

SENATE BILL 405

M3, E4, M5

4r1011
CF HB 305

By: **Senator Smith**

Introduced and read first time: January 18, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Outdoor Lighting – Standards and Use of State Funds**

3 FOR the purpose of requiring the Department of the Environment, on or before a certain
4 date, to develop outdoor lighting standards that consider certain impacts of outdoor
5 lighting; requiring the Department of the Environment to consult with the Maryland
6 Department of Health, the Maryland Energy Administration, and the State Highway
7 Administration in developing the standards; prohibiting State funds from being used
8 to install or replace a certain permanent outdoor luminaire for lighting on the
9 grounds of any State park, trail, or highway unless certain requirements are met;
10 altering the requirements for the use of State funds for the installation or
11 replacement of certain permanent outdoor luminaires to include certain correlated
12 color temperature requirements; and generally relating to outdoor lighting
13 standards.

14 BY adding to

15 Article – Public Safety

16 Section 12–1301 to be under the new subtitle “Subtitle 13. Outdoor Lighting
17 Standards”

18 Annotated Code of Maryland

19 (2022 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – State Finance and Procurement

22 Section 14–412

23 Annotated Code of Maryland

24 (2021 Replacement Volume and 2023 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

26 That the Laws of Maryland read as follows:

27 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 13. OUTDOOR LIGHTING STANDARDS.**

2 **12-1301.**

3 **(A) ON OR BEFORE OCTOBER 1, 2025, THE DEPARTMENT OF THE**
4 **ENVIRONMENT SHALL DEVELOP OUTDOOR LIGHTING STANDARDS THAT CONSIDER**
5 **THE IMPACT OF OUTDOOR LIGHTING ON:**

6 **(1) ENERGY CONSUMPTION;**

7 **(2) THE ENVIRONMENT;**

8 **(3) PUBLIC HEALTH; AND**

9 **(4) PUBLIC SAFETY.**

10 **(B) IN DEVELOPING THE STANDARDS REQUIRED UNDER SUBSECTION (A) OF**
11 **THIS SECTION, THE DEPARTMENT OF THE ENVIRONMENT:**

12 **(1) SHALL CONSULT WITH:**

13 **(I) THE MARYLAND DEPARTMENT OF HEALTH;**

14 **(II) THE MARYLAND ENERGY ADMINISTRATION; AND**

15 **(III) THE STATE HIGHWAY ADMINISTRATION; AND**

16 **(2) MAY CONSULT WITH:**

17 **(I) LIGHTING INDUSTRY EXPERTS;**

18 **(II) COMMUNITY AND ADVOCACY ORGANIZATIONS; AND**

19 **(III) ANY OTHER INTERESTED STAKEHOLDER.**

20 **Article – State Finance and Procurement**

21 **14-412.**

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Lamp” means the component of a luminaire that produces the light.

1 (3) “Lumen” means a unit of measurement of luminous flux.

2 (4) “Luminaire” means the complete lighting unit, including the lamp or
3 other component that produces light and the assembly that holds the lamp, including an
4 assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector
5 or mirror, and a refractor or lens.

6 (5) “Restricted upright luminaire” means a luminaire that:

7 (i) except for a 0.5% maximum incidental upright from reflection off
8 mounting hardware, allows no direct light emission above a horizontal plane through the
9 luminaire’s lowest light-emitting part; and

10 (ii) emits no more than 10% of the total direct light emission at or
11 above a vertical angle of 80 degrees.

12 (6) “State building” means a building owned or leased by the State or a unit
13 of the State.

14 (b) This section does not apply to a luminaire:

15 (1) located on the grounds of a correctional facility;

16 (2) required by federal regulation;

17 (3) required for **TEMPORARY** storm operation activities performed by the
18 Department of Transportation;

19 (4) required to illuminate the State flag or the flag of the United States;

20 (5) used for sign illumination; or

21 (6) in a lighting plan where less than 25% of the luminaires are to be
22 replaced.

23 (c) State funds may not be used to install or replace a permanent outdoor
24 luminaire for lighting on the grounds of any State building [or], facility, **PARK, TRAIL, OR**
25 **HIGHWAY** unless:

26 (1) the luminaire is designed to maximize energy conservation and to
27 minimize light pollution, glare, and light trespass;

28 (2) **THE LUMINAIRE HAS A CORRELATED LIGHT TEMPERATURE THAT**
29 **IS LESS THAN OR EQUAL TO 3,000 KELVIN;**

1 **(3)** the illumination produced by the luminaire is the minimum
2 illumination necessary for the intended purpose of the lighting; and

3 **[(3)](4)** for a luminaire with an output of more than 1,800 lumens, the
4 luminaire is a restricted upright luminaire.

5 (d) (1) The Board of Public Works or the Board's designee may waive the
6 requirement of subsection **[(c)(3)] (C)(4)** of this section if, after a request for a waiver has
7 been made, the Board of Public Works or the Board's designee determines that the waiver
8 is necessary for the lighting application.

9 (2) The Board of Public Works shall establish the requirements for a waiver
10 request under paragraph (1) of this subsection, including:

11 (i) a description of the lighting plan;

12 (ii) a description of the efforts made to comply with the requirements
13 of this section; and

14 (iii) the reason a waiver is necessary.

15 (3) In reviewing a waiver request, the Board of Public Works or the Board's
16 designee shall consider design safety, costs, and any other factors the Board or the Board's
17 designee determines are appropriate.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2024.