

HOUSE BILL 1021

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By: **Delegate Terrasa**

Introduced and read first time: February 10, 2023

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Products That Contain Mercury – Fluorescent Lamps – Prohibition**

3 FOR the purpose of prohibiting a person from selling or distributing as a new manufactured
4 product certain fluorescent lamps in the State on or after certain dates; and generally
5 relating to products that contain mercury and fluorescent lamps.

6 BY repealing and reenacting, without amendments,
7 Article – Environment
8 Section 6–904
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 6–905 and 6–905.4(a)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2022 Supplement)

16 BY adding to
17 Article – Environment
18 Section 6–905.5
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2022 Supplement)

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

23 **Article – Environment**

24 6–904.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 The General Assembly finds that:

2 (1) Mercury is a persistent and toxic pollutant that bioaccumulates in the
3 environment;

4 (2) Consumption of mercury–contaminated fish poses a significant health
5 threat;

6 (3) Combustion of municipal and other solid waste is a source of mercury
7 pollution;

8 (4) Both industry and government are working to reduce the content of
9 mercury in products and to control the release of mercury into the environment;

10 (5) Accidental mercury spills, breakages, and releases have occurred at
11 schools in the United States, exposing students, teachers, and administrators to mercury
12 emissions; and

13 (6) Removal of mercury and mercury–containing products from the waste
14 stream prior to combustion or disposal is an effective way to reduce mercury pollution.

15 6–905.

16 (a) In this part the following words have the meanings indicated.

17 (b) **“COMPACT FLUORESCENT LAMP” MEANS A COMPACT LOW–PRESSURE,
18 MERCURY–CONTAINING, ELECTRIC–DISCHARGE LIGHT SOURCE:**

19 (1) **IN WHICH A FLUORESCENT COATING TRANSFORMS SOME OF THE
20 ULTRAVIOLET ENERGY GENERATED BY THE MERCURY DISCHARGE INTO VISIBLE
21 LIGHT; AND**

22 (2) **THAT INCLUDES ALL OF THE FOLLOWING CHARACTERISTICS:**

23 (i) **ONE BASE OF ANY TYPE, INCLUDING SCREW, BAYONET, AND
24 PIN;**

25 (ii) **INTEGRALLY BALLASTED OR NONINTEGRALLY BALLASTED;**

26 (iii) **LIGHT EMISSION BETWEEN A CORRELATED COLOR
27 TEMPERATURE OF 1700K AND 24000K AND A DUV OF +0.024 AND –0.024 IN THE
28 INTERNATIONAL COMMISSION ON ILLUMINATION (CIE) UNIFORM COLOR SPACE
29 (CAM02–UCS);**

30 (iv) **ALL TUBE DIAMETERS AND ALL TUBE LENGTHS; AND**

1 **(V) ALL LAMP SIZES AND SHAPES FOR DIRECTIONAL AND**
2 **NONDIRECTIONAL INSTALLATIONS, INCLUDING PL, SPIRAL, TWIN TUBE, TRIPLE**
3 **TWIN, 2D, U-BEND, AND CIRCULAR.**

4 **[(a-1)] (C)** “Electric relay” means a product or device that opens or closes electrical
5 contacts to effect the operation of other devices in the same or another electrical circuit.

6 **[(a-2)] (D)** “Electric switch” means a product or device that opens or closes an
7 electrical circuit.

8 **[(a-3)] (E)** “Gas valve switch” means a product or device that opens or closes a gas
9 valve.

10 **(F) “LINEAR FLUORESCENT LAMP” MEANS A LOW-PRESSURE,**
11 **MERCURY-CONTAINING, ELECTRIC-DISCHARGE LIGHT SOURCE:**

12 **(1) IN WHICH A FLUORESCENT COATING TRANSFORMS SOME OF THE**
13 **ULTRAVIOLET ENERGY GENERATED BY THE MERCURY DISCHARGE INTO VISIBLE**
14 **LIGHT; AND**

15 **(2) THAT INCLUDES ALL OF THE FOLLOWING CHARACTERISTICS:**

16 **(I) TWO BASES OF ANY TYPE, INCLUDING SINGLE-PIN,**
17 **TWO-PIN, AND RECESSED DOUBLE CONTACT;**

18 **(II) LIGHT EMISSION BETWEEN A CORRELATED COLOR**
19 **TEMPERATURE OF 1700K AND 24000K AND A DUV OF +0.024 AND -0.024 IN THE**
20 **CIE CAM02-UCS;**

21 **(III) ALL TUBE DIAMETERS, INCLUDING T5, T8, T10, AND T12;**

22 **(IV) ALL TUBE LENGTHS FROM 0.5 TO 8.0 FEET, BOTH**
23 **INCLUSIVE; AND**

24 **(V) ALL LAMP SHAPES, INCLUDING LINEAR, U-BEND, AND**
25 **CIRCULAR.**

26 **[(b)] (G)** “Manufacturer” means a person that:

27 (1) Produces a product;

28 (2) For a multicomponent product, produces or assembles the final product;

29 or

1 (3) Serves as an importer or domestic distributor of a product produced
2 outside of the United States.

3 [(c)] (H) “Marketer” means a person that manufactures, assembles, sells,
4 distributes, affixes a brand name or private label to, or licenses the use of a brand name
5 on[:

6 (1) A fever thermometer containing mercury;

7 (2) A thermostat containing mercury;

8 (3) An electric switch containing mercury or a product component with an
9 electric switch containing mercury;

10 (4) An electric relay containing mercury or a product component with an
11 electric relay containing mercury; or

12 (5) A gas valve switch containing mercury or a product component with a
13 gas valve switch containing mercury] **A PRODUCT SUBJECT TO THE PROVISIONS OF §§**
14 **6–905.1 THROUGH 6–905.4 OF THIS SUBTITLE.**

15 [(d)] (I) “Mercury–added product” means any of the following products if
16 containing elemental mercury or a mercury compound that has been added to the product
17 for any reason:

18 (1) Dyes or pigments; and

19 (2) Fluorescent lamps.

20 [(e)] (J) “Motor vehicle” has the meaning stated in § 11–135 of the
21 Transportation Article.

22 [(f)] (K) “Reclamation facility” means a site:

23 (1) Where equipment is used to recapture mercury from mercury–added
24 fluorescent lamps for the purpose of recycling or reusing the mercury; or

25 (2) That collects mercury–containing components from mercury–added
26 fluorescent lamps for the eventual recapture and recycling or reuse of the mercury.

27 [(g)] (L) “Thermostat” means a device that regulates temperature in an enclosed
28 area by controlling heating, cooling, or ventilation equipment.

29 6–905.4.

1 (a) This section does not apply to:

2 (1) Prescription drugs;

3 (2) Any substance regulated by the Federal Food, Drug, and Cosmetic Act;

4 (3) Biological products regulated by the federal Food and Drug
5 Administration under the federal Public Health Service Act;

6 (4) Medical equipment not intended for use by nonmedical personnel; [or]

7 (5) Products that contain mercury—added products that are labeled in
8 accordance with this section; OR

9 (6) **FLUORESCENT LAMPS SUBJECT TO § 6-905.5 OF THIS SUBTITLE.**

10 **6-905.5.**

11 (A) **THIS SECTION DOES NOT APPLY TO:**

12 (1) **A LAMP DESIGNED AND MARKETED EXCLUSIVELY FOR IMAGE**
13 **CAPTURE AND PROJECTION, INCLUDING:**

14 (I) **PHOTOCOPYING;**

15 (II) **PRINTING, DIRECTLY OR IN PREPROCESSING;**

16 (III) **LITHOGRAPHY;**

17 (IV) **FILM AND VIDEO PROJECTION; AND**

18 (V) **HOLOGRAPHY;**

19 (2) **A LAMP THAT HAS A HIGH PROPORTION OF ULTRAVIOLET LIGHT**
20 **EMISSION AND IS:**

21 (I) **A LAMP WITH HIGH ULTRAVIOLET CONTENT THAT HAS**
22 **ULTRAVIOLET POWER GREATER THAN TWO MILLIWATTS PER KILOLUMEN;**

23 (II) **A LAMP FOR GERMICIDAL USE, SUCH AS THE DESTRUCTION**
24 **OF DNA, THAT EMITS A PEAK RADIATION OF APPROXIMATELY 253.7 NANOMETERS;**

25 (III) **A LAMP DESIGNED AND MARKETED EXCLUSIVELY FOR**
26 **DISINFECTION OR FLY TRAPPING FROM WHICH EITHER THE RADIATION POWER**

1 EMITTED BETWEEN 250 AND 315 NANOMETERS REPRESENTS AT LEAST 5 PERCENT
2 OF, OR THE RADIATION POWER EMITTED BETWEEN 315 AND 400 NANOMETERS
3 REPRESENTS AT LEAST 20 PERCENT OF, THE TOTAL RADIATION POWER EMITTED
4 BETWEEN 250 AND 800 NANOMETERS;

5 (IV) A LAMP DESIGNED AND MARKETED EXCLUSIVELY FOR THE
6 GENERATION OF OZONE WHERE THE PRIMARY PURPOSE IS TO EMIT RADIATION AT
7 APPROXIMATELY 185.1 NANOMETERS;

8 (V) A LAMP DESIGNED AND MARKETED EXCLUSIVELY FOR
9 CORAL ZOOXANTHELLAE SYMBIOSIS FROM WHICH THE RADIATION POWER EMITTED
10 BETWEEN 400 AND 480 NANOMETERS REPRESENTS AT LEAST 40 PERCENT OF THE
11 TOTAL RADIATION POWER EMITTED BETWEEN 250 AND 800 NANOMETERS; OR

12 (VI) ANY LAMP DESIGNED AND MARKETED EXCLUSIVELY FOR
13 USE IN A SUNLAMP PRODUCT, AS DEFINED IN TITLE 21, SUBCHAPTER J, § 1040.20
14 OF THE CODE OF FEDERAL REGULATIONS AND IN EFFECT ON JANUARY 1, 2023;

15 (3) A LAMP DESIGNED AND MARKETED EXCLUSIVELY FOR USE IN
16 MEDICAL OR VETERINARY DIAGNOSIS OR TREATMENT OR IN A MEDICAL DEVICE;

17 (4) A LAMP DESIGNED AND MARKETED EXCLUSIVELY FOR USE IN THE
18 MANUFACTURING OR QUALITY CONTROL OF PHARMACEUTICAL PRODUCTS;

19 (5) A LAMP DESIGNED AND MARKETED EXCLUSIVELY FOR
20 SPECTROSCOPY AND PHOTOMETRIC APPLICATIONS, SUCH AS UV-VISIBLE
21 SPECTROSCOPY, MOLECULAR SPECTROSCOPY, ATOMIC ABSORPTION
22 SPECTROSCOPY, NONDISPERSIVE INFRARED, FOURIER TRANSFORM INFRARED,
23 MEDICAL ANALYSIS, ELLIPSOMETRY, LAYER THICKNESS MEASUREMENT, PROCESS
24 MONITORING, OR ENVIRONMENTAL MONITORING; OR

25 (6) A LAMP USED BY ACADEMIC AND RESEARCH INSTITUTIONS FOR
26 CONDUCTING RESEARCH PROJECTS AND EXPERIMENTS.

27 (B) (1) ON OR AFTER JANUARY 1, 2024, A PERSON MAY NOT SELL OR
28 DISTRIBUTE AS A NEW MANUFACTURED PRODUCT A SCREW- OR BAYONET-BASE
29 TYPE COMPACT FLUORESCENT LAMP IN THE STATE.

30 (2) ON OR AFTER JANUARY 1, 2025, A PERSON MAY NOT SELL OR
31 DISTRIBUTE AS A NEW MANUFACTURED PRODUCT A PIN-BASE TYPE COMPACT
32 FLUORESCENT LAMP OR A LINEAR FLUORESCENT LAMP IN THE STATE.

1 **(C) (1) THE PROVISIONS OF §§ 9-334 THROUGH 9-342 OF THIS ARTICLE**
2 **APPLY TO ENFORCE VIOLATIONS OF THIS SECTION.**

3 **(2) A PENALTY MAY NOT BE IMPOSED ON A PERSON UNDER THIS**
4 **SECTION UNLESS THE DEPARTMENT FIRST ISSUES A WRITTEN NOTICE OF THE**
5 **VIOLATION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2023.