLAR PANEL STEWARDSHIP PROGRAM.

24 (B) A MANUFACTURER OR THE MANUFACTURER'S DESIGNATED
25 STEWARDSHIP ORGANIZATION SHALL POST A COPY OF EACH REPORT REQUIRED
26 UNDER THIS SECTION TO THE WEBSITE OF THE MANUFACTURER OR THE
27 STEWARDSHIP ORGANIZATION.

28 9-1738.

29 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS PART.

30 9-1739.

1 **A PERSON THAT VIOLATES A PROVISION OF THIS PART OR A REGULATION**
2 **ADOPTED UNDER THIS PART IS SUBJECT TO:**

3 **(1) FOR A FIRST VIOLATION, A WARNING; AND**

4 **(2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY**
5 **NOT EXCEEDING \$1,000.**

6 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
7 **October 1, 2020.**