

# HOUSE BILL 127

M3  
HB 890/20 – ENT & ECM

(PRE-FILED)

1lr0379

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By: **Delegate Boyce**

Requested: June 19, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Paint Stewardship**

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; authorizing  
7 a certain plan to identify a certain retailer as a postconsumer collection site under  
8 certain circumstances; requiring a certain plan to establish a certain assessment;  
9 prohibiting a certain assessment from exceeding certain costs; requiring a certain  
10 assessment to be evaluated by an independent financial auditor, as designated by  
11 the Department, for certain purposes; requiring that the cost of certain work  
12 performed by a certain financial auditor be funded by the Paint Stewardship  
13 Program; requiring certain assessments to be used for a certain purpose; requiring  
14 the Office of Recycling within the Department to review and approve certain plans,  
15 including a certain assessment, submitted in accordance with the Paint Stewardship  
16 Program; requiring a producer or representative organization to pay a plan review  
17 fee, as determined by the Department; requiring certain fees to be deposited in the  
18 State Recycling Trust Fund; authorizing the State Recycling Trust Fund to be used  
19 to cover certain costs; requiring the Department to approve a certain plan under  
20 certain circumstances; requiring the Department to list certain producers and  
21 brands on its website under certain circumstances; requiring certain producers and  
22 retailers or distributors to add a certain assessment to the cost of all architectural  
23 paint sold in the State beginning on a certain date; requiring a certain producer or  
24 representative organization to implement a certain program within a certain amount  
25 of time after the Department approves a certain plan; prohibiting a producer or  
26 retailer from selling or offering for sale certain architectural paint under certain  
27 circumstances beginning on a certain date or after a certain amount of time after the  
28 Department approves a certain plan, whichever is later; requiring a certain producer  
29 or representative organization to provide consumers with certain educational  
30 materials in accordance with certain requirements; providing that certain retailers

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 are in compliance with certain requirements under certain circumstances; providing  
 2 that a certain producer or representative organization is immune from certain  
 3 liability under certain circumstances; requiring a certain producer or representative  
 4 organization to submit a certain report to the Department in accordance with certain  
 5 requirements on or before a certain date and with a certain frequency thereafter;  
 6 requiring the Department to review a certain report in accordance with certain  
 7 requirements; requiring a producer or representative organization to pay an annual  
 8 report review fee, as determined by the Department; requiring the Department to  
 9 keep certain data confidential; authorizing the Department to release certain  
 10 summary data under certain circumstances; defining certain terms; and generally  
 11 relating to the Paint Stewardship Program.

12 BY repealing and reenacting, without amendments,  
 13 Article – Environment  
 14 Section 9–1701(a), (i), and (m)  
 15 Annotated Code of Maryland  
 16 (2014 Replacement Volume and 2020 Supplement)

17 BY adding to  
 18 Article – Environment  
 19 Section 9–1701(b–1), (i–1), (o–1) through (o–3), (r–1), (s–1), and (s–2); and 9–1733 to  
 20 be under the new part “Part V. Paint Stewardship Program”  
 21 Annotated Code of Maryland  
 22 (2014 Replacement Volume and 2020 Supplement)

23 BY repealing and reenacting, with amendments,  
 24 Article – Environment  
 25 Section 9–1702 and 9–1707(f)  
 26 Annotated Code of Maryland  
 27 (2014 Replacement Volume and 2020 Supplement)

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

30 **Article – Environment**

31 9–1701.

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

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

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

37 (i) “Director” means the Director of the Office of Recycling.

1 (I-1) "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 (m) "Office" means the Office of Recycling within the Department.

5 (O-1) "PAINT STEWARDSHIP ASSESSMENT" MEANS THE AMOUNT ADDED TO  
6 THE PURCHASE PRICE OF ARCHITECTURAL PAINT SOLD IN THE STATE THAT IS  
7 NECESSARY TO COVER THE PAINT STEWARDSHIP PROGRAM'S COST OF  
8 COLLECTING, TRANSPORTING, AND PROCESSING POSTCONSUMER PAINT  
9 STATEWIDE.

10 (O-2) "POSTCONSUMER PAINT" MEANS ARCHITECTURAL PAINT NOT USED  
11 AND NO LONGER WANTED BY A PURCHASER.

12 (O-3) "PRODUCER" MEANS A MANUFACTURER OF ARCHITECTURAL PAINT  
13 THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE PAINT IN THE STATE UNDER  
14 THE PRODUCER'S OWN NAME OR BRAND.

15 (R-1) "REPRESENTATIVE ORGANIZATION" MEANS A NONPROFIT  
16 ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT A PAINT STEWARDSHIP  
17 PROGRAM.

18 (S-1) "RETAILER" MEANS ANY PERSON THAT OFFERS ARCHITECTURAL PAINT  
19 FOR SALE AT RETAIL IN THE STATE.

20 (S-2) "SALE" OR "SELL" MEANS ANY TRANSFER OF TITLE FOR  
21 CONSIDERATION, INCLUDING REMOTE SALES CONDUCTED THROUGH SALES  
22 OUTLETS, CATALOGUES, THE INTERNET, OR ANY OTHER SIMILAR ELECTRONIC  
23 MEANS.

24 9-1702.

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

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

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

31 (d) The Office shall:

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

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

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

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

11 **(5) REVIEW AND APPROVE PLANS AND ANNUAL REPORTS, INCLUDING**  
12 **THE PAINT STEWARDSHIP ASSESSMENT, SUBMITTED IN ACCORDANCE WITH A PAINT**  
13 **STEWARDSHIP PROGRAM ESTABLISHED UNDER PART V OF THIS SUBTITLE.**

14 (e) Beginning on January 1, 1990, and biannually thereafter, the Office shall, in  
15 coordination with the Maryland Environmental Service, study and report to the Governor  
16 and, subject to § 2-1257 of the State Government Article, the General Assembly on:

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

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

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

24 (4) The economics and financing of existing and proposed systems of waste  
25 disposal and recycling;

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

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

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

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

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

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

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

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

15           (1) Tire manufacturers;

16           (2) Tire dealers; and

17           (3) Tire recyclers.

18 9-1707.

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

20           (2) The Fund shall consist of:

21                   (i) The newsprint recycling incentive fee;

22                   (ii) The telephone directory recycling incentive fee collected under §  
23 9-1709 of this subtitle;

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

26                   **(IV) THE PAINT STEWARDSHIP PROGRAM PLAN AND ANNUAL**  
27 **REPORT REVIEW FEES COLLECTED UNDER § 9-1733(B) AND (H) OF THIS SUBTITLE;**

28                   ~~[(iv)]~~ **(V)** All fines and penalties collected under this subtitle;

29                   ~~[(v)]~~ **(VI)** Money appropriated in the State budget to the Fund; and

30                   ~~[(vi)]~~ **(VII)** Any other money from any other source accepted for the  
31 benefit of the Fund.

1 (3) The Secretary shall administer the Fund.

2 (4) The Treasurer shall hold the Fund separately and the Comptroller shall  
3 account for the Fund.

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

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

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

10 (ii) To provide grants to counties that have addressed methods for  
11 the separate collection and recycling of covered electronic devices in accordance with §  
12 9–1703(c)(1) of this subtitle;

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

15 (IV) TO COVER THE COSTS OF THE PAINT STEWARDSHIP  
16 PROGRAM PLAN REVIEW UNDER § 9–1733(B) OF THIS SUBTITLE, THE ANNUAL  
17 REPORT REVIEW UNDER § 9–1733(H) OF THIS SUBTITLE, AND ASSOCIATED COSTS  
18 FOR PROGRAM COMPLIANCE OVERSIGHT; AND

19 [(iv)] (V) To carry out the purposes of the land management  
20 administration.

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

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

25 **9–1731. RESERVED.**

26 **9–1732. RESERVED.**

27 **PART V. PAINT STEWARDSHIP PROGRAM.**

28 **9–1733.**

29 (A) (1) ON OR BEFORE JANUARY 1, 2022, PRODUCERS OF  
30 ARCHITECTURAL PAINT SOLD AT RETAIL IN THE STATE, OR A REPRESENTATIVE

1 ORGANIZATION ACTING ON A PRODUCER'S BEHALF, SHALL SUBMIT A PLAN FOR THE  
2 ESTABLISHMENT OF A PAINT STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR  
3 APPROVAL.

4 (2) THE PLAN SHALL MINIMIZE PUBLIC SECTOR INVOLVEMENT IN,  
5 AND FINANCIAL RESPONSIBILITY FOR, THE MANAGEMENT OF POSTCONSUMER  
6 PAINT BY:

7 (I) REDUCING ITS GENERATION;

8 (II) PROMOTING ITS REUSE AND RECYCLING; AND

9 (III) NEGOTIATING AND EXECUTING AGREEMENTS TO COLLECT,  
10 TRANSPORT, REUSE, RECYCLE, PROCESS FOR RESOURCE RECOVERY, AND DISPOSE  
11 OF POSTCONSUMER PAINT.

12 (3) THE PLAN SHALL PROVIDE FOR CONVENIENT AND AVAILABLE  
13 STATEWIDE COLLECTION OF POSTCONSUMER PAINT THAT:

14 (I) PROVIDES FOR COLLECTION RATES AND CONVENIENCE  
15 EQUAL TO OR GREATER THAN THE COLLECTION PROGRAMS AVAILABLE TO  
16 CONSUMERS PRIOR TO THE PAINT STEWARDSHIP PROGRAM;

17 (II) IDENTIFIES EACH PRODUCER PARTICIPATING IN THE  
18 PAINT STEWARDSHIP PROGRAM AND THE BRANDS OF ARCHITECTURAL PAINT SOLD  
19 IN THE STATE THAT ARE COVERED BY THE PROGRAM;

20 (III) DESCRIBES HOW THE PAINT STEWARDSHIP PROGRAM MAY  
21 BE IMPLEMENTED IN COORDINATION WITH EXISTING HOUSEHOLD HAZARDOUS  
22 WASTE COLLECTION INFRASTRUCTURE IN A MANNER THAT IS MUTUALLY  
23 AGREEABLE; AND

24 (IV) PROVIDES GEOGRAPHIC MODELING TO DETERMINE THE  
25 NUMBER AND DISTRIBUTION OF SITES FOR COLLECTION OF POSTCONSUMER PAINT  
26 BASED ON THE FOLLOWING CRITERIA:

27 1. AT LEAST 90% OF THE RESIDENTS OF THE STATE  
28 SHALL HAVE A COLLECTION SITE WITHIN A 15-MILE RADIUS; AND

29 2. UNLESS OTHERWISE APPROVED BY THE  
30 DEPARTMENT, ONE ADDITIONAL COLLECTION SITE SHALL BE ESTABLISHED FOR  
31 EVERY 50,000 RESIDENTS OF A GEOGRAPHICAL AREA DESIGNATED UNDER FEDERAL  
32 LAW AS AN URBANIZED AREA.

1           **(4) THE PLAN MAY IDENTIFY A RETAILER AS A POSTCONSUMER PAINT**  
2 **COLLECTION SITE IF:**

3           **(I) THE RETAILER VOLUNTEERS TO ACT AS A POSTCONSUMER**  
4 **PAINT COLLECTION SITE;**

5           **(II) THE RETAILER IS IN COMPLIANCE WITH ALL APPLICABLE**  
6 **LAWS AND REGULATIONS; AND**

7           **(III) THE SITE LOCATION OF THE RETAILER IS CONSISTENT WITH**  
8 **MAINTAINING A COST-EFFECTIVE NETWORK OF POSTCONSUMER PAINT**  
9 **COLLECTION LOCATIONS.**

10           **(5) THE PLAN SHALL ESTABLISH:**

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

13           **(II) A MECHANISM FOR PAINT PRODUCERS PARTICIPATING IN A**  
14 **PAINT STEWARDSHIP PROGRAM TO REMIT TO THE REPRESENTATIVE**  
15 **ORGANIZATION PAYMENT OF THE PAINT STEWARDSHIP ASSESSMENT FOR EACH**  
16 **CONTAINER OF ARCHITECTURAL PAINT SOLD IN THE STATE.**

17           **(6) THE TOTAL AMOUNT OF THE PAINT STEWARDSHIP ASSESSMENT**  
18 **MAY NOT EXCEED THE COSTS OF IMPLEMENTING THE PAINT STEWARDSHIP**  
19 **PROGRAM.**

20           **(7) (I) THE PAINT STEWARDSHIP ASSESSMENT SHALL BE**  
21 **EVALUATED BY AN INDEPENDENT FINANCIAL AUDITOR, AS DESIGNATED BY THE**  
22 **DEPARTMENT, TO ENSURE THE COSTS OF IMPLEMENTING THE PAINT**  
23 **STEWARDSHIP PROGRAM ARE COVERED BUT NOT EXCEEDED.**

24           **(II) THE COST OF ANY WORK PERFORMED BY AN INDEPENDENT**  
25 **FINANCIAL AUDITOR SHALL BE FUNDED BY THE PROGRAM.**

26           **(8) PAINT STEWARDSHIP ASSESSMENTS MAY BE USED ONLY TO**  
27 **IMPLEMENT THE PAINT STEWARDSHIP PROGRAM.**

28           **(B) (1) THE DEPARTMENT SHALL REVIEW:**

29           **(I) THE PAINT STEWARDSHIP PROGRAM PLAN REQUIRED**  
30 **UNDER SUBSECTION (A) OF THIS SECTION; AND**



1                   **(II) THE WORK PRODUCT OF THE INDEPENDENT FINANCIAL**  
2 **AUDITOR DESIGNATED BY THE DEPARTMENT TO EVALUATE PAINT STEWARDSHIP**  
3 **ASSESSMENTS.**

4                   **(2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT**  
5 **SUBMITS A PLAN FOR APPROVAL SHALL PAY A PLAN REVIEW FEE TO THE**  
6 **DEPARTMENT TO BE DEPOSITED IN THE STATE RECYCLING TRUST FUND UNDER §**  
7 **9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S COST OF PLAN**  
8 **REVIEW, INCLUDING ASSOCIATED COSTS FOR PROGRAM COMPLIANCE OVERSIGHT,**  
9 **AS DETERMINED BY THE DEPARTMENT.**

10                   **(3) IF THE DEPARTMENT DETERMINES THAT THE PAINT**  
11 **STEWARDSHIP PROGRAM PLAN, INCLUDING THE PAINT STEWARDSHIP**  
12 **ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS**  
13 **SECTION, THE DEPARTMENT SHALL APPROVE THE PROGRAM.**

14                   **(4) THE DEPARTMENT SHALL LIST ON ITS WEBSITE THE PRODUCERS**  
15 **AND BRANDS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT**  
16 **STEWARDSHIP PROGRAM.**

17                   **(C) (1) A PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL**  
18 **IMPLEMENT ITS PAINT STEWARDSHIP PROGRAM PLAN WITHIN 6 MONTHS AFTER**  
19 **THE PLAN'S APPROVAL BY THE DEPARTMENT.**

20                   **(2) BEGINNING OCTOBER 1, 2022, OR 6 MONTHS AFTER PLAN**  
21 **APPROVAL, WHICHEVER IS LATER:**

22                   **(I) A PRODUCER OR RETAILER MAY NOT SELL OR OFFER FOR**  
23 **SALE A BRAND OF ARCHITECTURAL PAINT TO ANY PERSON IN THE STATE, UNLESS**  
24 **THE PRODUCER OF THE BRAND OR A REPRESENTATIVE ORGANIZATION OF WHICH**  
25 **THE PRODUCER IS A MEMBER IS IMPLEMENTING AN APPROVED PAINT**  
26 **STEWARDSHIP PROGRAM;**

27                   **(II) A PRODUCER SHALL ADD THE PAINT STEWARDSHIP**  
28 **ASSESSMENT ESTABLISHED UNDER AN APPROVED PAINT STEWARDSHIP PROGRAM**  
29 **TO THE COST OF ALL ARCHITECTURAL PAINT SOLD TO RETAILERS AND**  
30 **DISTRIBUTED IN THE STATE; AND**

31                   **(III) EACH RETAILER OR DISTRIBUTOR SHALL ADD A PAINT**  
32 **STEWARDSHIP ASSESSMENT TO THE PURCHASE PRICE OF ALL ARCHITECTURAL**  
33 **PAINT SOLD IN THE STATE.**

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

4 (1) INFORMATION REGARDING AVAILABLE END-OF-LIFE  
5 MANAGEMENT OPTIONS FOR ARCHITECTURAL PAINT OFFERED THROUGH THE  
6 PROGRAM; AND

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

10 (E) FOLLOWING THE IMPLEMENTATION OF THE PAINT STEWARDSHIP  
11 PROGRAM, A RETAILER COMPLIES WITH THE REQUIREMENTS OF THIS SECTION IF,  
12 ON THE DATE THE ARCHITECTURAL PAINT WAS ORDERED FROM THE PRODUCER OR  
13 ITS AGENT, THE PRODUCER OF THE PAINT BRAND IS LISTED ON THE DEPARTMENT'S  
14 WEBSITE AS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT  
15 STEWARDSHIP PROGRAM.

16 (F) A POSTCONSUMER PAINT COLLECTION SITE THAT IS IDENTIFIED IN THE  
17 PLAN MAY NOT CHARGE AN ADDITIONAL FEE FOR THE DISPOSAL OF PAINT WHEN IT  
18 IS OFFERED FOR DISPOSAL.

19 (G) A PRODUCER OR REPRESENTATIVE ORGANIZATION THAT ORGANIZES  
20 THE COLLECTION, TRANSPORT, AND PROCESSING OF POSTCONSUMER PAINT IN  
21 ACCORDANCE WITH AN APPROVED PAINT STEWARDSHIP PROGRAM SHALL BE  
22 IMMUNE FROM LIABILITY FOR ANY CLAIM OF A VIOLATION OF ANTITRUST,  
23 RESTRAINT OF TRADE, OR UNFAIR TRADE PRACTICE ARISING FROM CONDUCT  
24 UNDERTAKEN IN ACCORDANCE WITH THE PROGRAM.

25 (H) (1) BEGINNING APRIL 1, 2023, AND ANNUALLY THEREAFTER, THE  
26 PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT A REPORT TO THE  
27 DEPARTMENT THAT DETAILS THE PAINT STEWARDSHIP PROGRAM, INCLUDING:

28 (I) A DESCRIPTION OF THE METHODS USED TO COLLECT,  
29 TRANSPORT, AND PROCESS POSTCONSUMER PAINT IN THE STATE;

30 (II) THE VOLUME OF POSTCONSUMER PAINT COLLECTED IN  
31 THE STATE;

32 (III) THE VOLUME AND TYPE OF POSTCONSUMER PAINT  
33 COLLECTED IN THE STATE BY METHOD OF DISPOSITION, INCLUDING REUSE,  
34 RECYCLING, AND OTHER METHODS OF PROCESSING OR DISPOSAL, THAT INCLUDES

1 AN ACCOUNTING OF THE VOLUME OF POSTCONSUMER PAINT COLLECTED IN THE  
2 STATE FOR EACH COUNTY IN THE STATE;

3 (IV) THE TOTAL COST OF IMPLEMENTING AND ADMINISTERING  
4 THE PROGRAM, AS DETERMINED BY AN INDEPENDENT FINANCIAL AUDIT FUNDED  
5 BY THE PAINT STEWARDSHIP ASSESSMENT; AND

6 (V) SAMPLES OF EDUCATIONAL MATERIALS USED TO INFORM  
7 CONSUMERS OF ARCHITECTURAL PAINT.

8 (2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT  
9 SUBMITS A REPORT REQUIRED UNDER THIS SECTION SHALL PAY A REPORT REVIEW  
10 FEE TO THE DEPARTMENT TO BE DEPOSITED IN THE STATE RECYCLING TRUST  
11 FUND UNDER § 9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S COST  
12 OF REPORT REVIEW, INCLUDING ASSOCIATED COSTS FOR PROGRAM COMPLIANCE  
13 OVERSIGHT, AS DETERMINED BY THE DEPARTMENT.

14 (I) (1) THE DEPARTMENT SHALL REVIEW THE ANNUAL REPORT  
15 REQUIRED UNDER SUBSECTION (H) OF THIS SECTION AND:

16 (I) EVALUATE THE TOTAL COSTS OF THE PAINT STEWARDSHIP  
17 PROGRAM, INCLUDING ALL EXPENSES AND REVENUES, TO DETERMINE WHETHER  
18 THE PAINT STEWARDSHIP ASSESSMENT MEETS OR EXCEEDS THE COSTS OF THE  
19 PROGRAM IN ACCORDANCE WITH SUBSECTION (A)(5) OF THIS SECTION; AND

20 (II) DETERMINE WHETHER THE PLAN IS BEING IMPLEMENTED  
21 IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

22 (2) IF THE DEPARTMENT DETERMINES THAT THE PAINT  
23 STEWARDSHIP ANNUAL REPORT, INCLUDING THE PAINT STEWARDSHIP  
24 ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS  
25 SECTION, THE DEPARTMENT SHALL APPROVE THE ANNUAL REPORT.

26 (3) THE PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL  
27 MAKE THE APPROVED ANNUAL REPORT AVAILABLE TO THE PUBLIC.

28 (J) (1) FINANCIAL, PRODUCTION, OR SALES DATA REPORTED TO THE  
29 DEPARTMENT BY A PRODUCER OR THE REPRESENTATIVE ORGANIZATION SHALL BE  
30 KEPT CONFIDENTIAL BY THE DEPARTMENT AND MAY NOT BE SUBJECT TO PUBLIC  
31 INSPECTION.

32 (2) THE DEPARTMENT MAY RELEASE SUMMARY DATA THAT DOES  
33 NOT DISCLOSE FINANCIAL, PRODUCTION, OR SALES DATA OF A PRODUCER,  
34 RETAILER, OR REPRESENTATIVE ORGANIZATION.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2 1, 2021.