

SENATE BILL 556

M3, J1

(0lr2437)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by **Senators Conway, Della, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, Kramer, Madaleno, Miller, Muse, Pugh, and Raskin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Environment – Decabrominated Diphenyl Ether – Prohibitions**

3 FOR the purpose of prohibiting, on or after certain dates, the manufacturing,
4 ~~processing~~ *leasing, selling,* or distributing of certain products that contain
5 decabrominated diphenyl ether; providing that this Act does not prohibit certain
6 retailers from selling, recycling, or disposing of certain products that contain
7 decabrominated diphenyl ether under certain circumstances; *providing that this*
8 *Act does not prohibit certain persons from recycling certain products that contain*
9 *decabrominated diphenyl ether; providing that this Act does not prohibit a*
10 *certain person from selling, leasing, recycling, or disposing of certain products*
11 *that contain recycled decabrominated diphenyl ether; providing that this Act*
12 *does not prohibit certain activities involving a product that contains*
13 *decabrominated diphenyl ether that occur at a certain time;* providing that this
14 Act does not prohibit a person from transporting or storing certain products that

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 contain decabrominated diphenyl ether under certain circumstances; defining a
 2 certain ~~term~~ terms; *providing for the application of this Act*; and generally
 3 relating to the use of decabrominated diphenyl ether.

4 BY repealing and reenacting, with amendments,
 5 Article – Environment
 6 Section 6–1201
 7 Annotated Code of Maryland
 8 (2007 Replacement Volume and 2009 Supplement)

9 BY adding to
 10 Article – Environment
 11 Section 6–1202.1
 12 Annotated Code of Maryland
 13 (2007 Replacement Volume and 2009 Supplement)

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

16 **Article – Environment**

17 6–1201.

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

19 (B) **“DECABDE” MEANS DECABROMINATED DIPHENYL ETHER.**

20 [(b)] (C) “OctaBDE” means octabrominated diphenyl ether.

21 [(c)] (D) “PentaBDE” means pentabrominated diphenyl ether.

22 **6–1202.1.**

23 (A) **(1) IN THIS SECTION, “TRANSPORTATION EQUIPMENT”,**
 24 **“MILITARY EQUIPMENT”, AND “COMPONENTS OF TRANSPORTATION OR**
 25 **MILITARY EQUIPMENT” DO NOT INCLUDE PLASTIC SHIPPING PALLETS USED TO**
 26 **TRANSPORT UNPACKAGED FRUITS AND VEGETABLES.**

27 **(2) THIS SECTION DOES NOT APPLY TO:**

28 **(1) ORIGINAL EQUIPMENT MANUFACTURER REPLACEMENT**
 29 **SERVICE PARTS OR OTHER PRODUCTS MANUFACTURED BEFORE JANUARY 1,**
 30 **2011, IF THE PART OR PRODUCTS WERE MANUFACTURED IN COMPLIANCE WITH**
 31 **APPLICABLE FEDERAL, STATE, AND LOCAL LAWS; AND**

1 **(II) 1. A VEHICLE, AS DEFINED IN § 11-176 OF THE**
 2 **TRANSPORTATION ARTICLE; OR**

3 **2. A PRODUCT, PART, OR REPLACEMENT PART FOR**
 4 **USE IN A VEHICLE.**

5 ~~(A)~~ **(B)** **(1) BEGINNING ON DECEMBER 31, 2010, A PERSON MAY**
 6 **NOT MANUFACTURE, LEASE, SELL, OR DISTRIBUTE FOR SALE OR LEASE IN THE**
 7 **STATE ANY OF THE FOLLOWING PRODUCTS THAT CONTAIN DECABDE:**

8 **(I) MATTRESSES;**

9 **(II) UPHOLSTERED FURNITURE DESIGNED FOR**
 10 **RESIDENTIAL USE; AND**

11 **(III) ELECTRICAL OR ELECTRONIC EQUIPMENT.**

12 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
 13 **SUBSECTION, BEGINNING ON DECEMBER 31, 2012, A PERSON MAY NOT**
 14 **MANUFACTURE, LEASE, SELL, OR DISTRIBUTE FOR SALE OR LEASE IN THE**
 15 **STATE ANY PRODUCT THAT CONTAINS DECABDE.**

16 **(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO:**

17 **(I) TRANSPORTATION EQUIPMENT;**

18 **(II) MILITARY EQUIPMENT; OR**

19 **(III) COMPONENTS OF TRANSPORTATION OR MILITARY**
 20 **EQUIPMENT.**

21 ~~(B)~~ **(C)** **ON OR AFTER DECEMBER 31, 2013, A PERSON MAY NOT**
 22 **MANUFACTURE, LEASE, SELL, OR DISTRIBUTE FOR SALE OR LEASE IN THE**
 23 **STATE THE FOLLOWING PRODUCTS THAT CONTAIN DECABDE:**

24 **(1) TRANSPORTATION EQUIPMENT;**

25 **(2) MILITARY EQUIPMENT; OR**

26 **(3) COMPONENTS OF TRANSPORTATION OR MILITARY**
 27 **EQUIPMENT.**

28 ~~(C)~~ **(D)** **THIS SECTION DOES NOT PROHIBIT:**

1 (1) A RETAILER THAT IS IN POSSESSION OF A PRODUCT
 2 PROHIBITED FOR MANUFACTURE, LEASE, SALE, OR DISTRIBUTION FOR SALE OR
 3 LEASE UNDER SUBSECTIONS ~~(A) AND (B)~~ (B) AND (C) OF THIS SECTION ~~ON OR~~
 4 ~~AFTER DECEMBER 31, 2013,~~ FROM SELLING, RECYCLING, OR OTHERWISE
 5 DISPOSING OF ~~THE REMAINING INVENTORY OF THE PRODUCT; OR~~ A PRODUCT
 6 THAT IS IN THE RETAILER’S OR LESSOR’S INVENTORY ON OR AFTER THE DATE
 7 THAT THE PROHIBITION TAKES EFFECT;

8 (2) A PERSON FROM RECYCLING A PRODUCT THAT CONTAINS
 9 DECABDE;

10 (3) A PERSON FROM SELLING, LEASING, RECYCLING, OR
 11 OTHERWISE DISPOSING OF A PRODUCT THAT CONTAINS RECYCLED DECABDE;

12 (4) ANY ACTIVITY INVOLVING A PRODUCT THAT CONTAINS
 13 DECABDE THAT OCCURS SUBSEQUENT TO FIRST SALE AT RETAIL; OR

14 ~~(2)~~ (5) A PERSON FROM TRANSPORTING OR STORING A
 15 PRODUCT PROHIBITED UNDER SUBSECTIONS ~~(A) AND (B)~~ (B) AND (C) OF THIS
 16 SECTION FOR LATER DISTRIBUTION OUTSIDE THE STATE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.