CHAPTER_____

1 AN ACT concerning

Mercury-Added Products - Prohibition of Sale of Thermostats and Report

3 FOR the purpose of prohibiting a certain marketer from selling or providing a
4 thermostat containing mercury to a consumer; requiring the Department of the
5 Environment to make a certain report to the Governor and certain legislative
6 committees on or before a certain date, relating to the Statewide collection,
7 reclamation, and recycling of all products containing mercury; requiring the
8 Secretary of the Environment to convene and consult with a certain advisory
9 group in preparing a certain report; providing that a certain lobbyist is not
10 subject to certain provisions of law if the lobbyist is appointed to serve on a
11 certain advisory group; defining a certain term; altering a certain definition;
12 providing for a delayed effective date for certain provisions of this Act; and
13 generally relating to mercury-added products.

14 BY renumbering
15 Article - Environment
16 Section 6-905.2
17 to be Section 6-905.3
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Environment
22 Section 6-905
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 2005 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6-905.2 of Article - Environment of the Annotated Code of Maryland be renumbered to be Section(s) 6-905.3.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Environment

6-905.

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

(b) "Manufacturer" means a person that:

(1) Produces a product;

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

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

(c) "Marketer" means a person who manufactures, assembles, sells, distributes, affixes a brand name or private label to, or licenses the use of a brand name on a:

(1) A fever thermometer containing mercury; OR

(2) A THERMOSTAT CONTAINING MERCURY.

(d) "Mercury-added product" means any of the following products if containing elemental mercury or a mercury compound that has been added to the product for any reason:

(1) Dyes or pigments;

(2) Electric switches; AND

(3) Fluorescent lamps; and

(4) Thermostats.
"Motor vehicle" has the meaning stated in § 11-135 of the Transportation Article.

"Reclamation facility" means a site:

1. Where equipment is used to recapture mercury from mercury-added fluorescent lamps for the purpose of recycling or reusing the mercury; or
2. That collects mercury containing components from mercury-added fluorescent lamps for the eventual recapture and recycling or reuse of the mercury.

"THERMOSTAT" MEANS A DEVICE THAT REGULATES TEMPERATURE IN AN ENCLOSURED AREA BY CONTROLLING HEATING, COOLING, OR VENTILATION EQUIPMENT.

A MARKETER MAY NOT SELL OR PROVIDE A THERMOSTAT CONTAINING MERCURY TO A CONSUMER.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2007, the Department of the Environment shall study and report to the Governor and in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee regarding the Statewide collection, reclamation, and recycling of all products that contain mercury, including:

1. Current collection, reclamation, and recycling programs for each of these products, who administers these programs and how they are organized, and to what extent the current collection of hazardous materials covers mercury-added products;
2. Current and planned incentives and pilot programs designed to improve Maryland's rate of exclusion of mercury-added products from the landfill and incinerator waste streams, including advance disposal fees, manufacturer "take back" programs, the use of bounties, and residential collection;
3. Current and planned efforts to educate the general public regarding the health and environmental impacts of mercury-added products in comparison with similar products that do not contain mercury;
4. A summary of measures utilized in other states regarding items (1) through (3) of this subsection and projections regarding the probable level of effectiveness of these measures in Maryland; and
5. Departmental recommendations for actions or programs related to items (1) through (3) of this subsection.
(b) In preparing the report and recommendations required under subsection (a) of this section, the Secretary of the Environment shall convene and consult with an advisory group of interested stakeholders, including at least two individuals representing representatives from each of the following:

(1) manufacturers of mercury-added products;
(2) persons engaged in the retail sale of mercury-added products;
(3) waste collectors;
(4) the environmental community; and
(5) the health care community.

(c) If the Secretary appoints a regulated lobbyist to serve as a member of the advisory group convened under subsection (b) of this section, the lobbyist is not subject to the provisions of § 15-504(d)(1) or § 15-703(f)(3)(i) of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this Act shall take effect October 1, 2007.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2006.