

HOUSE BILL 992

M3

6lr1435
CF SB 655

By: **Delegate Stein**

Introduced and read first time: February 6, 2026

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Electronic Device Producer Responsibility Program – Established**

3 FOR the purpose of altering the contents and use of the State Recycling Trust Fund;
4 establishing a separate covered electronic device producer responsibility program
5 plan and annual report and registration and review fees account within the Fund;
6 repealing certain provisions of law relating to existing covered electronic device
7 takeback programs; altering certain provisions of law relating to registration fees for
8 certain manufacturers of covered electronic devices; prohibiting certain
9 manufacturers from selling or offering for sale certain covered electronic devices
10 except under certain circumstances; requiring that a certain manufacturer
11 registration fee be paid into a certain account within the Fund; requiring certain
12 manufacturers to include certain information with certain covered electronic devices
13 in a certain manner; requiring certain entities to consult with the Department of the
14 Environment to develop certain educational materials subject to certain
15 requirements; establishing a covered electronic device producer responsibility
16 program in the Department to facilitate the collection and recycling, refurbishment,
17 or reuse of certain covered electronic devices in the State; establishing requirements
18 for certain producer responsibility organizations as part of a covered electronic device
19 producer responsibility program; requiring certain producer responsibility
20 organizations to submit a certain plan to the Department, subject to certain
21 requirements; requiring the Department to review a certain plan and approve or
22 deny the plan subject to certain procedures; establishing the covered electronic
23 device producer responsibility advisory council to advise the Department on the
24 implementation and the administration of the covered electronic device producer
25 responsibility program; requiring the Department to notify certain manufacturers of
26 covered electronic devices of certain information on or before a certain date and to
27 evaluate certain federal laws; and generally relating to the recycling of covered
28 electronic devices in the State.

29 BY repealing and reenacting, with amendments,
30 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–1701, 9–1707(f), 9–1727, 9–1728, 9–1728.1, 9–1729, and 9–1730
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2025 Supplement)

4 BY repealing
5 Article – Environment
6 Section 9–1728.2
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2025 Supplement)

9 BY adding to
10 Article – Environment
11 Section 9–1728.2 through 9–1728.6
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2025 Supplement)

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

16 **Article – Environment**

17 9–1701.

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

19 (b) “Anaerobic digestion” means the controlled anaerobic biological decomposition
20 of organic waste material to produce biogas and digestate.

21 (b–1) (1) “Architectural paint” means interior and exterior architectural coatings
22 sold in containers of 5 gallons or less.

23 (2) “Architectural paint” does not include industrial coatings, original
24 equipment coatings, or specialty coatings.

25 (c) “Compost” means the product of composting in accordance with the standards
26 established by the Secretary of Agriculture under § 6–221 of the Agriculture Article.

27 (d) “Composting” means the controlled aerobic biological decomposition of organic
28 waste material in accordance with the standards established by the Secretary under this
29 title.

30 (e) (1) “Composting facility” means a facility where composting takes place.

31 (2) “Composting facility” does not include a facility that is required to
32 obtain:

1 (i) A natural wood waste recycling facility permit in accordance with
2 this title;

3 (ii) A sewage sludge utilization permit in accordance with this title;
4 or

5 (iii) A refuse disposal permit in accordance with this title.

6 (f) (1) “Computer” means a desktop personal computer [or], laptop computer,
7 **OR NOTEBOOK COMPUTER**, including, **IF APPLICABLE**, the computer monitor.

8 (2) “Computer” does not include:

9 (i) A personal digital assistant device; or

10 (ii) A computer peripheral device, including:

11 1. A mouse or other similar pointing device;

12 2. A printer; or

13 3. A detachable keyboard.

14 (g) (1) “Covered electronic device” means [a]:

15 (I) A computer [or video];

16 (II) A **COMPUTER MONITOR**;

17 (III) A **TELEVISION**;

18 (IV) A **VIDEO** display device [with a screen that is greater than 4
19 inches measured diagonally];

20 (V) A **DESKTOP COMPUTER**;

21 (VI) A **PORTABLE COMPUTER**;

22 (VII) A **NOTEBOOK COMPUTER**;

23 (VIII) A **LAPTOP COMPUTER**;

24 (IX) AN **E-READING DEVICE**;

25 (X) A **TABLET COMPUTER**;

- 1 **(XI) A ROUTER;**
- 2 **(XII) A MODEM;**
- 3 **(XIII) A COMPUTER CENTRAL PROCESSING UNIT;**
- 4 **(XIV) A PRINTER;**
- 5 **(XV) A SCANNER;**
- 6 **(XVI) A FACSIMILE MACHINE;**
- 7 **(XVII) A COPIER;**
- 8 **(XVIII) A GPS SYSTEM;**
- 9 **(XIX) A CAMERA;**
- 10 **(XX) A RADIO;**
- 11 **(XXI) REMOTE HEADPHONES;**
- 12 **(XXII) EARPHONES;**
- 13 **(XXIII) EARBUDS;**
- 14 **(XXIV) A POWER STRIP;**
- 15 **(XXV) A SMALL-SCALE SERVER;**
- 16 **(XXVI) A DIGITAL VIDEO DISC PLAYER OR RECORDER;**
- 17 **(XXVII) A VIDEOCASSETTE RECORDER;**
- 18 **(XXVIII) A DIGITAL CONVERTER BOX;**
- 19 **(XXIX) A CABLE RECEIVER;**
- 20 **(XXX) A SATELLITE RECEIVER;**
- 21 **(XXXI) AN ELECTRONIC MUSIC PLAYER;**

1 (XXXII) A VIDEO GAME CONSOLE OR CONTROLLER;

2 (XXXIII) A HOME AUDIO COMPONENT OR SPEAKER;

3 (XXXIV) A COMPUTER PERIPHERAL DEVICE;

4 (XXXV) A PERSONAL DIGITAL ASSISTANT; OR

5 (XXXVI) ANY OTHER COVERED ELECTRONIC DEVICE IF
6 ESTABLISHED BY THE DEPARTMENT IN REGULATION.

7 (2) "Covered electronic device" does not include a video display OR OTHER
8 ELECTRONIC device that is [part]:

9 (I) PART OR A COMPONENT PART of a motor vehicle [or that is
10 contained];

11 (II) CONTAINED within a household appliance [or], INCLUDING
12 WHITE GOODS SUCH AS FREEZERS, MICROWAVE OVENS, DISHWASHERS,
13 DEHUMIDIFIERS, AIR PURIFIERS, WATER PUMPS, SUMP PUMPS, OR EXERCISE
14 EQUIPMENT;

15 (III) PART OF, CONNECTED TO, OR INTEGRATED WITHIN A
16 LARGER PIECE OF EQUIPMENT OR SYSTEM DESIGNED AND INTENDED FOR USE IN,
17 OR THAT IS TAKEN OUT OF SERVICE FROM, A commercial, RETAIL, RESEARCH AND
18 DEVELOPMENT, LIBRARY CHECKOUT, TRAFFIC CONTROL, KIOSK, PROFESSIONAL
19 SECURITY, GOVERNMENTAL, AGRICULTURAL, industrial, or medical [equipment]
20 SETTING;

21 (IV) EQUIPMENT USED FOR SECURITY, SENSING, MONITORING,
22 ANTITERRORISM, OR EMERGENCY SERVICES;

23 (V) A TELEPHONE OF ANY TYPE;

24 (VI) A MEDICAL PRODUCT AS DEFINED IN THE FEDERAL FOOD,
25 DRUG, AND COSMETIC ACT; OR

26 (VII) A STATIONARY ENERGY STORAGE SYSTEM.

27 [(h) "Covered electronic device takeback program" means a program, established
28 by a covered electronic device manufacturer or a group of covered electronic device
29 manufacturers, for the collection and recycling, refurbishing, or reuse of a covered
30 electronic device labeled with the name of the manufacturer or the manufacturer's brand
31 label, including:

1 (1) Providing, at no cost to the returner, a method of returning a covered
2 electronic device to the manufacturer, including postage paid mailing packages or
3 designated collection points throughout the State;

4 (2) Contracting with a recycler, local government, other manufacturer, or
5 any other person; or

6 (3) Any other program approved by the Department.]

7 **(H) “COVERED ENTITY” MEANS:**

8 **(1) A HOUSEHOLD IN THE STATE;**

9 **(2) A BUSINESS OR NONPROFIT ORGANIZATION THAT EMPLOYS 10 OR**
10 **FEWER INDIVIDUALS;**

11 **(3) A PUBLIC SECTOR AGENCY OR ENTITY; OR**

12 **(4) ANY PERSON THAT GIVES SEVEN OR FEWER COVERED**
13 **ELECTRONIC DEVICES TO AN ELECTRONIC AND BATTERY DEVICE COLLECTOR AT**
14 **ANY ONE TIME.**

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

16 [(i-1)] **(J) “Distributor” means a company that has a contractual relationship with**
17 **one or more producers to market and sell architectural paint to retailers in the State.**

18 **(K) “ELECTRONIC DEVICE COLLECTOR” MEANS AN ENTITY THAT COLLECTS**
19 **COVERED ELECTRONIC DEVICES AS PART OF AN ELECTRONIC DEVICE PRODUCER**
20 **RESPONSIBILITY PROGRAM.**

21 **(L) “ELECTRONIC DEVICE COORDINATING BODY” MEANS AN ENTITY**
22 **DESIGNATED BY MULTIPLE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
23 **ORGANIZATIONS OR THE DEPARTMENT TO COORDINATE ACTIVITIES BETWEEN THE**
24 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATIONS.**

25 **(M) (1) “ELECTRONIC DEVICE MANUFACTURER” MEANS ANY PERSON:**

26 **(I) THAT MANUFACTURERS COVERED ELECTRONIC DEVICES**
27 **UNDER A BRAND THAT IT OWNS OR THAT IT IS LICENSED TO USE;**

28 **(II) THAT SELLS COVERED ELECTRONIC DEVICES**
29 **MANUFACTURED BY OTHERS UNDER A BRAND THAT THE SELLER OWNS;**

1 (III) THAT MANUFACTURES COVERED ELECTRONIC DEVICES
2 WITHOUT AFFIXING A BRAND;

3 (IV) THAT MANUFACTURES COVERED ELECTRONIC DEVICES TO
4 WHICH IT AFFIXES A BRAND THAT IT DOES NOT OWN; OR

5 (V) ON WHOSE ACCOUNT COVERED ELECTRONIC DEVICES
6 MANUFACTURED OUTSIDE THE UNITED STATES ARE IMPORTED INTO THE UNITED
7 STATES UNLESS ANOTHER PERSON IS REGISTERED AS THE MANUFACTURER OF THE
8 BRAND OF THE COVERED ELECTRONIC DEVICES.

9 (2) "ELECTRONIC DEVICE MANUFACTURER" DOES NOT INCLUDE A
10 PERSON:

11 (I) WITH A LICENSE TO MANUFACTURE COVERED ELECTRONIC
12 DEVICES FOR DELIVERY EXCLUSIVELY TO OR AT THE ORDER OF THE LICENSER; OR

13 (II) THAT MANUFACTURES ONLY PERIPHERALS AND NO OTHER
14 COVERED ELECTRONIC DEVICES.

15 (N) "ELECTRONIC DEVICE MANUFACTURER OBLIGATION" MEANS AN
16 ELECTRONIC DEVICE MANUFACTURER'S PERCENTAGE OF THE TOTAL OBLIGATION
17 OF ALL ELECTRONIC DEVICE MANUFACTURERS OF COVERED ELECTRONIC DEVICES.

18 (O) "ELECTRONIC DEVICE MANUFACTURER'S MARKET SHARE" MEANS AN
19 ELECTRONIC DEVICE MANUFACTURER'S PERCENTAGE OF ALL REGISTERED
20 COVERED ELECTRONIC DEVICES BY WEIGHT SOLD WITHIN AN ELECTRONIC DEVICE
21 PRODUCT CATEGORY DURING A SPECIFIED TIME PERIOD.

22 (P) "ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION"
23 MEANS AN ORGANIZATION THAT REPRESENTS AT LEAST 5% OF ALL ELECTRONIC
24 DEVICE MANUFACTURER OBLIGATIONS, DESIGNATED BY AN ELECTRONIC DEVICE
25 MANUFACTURER OR GROUP OF ELECTRONIC DEVICE MANUFACTURERS TO ACT AS
26 AN AGENT OF THE ELECTRONIC DEVICE MANUFACTURER OR GROUP OF
27 ELECTRONIC DEVICE MANUFACTURERS IN ORDER TO DEVELOP AND IMPLEMENT AN
28 ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM ON BEHALF OF THE
29 ELECTRONIC DEVICE MANUFACTURER OR GROUP OF ELECTRONIC DEVICE
30 MANUFACTURERS.

31 (Q) "ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM" MEANS
32 A STATEWIDE PROGRAM FOR COLLECTING, TRANSPORTING, AND RECYCLING
33 COVERED ELECTRONIC DEVICES THAT IS IMPLEMENTED BY AN ELECTRONIC DEVICE

1 PRODUCER RESPONSIBILITY ORGANIZATION IN ACCORDANCE WITH A PLAN
2 APPROVED BY THE DEPARTMENT.

3 (R) "ELECTRONIC DEVICE PRODUCT CATEGORY" MEANS A GROUPING OF
4 COVERED ELECTRONIC DEVICES, AS DETERMINED BY THE DEPARTMENT, FOR
5 PURPOSES OF SORTING COVERED ELECTRONIC DEVICES AT COLLECTION AND
6 CALCULATING MARKET SHARE.

7 (S) "ELECTRONIC DEVICE RETAILER" MEANS ANY PERSON THAT OFFERS
8 FOR SALE A COVERED ELECTRONIC DEVICE BY ANY MEANS, INCLUDING
9 TRANSACTIONS CONDUCTED THROUGH SALES OUTLETS, CATALOGS, OR THE
10 INTERNET.

11 (T) "ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES" MEANS
12 PRACTICES THAT COMPLY WITH ALL APPLICABLE LAWS, INCLUDING LAWS RELATED
13 TO:

14 (1) ADEQUATE RECORD KEEPING;

15 (2) TRACKING THE END USE OF RECYCLED MATERIALS;

16 (3) PERFORMANCE AUDITS AND INSPECTIONS;

17 (4) REUSE AND REFURBISHMENT;

18 (5) WORKER HEALTH AND SAFETY REQUIREMENTS;

19 (6) MAINTENANCE OF LIABILITY INSURANCE AND FINANCIAL
20 ASSURANCES; AND

21 (7) ANY OTHER PRACTICES ADOPTED BY THE DEPARTMENT IN
22 REGULATION.

23 [(i-2)] (U) "Food residuals" means material derived from the processing or
24 discarding of food, including pre- and post-consumer vegetables, fruits, grains, dairy
25 products, and meats.

26 [(j)] (V) "Manufacturer" means a person that is the brand owner of a covered electronic
27 device sold or offered for sale in the State, by any means, including transactions conducted
28 through sales outlets, catalogs, or the Internet.]

29 [(k)] (V) (1) "Natural wood waste" means tree and other natural vegetative
30 refuse.

1 (2) “Natural wood waste” includes tree stumps, brush and limbs, root mats,
2 logs, and other natural vegetative material.

3 **[(l)] (W)** (1) “Natural wood waste recycling facility” means a facility where
4 recycling services for natural wood waste are provided.

5 (2) “Natural wood waste recycling facility” does not include a collection or
6 processing facility operated by:

7 (i) A nonprofit or governmental organization located in the State; or

8 (ii) A single individual or business that provides recycling services
9 for its own employees or for its own recyclable materials generated on its own premises.

10 **[(m)] (X)** “Office” means the Office of Recycling within the Department.

11 **[(n)] (Y)** (1) “Organics recycling” means any process in which organic
12 materials or compostable packaging materials are collected, separated, or processed and
13 returned to the marketplace in the form of raw materials or products.

14 (2) “Organics recycling” includes anaerobic digestion and composting.

15 **[(o)] (Z)** “Organics recycling facility” means a facility where organics recycling
16 takes place.

17 **[(o-1)] (AA)** “Paint stewardship assessment” means the amount added to the
18 purchase price of architectural paint sold in the State that is necessary to cover the Paint
19 Stewardship Program’s cost of collecting, transporting, and processing postconsumer paint
20 statewide.

21 **[(o-2)] (BB)** “Postconsumer paint” means architectural paint not used and no longer
22 wanted by a purchaser.

23 **(CC) “PREMIUM SERVICE” MEANS A SERVICE SUCH AS AN AT-LOCATION**
24 **SYSTEM UPGRADE SERVICE, AN AT-HOME PICKUP SERVICE, OR A CURBSIDE PICKUP**
25 **SERVICE.**

26 **[(o-3)] (DD)** “Producer” means a manufacturer of architectural paint that sells,
27 offers for sale, or distributes the paint in the State under the producer’s own name or brand.

28 **[(p)] (EE)** (1) “Recyclable materials” means those materials that:

29 (i) Would otherwise become solid waste for disposal in a refuse
30 disposal system; and

1 (ii) May be collected, separated, composted, or processed and
2 returned to the marketplace in the form of raw materials or products.

3 (2) “Recyclable materials” does not include incinerator ash.

4 [(q)] (FF) “Recycling” means any process in which recyclable materials are
5 collected, separated, or processed and returned to the marketplace in the form of raw
6 materials or products.

7 [(r)] (GG) “Recycling services” means the services provided by persons engaged in
8 the business of recycling, including the collection, processing, storage, purchase, sale, or
9 disposition of recyclable materials.

10 [(r-1)] (HH) “Refuse disposal system” has the meaning stated in § 9-201 of this title.

11 [(r-2)] (II) “Representative organization” means a nonprofit organization created
12 by producers to implement a Paint Stewardship Program.

13 [(r-3)] (JJ) “Retailer” means any person that offers architectural paint for sale at
14 retail in the State.

15 [(r-4)] (KK) “Sale” or “sell” means any transfer of title for consideration, including
16 remote sales conducted through sales outlets, catalogues, the Internet, or any other similar
17 electronic means.

18 (LL) “SMALL-SCALE SERVER” MEANS A COMPUTER THAT:

19 (1) TYPICALLY USES DESKTOP COMPONENTS IN A DESKTOP FORM
20 AND IS DESIGNED PRIMARILY TO SERVE AS A STORAGE HOST FOR OTHER
21 COMPUTERS; AND

22 (2) IS DESIGNED:

23 (I) IN A PEDESTAL, TOWER, OR OTHER FORM THAT IS SIMILAR
24 TO THAT OF A DESKTOP COMPUTER SO THAT ALL DATA PROCESSING, STORAGE, AND
25 NETWORK INTERFACING IS CONTAINED WITHIN ONE BOX OR PRODUCT;

26 (II) TO BE OPERATIONAL NEARLY 24 HOURS PER DAY AND 7
27 DAYS PER WEEK;

28 (III) TO BE CAPABLE OF OPERATING IN A SIMULTANEOUS
29 MULTI-USER ENVIRONMENT, SERVING SEVERAL USERS THROUGH NETWORKED
30 CLIENT UNITS; AND

1 **(IV) TO BE AN INDUSTRY-ACCEPTED OPERATING SYSTEM FOR**
2 **HOME OR LOW-END SERVER APPLICATIONS.**

3 **[(s)] (MM)** (1) “Solid waste stream” means garbage or refuse that would, unless
4 recycled, be disposed of in a refuse disposal system.

5 (2) “Solid waste stream” includes organic material capable of being
6 composted that is not composted in accordance with regulations adopted under § 9-1725(b)
7 of this subtitle.

8 (3) “Solid waste stream” does not include:

9 (i) Hospital waste;

10 (ii) Rubble;

11 (iii) Scrap material;

12 (iv) Land clearing debris;

13 (v) Sewage sludge; or

14 (vi) Waste generated by a single individual or business and disposed
15 of in a facility dedicated solely for that entity’s waste.

16 **[(t)] (NN)** (1) “Video display device” means an electronic device with an output
17 surface that displays or is capable of displaying moving graphical images or visual
18 representations of image sequences or pictures that show a number of quickly changing
19 images on a screen to create the illusion of motion.

20 (2) “Video display device” includes a device that is an integral part of the
21 display and cannot easily be removed from the display by the consumer and that produces
22 the moving image on the screen.

23 (3) A video display device may use a cathode-ray tube (CRT), liquid crystal
24 display (LCD), gas plasma, digital light processing, or other image-projection technology.

25 **[(u)] (OO)** “White goods” includes:

26 (1) Refrigerators;

27 (2) Stoves;

28 (3) Washing machines;

29 (4) Dryers;

1 (5) Water heaters; [and]

2 (6) Air conditioners; AND

3 (7) ANY OTHER APPLIANCES DESIGNATED BY THE DEPARTMENT IN
4 REGULATION.

5 [(v)] (PP) (1) "Yard waste" means organic plant waste derived from gardening,
6 landscaping, and tree trimming activities.

7 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds, and
8 prunings.

9 9-1707.

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

11 (2) The Fund shall consist of:

12 (i) The newsprint recycling incentive fee;

13 (ii) The telephone directory recycling incentive fee collected under §
14 9-1709 of this subtitle;

15 (iii) The [covered] electronic device [manufacturer] PRODUCER
16 RESPONSIBILITY PROGRAM PLAN AND ANNUAL REPORT AND registration [fee] AND
17 REVIEW FEES collected under [§ 9-1728] §§ 9-1728 AND 9-1728.4 of this subtitle;

18 (iv) The Paint Stewardship Program plan and annual report review
19 fees collected under § 9-1733(b) and (h) of this subtitle;

20 (v) Any fees collected from producer responsibility organizations
21 under § 9-1702.2 of this subtitle or Subtitle 25 of this title;

22 (vi) All fines and penalties collected under this subtitle and § 9-2512
23 of this title;

24 (vii) Money appropriated in the State budget to the Fund; and

25 (viii) Any other money from any other source accepted for the benefit
26 of the Fund.

27 (3) The Secretary shall administer the Fund.

28 (4) The Treasurer shall hold the Fund separately and the Comptroller shall
29 account for the Fund.

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

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

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

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

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

12 (iv)] To cover the costs of the Paint Stewardship Program plan review
13 under § 9–1733(b) of this subtitle, the annual report review under § 9–1733(h) of this
14 subtitle, and associated costs for Program compliance oversight;

15 [(v)] (III) In accordance with paragraph (7) of this subsection, to
16 cover the costs of a statewide recycling needs assessment conducted under § 9–1702.2 of
17 this subtitle;

18 [(vi)] (IV) In accordance with paragraph (7) of this subsection, to
19 cover the costs of producer responsibility plan review, oversight, and enforcement under
20 Subtitle 25 of this title; [and]

21 (V) TO COVER THE COSTS OF THE ELECTRONIC DEVICE
22 PRODUCER RESPONSIBILITY PROGRAM PLAN AND REPORT REVIEW UNDER THIS
23 SUBTITLE AND ASSOCIATED COSTS FOR PROGRAM OVERSIGHT AND OTHER RELATED
24 ADMINISTRATIVE AND ENFORCEMENT ACTIVITIES; AND

25 [(vii)] (VI) To carry out the purposes of the land management
26 administration.

27 (7) (i) There is a separate account within the Fund.

28 (ii) The separate account shall consist of:

29 1. Any fees collected from producer responsibility
30 organizations under § 9–1702.2 of this subtitle or Subtitle 25 of this title; and

31 2. All fines and penalties collected under § 9–2512 of this
32 title.

1 (iii) The separate account shall be used only for the costs of statewide
2 recycling needs assessments conducted under § 9-1702.2 of this subtitle and producer
3 responsibility plan review, oversight, and enforcement under Subtitle 25 of this title.

4 **(8) (I) THERE SHALL BE A SEPARATE ELECTRONIC DEVICE**
5 **PRODUCER RESPONSIBILITY PROGRAM PLAN AND ANNUAL REPORT AND**
6 **REGISTRATION AND REVIEW FEES ACCOUNT WITHIN THE FUND.**

7 **(II) THE ACCOUNT SHALL CONSIST OF THE ELECTRONIC DEVICE**
8 **PRODUCER RESPONSIBILITY PROGRAM PLAN AND ANNUAL REPORT AND**
9 **REGISTRATION AND REVIEW FEES COLLECTED IN ACCORDANCE WITH § 9-1728.4 OF**
10 **THIS SUBTITLE.**

11 **(III) THE ACCOUNT SHALL BE USED TO:**

12 **1. FUND THE COSTS OF ADMINISTERING,**
13 **IMPLEMENTING, AND ENFORCING THE ELECTRONIC DEVICE PRODUCER**
14 **RESPONSIBILITY PROGRAM ESTABLISHED UNDER § 9-1728.5 OF THIS SUBTITLE;**
15 **AND**

16 **2. REIMBURSE EXPENSES OF MEMBERS OF THE**
17 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM ADVISORY COUNCIL**
18 **UNDER § 9-1728.6 OF THIS SUBTITLE.**

19 **[(8) (9) (i)** The Treasurer shall invest the money in the Fund in the
20 same manner as other State money may be invested.

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

23 9-1727.

24 **(a)** This section applies to **[a] AN ELECTRONIC DEVICE** manufacturer that sells
25 or offers for sale a new covered electronic device in the State.

26 **(b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**
27 **ELECTRONIC DEVICE** manufacturer may not sell or offer for sale to any person in the State
28 a new covered electronic device unless:

29 **(1) THE ELECTRONIC DEVICE MANUFACTURER PARTICIPATES IN AN**
30 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM THAT COMPLIES WITH**
31 **THE REQUIREMENTS OF THIS SUBTITLE;**

1 **(2)** The covered electronic device is labeled with the name of the
2 **ELECTRONIC DEVICE** manufacturer or the manufacturer's brand label **AND THE LABEL**
3 **IS PERMANENTLY AFFIXED AND EASILY VISIBLE; [and]**

4 **[(2)] (3)** The **ELECTRONIC DEVICE** manufacturer has registered with
5 and, if applicable, submitted [a registration fee] **AN ELECTRONIC DEVICE PRODUCER**
6 **RESPONSIBILITY PROGRAM PLAN AND ANNUAL REPORT AND REGISTRATION AND**
7 **REVIEW FEES** to the Department [as provided under this part]; **AND**

8 **(4)** **THE BRAND IS INCLUDED IN AN ELECTRONIC DEVICE PRODUCER**
9 **RESPONSIBILITY PROGRAM PLAN APPROVED BY THE DEPARTMENT.**

10 **(C)** **AN ELECTRONIC DEVICE MANUFACTURER IS NOT REQUIRED TO**
11 **PARTICIPATE IN AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM IN**
12 **A GIVEN YEAR IF THE ELECTRONIC DEVICE MANUFACTURER PROVIDES PROOF, TO**
13 **THE SATISFACTION OF THE DEPARTMENT, THAT THE ELECTRONIC DEVICE**
14 **MANUFACTURER SOLD LESS THAN 50 COVERED ELECTRONIC DEVICES IN THE STATE**
15 **DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR.**

16 **(D)** **THE FAILURE OF AN ELECTRONIC DEVICE MANUFACTURER TO SATISFY**
17 **ANY OF THE RESPONSIBILITIES DELEGATED TO IT BY AN ELECTRONIC DEVICE**
18 **PRODUCER RESPONSIBILITY ORGANIZATION FOR DEVELOPING AND IMPLEMENTING**
19 **AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM DOES NOT RELIEVE**
20 **THE ELECTRONIC DEVICE MANUFACTURER OF THE MANUFACTURER'S**
21 **RESPONSIBILITY TO SATISFY THE REQUIREMENTS OF THIS SUBTITLE.**

22 9-1728.

23 **(A) (1)** **AN ELECTRONIC DEVICE MANUFACTURER SHALL REGISTER WITH**
24 **THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION.**

25 **(2)** **THE REGISTRATION REQUIRED UNDER THIS SUBSECTION SHALL:**

26 **(I)** **BE IN A FORM DEVELOPED BY THE DEPARTMENT; AND**

27 **(II)** **BE APPLICABLE FOR THE IMMEDIATELY FOLLOWING**
28 **FISCAL YEAR.**

29 **[(a)] (B)** [A covered] **AN** electronic device manufacturer's registration shall
30 include:

31 **(1)** **[The] A LIST OF ALL THE BRANDS OF ELECTRONIC DEVICES**
32 **MANUFACTURED, SOLD, OR IMPORTED BY THE ELECTRONIC DEVICE**
33 **MANUFACTURER, INCLUDING THE** brand names under which the **ELECTRONIC DEVICE**

1 manufacturer sells or offers for sale covered electronic devices in the State, **INCLUDING**
2 **THOSE SOLD OR OFFERED FOR SALE IN THE IMMEDIATELY PRECEDING FISCAL**
3 **YEAR;**

4 (2) [Whether the manufacturer has implemented a covered electronic
5 device takeback program;

6 (3) If the manufacturer has implemented a covered electronic device
7 takeback program:

8 (i) A toll-free number or Web site address that provides information
9 about the takeback program, including a detailed description of how a person may return
10 a covered electronic device for recycling, refurbishing, or reuse; and

11 (ii) One year after the implementation of the program and each year
12 thereafter, a report on the implementation of the program during the prior year, including:

13 1. The total weight of the covered electronic devices received
14 by the program from Maryland during the prior year;

15 2. The total number of covered electronic devices from
16 Maryland recycled, refurbished, and reused during the prior year; and

17 3. The processes and methods used to recycle, refurbish, or
18 reuse the covered electronic devices received from Maryland;

19 (4) The total number of covered electronic devices sold in the State in the
20 prior year, including:

21 (i) The types of covered electronic devices sold; and

22 (ii) The brand names under which the covered electronic devices
23 were sold] **THE NAME OF THE ELECTRONIC DEVICE MANUFACTURER'S DESIGNATED**
24 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION;** and

25 **[(5)] (3)** Any additional information required by the Department in
26 regulation.

27 **[(b)]** The registration shall:

28 (1) Be submitted to the Department by March 1 of each year; and

29 (2) If the manufacturer has implemented a covered electronic device
30 takeback program, be updated prior to any significant change in the program.]

1 (c) (1) [The] **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE**
2 [covered] electronic device manufacturer registration fee shall be paid by [a] **AN**
3 **ELECTRONIC DEVICE** manufacturer in accordance with this subsection.

4 (2) [For the initial registration by a manufacturer, the] **THE** registration
5 fee is:

6 (i) \$10,000 for [a] **AN ELECTRONIC DEVICE** manufacturer that
7 sold at least 1,000 covered electronic devices in the State in the prior year; and

8 (ii) \$5,000 for [a] **AN ELECTRONIC DEVICE** manufacturer that sold
9 at least 100 but not more than 999 covered electronic devices in the State in the prior year.

10 [(3) For each subsequent annual registration by a manufacturer that did
11 not have an implemented covered electronic device takeback program in the prior year, the
12 registration fee is:

13 (i) 1. On or after March 1, 2013, and before March 1, 2016,
14 \$10,000 for a manufacturer that sold at least 1,000 covered electronic devices in the State
15 in the prior year; and

16 2. On or after March 1, 2016, \$5,000 for a manufacturer that
17 sold at least 1,000 covered electronic devices in the State in the prior year; and

18 (ii) \$5,000 for a manufacturer that sold at least 100 but not more
19 than 999 covered electronic devices in the State in the prior year.

20 (4) For each subsequent annual registration by a manufacturer that had
21 an implemented covered electronic device takeback program in the prior year, the
22 registration fee is \$500.]

23 [(5) (3) There is no registration fee for [a] **AN ELECTRONIC DEVICE**
24 manufacturer that sold less than 100 covered electronic devices in the State in the prior
25 year.

26 [(6) (4) The registration fee required under this subsection shall:

27 (i) Be submitted to the Department [by March 1 of each year] **ON**
28 **OR BEFORE MARCH 1, 2027**; and

29 (ii) Be paid into the **ELECTRONIC DEVICE PRODUCER**
30 **RESPONSIBILITY PROGRAM PLAN AND ANNUAL REPORT AND REGISTRATION AND**
31 **REVIEW FEES ACCOUNT WITHIN THE** State Recycling Trust Fund.

32 **(5) THE DEPARTMENT MAY ADJUST THE ELECTRONIC DEVICE**
33 **MANUFACTURER REGISTRATION FEE BY REGULATION.**

1 **(6) BEGINNING MARCH 1, 2029, AND EACH MARCH 1 THEREAFTER,**
2 **EACH ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION SHALL PAY**
3 **THE FEE REQUIRED UNDER THIS SECTION.**

4 **[(d) (1) The Department shall:**

5 (i) Review the registration submitted under this section; and

6 (ii) If the registration does not meet the requirements of this section
7 and the regulations adopted by the Department under this subtitle, notify the
8 manufacturer of the insufficiency.

9 (2) Within 60 days after receipt of a notice of insufficiency, the
10 manufacturer shall submit a revised registration that addresses the insufficiencies noted
11 by the Department.

12 (e) The Department shall maintain a list of registered covered electronic device
13 manufacturers on its Web site.

14 (f) The sales data submitted in accordance with subsection (a)(4) of this section
15 shall be treated as confidential and proprietary, and may not be disclosed except as
16 otherwise required by law.]

17 9–1728.1.

18 (a) [In this section, “retailer” means any person that sells a covered electronic
19 device to a consumer.

20 (b)] If [a] **AN ELECTRONIC DEVICE** manufacturer is subject to the requirements
21 of §§ 9–1727 and 9–1728 of this [part, a] **SUBTITLE, AN ELECTRONIC DEVICE** retailer
22 may not sell or offer for sale to any person in the State a new covered electronic device
23 manufactured by the **ELECTRONIC DEVICE** manufacturer, unless:

24 **(1) THE COVERED ELECTRONIC DEVICE IS LABELED WITH A BRAND**
25 **AND THE LABEL IS PERMANENTLY AFFIXED AND READILY VISIBLE;**

26 **(2) THE BRAND IS INCLUDED ON THE LIST MADE PUBLICLY**
27 **AVAILABLE BY THE DEPARTMENT UNDER THIS SUBTITLE; AND**

28 **(3) THE LIST MADE PUBLICLY AVAILABLE BY THE DEPARTMENT**
29 **SPECIFIES THAT** the **ELECTRONIC DEVICE** manufacturer has complied with the
30 requirements of §§ 9–1727 and 9–1728 of this [part] **SUBTITLE.**

1 **(B) (1) AN ELECTRONIC DEVICE RETAILER SHALL PROVIDE TO A**
2 **CONSUMER AT THE TIME OF THE SALE OF A COVERED ELECTRONIC DEVICE**
3 **INFORMATION FROM THE DEPARTMENT’S WEBSITE THAT PROVIDES DETAILS ABOUT**
4 **WHERE AND HOW A CONSUMER CAN RECYCLE, REUSE, OR REFURBISH COVERED**
5 **ELECTRONIC DEVICES IN THE STATE.**

6 **(2) THE INFORMATION UNDER THIS SUBSECTION SHALL BE:**

7 **(I) FOR IN-STORE SALES, PROVIDED IN PRINTED FORM ON THE**
8 **RECEIPT, WITH A WEBSITE ADDRESS, TOLL-FREE TELEPHONE NUMBER, OR QR**
9 **CODE, AS DETERMINED BY THE DEPARTMENT; AND**

10 **(II) FOR INTERNET SALES, IN PRINTABLE FORM.**

11 **[9-1728.2.**

12 (a) A manufacturer that has implemented a covered electronic device takeback
13 program shall include educational and instructional materials relating to the destruction
14 and sanitization of data from a covered electronic device:

15 (1) With each new covered electronic device sold or offered for sale in the
16 State;

17 (2) On the manufacturer’s covered electronic device takeback program Web
18 site; or

19 (3) As information provided through the manufacturer’s covered electronic
20 device takeback program toll-free number.

21 (b) A manufacturer that is participating in a covered electronic device takeback
22 program established by a group of covered electronic device manufacturers shall be
23 considered as having implemented a covered electronic device takeback program under this
24 part.]

25 **9-1728.2.**

26 **(A) (1) AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
27 **ORGANIZATION, OR IF APPLICABLE, AN ELECTRONIC DEVICE COORDINATING BODY,**
28 **SHALL CONSULT WITH THE DEPARTMENT TO DEVELOP EDUCATIONAL AND**
29 **INSTRUCTIONAL MATERIALS, RESOURCES, AND PUBLIC AWARENESS ACTIVITIES TO**
30 **ADVERTISE AND PROMOTE, ON A REGULAR BASIS:**

31 **(I) THE RECYCLING, REUSE, AND REFURBISHMENT OF**
32 **COVERED ELECTRONIC DEVICES;**

1 **(II) THE DESTRUCTION AND SANITIZATION OF DATA FROM**
2 **COVERED ELECTRONIC DEVICES; AND**

3 **(III) COLLECTION OPPORTUNITIES IN THE STATE.**

4 **(2) AT MINIMUM, AN ELECTRONIC DEVICE PRODUCER**
5 **RESPONSIBILITY ORGANIZATION SHALL:**

6 **(I) PROMOTE RECYCLING, REUSE, AND REFURBISHMENT OF**
7 **COVERED ELECTRONIC DEVICES THROUGH AN ELECTRONIC DEVICE PRODUCER**
8 **RESPONSIBILITY PROGRAM;**

9 **(II) ESTABLISH A TOLL-FREE TELEPHONE NUMBER AND**
10 **WEBSITE ADDRESS THAT A COVERED ENTITY MAY USE TO CONTACT THE**
11 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION ABOUT THE**
12 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM;**

13 **(III) PUBLICIZE INFORMATION ON THE LOCATION OF**
14 **COLLECTION SITES AND ALL OTHER COLLECTION SERVICES OFFERED BY THE**
15 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM; AND**

16 **(IV) ENGAGE WITH AND WORK TO SUSTAIN HIGH AWARENESS OF**
17 **THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM IN MINORITY,**
18 **LOW-INCOME, RURAL, AND HISTORICALLY UNDERSERVED COMMUNITIES.**

19 **(3) AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
20 **ORGANIZATION, OR IF APPLICABLE, AN ELECTRONIC DEVICE COORDINATING BODY,**
21 **SHALL PROVIDE EDUCATIONAL MATERIALS UNDER THIS SECTION TO COVERED**
22 **ENTITIES TO PROVIDE WITH EACH NEW COVERED ELECTRONIC DEVICE SOLD OR**
23 **OFFERED FOR SALE IN THE STATE:**

24 **(I) IN MULTIPLE LANGUAGES, AS DETERMINED BY THE**
25 **DEPARTMENT, AND IN FORMATS THAT COMPLY WITH THE FEDERAL AMERICANS**
26 **WITH DISABILITIES ACT; AND**

27 **(II) ON PRINTED MATERIALS IN ACCORDANCE WITH § 9-1728.1**
28 **OF THIS SUBTITLE.**

29 **(B) (1) IF THE DEPARTMENT APPROVES MORE THAN ONE ELECTRONIC**
30 **DEVICE PRODUCER RESPONSIBILITY PROGRAM PLAN, EACH ELECTRONIC DEVICE**
31 **PRODUCER RESPONSIBILITY ORGANIZATION SHALL, IN CONSULTATION WITH AN**
32 **APPLICABLE ELECTRONIC DEVICE COORDINATING BODY AND THE DEPARTMENT,**
33 **COORDINATE WITH ALL OTHER ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
34 **ORGANIZATIONS TO IMPLEMENT ONGOING PUBLIC AWARENESS ACTIVITIES TO**

1 ENSURE THAT COVERED ENTITIES CAN EASILY IDENTIFY, UNDERSTAND, AND
2 ACCESS THE SERVICES PROVIDED BY ALL ELECTRONIC DEVICE PRODUCER
3 RESPONSIBILITY PROGRAMS IN THE STATE.

4 (2) PUBLIC AWARENESS ACTIVITIES UNDER THIS SUBSECTION
5 SHALL:

6 (I) UTILIZE A STATEWIDE SYSTEM OF PROMOTION THAT
7 ALLOWS COVERED ENTITIES TO EASILY UNDERSTAND THAT ALL ELECTRONIC
8 DEVICE PRODUCER RESPONSIBILITY ORGANIZATIONS ARE PROVIDING SERVICES
9 UNDER THIS SUBTITLE; AND

10 (II) OTHERWISE SATISFY THE REQUIREMENTS OF SUBSECTION
11 (A) OF THIS SECTION.

12 9-1728.3.

13 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND IN THE
14 FORM AND MANNER PRESCRIBED BY THE DEPARTMENT, AN ELECTRONIC DEVICE
15 PRODUCER RESPONSIBILITY ORGANIZATION SHALL ANNUALLY SUBMIT TO THE
16 DEPARTMENT A PLAN FOR IMPLEMENTING AN ELECTRONIC DEVICE PRODUCER
17 RESPONSIBILITY PROGRAM.

18 (2) MULTIPLE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY
19 ORGANIZATIONS MAY COORDINATE THEIR RESPECTIVE PLANS PRIOR TO
20 SUBMITTING THEIR PLANS TO THE DEPARTMENT UNDER THIS SUBSECTION.

21 (B) (1) A PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
22 SHALL DESCRIBE HOW THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY
23 ORGANIZATION WILL IMPLEMENT AN ELECTRONIC DEVICE PRODUCER
24 RESPONSIBILITY PROGRAM THAT COMPLIES WITH THIS SUBTITLE, INCLUDING HOW
25 THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION WILL:

26 (I) FINANCE, MANAGE, AND CONDUCT A STATEWIDE PROGRAM
27 TO COLLECT ALL MAKES AND MODELS OF COVERED ELECTRONIC DEVICES FROM
28 COVERED ENTITIES IN THE STATE;

29 (II) PROVIDE FOR ENVIRONMENTALLY SOUND MANAGEMENT
30 PRACTICES TO COLLECT, TRANSPORT, AND RECYCLE, REFURBISH, OR REUSE
31 COVERED ELECTRONIC DEVICES;

1 **(III) PROVIDE FOR ADVERTISING AND PROMOTION OF**
2 **COLLECTION OPPORTUNITIES THROUGHOUT THE STATE AND ON A REGULAR BASIS,**
3 **AS DESCRIBED IN § 9-1728.2 OF THIS SUBTITLE;**

4 **(IV) PROVIDE CONVENIENT AND EQUITABLE SERVICE**
5 **THROUGHOUT THE STATE, THAT INCLUDES, AT A MINIMUM, CONVENIENT SERVICE**
6 **THROUGH A NETWORK OF COLLECTION SITES DISTRIBUTED TO ENSURE THAT 95%**
7 **OF THE RESIDENTS OF THE STATE ARE WITHIN 15 MILES OF A COLLECTION SITE**
8 **AVAILABLE FOR THEIR USE AS FOLLOWS:**

9 **1. IN EACH COUNTY THAT HAS A POPULATION OF LESS**
10 **THAN 100,000 RESIDENTS, AT LEAST ONE COLLECTION SITE;**

11 **2. IN EACH COUNTY THAT HAS A POPULATION OF AT**
12 **LEAST 100,000 RESIDENTS AND LESS THAN 200,000 RESIDENTS, AT LEAST TWO**
13 **COLLECTION SITES;**

14 **3. IN EACH COUNTY THAT HAS A POPULATION OF AT**
15 **LEAST 200,000 RESIDENTS, AT LEAST THREE COLLECTION SITES;**

16 **4. IN EACH CITY OR MUNICIPALITY WITH A POPULATION**
17 **OF AT LEAST 10,000 RESIDENTS BUT LESS THAN 200,000 RESIDENTS, AT LEAST ONE**
18 **COLLECTION SITE, PLUS ONE ADDITIONAL COLLECTION SITE FOR EVERY**
19 **ADDITIONAL 20,000 RESIDENTS; AND**

20 **5. IN EACH CITY OR MUNICIPALITY WITH A POPULATION**
21 **OF 200,000 RESIDENTS OR MORE, AT LEAST 10 COLLECTION SITES, PLUS ONE**
22 **ADDITIONAL COLLECTION SITE FOR EVERY ADDITIONAL 50,000 RESIDENTS;**

23 **(V) ENSURE CONTINUOUS IMPROVEMENT OF THE ELECTRONIC**
24 **DEVICE PRODUCER RESPONSIBILITY PROGRAM BY:**

25 **1. ESTABLISHING AND WORKING TO ACHIEVE**
26 **MEASURABLE PROGRAM GOALS FOR:**

27 **A. COLLECTION, INCLUDING AMOUNT COLLECTED OR**
28 **USAGE RATES OF COLLECTION SERVICES; AND**

29 **B. MAINTAINING HIGH PUBLIC AWARENESS OF THE**
30 **PROGRAM;**

31 **2. CONSISTENTLY EVALUATING DEVICES DEFINED AS**
32 **COVERED ELECTRONIC DEVICES; AND**

1 **3. FOR ANY CALENDAR YEAR DURING WHICH A**
2 **PROGRAM GOAL WAS NOT MET, DESCRIBING, WITH SUPPORTING DATA, WHAT**
3 **CHANGES OR STEPS THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
4 **ORGANIZATION WILL UNDERTAKE THAT CAN ENSURE THE PROGRAM ACHIEVES ITS**
5 **GOALS IN THE FOLLOWING CALENDAR YEAR;**

6 **(VI) IF APPLICABLE, COORDINATE WITH ALL OTHER**
7 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATIONS THROUGH AN**
8 **ELECTRONIC DEVICE COORDINATING BODY; AND**

9 **(VII) COORDINATE ACTIVITIES WITH RECYCLING,**
10 **REFURBISHMENT, AND REUSE PROGRAMS, INCLUDING NONPROFIT**
11 **ORGANIZATIONS, THAT RECYCLE, REFURBISH, OR REUSE TECHNOLOGY IN ORDER**
12 **TO FURTHER THE ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES OF**
13 **RECYCLING, REUSE, AND REFURBISHMENT OF ELECTRONIC DEVICES.**

14 **(2) (I) A PLAN UNDER SUBSECTION (A) OF THIS SECTION MAY**
15 **ALLOW A COLLECTION SITE FOR A COUNTY TO BE THE SAME AS A COLLECTION SITE**
16 **FOR A CITY OR MUNICIPALITY IN THE COUNTY IF THE RESIDENTS OF THE**
17 **APPLICABLE CITY OR MUNICIPALITY ARE ABLE TO UTILIZE THE COUNTY**
18 **COLLECTION SITE.**

19 **(II) COLLECTION SITES SHALL BE STAFFED AND OPEN TO THE**
20 **PUBLIC AT A FREQUENCY ADEQUATE TO MEET THE NEEDS OF THE AREA BEING**
21 **SERVICED.**

22 **(III) THE DEPARTMENT MAY WAIVE THE REQUIREMENTS OF A**
23 **PLAN UNDER SUBSECTION (A) OF THIS SECTION WITH RESPECT TO COUNTY, CITY,**
24 **OR MUNICIPAL COLLECTION SITES IF THE PROPOSED PLAN DEMONSTRATES TO THE**
25 **SATISFACTION OF THE DEPARTMENT THAT ALTERNATIVE SERVICES OR**
26 **COLLECTION SITES WOULD PROVIDE SUBSTANTIALLY EQUIVALENT COLLECTION**
27 **CONVENIENCE.**

28 **(C) IN ADDITION TO THE INFORMATION REQUIRED UNDER SUBSECTION (B)**
29 **OF THIS SECTION, AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM**
30 **PLAN SHALL INCLUDE:**

31 **(1) A LIST OF ALL PROCESSORS THAT WILL BE USED BY THE**
32 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM;**

33 **(2) THE CONTACT INFORMATION FOR THE ELECTRONIC DEVICE**
34 **PRODUCER RESPONSIBILITY ORGANIZATION;**

1 **(3) A LIST OF ALL ELECTRONIC DEVICE MANUFACTURERS**
2 **PARTICIPATING IN THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
3 **PROGRAM;**

4 **(4) A LIST OF ALL BRANDS OF COVERED ELECTRONIC DEVICES**
5 **MANUFACTURED, SOLD, OR IMPORTED BY EACH PARTICIPATING ELECTRONIC**
6 **DEVICE MANUFACTURER, INCLUDING:**

7 **(I) BRANDS BEING OFFERED FOR SALE IN THE STATE BY EACH**
8 **ELECTRONIC DEVICE MANUFACTURER; AND**

9 **(II) BRANDS THAT WERE OFFERED FOR SALE IN THE STATE BY**
10 **EACH ELECTRONIC DEVICE MANUFACTURER DURING THE IMMEDIATELY**
11 **PRECEDING CALENDAR YEAR;**

12 **(5) A LIST OF EACH COUNTY, CITY, OR MUNICIPALITY THAT HAS**
13 **ELECTED TO PARTICIPATE IN THE ELECTRONIC DEVICE PRODUCER**
14 **RESPONSIBILITY PROGRAM DURING THE PROGRAM YEAR; AND**

15 **(6) FOR EACH COUNTY, CITY, OR MUNICIPALITY, THE LOCATION OF**
16 **EACH PROGRAM COLLECTION SITE.**

17 **(D) AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION**
18 **SHALL:**

19 **(1) EXCEPT FOR AN ALLOWABLE CHARGE FOR PREMIUM SERVICES,**
20 **PROVIDE FOR COLLECTION, TRANSPORTATION, REUSE, REFURBISHMENT, AND**
21 **RECYCLING OF COVERED ELECTRONIC DEVICES FOR COVERED ENTITIES FREE OF**
22 **CHARGE;**

23 **(2) IMPLEMENT THE PLAN REQUIRED UNDER THIS SECTION;**

24 **(3) PROVIDE FAIR FINANCIAL COMPENSATION TO COLLECTION SITES**
25 **CALCULATED TO COVER THE COSTS OF COLLECTING, STORING, MANAGING, AND**
26 **TRANSPORTING COVERED ELECTRONIC DEVICES;**

27 **(4) ENTER INTO AGREEMENTS WITH ALL WILLING PUBLIC SECTOR**
28 **AGENCIES AND COLLECTION ENTITIES TO COVER THE COSTS OF COVERED**
29 **ELECTRONIC DEVICE RECYCLING AGREEMENTS;**

30 **(5) IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT,**
31 **PROVIDE AN ANNUAL REPORT TO THE DEPARTMENT THAT:**

1 **(I) INCLUDES THE TOTAL WEIGHT OF COVERED ELECTRONIC**
2 **DEVICES, INCLUDING PERIPHERALS, COLLECTED FROM COVERED ENTITIES IN THE**
3 **STATE IN THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM DURING**
4 **THE IMMEDIATELY PRECEDING CALENDAR YEAR, DISAGGREGATED BY:**

5 **1. TYPE OF COVERED ELECTRONIC DEVICE;**

6 **2. COLLECTION SITE OR GROUP OF COLLECTION SITES;**

7 **AND**

8 **3. METHOD OF COLLECTION, INCLUDING COLLECTION**
9 **BY PREMIUM SERVICES;**

10 **(II) INCLUDES A LIST OF ALL COLLECTION SITES AND**
11 **PROCESSORS USED BY THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
12 **PROGRAM;**

13 **(III) INCLUDES THE RESULTS OF ANY APPROVED ALTERNATIVE**
14 **METHODS OF SERVICE IN ADEQUATELY MEETING THE NEEDS OF THE APPLICABLE**
15 **JURISDICTION, INCLUDING THE DATE OR TIME FRAME OF EACH ALTERNATIVE**
16 **SERVICE EVENT OR PROGRAM AND THE TOTAL WEIGHT OF EACH TYPE OF COVERED**
17 **ELECTRONIC DEVICE, INCLUDING PERIPHERALS, COLLECTED AT EACH**
18 **ALTERNATIVE SERVICE EVENT OR PROGRAM; AND**

19 **(IV) DETAILS HOW THE PLAN REQUIRED UNDER THIS SECTION**
20 **WAS IMPLEMENTED DURING THE IMMEDIATELY PRECEDING YEAR, INCLUDING:**

21 **1. A DESCRIPTION OF HOW THE ELECTRONIC DEVICE**
22 **PRODUCER RESPONSIBILITY ORGANIZATION COMPLIED WITH THE ELECTRONIC**
23 **DEVICE PRODUCER RESPONSIBILITY PROGRAM PLAN, INCLUDING WHETHER GOALS**
24 **WERE MET, A SUMMARY OF PUBLIC AWARENESS ACTIVITIES, AND COPIES OF PUBLIC**
25 **AWARENESS MATERIALS DEVELOPED BY THE ELECTRONIC DEVICE PRODUCER**
26 **RESPONSIBILITY ORGANIZATION;**

27 **2. A SUMMARY OF ANY SAFETY OR SECURITY PROBLEMS**
28 **THAT OCCURRED DURING THE COLLECTION, TRANSPORTATION, OR REUSE,**
29 **REFURBISHMENT, RECYCLING, OR DISPOSAL OF COVERED ELECTRONIC DEVICES**
30 **AND THE ACTUAL OR POTENTIAL FUTURE RESOLUTIONS OF THOSE PROBLEMS; AND**

31 **3. AN ATTESTATION THAT ALL COVERED ELECTRONIC**
32 **DEVICES COLLECTED UNDER THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
33 **PROGRAM WERE COLLECTED AND PROCESSED IN COMPLIANCE WITH ALL**

1 APPLICABLE LAWS, RULES, AND REGULATIONS AND IN ACCORDANCE WITH
2 ENVIRONMENTALLY SOUND MANAGEMENT STANDARDS;

3 (6) RETAIN ALL RECORDS RELATED TO THE IMPLEMENTATION AND
4 ADMINISTRATION OF THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY
5 PROGRAM FOR AT LEAST 3 YEARS AFTER THE DATE THE RECORD WAS CREATED AND
6 MAKE THE RECORDS AVAILABLE FOR INSPECTION AND AUDIT BY THE DEPARTMENT
7 ON REQUEST;

8 (7) ON REQUEST FROM THE DEPARTMENT, PROVIDE THE CONTACT
9 INFORMATION AND A POINT OF CONTACT FOR EACH ELECTRONIC DEVICE
10 MANUFACTURER PARTICIPATING IN THE ELECTRONIC DEVICE PRODUCER
11 RESPONSIBILITY PROGRAM; AND

12 (8) ALLOW A COLLECTION SITE TO RECOVER COLLECTED COVERED
13 ELECTRONIC DEVICES FOR REFURBISHMENT AND RESALE AT RETAIL.

14 (E) AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION
15 MAY REQUIRE A COLLECTION SITE TO EXCLUDE THE WEIGHT OF COVERED
16 ELECTRONIC DEVICES RECOVERED FOR REFURBISHMENT OR RESALE FROM THE
17 TOTAL WEIGHT OF COVERED ELECTRONIC DEVICES COLLECTED BY THE
18 COLLECTION SITE FOR THE PURPOSES OF ANNUAL REPORTING AND DETERMINING
19 COMPENSATION FOR THE COLLECTION AND MANAGEMENT OF COVERED
20 ELECTRONIC DEVICES, UNLESS:

21 (1) THE COLLECTION SITE IS A NONPROFIT ORGANIZATION THAT
22 REFURBISHES TECHNOLOGIES FOR RESALE AND RECOVERS THE COLLECTED
23 COVERED ELECTRONIC DEVICE FOR RESALE AT RETAIL; OR

24 (2) THE COLLECTION SITE RECOVERS THE COLLECTED COVERED
25 ELECTRONIC DEVICE FOR DONATION TO AN ORGANIZATION THAT REFURBISHES
26 TECHNOLOGIES FOR RESALE AT RETAIL.

27 (F) (1) PRIOR TO REMOVING A COLLECTION SITE FROM AN ELECTRONIC
28 DEVICE PRODUCER RESPONSIBILITY PROGRAM, AN ELECTRONIC DEVICE
29 PRODUCER RESPONSIBILITY ORGANIZATION SHALL WORK WITH OTHER
30 ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATIONS OR THE
31 ELECTRONIC DEVICE COORDINATING BODY, IF APPLICABLE, TO DETERMINE
32 WHETHER THE COLLECTION SITE CAN BE ADDED TO ANOTHER ELECTRONIC DEVICE
33 PRODUCER RESPONSIBILITY PROGRAM.

34 (2) (I) IF THE COLLECTION SITE CANNOT BE ADDED TO ANOTHER
35 ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM, THE ELECTRONIC

1 DEVICE PRODUCER RESPONSIBILITY ORGANIZATION SHALL, AT LEAST 90 DAYS
2 BEFORE THE DATE OF REMOVAL:

3 1. PROVIDE NOTICE TO COVERED ENTITIES BY POSTING
4 NOTICE OF THE REMOVAL ON THE PROGRAM WEBSITE; AND

5 2. PROVIDE WRITTEN NOTICE TO THE DEPARTMENT
6 AND ALL OTHER COLLECTION SITES IN THE WASTESHED.

7 (II) IF THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY
8 ORGANIZATION DOES NOT PROVIDE THE NOTICE REQUIRED UNDER THIS
9 PARAGRAPH, AND UNLESS THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY
10 ORGANIZATION DEMONSTRATES GOOD CAUSE FOR BEING UNABLE TO PROVIDE THE
11 NOTICE, THE DEPARTMENT MAY REQUIRE THE ELECTRONIC DEVICE PRODUCER
12 RESPONSIBILITY ORGANIZATION TO RETAIN A COLLECTION SITE.

13 (G) EACH ELECTRONIC DEVICE PRODUCER RESPONSIBILITY
14 ORGANIZATION SHALL WORK WITH THE ELECTRONIC DEVICE COORDINATING BODY
15 AND WITH ALL OTHER ELECTRONIC DEVICE PRODUCER RESPONSIBILITY
16 ORGANIZATIONS TO ENSURE THE RECONCILIATION OF FINANCIAL OBLIGATIONS
17 UNDER § 9-1728.4 OF THIS SUBTITLE.

18 (H) AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION
19 OR AN ELECTRONIC DEVICE COORDINATING BODY MAY, AFTER NOTICE TO THE
20 ELECTRONIC DEVICE MANUFACTURER, REFER THE ELECTRONIC DEVICE
21 MANUFACTURER TO THE DEPARTMENT FOR POTENTIAL VIOLATIONS OF THE
22 REQUIREMENTS OF THIS SECTION.

23 9-1728.4.

24 (A) (1) IF THE DEPARTMENT DETERMINES THAT A REPORT SUBMITTED
25 UNDER § 9-1728.3 OF THIS SUBTITLE SATISFIES THE REQUIREMENTS OF THIS
26 SECTION, THE DEPARTMENT SHALL APPROVE THE REPORT.

27 (2) IF THE DEPARTMENT DOES NOT APPROVE A REPORT IN
28 ACCORDANCE WITH THIS SUBSECTION, THE DEPARTMENT SHALL PROVIDE THE
29 ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION WITH WRITTEN
30 NOTICE OF REVISIONS NECESSARY FOR APPROVAL AND THE TIMELINE TO
31 RESUBMIT.

32 (B) (1) THE DEPARTMENT SHALL APPROVE AN ELECTRONIC DEVICE
33 PRODUCER RESPONSIBILITY PROGRAM PLAN IF THE DEPARTMENT DETERMINES
34 THAT THE PLAN SATISFIES THE REQUIREMENTS OF § 9-1728.3 OF THIS SUBTITLE.

1 **(2) WITHIN 60 DAYS AFTER THE DATE ON WHICH THE DEPARTMENT**
2 **RECEIVES AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM PLAN,**
3 **THE DEPARTMENT SHALL EITHER APPROVE THE PLAN, APPROVE THE PLAN WITH**
4 **CONDITIONS, OR DENY THE PLAN.**

5 **(3) (I) IF THE DEPARTMENT DENIES THE PLAN, THE DEPARTMENT**
6 **SHALL PROVIDE THE REASON OR REASONS FOR THE DENIAL AND REQUEST THAT**
7 **THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION SUBMIT A**
8 **REVISED PLAN TO THE DEPARTMENT WITHIN 45 DAYS AFTER THE DATE THAT THE**
9 **DEPARTMENT DENIES THE PLAN.**

10 **(II) WITHIN 45 DAYS AFTER RECEIVING A REVISED PLAN UNDER**
11 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL EITHER**
12 **APPROVE THE REVISED PLAN, APPROVE THE REVISED PLAN WITH CONDITIONS, OR**
13 **DENY THE REVISED PLAN.**

14 **(III) IF THE DEPARTMENT DENIES A REVISED PLAN, THE**
15 **DEPARTMENT MAY:**

16 **1. REQUIRE THAT THE ELECTRONIC DEVICE PRODUCER**
17 **RESPONSIBILITY ORGANIZATION FURTHER REVISE THE PLAN IN ACCORDANCE WITH**
18 **A TIMELINE DETERMINED BY THE DEPARTMENT;**

19 **2. DIRECT SPECIFIC CHANGES TO THE REVISED PLAN;**
20 **OR**

21 **3. DIRECT THE ELECTRONIC DEVICE MANUFACTURER**
22 **OR MANUFACTURERS ON WHOSE BEHALF THE REVISED PLAN WAS SUBMITTED TO**
23 **REGISTER WITH AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
24 **ORGANIZATION WITH AN APPROVED PLAN.**

25 **(IV) IF THE DEPARTMENT DIRECTS SPECIFIC CHANGES TO A**
26 **REVISED PLAN UNDER SUBPARAGRAPH (III)2 OF THIS PARAGRAPH, THE**
27 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION SHALL:**

28 **1. IMPLEMENT THE SPECIFIC CHANGES; OR**

29 **2. REQUEST A HEARING.**

30 **(C) (1) IF THE DEPARTMENT APPROVES MORE THAN ONE ELECTRONIC**
31 **DEVICE PRODUCER RESPONSIBILITY PROGRAM, THE DEPARTMENT SHALL SET A**

1 TIMELINE FOR ALL ELECTRONIC DEVICE PRODUCER RESPONSIBILITY
2 ORGANIZATIONS TO DESIGNATE AN ELECTRONIC DEVICE COORDINATING BODY.

3 (2) IF ALL APPLICABLE ELECTRONIC DEVICE PRODUCER
4 RESPONSIBILITY ORGANIZATIONS ARE UNABLE TO DESIGNATE AN ELECTRONIC
5 DEVICE COORDINATING BODY IN ACCORDANCE WITH THE TIMELINE SET BY THE
6 DEPARTMENT, THE DEPARTMENT MAY EITHER:

7 (I) DESIGNATE AN ELECTRONIC DEVICE COORDINATING BODY;
8 OR

9 (II) EXTEND THE TIMELINE FOR ALL ELECTRONIC DEVICE
10 PRODUCER RESPONSIBILITY ORGANIZATIONS TO DESIGNATE AN ELECTRONIC
11 DEVICE COORDINATING BODY.

12 (3) THE DEPARTMENT MAY REQUIRE CHANGES TO AN APPROVED
13 PLAN UNDER THIS SECTION TO ENSURE THAT ALL APPROVED PLANS PROVIDE FOR
14 A CONSISTENT MEANS OF ENABLING COORDINATION BETWEEN ELECTRONIC DEVICE
15 PRODUCER RESPONSIBILITY ORGANIZATIONS.

16 (4) THE ELECTRONIC DEVICE COORDINATING BODY, OR AN
17 ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION IF AN
18 ELECTRONIC DEVICE COORDINATING BODY IS NOT DESIGNATED UNDER THIS
19 SECTION, SHALL ANNUALLY CALCULATE EACH ELECTRONIC DEVICE
20 MANUFACTURER OBLIGATION BY:

21 (I) MULTIPLYING THE ELECTRONIC DEVICE MANUFACTURER'S
22 MARKET SHARE FOR EACH ELECTRONIC DEVICE PRODUCT CATEGORY BY THE
23 PRODUCT CATEGORY'S PERCENTAGE OF THE TOTAL WEIGHT OF ALL COVERED
24 ELECTRONIC DEVICES RECYCLED DURING THE IMMEDIATELY PRECEDING
25 CALENDAR YEAR; AND

26 (II) ADDING THE PERCENTAGES CALCULATED UNDER ITEM (I)
27 OF THIS PARAGRAPH.

28 (5) THE ELECTRONIC DEVICE COORDINATING BODY SHALL:

29 (I) ANNUALLY RECONCILE THE FINANCIAL OBLIGATIONS
30 BETWEEN ALL ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATIONS;
31 AND

32 (II) CONDUCT ANY OTHER COORDINATION BETWEEN
33 ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATIONS.

1 **(D) (1) (I) THE DEPARTMENT SHALL ESTABLISH BY REGULATION AN**
2 **ANNUAL REPORT AND REGISTRATION AND REVIEW FEES, REASONABLY**
3 **CALCULATED TO COVER THE COSTS TO THE DEPARTMENT OF IMPLEMENTING,**
4 **ADMINISTERING, AND ENFORCING THE PROVISIONS OF THIS SECTION.**

5 **(II) BEGINNING MARCH 1, 2029, AND EACH MARCH 1**
6 **THEREAFTER, EACH ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
7 **ORGANIZATION SHALL SUBMIT THE ANNUAL REPORT AND REGISTRATION AND**
8 **REVIEW FEES TO THE DEPARTMENT.**

9 **(2) (I) ON OR BEFORE MARCH 1, 2029, THE DEPARTMENT SHALL**
10 **ESTABLISH BY REGULATION A ONE-TIME PLAN REVIEW FEE, REASONABLY**
11 **CALCULATED TO COVER THE COSTS TO THE DEPARTMENT OF REVIEWING AN**
12 **INITIAL ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM PLAN.**

13 **(II) THE DEPARTMENT MAY NOT APPROVE AN INITIAL**
14 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM PLAN IF THE**
15 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ORGANIZATION HAS NOT PAID**
16 **THE ONE-TIME PLAN REVIEW FEE.**

17 **(E) THE DEPARTMENT SHALL MAINTAIN AND MAKE PUBLICLY AVAILABLE:**

18 **(1) A LIST OF REGISTERED ELECTRONIC DEVICE MANUFACTURERS**
19 **AND THEIR BRANDS;**

20 **(2) A LIST OF BRANDS FOR WHICH NO ELECTRONIC DEVICE**
21 **MANUFACTURER HAS REGISTERED;**

22 **(3) A LIST THAT IDENTIFIES WHICH ELECTRONIC DEVICE**
23 **MANUFACTURERS ARE IN COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE;**

24 **(4) ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM**
25 **PLANS OR REVISED PLANS SUBMITTED TO THE DEPARTMENT UNDER THIS**
26 **SUBTITLE; AND**

27 **(5) REPORTS SUBMITTED TO THE DEPARTMENT UNDER THIS**
28 **SUBTITLE.**

29 **(F) (1) FOR EACH PROGRAM YEAR, THE DEPARTMENT SHALL**
30 **DETERMINE EACH ELECTRONIC DEVICE MANUFACTURER'S MARKET SHARE FOR**
31 **EACH ELECTRONIC DEVICE PRODUCT CATEGORY.**

1 **(2) THE DEPARTMENT MAY:**

2 **(I) USE NATIONAL MARKET DATA PRORATED FOR THE STATE,**
3 **RETAIL OR MANUFACTURER DATA, CONSUMER RESEARCH, OR ANY DATA FROM THE**
4 **IMMEDIATELY PRECEDING CALENDAR YEAR, AS DETERMINED BY THE**
5 **DEPARTMENT, TO DETERMINE THE MARKET SHARE UNDER THIS SUBSECTION; AND**

6 **(II) REQUIRE AN ELECTRONIC DEVICE MANUFACTURER TO**
7 **SUBMIT SALES OR OTHER DATA REGARDING THE NUMBER AND WEIGHT OF COVERED**
8 **ELECTRONIC DEVICES SOLD IN THE STATE BY THE ELECTRONIC DEVICE**
9 **MANUFACTURER.**

10 **(3) FOR EACH CALENDAR YEAR, THE DEPARTMENT SHALL:**

11 **(I) PROVIDE EACH ELECTRONIC DEVICE MANUFACTURER'S**
12 **MARKET SHARE TO THE ELECTRONIC DEVICE MANUFACTURER'S ELECTRONIC**
13 **DEVICE PRODUCER RESPONSIBILITY ORGANIZATION OR TO THE APPLICABLE**
14 **ELECTRONIC DEVICE COORDINATING BODY; AND**

15 **(II) MAINTAIN ON THE DEPARTMENT'S WEBSITE, IN A**
16 **PRINTABLE FORMAT, INFORMATION ON COLLECTION OPPORTUNITIES FOR**
17 **COVERED ELECTRONIC DEVICES, INCLUDING COLLECTION SITE LOCATIONS AND**
18 **HOURS.**

19 **9-1728.5.**

20 **(A) IN THIS SECTION, "PROGRAM" MEANS THE ELECTRONIC DEVICE**
21 **PRODUCER RESPONSIBILITY PROGRAM.**

22 **(B) (1) THERE IS AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
23 **PROGRAM IN THE DEPARTMENT.**

24 **(2) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.**

25 **(C) THE PURPOSE OF THE PROGRAM IS TO FACILITATE THE COLLECTION**
26 **AND RECYCLING, REFURBISHING, OR REUSE OF COVERED ELECTRONIC DEVICES IN**
27 **THE STATE.**

28 **(D) THE PROGRAM SHALL BE FUNDED BY THE ELECTRONIC DEVICE**
29 **PRODUCER RESPONSIBILITY PROGRAM PLAN AND ANNUAL REPORT REGISTRATION**
30 **AND REVIEW FEE ACCOUNT ESTABLISHED WITHIN THE STATE RECYCLING TRUST**
31 **FUND UNDER § 9-1707(F)(8) OF THIS SUBTITLE.**

1 **(E) THE DEPARTMENT, IN CONSULTATION WITH THE ELECTRONIC DEVICE**
2 **PRODUCER RESPONSIBILITY PROGRAM ADVISORY COUNCIL ESTABLISHED UNDER §**
3 **9-1728.6 OF THIS SUBTITLE, MAY BY REGULATION:**

4 **(1) DETERMINE REASONABLE RECYCLING FEES; AND**

5 **(2) AMEND OR EXPAND:**

6 **(I) THE DEFINITION OF “COVERED ELECTRONIC DEVICE” AS**
7 **DEFINED IN § 9-1701 OF THIS SUBTITLE; AND**

8 **(II) THE DEFINITION OF “WHITE GOODS” AS DEFINED IN §**
9 **9-1701 OF THIS SUBTITLE.**

10 **9-1728.6.**

11 **(A) THERE IS AN ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
12 **ADVISORY COUNCIL.**

13 **(B) THE PURPOSE OF THE ADVISORY COUNCIL IS TO ADVISE THE**
14 **DEPARTMENT ON THE ENFORCEMENT, REGULATION, IMPLEMENTATION, AND**
15 **ADMINISTRATION OF THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
16 **PROGRAM ESTABLISHED UNDER § 9-1728.5 OF THIS SUBTITLE.**

17 **(C) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:**

18 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, OR THE MEMBER’S**
19 **DESIGNEE, APPOINTED BY THE PRESIDENT OF THE SENATE;**

20 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, OR THE MEMBER’S**
21 **DESIGNEE, APPOINTED BY THE SPEAKER OF THE HOUSE;**

22 **(3) THE SECRETARY, OR THE SECRETARY’S DESIGNEE; AND**

23 **(4) THE FOLLOWING MEMBERS, APPOINTED BY THE SECRETARY:**

24 **(I) AT LEAST TWO REPRESENTATIVES OF THE MARYLAND**
25 **ASSOCIATION OF COUNTIES, INCLUDING:**

26 **1. ONE REPRESENTING A RURAL COUNTY; AND**

27 **2. ONE REPRESENTING A SUBURBAN OR AN URBAN**
28 **COUNTY;**

1 (II) ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL
2 LEAGUE;

3 (III) AT LEAST ONE REPRESENTATIVE OF ELECTRONIC DEVICE
4 RECYCLERS IN THE STATE;

5 (IV) AT LEAST ONE REPRESENTATIVE OF ELECTRONIC DEVICE
6 MANUFACTURERS IN THE STATE;

7 (V) AT LEAST ONE REPRESENTATIVE OF ELECTRONIC DEVICE
8 RETAILERS IN THE STATE;

9 (VI) ONE REPRESENTATIVE OF THE MARYLAND
10 ENVIRONMENTAL SERVICE;

11 (VII) ONE REPRESENTATIVE OF THE NORTHEAST MARYLAND
12 WASTE DISPOSAL AUTHORITY;

13 (VIII) ONE REPRESENTATIVE OF A NONPROFIT ENVIRONMENTAL
14 ADVOCACY ORGANIZATION THAT HAS EXPERIENCE WITH EXTENDED PRODUCER
15 RESPONSIBILITY LAWS;

16 (IX) ONE REPRESENTATIVE OF THE MARYLAND RECYCLING
17 NETWORK; AND

18 (X) ANY OTHER MEMBER AS DETERMINED BY THE SECRETARY.

19 (D) FROM AMONG THE ADVISORY COUNCIL MEMBERS, THE SECRETARY
20 SHALL DESIGNATE TWO MEMBERS TO SERVE AS COCHAIRS OF THE ADVISORY
21 COUNCIL.

22 (E) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY
23 COUNCIL.

24 (F) A MEMBER OF THE ADVISORY COUNCIL:

25 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
26 ADVISORY COUNCIL; BUT

27 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES:

1 **(I) UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS**
2 **PROVIDED IN THE STATE BUDGET; AND**

3 **(II) FROM THE ELECTRONIC DEVICE PRODUCER**
4 **RESPONSIBILITY PROGRAM PLAN AND ANNUAL REPORT REGISTRATION AND REVIEW**
5 **FEE ACCOUNT IN THE STATE RECYCLING TRUST FUND.**

6 **(G) THE ADVISORY COUNCIL SHALL MEET AT THE REQUEST OF THE**
7 **SECRETARY.**

8 **(H) THE ADVISORY COUNCIL SHALL:**

9 **(1) REVIEW AND COMMENT ON DRAFT AND FINAL REGULATIONS**
10 **RELEVANT TO THE IMPLEMENTATION AND ADMINISTRATION OF THE ELECTRONIC**
11 **DEVICE PRODUCER RESPONSIBILITY PROGRAM; AND**

12 **(2) STUDY AND MAKE RECOMMENDATIONS REGARDING:**

13 **(I) CHANGES TO THE DEFINITION OF “COVERED ELECTRONIC**
14 **DEVICE” AS DEFINED IN § 9-1701 OF THIS SUBTITLE;**

15 **(II) ELECTRONIC DEVICE MANUFACTURER AND ELECTRONIC**
16 **DEVICE PRODUCER RESPONSIBILITY PROGRAM PLANS AND ANNUAL REPORTS,**
17 **REGISTRATIONS, AND REVIEW FEES COLLECTED EACH YEAR;**

18 **(III) IF DETERMINED NECESSARY BY THE DEPARTMENT,**
19 **REASONABLE MINIMUMS OR CAPS ON:**

20 **1. FAIR FINANCIAL COMPENSATION TO RECYCLERS,**
21 **CALCULATED TO COVER THE COSTS OF COLLECTION, RECYCLING, REUSE, OR**
22 **REFURBISHMENT OF COVERED ELECTRONIC DEVICES; AND**

23 **2. FAIR FINANCIAL COMPENSATION TO ELECTRONIC**
24 **DEVICE COLLECTORS, CALCULATED TO COVER THE COSTS OF COLLECTION,**
25 **STORING, MANAGING, AND TRANSPORTING COVERED ELECTRONIC DEVICES,**
26 **INCLUDING STAFFING, STORAGE AND EQUIPMENT, AND APPROPRIATE CONTAINERS**
27 **FOR DAMAGED, DEFECTIVE, AND RECALLED COVERED ELECTRONIC DEVICES;**

28 **(IV) STANDARDS AND COMMON INDUSTRY CERTIFICATIONS TO**
29 **BE USED BY THE DEPARTMENT IN DEVELOPING AND APPROVING APPLICATION**
30 **MATERIALS AND PROCEDURES FOR ELECTRONIC DEVICE COLLECTORS,**
31 **RECYCLERS, AND PROCESSORS IN ACCORDANCE WITH § 9-1728.4 OF THIS SUBTITLE;**

1 **(V) THE CONVENIENCE AND AVAILABILITY OF DROP-OFF SITES**
2 **FOR ELECTRONIC DEVICES IN THE STATE, INCLUDING AN EVALUATION OF THE**
3 **FEASIBILITY AND COSTS OF INCREASING PUBLIC ACCESS TO ADDITIONAL DROP-OFF**
4 **SITES, MAILBACK PROGRAMS, AND PREMIUM SERVICES FOR PURPOSES OF**
5 **DEVELOPING ADOPTION AND CONVENIENCE TARGETS FOR EACH METHOD;**

6 **(VI) THE REUSE, REFURBISHMENT, AND RECYCLABILITY OF**
7 **COVERED ELECTRONIC DEVICES AND OTHER DEVICES UNDER CONSIDERATION TO**
8 **BE DEFINED AS COVERED ELECTRONIC DEVICES;**

9 **(VII) THE NEED FOR APPLICABLE ELECTRONIC DEVICE**
10 **PRODUCER RESPONSIBILITY ORGANIZATIONS TO PROVIDE FAIR FINANCIAL**
11 **COMPENSATION TO ELECTRONIC DEVICE COLLECTORS, CALCULATED TO COVER**
12 **THE COSTS OF HEAT, SMOKE, GAS, AND FIRE DETECTION, SUPPRESSION, AND**
13 **EXTINGUISHING SYSTEMS FOR COLLECTION SITES AND SOLID WASTE COLLECTION**
14 **VEHICLES OR OTHER INFRASTRUCTURE;**

15 **(VIII) THE NEED FOR ELECTRONIC DEVICE PRODUCER**
16 **RESPONSIBILITY ORGANIZATIONS TO PROVIDE FAIR FINANCIAL COMPENSATION TO**
17 **ELECTRONIC DEVICE COLLECTORS, CALCULATED TO COVER THE COSTS OF AND, IF**
18 **APPLICABLE, FINANCIAL COMPENSATION FOR REQUIRED INFRASTRUCTURE AND**
19 **PREMIUM SERVICE OF COVERED ELECTRONIC DEVICES;**

20 **(IX) FAIR FINANCIAL COMPENSATION TO THE DEPARTMENT,**
21 **AND ELECTRONIC DEVICE COLLECTORS FOR ELECTRONIC DEVICE RECYCLING**
22 **EDUCATIONAL MATERIALS AND CAMPAIGNS, INCLUDING ONLINE, TELEVISION,**
23 **RADIO, BILLBOARD, PUBLIC TRANSIT OR OTHER ADVERTISEMENTS, AUTOMOTIVE**
24 **WRAPS OR DECALS, MAILERS, EDUCATIONAL MATERIALS AND SIGNAGE AT SOLID**
25 **WASTE COLLECTION SITES, PUBLIC EVENTS, OR RETAIL ESTABLISHMENTS;**

26 **(X) THE NEED FOR A DISPOSAL OR LANDFILL BAN ON COVERED**
27 **ELECTRONIC DEVICES; AND**

28 **(XI) ANY OTHER RELATED TOPICS AS REQUESTED BY THE**
29 **DEPARTMENT.**

30 **(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR**
31 **BEFORE DECEMBER 1, 2028, AND EACH DECEMBER 1 THEREAFTER, THE ADVISORY**
32 **COUNCIL SHALL REPORT THE FINDINGS AND RECOMMENDATIONS OF THE ADVISORY**
33 **COUNCIL TO THE DEPARTMENT.**

34 **(2) (I) RECOMMENDATIONS SUBMITTED UNDER THIS SUBSECTION**
35 **MAY NOT BE REQUIRED TO BE CONSENSUS RECOMMENDATIONS.**

1 **(II) IF MULTIPLE RECOMMENDATIONS ARE SUBMITTED UNDER**
2 **THIS SUBSECTION, EACH RECOMMENDATION SHALL INDICATE EACH MEMBER IN**
3 **FAVOR OF THE RECOMMENDATION.**

4 9–1729.

5 **(A)** The Department may adopt regulations necessary to implement **AND**
6 **ADMINISTER** the provisions of this subtitle[, including the required components of a
7 covered electronic device takeback program].

8 **(B) REGULATIONS ADOPTED TO IMPLEMENT AND ADMINISTER THE**
9 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY PROGRAM IN ACCORDANCE WITH**
10 **THIS SUBTITLE MAY:**

11 **(1) ESTABLISH APPLICATION MATERIALS AND PROCEDURES FOR**
12 **ELECTRONIC DEVICE COLLECTORS, RECYCLERS, AND PROCESSORS;**

13 **(2) INCORPORATE RECOMMENDATIONS SUBMITTED BY THE**
14 **ELECTRONIC DEVICE PRODUCER RESPONSIBILITY ADVISORY COUNCIL INTO**
15 **REASONABLE CHANGES TO THE ELECTRONIC DEVICE PRODUCER RESPONSIBILITY**
16 **PROGRAM; AND**

17 **(3) INCLUDE:**

18 **(I) STANDARDS, SUCH AS COMMON INDUSTRY**
19 **CERTIFICATIONS, FOR ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES FOR**
20 **RECYCLERS AND PROCESSORS; AND**

21 **(II) STANDARDS FOR PARTICIPATING COLLECTION SITES.**

22 9–1730.

23 (a) The provisions and penalties of § 9–342 of this title shall be used and shall
24 apply to enforce violations of this part.

25 (b) (1) In addition to any other penalty provided by law, the Department may
26 assess against any **ELECTRONIC DEVICE** retailer that violates [§ 9–1728.1(b)] **§ 9–1728.1**
27 of this [part] **SUBTITLE** a fine up to \$1,000 for each violation, but not exceeding \$10,000
28 total.

29 (2) A fine under paragraph (1) of this subsection may be assessed only after
30 the **ELECTRONIC DEVICE** retailer that committed the violation has been issued three
31 warnings regarding the violation.

1 (3) Each day on which a violation occurs or continues is a separate violation
2 under this subsection.

3 SECTION 2. AND BE IT FURTHER ENACTED, That:

4 (a) On or before December 1, 2026, the Department of the Environment shall
5 notify manufacturers of covered electronic devices of the electronic device producer
6 responsibility program as enacted by Section 1 of this Act.

7 (b) The Department of the Environment shall:

8 (1) evaluate any federal law that establishes a national program for the
9 collection and recycling, reuse, and refurbishment of electronic devices; and

10 (2) if the Department determines that the federal law evaluated under
11 item (1) of this subsection substantially meets or exceeds the requirements and intent of
12 the electronic device producer responsibility program as enacted by Section 1 of this Act,
13 report to the General Assembly, in accordance with § 2-1257 of the State Government
14 Article, on the substance of the law in relation to the electronic device producer
15 responsibility program.

16 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
17 Assembly that:

18 (1) electronic device producer responsibility organizations providing
19 covered entities with program services for covered electronic devices, including the use of
20 environmentally sound management practices to collect, transport, and recycle, reuse, or
21 refurbish covered electronic devices, is in the best interests of the public;

22 (2) electronic device manufacturers that participate in an electronic device
23 producer responsibility program as enacted by Section 1 of this Act shall be exempt from
24 State antitrust laws; and

25 (3) information protected by trademark or patent received by the
26 Department of the Environment from an electronic device manufacturer or an electronic
27 device producer responsibility organization as part of an electronic device producer
28 responsibility program as enacted by Section 1 of this Act constitutes a trade secret and
29 confidential commercial information.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2026.