

SENATE BILL 143

M3

(PRE-FILED)

2lr0965
CF HB 18

By: **Senator West**

Requested: October 26, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

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; requiring a
7 certain plan to establish a certain assessment on architectural paint sold in the State
8 that is necessary to cover the Paint Stewardship Program's cost of collecting,
9 transporting, and processing postconsumer paint statewide; requiring the Office of
10 Recycling within the Department to review and approve certain plans, including a
11 certain assessment, submitted in accordance with the Paint Stewardship Program;
12 requiring certain producers and retailers or distributors to add a certain assessment
13 to the cost of all architectural paint sold in the State beginning on a certain date;
14 requiring a certain producer or representative organization to implement a certain
15 program within a certain amount of time after the Department approves a certain
16 plan; prohibiting a producer or retailer from selling or offering for sale certain
17 architectural paint under certain circumstances beginning on a certain date or after
18 a certain amount of time after the Department approves a certain plan, whichever
19 is later; and generally relating to the Paint Stewardship Program.

20 BY repealing and reenacting, without amendments,
21 Article – Environment
22 Section 9–1701(a), (i), and (m)
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2021 Supplement)

25 BY adding to
26 Article – Environment
27 Section 9–1701(b–1), (i–1), (o–1) through (o–3), (r–2) through (r–4); and 9–1733 to be
28 under the new part “Part V. Paint Stewardship Program”
29 Annotated Code of Maryland
30 (2014 Replacement Volume and 2021 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – Environment
3 Section 9–1701(i–1), 9–1702, and 9–1707(f)
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2021 Supplement)

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

8 **Article – Environment**

9 9–1701.

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

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

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

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

16 **(I–1) “DISTRIBUTOR” MEANS A COMPANY THAT HAS A CONTRACTUAL**
17 **RELATIONSHIP WITH ONE OR MORE PRODUCERS TO MARKET AND SELL**
18 **ARCHITECTURAL PAINT TO RETAILERS IN THE STATE.**

19 ~~[(i–1)]~~ **(I–2) “Food residuals”** means material derived from the processing or
20 discarding of food, including pre– and post–consumer vegetables, fruits, grains, dairy
21 products, and meats.

22 (m) “Office” means the Office of Recycling within the Department.

23 **(O–1) “PAINT STEWARDSHIP ASSESSMENT” MEANS THE AMOUNT ADDED TO**
24 **THE PURCHASE PRICE OF ARCHITECTURAL PAINT SOLD IN THE STATE THAT IS**
25 **NECESSARY TO COVER THE PAINT STEWARDSHIP PROGRAM’S COST OF**
26 **COLLECTING, TRANSPORTING, AND PROCESSING POSTCONSUMER PAINT**
27 **STATEWIDE.**

28 **(O–2) “POSTCONSUMER PAINT” MEANS ARCHITECTURAL PAINT NOT USED**
29 **AND NO LONGER WANTED BY A PURCHASER.**

30 **(O–3) “PRODUCER” MEANS A MANUFACTURER OF ARCHITECTURAL PAINT**
31 **THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE PAINT IN THE STATE UNDER**
32 **THE PRODUCER’S OWN NAME OR BRAND.**

1 **(R-2) “REPRESENTATIVE ORGANIZATION” MEANS A NONPROFIT**
2 **ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT A PAINT STEWARDSHIP**
3 **PROGRAM.**

4 **(R-3) “RETAILER” MEANS ANY PERSON THAT OFFERS ARCHITECTURAL PAINT**
5 **FOR SALE AT RETAIL IN THE STATE.**

6 **(R-4) “SALE” OR “SELL” MEANS ANY TRANSFER OF TITLE FOR**
7 **CONSIDERATION, INCLUDING REMOTE SALES CONDUCTED THROUGH SALES**
8 **OUTLETS, CATALOGUES, THE INTERNET, OR ANY OTHER SIMILAR ELECTRONIC**
9 **MEANS.**

10 9-1702.

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

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

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

17 (d) The Office shall:

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

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

23 (3) Review all recycling plans submitted as part of a county plan as
24 required under § 9-505 of this title and advise the Secretary on the adequacy of the
25 recycling plan;

26 (4) Administer the Statewide Electronics Recycling Program under Part IV
27 of this subtitle; [and]

28 (5) Promote the development of markets for recycled materials and
29 recycled products in the State in accordance with § 9-1702.1 of this subtitle; AND

30 **(6) REVIEW AND APPROVE PLANS AND ANNUAL REPORTS, INCLUDING**
31 **THE PAINT STEWARDSHIP ASSESSMENT, SUBMITTED IN ACCORDANCE WITH A PAINT**
32 **STEWARDSHIP PROGRAM ESTABLISHED UNDER PART V OF THIS SUBTITLE.**

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

4 (1) The identification and location of recycling centers, including an
5 analysis of existing recycling centers and the need to expand these facilities or construct
6 new recycling centers;

7 (2) Programs necessary to educate the public on the need to participate in
8 recycling efforts;

9 (3) The economics and financing of existing and proposed systems of waste
10 disposal and recycling;

11 (4) State procurement policies for the purchase of recycled materials;

12 (5) Programs necessary to reduce the amount of solid waste generated for
13 disposal by a State agency or unit;

14 (6) The liaison role with local governments, the federal government, and
15 the private sector;

16 (7) The percentage reduction in the amount of solid waste that has been
17 achieved by each county; and

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

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

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

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

32 (1) Tire manufacturers;

33 (2) Tire dealers; and

1 (3) Tire recyclers.

2 9–1707.

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

4 (2) The Fund shall consist of:

5 (i) The newsprint recycling incentive fee;

6 (ii) The telephone directory recycling incentive fee collected under §
7 9–1709 of this subtitle;

8 (iii) The covered electronic device manufacturer registration fee
9 collected under § 9–1728 of this subtitle;

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

12 [(iv)] (V) All fines and penalties collected under this subtitle;

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

14 [(vi)] (VII) Any other money from any other source accepted for the
15 benefit of the Fund.

16 (3) The Secretary shall administer the Fund.

17 (4) The Treasurer shall hold the Fund separately and the Comptroller shall
18 account for the Fund.

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

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

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

25 (ii) To provide grants to counties that have addressed methods for
26 the separate collection and recycling of covered electronic devices in accordance with §
27 9–1703(c)(1) of this subtitle;

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

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

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

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

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

9-1731. RESERVED.

9-1732. RESERVED.

PART V. PAINT STEWARDSHIP PROGRAM.

9-1733.

(A) (1) ON OR BEFORE JANUARY 1, 2023, PRODUCERS OF ARCHITECTURAL PAINT SOLD AT RETAIL IN THE STATE, OR A REPRESENTATIVE ORGANIZATION ACTING ON A PRODUCER'S BEHALF, SHALL SUBMIT A PLAN FOR THE ESTABLISHMENT OF A PAINT STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR APPROVAL.

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

(I) REDUCING ITS GENERATION;

(II) PROMOTING ITS REUSE AND RECYCLING; AND

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

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

1 **(I) PROVIDES FOR COLLECTION RATES AND CONVENIENCE**
2 **EQUAL TO OR GREATER THAN THE COLLECTION PROGRAMS AVAILABLE TO**
3 **CONSUMERS PRIOR TO THE PAINT STEWARDSHIP PROGRAM;**

4 **(II) IDENTIFIES EACH PRODUCER PARTICIPATING IN THE**
5 **PAINT STEWARDSHIP PROGRAM AND THE BRANDS OF ARCHITECTURAL PAINT SOLD**
6 **IN THE STATE THAT ARE COVERED BY THE PROGRAM;**

7 **(III) DESCRIBES HOW THE PAINT STEWARDSHIP PROGRAM MAY**
8 **BE IMPLEMENTED IN COORDINATION WITH EXISTING HOUSEHOLD HAZARDOUS**
9 **WASTE COLLECTION INFRASTRUCTURE IN A MANNER THAT IS MUTUALLY**
10 **AGREEABLE; AND**

11 **(IV) PROVIDES GEOGRAPHIC MODELING TO DETERMINE THE**
12 **NUMBER AND DISTRIBUTION OF SITES FOR COLLECTION OF POSTCONSUMER PAINT**
13 **BASED ON THE FOLLOWING CRITERIA:**

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

16 **2. UNLESS OTHERWISE APPROVED BY THE**
17 **DEPARTMENT, ONE ADDITIONAL COLLECTION SITE SHALL BE ESTABLISHED FOR**
18 **EVERY 50,000 RESIDENTS OF A GEOGRAPHICAL AREA DESIGNATED UNDER FEDERAL**
19 **LAW AS AN URBANIZED AREA.**

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

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

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

26 **(III) THE SITE LOCATION OF THE RETAILER IS CONSISTENT WITH**
27 **MAINTAINING A COST-EFFECTIVE NETWORK OF POSTCONSUMER PAINT**
28 **COLLECTION LOCATIONS.**

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

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

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

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

8 (7) (I) THE PAINT STEWARDSHIP ASSESSMENT SHALL BE
9 EVALUATED BY AN INDEPENDENT FINANCIAL AUDITOR, AS DESIGNATED BY THE
10 DEPARTMENT, TO ENSURE THE COSTS OF IMPLEMENTING THE PAINT
11 STEWARDSHIP PROGRAM ARE COVERED BUT NOT EXCEEDED.

12 (II) THE COST OF ANY WORK PERFORMED BY AN INDEPENDENT
13 FINANCIAL AUDITOR SHALL BE FUNDED BY THE PROGRAM.

14 (8) PAINT STEWARDSHIP ASSESSMENTS MAY BE USED ONLY TO
15 IMPLEMENT THE PAINT STEWARDSHIP PROGRAM.

16 (B) (1) THE DEPARTMENT SHALL REVIEW:

17 (I) THE PAINT STEWARDSHIP PROGRAM PLAN REQUIRED
18 UNDER SUBSECTION (A) OF THIS SECTION; AND

19 (II) THE WORK PRODUCT OF THE INDEPENDENT FINANCIAL
20 AUDITOR DESIGNATED BY THE DEPARTMENT TO EVALUATE PAINT STEWARDSHIP
21 ASSESSMENTS.

22 (2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT
23 SUBMITS A PLAN FOR APPROVAL SHALL PAY A PLAN REVIEW FEE TO THE
24 DEPARTMENT TO BE DEPOSITED IN THE STATE RECYCLING TRUST FUND UNDER §
25 9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S COST OF PLAN
26 REVIEW, INCLUDING ASSOCIATED COSTS FOR PROGRAM COMPLIANCE OVERSIGHT,
27 AS DETERMINED BY THE DEPARTMENT.

28 (3) IF THE DEPARTMENT DETERMINES THAT THE PAINT
29 STEWARDSHIP PROGRAM PLAN, INCLUDING THE PAINT STEWARDSHIP
30 ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS
31 SECTION, THE DEPARTMENT SHALL APPROVE THE PROGRAM.

32 (4) THE DEPARTMENT SHALL LIST ON ITS WEBSITE THE PRODUCERS
33 AND BRANDS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT
34 STEWARDSHIP PROGRAM.

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

4 **(2) BEGINNING OCTOBER 1, 2023, OR 6 MONTHS AFTER PLAN**
5 **APPROVAL, WHICHEVER IS LATER:**

6 **(I) A PRODUCER OR RETAILER MAY NOT SELL OR OFFER FOR**
7 **SALE A BRAND OF ARCHITECTURAL PAINT TO ANY PERSON IN THE STATE, UNLESS**
8 **THE PRODUCER OF THE BRAND OR A REPRESENTATIVE ORGANIZATION OF WHICH**
9 **THE PRODUCER IS A MEMBER IS IMPLEMENTING AN APPROVED PAINT**
10 **STEWARDSHIP PROGRAM;**

11 **(II) A PRODUCER SHALL ADD THE PAINT STEWARDSHIP**
12 **ASSESSMENT ESTABLISHED UNDER AN APPROVED PAINT STEWARDSHIP PROGRAM**
13 **TO THE COST OF ALL ARCHITECTURAL PAINT SOLD TO RETAILERS AND**
14 **DISTRIBUTED IN THE STATE; AND**

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

18 **(D) A PRODUCER OR REPRESENTATIVE ORGANIZATION PARTICIPATING IN**
19 **AN APPROVED PAINT STEWARDSHIP PROGRAM SHALL PROVIDE CONSUMERS WITH**
20 **EDUCATIONAL MATERIALS REGARDING THE PROGRAM THAT INCLUDE:**

21 **(1) INFORMATION REGARDING AVAILABLE END-OF-LIFE**
22 **MANAGEMENT OPTIONS FOR ARCHITECTURAL PAINT OFFERED THROUGH THE**
23 **PROGRAM; AND**

24 **(2) INFORMATION THAT NOTIFIES CONSUMERS THAT AN**
25 **ASSESSMENT TO COVER THE COSTS OF IMPLEMENTING THE PROGRAM IS INCLUDED**
26 **IN THE PURCHASE PRICE OF ALL ARCHITECTURAL PAINT SOLD IN THE STATE.**

27 **(E) FOLLOWING THE IMPLEMENTATION OF THE PAINT STEWARDSHIP**
28 **PROGRAM, A RETAILER COMPLIES WITH THE REQUIREMENTS OF THIS SECTION IF,**
29 **ON THE DATE THE ARCHITECTURAL PAINT WAS ORDERED FROM THE PRODUCER OR**
30 **ITS AGENT, THE PRODUCER OF THE PAINT BRAND IS LISTED ON THE DEPARTMENT'S**
31 **WEBSITE AS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT**
32 **STEWARDSHIP PROGRAM.**

1 **(F) A POSTCONSUMER PAINT COLLECTION SITE THAT IS IDENTIFIED IN THE**
2 **PLAN MAY NOT CHARGE AN ADDITIONAL FEE FOR THE DISPOSAL OF PAINT WHEN IT**
3 **IS OFFERED FOR DISPOSAL.**

4 **(G) A PRODUCER OR REPRESENTATIVE ORGANIZATION THAT ORGANIZES**
5 **THE COLLECTION, TRANSPORT, AND PROCESSING OF POSTCONSUMER PAINT IN**
6 **ACCORDANCE WITH AN APPROVED PAINT STEWARDSHIP PROGRAM SHALL BE**
7 **IMMUNE FROM LIABILITY FOR ANY CLAIM OF A VIOLATION OF ANTITRUST,**
8 **RESTRAINT OF TRADE, OR UNFAIR TRADE PRACTICE ARISING FROM CONDUCT**
9 **UNDERTAKEN IN ACCORDANCE WITH THE PROGRAM.**

10 **(H) (1) BEGINNING APRIL 1, 2024, AND ANNUALLY THEREAFTER, THE**
11 **PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT A REPORT TO THE**
12 **DEPARTMENT THAT DETAILS THE PAINT STEWARDSHIP PROGRAM, INCLUDING:**

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

15 **(II) THE VOLUME OF POSTCONSUMER PAINT COLLECTED IN**
16 **THE STATE;**

17 **(III) THE VOLUME AND TYPE OF POSTCONSUMER PAINT**
18 **COLLECTED IN THE STATE BY METHOD OF DISPOSITION, INCLUDING REUSE,**
19 **RECYCLING, AND OTHER METHODS OF PROCESSING OR DISPOSAL, THAT INCLUDES**
20 **AN ACCOUNTING OF THE VOLUME OF POSTCONSUMER PAINT COLLECTED IN THE**
21 **STATE FOR EACH COUNTY IN THE STATE;**

22 **(IV) THE TOTAL COST OF IMPLEMENTING AND ADMINISTERING**
23 **THE PROGRAM, AS DETERMINED BY AN INDEPENDENT FINANCIAL AUDIT FUNDED**
24 **BY THE PAINT STEWARDSHIP ASSESSMENT; AND**

25 **(V) SAMPLES OF EDUCATIONAL MATERIALS USED TO INFORM**
26 **CONSUMERS OF ARCHITECTURAL PAINT.**

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

33 **(I) (1) THE DEPARTMENT SHALL REVIEW THE ANNUAL REPORT**
34 **REQUIRED UNDER SUBSECTION (H) OF THIS SECTION AND:**

1 **(I) EVALUATE THE TOTAL COSTS OF THE PAINT STEWARDSHIP**
2 **PROGRAM, INCLUDING ALL EXPENSES AND REVENUES, TO DETERMINE WHETHER**
3 **THE PAINT STEWARDSHIP ASSESSMENT MEETS OR EXCEEDS THE COSTS OF THE**
4 **PROGRAM IN ACCORDANCE WITH SUBSECTION (A)(5) OF THIS SECTION; AND**

5 **(II) DETERMINE WHETHER THE PLAN IS BEING IMPLEMENTED**
6 **IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

7 **(2) IF THE DEPARTMENT DETERMINES THAT THE PAINT**
8 **STEWARDSHIP ANNUAL REPORT, INCLUDING THE PAINT STEWARDSHIP**
9 **ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS**
10 **SECTION, THE DEPARTMENT SHALL APPROVE THE ANNUAL REPORT.**

11 **(3) THE PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL**
12 **MAKE THE APPROVED ANNUAL REPORT AVAILABLE TO THE PUBLIC.**

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2022.