

HOUSE BILL 1136

M3

2lr2359

By: **Delegate Reznik**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Recycling – Manufacturer Takeback for E-Waste**

3 FOR the purpose of authorizing certain fees to be deposited in the State Recycling
4 Trust Fund; prohibiting, beginning on a certain date, a certain electronics
5 manufacturer from selling, offering for sale, or delivering for subsequent sale a
6 certain electronic device in the State unless a certain label is permanently
7 affixed to the device and the manufacturer has registered with and submitted a
8 certain fee to the Department of the Environment in a certain manner;
9 prohibiting a certain electronics manufacturer from selling, offering to sell, or
10 delivering for sale certain electronic devices unless, beginning on or before a
11 certain date, the manufacturer implements and finances a certain takeback
12 program and submits certain reports to the Department; requiring a certain
13 electronics equipment manufacturer to register with the Department in a
14 certain manner; establishing registration fees for certain manufacturers;
15 requiring the Department to deposit certain fees in the State Recycling Trust
16 Fund; authorizing the Department to require electronic filing of certain
17 information; authorizing the Department to participate in a certain
18 clearinghouse for certain registrations; requiring the Department, with a
19 certain exception, within a certain time period, to post on its Web site a certain
20 registration for public review and comment; requiring the Department to review
21 a certain registration; requiring the Department, within a certain time period,
22 to notify a manufacturer of a certain approval or insufficiency; requiring the
23 Department to maintain and post on its Web site certain lists; requiring a
24 certain manufacturer on or before a certain date to implement and finance a
25 certain electronics takeback program in accordance with certain requirements;
26 authorizing a manufacturer to fulfill certain requirements of this Act in a
27 certain manner; providing that each manufacturer is responsible for all
28 administrative and operational costs associated with a certain program;
29 prohibiting a manufacturer from charging a fee for certain services with a
30 certain exception; requiring a manufacturer to ensure that a certain vendor has
31 a certain certification and does not use prison labor to recycle certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 equipment; designating a certain standard as preferred; establishing certain
2 statewide recycling or reuse goals; establishing certain manufacturer recycling
3 goals; providing for the determination of certain market shares; requiring the
4 Department on or before a certain date, to provide a certain manufacturer a
5 certain market share determination; establishing a recycling shortfall fee and
6 providing for the calculation and payment of the fee; requiring a recycling
7 shortfall to be paid into a certain fund; establishing and authorizing the use of
8 certain recycling credits beginning on a certain date; requiring a manufacturer
9 to submit a certain annual report to the Department; prohibiting a retailer
10 from, beginning on a certain date, with a certain exception, selling or offering to
11 sell certain electronic devices; requiring certain retailers to provide certain
12 information to certain purchasers; requiring the Department to provide certain
13 information to certain retailers; authorizing the Department to participate in a
14 certain organization or compact; prohibiting certain persons beginning on
15 certain dates from disposing of certain electronic devices in a certain manner;
16 requiring certain persons beginning on or before a certain date to provide
17 certain information in a certain manner to users of certain waste management
18 facilities; authorizing a manufacturer to assume the obligations of a certain
19 other manufacturer under certain circumstances; providing for the joint and
20 several liability of certain manufacturers; requiring the Department to adopt
21 certain regulations; authorizing the Department to adopt certain regulations;
22 establishing certain penalties for certain violations; providing for the recovery of
23 the penalties in certain civil actions; requiring the Department on or before a
24 certain date to submit an annual report to the General Assembly on the
25 implementation of a certain program and to make the report available to the
26 public on the Department's Web site; altering certain defined terms; defining
27 certain terms; making the provisions of this Act severable; and generally
28 relating to the recycling of electronic equipment.

29 BY repealing and reenacting, with amendments,
30 Article – Environment
31 Section 9–1701, 9–1707(f), and 9–1727 through 9–1730
32 Annotated Code of Maryland
33 (2007 Replacement Volume and 2011 Supplement)

34 BY adding to
35 Article – Environment
36 Section 9–1727, 9–1730 through 9–1735, 9–1737 through 9–1740, and 9–1743
37 Annotated Code of Maryland
38 (2007 Replacement Volume and 2011 Supplement)

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

41 **Article – Environment**

42 9–1701.

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

2 (b) “Compost” means the product of composting in accordance with the
3 standards established by the Secretary of Agriculture under § 6–221 of the Agriculture
4 Article.

5 (c) “Composting” means the controlled biological decomposition of organic
6 waste material in accordance with the standards established by the Secretary under
7 this title.

8 (d) (1) “Computer” means [a desktop personal computer or laptop
9 computer, including the computer monitor] **AN ELECTRONIC, MAGNETIC, OPTICAL,
10 ELECTROCHEMICAL, OR ANY OTHER HIGH–SPEED DATA PROCESSING DEVICE
11 PERFORMING A LOGICAL, ARITHMETIC, OR STORAGE FUNCTION.**

12 **(2) “COMPUTER” INCLUDES:**

13 **(I) LAPTOP AND DESKTOP COMPUTERS, INCLUDING
14 CENTRAL PROCESSING UNITS AND MONITORS; AND**

15 **(II) A CABLE, CORD, OR WIRING PERMANENTLY AFFIXED TO
16 OR INCORPORATED INTO THE DEVICE.**

17 **[(2)] (3) “Computer” does not include:**

18 (i) A personal digital assistant device;

19 (ii) A computer peripheral device[, including:];

20 **(III) AN AUTOMATED TYPEWRITER OR TYPESETTER;**

21 **(IV) A PORTABLE HAND–HELD CALCULATOR;**

22 **(V) A SERVER; OR**

23 **(VI) ANY SIMILAR DEVICE.**

24 **(E) (1) “COMPUTER PERIPHERAL” MEANS A DEVICE INTENDED FOR
25 USE WITH A COMPUTER.**

26 **(2) “COMPUTER PERIPHERAL” INCLUDES:**

27 **(I) [1.] A mouse or other similar pointing device;**

- 1 **(II) A FACSIMILE MACHINE;**
 2 **(III) A DOCUMENT SCANNER;**
 3 **(IV) A MULTIFUNCTION OR ALL-IN-ONE IMAGING DEVICE;**
 4 **(V) [2.] A printer; [or]**
 5 **(VI) [3.] A detachable keyboard; AND**
 6 **(VII) A CABLE, CORD, OR WIRING PERMANENTLY AFFIXED TO**
 7 **OR INCORPORATED INTO THE PERIPHERAL DEVICE.**

8 **(3) “COMPUTER PERIPHERAL” DOES NOT INCLUDE A DOCUMENT**
 9 **SCANNER OR PRINTER THAT WEIGHS 100 POUNDS OR MORE.**

- 10 **[(e)] (F) (1) “Covered electronic device” [means a] INCLUDES:**
 11 **(I) A computer;**
 12 **(II) A COMPUTER PERIPHERAL;**
 13 **(III) A SMALL-SCALE SERVER; [or]**
 14 **(IV) A video display device with a screen that is greater**
 15 **than 4 inches measured diagonally;**
 16 **(V) A VIDEO CASSETTE OR DIGITAL VIDEO**
 17 **RECORDER;**
 18 **(VI) A DIGITAL VIDEO DISC PLAYER;**
 19 **(VII) AN ELECTRONIC OR VIDEO GAME SYSTEM OR**
 20 **CONTROLLER;**
 21 **(VIII) A SIGNAL CONVERTER BOX, SET TOP BOX, OR**
 22 **CABLE, SATELLITE, OR DIGITAL MEDIA RECEIVER; AND**
 23 **(IX) A CABLE, CORD, OR WIRING PERMANENTLY**
 24 **AFFIXED TO OR INCORPORATED INTO THE COVERED ELECTRONIC DEVICE.**

25 (2) “Covered electronic device” does not include[a video display device
 26 that is]:

- 1 **(I) ANY part of a motor vehicle[or that is contained within a];**
- 2 **(II) A household appliance;**
- 3 **(III) SECURITY OR ANTI-TERRORISM EQUIPMENT;**
- 4 **(IV) MONITORING AND CONTROL INSTRUMENTS OR**
5 **SYSTEMS;**
- 6 **(V) A THERMOSTAT;**
- 7 **(VI) A HAND-HELD TRANSCEIVER;**
- 8 **(VII) A SERVER OTHER THAN A SMALL-SCALE SERVER;**
- 9 **(VIII) A CASH REGISTER OR RETAIL SELF CHECKOUT SYSTEM;**
- 10 **(IX) A MEDICAL DEVICE AS DEFINED UNDER THE FEDERAL**
11 **FOOD, DRUG AND COSMETIC ACT;**
- 12 **(X) A STAND-ALONE STORAGE PRODUCT INTENDED FOR**
13 **USE IN AN INDUSTRIAL, RESEARCH AND DEVELOPMENT, OR COMMERCIAL**
14 **SETTING; or**
- 15 **(XI) A DEVICE THAT IS FUNCTIONALLY OR PHYSICALLY**
16 **PART OF commercial, industrial, RESEARCH AND DEVELOPMENT, or medical**
17 **equipment.**
- 18 [(f) “Covered electronic device takeback program” means a program,
19 established by a covered electronic device manufacturer, for the collection, and
20 recycling, refurbishing, or reuse of a covered electronic device labeled with the name of
21 the manufacturer or the manufacturer’s brand label, including:
- 22 (1) Providing, at no cost to the returner, a method of returning a
23 covered electronic device to the manufacturer, including postage paid mailing
24 packages or designated collection points throughout the State;
- 25 (2) Contracting with a recycler, local government, other manufacturer,
26 or any other person; or
- 27 (3) Any other program approved by the Department.]
- 28 (g) “Director” means the Director of the Office of Recycling.
- 29 **(H) “ELIGIBLE ELECTRONIC EQUIPMENT” INCLUDES:**

- 1 **(1) A COVERED ELECTRONIC DEVICE;**
- 2 **(2) A TELEPHONE, INCLUDING A MOBILE TELEPHONE;**
- 3 **(3) A CAMERA OR VIDEO CAMERA;**
- 4 **(4) A PORTABLE OR STATIONARY RADIO;**
- 5 **(5) A PORTABLE DIGITAL ASSISTANT OR SIMILAR DEVICE;**
- 6 **(6) A CALCULATOR;**
- 7 **(7) A GLOBAL POSITIONING SYSTEM RECEIVER OR SIMILAR**
8 **NAVIGATION DEVICE;**
- 9 **(8) A PORTABLE DIGITAL MUSIC PLAYER THAT HAS MEMORY**
10 **CAPABILITY AND IS BATTERY-POWERED;**
- 11 **(9) A DIGITAL PICTURE FRAME; AND**
- 12 **(10) A CABLE, CORD, OR WIRING PERMANENTLY AFFIXED TO OR**
13 **INCORPORATED INTO THE EQUIPMENT.**

14 **(I) “ELECTRONIC WASTE” MEANS A COVERED ELECTRONIC DEVICE**
15 **THAT HAS BEEN DISCARDED, IS NO LONGER WANTED BY ITS OWNER, OR FOR**
16 **ANY OTHER REASON ENTERS THE WASTE COLLECTION, RECOVERY, TREATMENT,**
17 **PROCESSING, OR RECYCLING SYSTEM.**

18 **(J) (1) “ELECTRONIC WASTE CONSOLIDATION FACILITY” MEANS A**
19 **FACILITY THAT RECEIVES AND STORES ELECTRONIC WASTE FOR THE PURPOSE**
20 **OF ORGANIZING, CATEGORIZING, OR CONSOLIDATING ITEMS OF ELECTRONIC**
21 **WASTE BEFORE SUCH WASTE IS TRANSPORTED TO AN ELECTRONIC WASTE**
22 **RECYCLING FACILITY.**

23 **(2) “ELECTRONIC WASTE CONSOLIDATION FACILITY” INCLUDES:**

24 **(I) FACILITIES OF BROKERS ACTING AS INTERMEDIARIES**
25 **BETWEEN ELECTRONIC WASTE BUYERS AND SELLERS; AND**

26 **(II) REGIONAL CENTERS WHERE ELECTRONIC WASTE IS**
27 **ORGANIZED, CATEGORIZED, OR CONSOLIDATED AFTER BEING TRANSPORTED**

1 FROM ELECTRONIC WASTE COLLECTION SITES OR OTHER ELECTRONIC WASTE
2 CONSOLIDATION FACILITIES.

3 **[h] (K) (1)** “Manufacturer” means a person that [is the brand owner of
4 a covered electronic device sold or offered for sale in the State, by any means,
5 including transactions conducted through sales outlets, catalogs, or the Internet]:

6 **(I) MANUFACTURES A COVERED ELECTRONIC DEVICE**
7 **UNDER ITS OWN BRAND OR LABEL FOR SALE IN THE STATE;**

8 **(II) ASSEMBLES OR SUBSTANTIALLY ASSEMBLES COVERED**
9 **ELECTRONIC EQUIPMENT FOR SALE IN THE STATE;**

10 **(III) SELLS IN THE STATE UNDER ITS OWN BRAND OR LABEL**
11 **COVERED ELECTRONIC EQUIPMENT PRODUCED BY ANOTHER SUPPLIER;**

12 **(IV) OWNS A BRAND AND LICENSES THE BRAND TO ANOTHER**
13 **PERSON FOR USE ON A COVERED ELECTRONIC DEVICE SOLD IN THE STATE;**

14 **(V) IMPORTS INTO THE UNITED STATES FOR SALE IN THE**
15 **STATE A COVERED ELECTRONIC DEVICE MANUFACTURED BY A PERSON**
16 **WITHOUT A PRESENCE IN THE UNITED STATES;**

17 **(VI) MANUFACTURES A COVERED ELECTRONIC DEVICE FOR**
18 **SALE IN THE STATE WITHOUT AFFIXING A BRAND NAME; OR**

19 **(VII) ASSUMES THE RESPONSIBILITIES, OBLIGATIONS, AND**
20 **LIABILITIES OF ANOTHER MANUFACTURER.**

21 **(2) “MANUFACTURER” DOES NOT INCLUDE A PERSON WHOSE**
22 **PRIMARY BUSINESS IS THE SALE OF COVERED ELECTRONIC EQUIPMENT THAT IS**
23 **COMPOSED PRIMARILY OF REBUILT, REFURBISHED, OR USED COMPONENTS.**

24 **[i] (L) (1)** “Natural wood waste” means tree and other natural
25 vegetative refuse.

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

28 **[j] (M) (1)** “Natural wood waste recycling facility” means a facility
29 where recycling services for natural wood waste are provided.

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

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

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

6 **[(k)] (N)** “Office” means the Office of Recycling within the Department.

7 **[(l)] (O)** “Recyclable materials” means those materials that:

8 (1) Would otherwise become solid waste for disposal in a refuse
9 disposal system; and

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

12 **[(m)] (P)** (1) “Recycling” means any process in which materials that
13 would otherwise become solid waste are collected, **DISMANTLED**, separated, or
14 processed and returned to the marketplace in the form of raw materials **[or]**, products,
15 **OR COMPONENTS**.

16 (2) “Recycling” includes **[composting]**:

17 **(I) COMPOSTING; AND**

18 **(II) CHANGING THE PHYSICAL OR CHEMICAL COMPOSITION**
19 **OF ELECTRONIC WASTE TO SEGREGATE COMPONENTS FOR PURPOSES OF**
20 **RECYCLING.**

21 **(3) “RECYCLING” DOES NOT INCLUDE PROCESSING FOR ENERGY**
22 **RECOVERY OR ENERGY GENERATION BY MEANS OF COMBUSTION,**
23 **GASIFICATION, PYROLYSIS, OR OTHER MEANS.**

24 **[(n)] (Q)** “Recycling services” means the services provided by persons
25 engaged in the business of recycling, including the collection, **TRANSPORTATION**,
26 processing, storage, purchase, sale, or disposition of recyclable materials.

27 **[(o)] (R)** “Resource recovery facility” means a facility in existence as of
28 January 1, 1988 that:

29 (1) Processes solid waste to produce valuable resources, including
30 steam, electricity, metals, or refuse-derived fuel; and

1 (2) Achieves a volume reduction of at least 50 percent of its solid waste
2 stream.

3 (S) “SMALL-SCALE SERVER” MEANS A COMPUTER DESIGNED IN A
4 PEDESTAL, TOWER, OR OTHER FORM SIMILAR TO A DESKTOP COMPUTER WITH
5 ALL DATA PROCESSING, STORAGE, AND NETWORK INTERFACING CONTAINED
6 WITHIN ONE BOX OR PRODUCT THAT:

7 (1) TYPICALLY USES DESKTOP COMPONENTS;

8 (2) IS DESIGNED PRIMARILY TO BE A STORAGE HOST FOR OTHER
9 COMPUTERS;

10 (3) IS INTENDED TO BE OPERATIONAL 24 HOURS PER DAY, 7 DAYS
11 PER WEEK, WITH AN EXTREMELY LOW AMOUNT OF UNSCHEDULED DOWNTIME;

12 (4) IS CAPABLE OF OPERATING IN A SIMULTANEOUS MULTI-USER
13 ENVIRONMENT SERVING SEVERAL USERS THROUGH NETWORKED CLIENT UNITS;
14 AND

15 (5) IS DESIGNED FOR AN INDUSTRY ACCEPTED OPERATING
16 SYSTEM FOR HOME OR LOW-END SERVER APPLICATIONS.

17 [(p)] (T) (1) “Solid waste stream” means garbage or refuse that would,
18 unless recycled, be disposed of in a refuse disposal system located in this State.

19 (2) “Solid waste stream” does not include:

20 (i) Hospital waste;

21 (ii) Rubble;

22 (iii) Scrap material;

23 (iv) Land clearing debris;

24 (v) Sewage sludge; or

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

27 [(q)] (U) (1) “Video display device” means an electronic device with an
28 output surface that displays or is capable of displaying moving graphical images or
29 visual representations of image sequences or pictures that show a number of quickly
30 changing images on a screen to create the illusion of motion.

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

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

7 **[(r)] (v)** “White goods” includes:

8 (1) Refrigerators;

9 (2) Stoves;

10 (3) Washing machines;

11 (4) Dryers;

12 (5) Water heaters; and

13 (6) Air conditioners.

14 **[(s)] (w)** (1) “Yard waste” means organic plant waste derived from
15 gardening, landscaping, and tree trimming activities.

16 (2) “Yard waste” includes leaves, garden waste, lawn cuttings, weeds,
17 and prunings.

18 9–1707.

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

20 (2) The Fund shall consist of:

21 (i) The newsprint recycling incentive fee;

22 (ii) The telephone directory recycling incentive fee collected
23 under § 9–1709 of this subtitle;

24 (iii) The covered electronic device manufacturer registration fee
25 collected under § **[9–1728] 9–1729** of this subtitle and the shortfall fees collected
26 under § 9–1733 of this subtitle;

27 (iv) The mercury switch or mercury switch assembly removal
28 fees collected under § 6–905.4(c)(6)(iii)3 of this article;

1 (v) All fines and penalties collected under this subtitle and
2 under §§ 6–905.4 and 6–905.6 of this article;

3 (vi) Money appropriated in the State budget to the Fund; and

4 (vii) Any other money from any other source accepted for the
5 benefit of the Fund.

6 (3) The Secretary shall administer the Fund.

7 (4) The Treasurer shall hold the Fund separately and the Comptroller
8 shall account for the Fund.

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

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

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

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

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

20 (iv) To carry out the purposes of the Office of Recycling under
21 this subtitle and under Title 6, Subtitle 9 of this article.

22 (7) (i) The Treasurer shall invest the money in the Fund in the
23 same manner as other State money may be invested.

24 (ii) Any investment earnings of the Fund shall be credited to the
25 General Fund of the State.

26 **9–1727.**

27 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
28 **INDICATED.**

29 **(B) (1) “LABEL” MEANS A PERMANENT MARKER LOCATED ON THE**
30 **SURFACE OF A COVERED ELECTRONIC DEVICE TO CONVEY INFORMATION.**

1 **(2) A LABEL MAY BE ATTACHED, PRINTED, ENGRAVED, OR**
2 **INCORPORATED INTO THE DEVICE IN ANY OTHER PERMANENT MANNER THAT IS**
3 **OBVIOUS AND VISIBLE TO USERS OF THE DEVICE.**

4 **(C) “MANUFACTURER’S BRAND” MEANS A MANUFACTURER’S NAME,**
5 **BRAND NAME, BRAND LABEL, OR ANY OTHER NAME, BRAND NAME, OR BRAND**
6 **LABEL IN WHICH THE MANUFACTURER HAS A LEGAL RIGHT OR INTEREST.**

7 **(D) “PERSON” INCLUDES:**

8 **(1) THE STATE, ANY COUNTY, MUNICIPAL CORPORATION, OR**
9 **OTHER POLITICAL SUBDIVISION OF THE STATE, AND ANY OTHER**
10 **GOVERNMENTAL AGENCY OR UNIT; AND**

11 **(2) OFFICERS, EMPLOYEES, AND AGENTS OF ANY ENTITY.**

12 **(E) (1) “RETAILER” MEANS A PERSON THAT SELLS COVERED**
13 **ELECTRONIC DEVICES IN THE STATE THROUGH ANY MEANS, INCLUDING RETAIL**
14 **SALES OUTLETS, MAIL, CATALOGS, TELEPHONE, INTERNET, AND ANY OTHER**
15 **ELECTRONIC MEANS.**

16 **(2) “RETAILER” DOES NOT INCLUDE A PERSON THAT SELLS OR**
17 **OFFERS FOR SALE FEWER THAN 10 COVERED ELECTRONIC DEVICES DURING A**
18 **CALENDAR YEAR.**

19 **(F) “REUSE” MEANS THE USE OF ELECTRONIC WASTE THAT HAS BEEN**
20 **TESTED, CERTIFIED TO BE IN GOOD WORKING ORDER, AND REMOVED FROM THE**
21 **WASTE STREAM FOR USE FOR THE SAME PURPOSE FOR WHICH IT WAS**
22 **MANUFACTURED.**

23 **(G) (1) “SELL” OR “SALE” INCLUDES:**

24 **(I) TRANSACTIONS CONDUCTED THROUGH RETAIL SALES**
25 **OUTLETS, CATALOGS, MAIL, TELEPHONE, INTERNET, AND OTHER ELECTRONIC**
26 **MEANS; AND**

27 **(II) TRANSFERS OF NEW PRODUCTS OR USED PRODUCTS**
28 **REFURBISHED BY THE MANUFACTURER OR A MANUFACTURER-APPROVED**
29 **PARTY AND OFFERED FOR SALE BY A MANUFACTURER OR RETAILER.**

30 **(2) “SELL” OR “SALE” DOES NOT INCLUDE:**

1 **(I) A CONSUMER-TO-CONSUMER SECOND-HAND**
2 **TRANSFER;**

3 **(II) A TRANSFER OF A USED COVERED ELECTRONIC DEVICE;**

4 **(III) A LEASE OF A COVERED ELECTRONIC DEVICE; OR**

5 **(IV) A WHOLESALE TRANSACTION AMONG A**
6 **MANUFACTURER, A WHOLESALER, AND A RETAILER.**

7 **(H) "SOLID WASTE MANAGEMENT FACILITY" INCLUDES A**
8 **WASTE-TO-ENERGY FACILITY.**

9 **[9-1727.] 9-1728.**

10 **[(a) This section applies to a manufacturer that manufactured an average of**
11 **more than 1,000 covered electronic devices per year in the immediately preceding**
12 **3-year period.**

13 **(b) [A] BEGINNING ON JANUARY 1, 2013, A manufacturer may not sell**
14 **[or], offer for SALE, OR DELIVER TO A RETAILER FOR SUBSEQUENT SALE to any**
15 **person in the State a [new] covered electronic device unless:**

16 **(1) [The covered electronic device is labeled with] A LABEL THAT**
17 **CLEARLY SHOWS the name of the manufacturer or the manufacturer's brand [label]**
18 **IS PERMANENTLY AFFIXED TO THE DEVICE AND READILY VISIBLE; [and]**

19 **(2) The manufacturer has registered with and submitted a registration**
20 **fee to the Department as provided under this part; AND**

21 **(3) IF A MANUFACTURER HAS MANUFACTURED AN AVERAGE OF**
22 **AT LEAST 1,000 COVERED ELECTRONIC DEVICES PER YEAR IN THE**
23 **IMMEDIATELY PRECEDING 3-YEAR PERIOD, THE MANUFACTURER:**

24 **(I) BEGINNING ON OR BEFORE JANUARY 1, 2013,**
25 **IMPLEMENTS AND FINANCES AN ELECTRONICS TAKEBACK PROGRAM THROUGH**
26 **WHICH THE MANUFACTURER, DIRECTLY OR THROUGH AN AGENT OR DESIGNEE,**
27 **ACCEPTS COVERED ELECTRONIC DEVICES FOR RECYCLING AND REUSE, IN**
28 **ACCORDANCE WITH THE REQUIREMENTS AND GOALS ESTABLISHED UNDER THIS**
29 **PART;**

30 **(II) BEGINNING ON OR BEFORE JANUARY 1, 2014, EXPANDS**
31 **THE MANUFACTURER'S ELECTRONICS TAKEBACK PROGRAM TO ACCEPT**

1 ELIGIBLE ELECTRONIC DEVICES FOR RECYCLING AND REUSE, IN ACCORDANCE
2 WITH THE REQUIREMENTS AND GOALS ESTABLISHED UNDER THIS PART; AND

3 (iii) SUBMITS ANNUAL REPORTS TO THE DEPARTMENT AS
4 REQUIRED UNDER THIS PART.

5 [9-1728.] 9-1729.

6 (a) A covered electronic device manufacturer's registration shall BE ON A
7 FORM PROVIDED BY THE DEPARTMENT AND SHALL include:

8 (1) THE MANUFACTURER'S NAME, ADDRESS, TELEPHONE
9 NUMBER, AND ELECTRONIC MAIL ADDRESS;

10 (2) THE NAME AND TITLE OF AN OFFICER, DIRECTOR, OR OTHER
11 INDIVIDUAL DESIGNATED AS THE MANUFACTURER'S CONTACT;

12 (3) The [brand names] MANUFACTURER'S BRANDS under which the
13 manufacturer sells or offers for sale covered electronic devices in the State;

14 [(2)] (4) [Whether] A STATEMENT AS TO WHETHER the
15 manufacturer has implemented [a covered] AN electronic device takeback program IN
16 THE STATE;

17 [(3)] (5) If the manufacturer has implemented [a covered] AN
18 electronic device takeback program IN THE STATE:

19 (i) A DESCRIPTION OF THE PROGRAM, INCLUDING:

20 1. THE COLLECTION METHODS THE MANUFACTURER
21 USES; AND

22 2. A CURRENT LIST OF COLLECTION LOCATIONS AND
23 THE HOURS, STAFFING, AND AREA SERVED BY EACH LOCATION; AND

24 (ii) A toll-free number [or website] AND WEB SITE address
25 that [provides] PROVIDE information about the takeback program[, including a
26 detailed description of how a person may return a covered electronic device for
27 recycling, refurbishing, or reuse]; [and

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

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

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

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

7 **(6) A STATEMENT AS TO WHETHER THE MANUFACTURER HAS MET**
8 **THE RECYCLING GOALS ESTABLISHED UNDER THIS PART, INCLUDING THE**
9 **FOLLOWING INFORMATION:**

10 **(I) SALES DATA REPORTED BY WEIGHT FOR THE**
11 **MANUFACTURER'S COVERED ELECTRONIC DEVICES SOLD IN THE STATE FOR**
12 **THE PRECEDING 3 CALENDAR YEARS, CATEGORIZED BY TYPE TO THE EXTENT**
13 **KNOWN; OR**

14 **(II) IF THE MANUFACTURER CANNOT PROVIDE ACCURATE**
15 **SALES DATA, AN EXPLANATION AND AN ESTIMATE OF SALES CALCULATED BY**
16 **MULTIPLYING THE POPULATION OF THE STATE, AS DETERMINED BY THE U.S.**
17 **CENSUS BUREAU, TIMES THE QUOTIENT OF THE MANUFACTURER'S NATIONAL**
18 **SALES BY WEIGHT DIVIDED BY THE NATIONAL POPULATION, AS DETERMINED BY**
19 **THE U.S. CENSUS BUREAU, OR BY ANOTHER METHOD APPROVED BY THE**
20 **DEPARTMENT; AND**

21 **[(4)] (7)** Any additional information required by the Department in
22 regulation.

23 (b) The registration shall **BE**:

24 (1) **[Be submitted] SUBMITTED** to the Department **[by] ON OR**
25 **BEFORE** January 1 of each year; **[and]**

26 (2) **UPDATED WITHIN 30 DAYS AFTER ANY MATERIAL CHANGE IN**
27 **THE PROVIDED INFORMATION; AND**

28 **(3)** If the manufacturer has implemented **[a covered electronic device]**
29 **AN ELECTRONICS** takeback program, **[be]** updated prior to any significant change in
30 the program.

31 (c) **(1)** The **INITIAL** covered electronic device manufacturer registration
32 fee is:

1 **[(1)] (I) FOR A MANUFACTURER THAT MANUFACTURED AN**
2 **AVERAGE OF AT LEAST 1,000 COVERED ELECTRONIC DEVICES PER YEAR IN THE**
3 **IMMEDIATELY PRECEDING 3-YEAR PERIOD, \$10,000 [for the initial registration by**
4 **the manufacturer];**

5 **(II) FOR A MANUFACTURER THAT SOLD AT LEAST 250**
6 **COVERED ELECTRONIC DEVICES IN THE STATE IN THE PREVIOUS YEAR, BUT**
7 **LESS THAN AN AVERAGE OF 1,000 COVERED ELECTRONIC DEVICES PER YEAR IN**
8 **THE PRECEDING 3-YEAR PERIOD, \$5,000;**

9 **(III) FOR A MANUFACTURER THAT SOLD AT LEAST 25, BUT**
10 **LESS THAN 250, COVERED ELECTRONIC DEVICES IN THE STATE DURING THE**
11 **PREVIOUS YEAR, \$1,250; AND**

12 **(IV) FOR A MANUFACTURER THAT SOLD LESS THAN 25**
13 **COVERED ELECTRONIC DEVICES IN THE STATE DURING THE PREVIOUS YEAR,**
14 **NO REGISTRATION FEE IS REQUIRED.**

15 **(2) THE INITIAL COVERED ELECTRONIC DEVICE MANUFACTURER**
16 **REGISTRATION FEES SHALL BE SUBMITTED WITH THE REGISTRATION FORM AND**
17 **PAID INTO THE STATE RECYCLING TRUST FUND.**

18 **[(2) (i)] (D) (1) [\$5,000] THE FEE** for each subsequent annual
19 registration **[by] IS:**

20 **(I) FOR a manufacturer that MANUFACTURED AN AVERAGE**
21 **OF AT LEAST 1,000 COVERED ELECTRONIC DEVICES PER YEAR IN THE**
22 **IMMEDIATELY PRECEDING 3-YEAR PERIOD, BUT did not have an implemented**
23 **[covered electronic device] ELECTRONICS takeback program in the prior year,**
24 **\$5,000; [or]**

25 **(ii) [\$500 for each subsequent annual registration by] FOR a**
26 **manufacturer that had an implemented [covered electronic device] ELECTRONICS**
27 **takeback program in the prior year, \$500; OR**

28 **(III) FOR A MANUFACTURER THAT MANUFACTURED AN**
29 **AVERAGE OF LESS THAN 1,000 COVERED ELECTRONIC DEVICES PER YEAR IN**
30 **THE IMMEDIATELY PRECEDING 3-YEAR PERIOD, \$1,000.**

31 **[(3)] (2) [Submitted] THE ANNUAL COVERED ELECTRONIC**
32 **DEVICE REGISTRATION FEE SHALL BE SUBMITTED to the Department by January**
33 **1 of each year[.] and**

34 **[(4)] [Paid] PAID into the State Recycling Trust Fund.**

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

2 **(1) REQUIRE ELECTRONIC FILING OF THE REGISTRATION**
3 **INFORMATION; AND**

4 **(2) PARTICIPATE IN A THIRD-PARTY, MULTISTATE**
5 **CLEARINGHOUSE FOR MANUFACTURER REGISTRATIONS IF THE DEPARTMENT**
6 **DETERMINES THAT PARTICIPATION WILL FULFILL THE OBLIGATIONS OF THIS**
7 **PART.**

8 **[(d)] (F) (1) The Department shall:**

9 **(i) WITH THE EXCEPTION OF MANUFACTURER SALES DATA,**
10 **WITHIN 30 DAYS AFTER THE RECEIPT OF A REGISTRATION, POST THE**
11 **REGISTRATION ON THE DEPARTMENT'S WEB SITE FOR PUBLIC REVIEW AND**
12 **COMMENT;**

13 **(ii) Review [the] EACH registration submitted under this**
14 **section; and**

15 **[(i)] (iii) [If] WITHIN 90 DAYS OF RECEIPT OF THE**
16 **REGISTRATION, NOTIFY THE MANUFACTURER OF THE APPROVAL OF THE**
17 **REGISTRATION OR, IF the registration does not meet the requirements of this section**
18 **and the regulations adopted by the Department under this subtitle, notify the**
19 **manufacturer of the insufficiency.**

20 **(2) Within 60 days after receipt of a notice of insufficiency, the**
21 **manufacturer shall submit a revised registration that addresses the insufficiencies**
22 **noted by the Department.**

23 **[(e)] (G) (1) The Department shall maintain AND POST ON ITS WEB**
24 **SITE a list of registered [covered electronic device] manufacturers AND A LIST OF**
25 **MANUFACTURERS' BRANDS.**

26 **(2) The Department shall provide a list of registered covered electronic**
27 **device manufacturers to the Comptroller in a manner agreed on by the Department**
28 **and the Comptroller.**

29 **9-1730.**

30 **(A) ON OR BEFORE JANUARY 1, 2013, A MANUFACTURER THAT IS**
31 **REQUIRED UNDER THIS PART TO IMPLEMENT AND FINANCE AN ELECTRONICS**
32 **TAKEBACK PROGRAM SHALL:**

1 **(1) PROVIDE FOR THE COLLECTION, TRANSPORTATION, AND**
2 **RECYCLING OR REUSE OF COVERED ELECTRONIC DEVICES AT NO COST TO THE**
3 **PERSON RETURNING THE DEVICES AND IN A MANNER CONVENIENT TO PERSONS**
4 **THROUGHOUT THE STATE;**

5 **(2) INCORPORATE COLLECTION METHODS THAT MAY INCLUDE:**

6 **(I) MAIL AND SHIP BACK RETURN PROGRAMS;**

7 **(II) EVENTS CONDUCTED BY THE MANUFACTURER OR AN**
8 **AGENT OR DESIGNEE OF THE MANUFACTURER, INCLUDING LOCAL**
9 **GOVERNMENTS AND PRIVATE PARTIES;**

10 **(III) FIXED ACCEPTANCE LOCATIONS;**

11 **(IV) AGREEMENTS WITH LOCAL GOVERNMENTS, RETAIL**
12 **STORES, SALES OUTLETS, AND NONPROFIT ORGANIZATIONS THAT HAVE AGREED**
13 **TO PROVIDE COLLECTION FACILITIES;**

14 **(V) COMMUNITY COLLECTION EVENTS; AND**

15 **(VI) ANY OTHER METHODS THAT THE DEPARTMENT**
16 **DETERMINES TO BE EFFECTIVE AND REASONABLY CONVENIENT TO**
17 **CONSUMERS;**

18 **(3) (I) SUBJECT TO ITEMS (II) AND (III) OF THIS ITEM,**
19 **PROVIDE WITHIN EACH COUNTY AND EACH MUNICIPALITY WITH A POPULATION**
20 **OF AT LEAST 10,000 AT LEAST ONE COLLECTION SITE THAT IS STAFFED AND**
21 **OPEN TO THE PUBLIC DURING HOURS SUFFICIENT TO MEET THE NEEDS OF THE**
22 **AREA SERVED BY THAT SITE;**

23 **(II) A COUNTY AND A MUNICIPALITY LOCATED WITHIN THE**
24 **COUNTY MAY SHARE A COLLECTION SITE; AND**

25 **(III) THE DEPARTMENT MAY ESTABLISH ADDITIONAL**
26 **REQUIREMENTS BY REGULATION TO ENSURE THAT COLLECTION LOCATIONS**
27 **ARE CONVENIENT AND SUFFICIENT;**

28 **(4) IMPLEMENT A PUBLIC EDUCATION PROGRAM THAT PROVIDES**
29 **INFORMATION ABOUT THE TAKEBACK PROGRAM, INCLUDING HOW TO RETURN**
30 **COVERED ELECTRONIC DEVICES AND HOW TO REMOVE OR DESTROY PERSONAL**
31 **OR OTHER CONFIDENTIAL DATA THAT HAS BEEN STORED ON ELECTRONIC**
32 **EQUIPMENT, THROUGH:**

- 1 **(I) A WEB SITE;**
- 2 **(II) A TOLL-FREE TELEPHONE NUMBER;**
- 3 **(III) WRITTEN INFORMATION IN PRODUCT MANUALS OR**
4 **PROVIDED SEPARATELY AT THE TIME OF SALE;**
- 5 **(IV) ADVERTISEMENTS AND PRESS RELEASES; AND**
- 6 **(V) ANY OTHER INFORMATION REQUIRED BY THE**
7 **DEPARTMENT IN REGULATION; AND**
- 8 **(5) ENSURE THE FAIR COMPENSATION OF PROVIDERS OF**
9 **COLLECTION AND RECYCLING SERVICES.**

10 **(B) ON OR BEFORE JANUARY 1, 2014, A MANUFACTURER THAT IS**
11 **REQUIRED UNDER THIS PART TO IMPLEMENT AND FINANCE AN ELECTRONICS**
12 **TAKEBACK PROGRAM SHALL PROVIDE FOR THE COLLECTION,**
13 **TRANSPORTATION, AND RECYCLING OR REUSE OF ELIGIBLE ELECTRONIC**
14 **EQUIPMENT IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN**
15 **SUBSECTION (A) OF THIS SECTION.**

16 **(C) A MANUFACTURER SHALL KEEP AND MAINTAIN RECORDS ON THE**
17 **IMPLEMENTATION OF ITS TAKEBACK PROGRAM AND MAKE THE RECORDS**
18 **AVAILABLE FOR INSPECTION AND AUDIT BY THE DEPARTMENT FOR 3 YEARS.**

19 **(D) (1) A MANUFACTURER MAY FULFILL THE ELECTRONIC**
20 **EQUIPMENT COLLECTION REQUIREMENTS INDIVIDUALLY OR IN PARTICIPATION**
21 **WITH OTHER MANUFACTURERS IN A COLLECTIVE PROGRAM.**

22 **(2) A COLLECTIVE PROGRAM SHALL REGISTER WITH THE**
23 **DEPARTMENT AND INCLUDE WITH THE REGISTRATION:**

24 **(I) A LIST OF MANUFACTURERS PARTICIPATING IN THE**
25 **PROGRAM;**

26 **(II) A DESIGNATED CONTACT PERSON;**

27 **(III) ANY OTHER INFORMATION REQUIRED BY THE**
28 **DEPARTMENT THROUGH REGULATION; AND**

1 **(IV) AN INITIAL MANUFACTURER REGISTRATION FEE OF**
2 **\$5,000 FOR EACH MANUFACTURER COVERED BY THE COLLECTIVE PROGRAM.**

3 **(E) (1) EACH MANUFACTURER SHALL BE RESPONSIBLE FOR ALL**
4 **ADMINISTRATIVE AND OPERATIONAL COSTS ASSOCIATED WITH THE**
5 **COLLECTION, TRANSPORTATION, AND RECYCLING OR REUSE OF ELIGIBLE**
6 **ELECTRONIC EQUIPMENT UNDER THE MANUFACTURER'S ELECTRONICS**
7 **TAKEBACK PROGRAM.**

8 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
9 **SUBSECTION, A MANUFACTURER MAY NOT CHARGE A FEE FOR THE**
10 **COLLECTION, TRANSPORTATION, AND RECYCLING OR REUSE OF ELIGIBLE**
11 **ELECTRONIC EQUIPMENT AT THE TIME OF COLLECTION.**

12 **(3) A MANUFACTURER MAY CHARGE A FEE FOR PREMIUM**
13 **SERVICES, INCLUDING EQUIPMENT AND DATA SECURITY SERVICES,**
14 **REFURBISHMENT OF EQUIPMENT FOR REUSE BY A CONSUMER, CURBSIDE**
15 **COLLECTION, AND OTHER CUSTOM SERVICES AS DETERMINED BY THE**
16 **DEPARTMENT.**

17 **(F) (1) A MANUFACTURER SHALL ENSURE THAT:**

18 **(I) EACH VENDOR THAT RECYCLES OR REUSES**
19 **ELECTRONIC EQUIPMENT COLLECTED UNDER THE MANUFACTURER'S**
20 **TAKEBACK PROGRAM HAS A VALID CERTIFICATION UNDER ONE OF THE**
21 **FOLLOWING PROGRAMS:**

22 **1. THE E-STEWARDS STANDARD FOR RESPONSIBLE**
23 **ELECTRONICS RECYCLING AND REUSE OF ELECTRONIC EQUIPMENT;**

24 **2. THE RESPONSIBLE RECYCLING PRACTICES**
25 **STANDARD (R2); OR**

26 **3. ANOTHER NATIONALLY RECOGNIZED**
27 **CERTIFICATION PROGRAM APPROVED BY THE DEPARTMENT;**

28 **(II) EACH COLLECTOR USED IN THE MANUFACTURER'S**
29 **TAKEBACK PROGRAM SENDS ALL ELECTRONIC EQUIPMENT TO RECYCLING OR**
30 **REUSE VENDORS THAT ARE CERTIFIED AS REQUIRED UNDER ITEM (I) OF THIS**
31 **PARAGRAPH; AND**

1 **(III) THE VENDORS USED IN THE MANUFACTURER'S**
2 **TAKEBACK PROGRAM, INCLUDING ALL DOWNSTREAM RECYCLING OPERATIONS,**
3 **DO NOT USE PRISON LABOR TO RECYCLE ELECTRONIC EQUIPMENT.**

4 **(2) THE E-STEWARDS STANDARD FOR RESPONSIBLE**
5 **ELECTRONICS RECYCLING AND REUSE OF ELECTRONIC EQUIPMENT IS THE**
6 **DEPARTMENT'S PREFERRED STANDARD.**

7 **9-1731.**

8 **(A) THE STATEWIDE RECYCLING OR REUSE GOAL FOR ALL COVERED**
9 **ELECTRONIC DEVICES SHALL BE:**

10 **(1) FOR CALENDAR YEAR 2013, THE PRODUCT OF MULTIPLYING**
11 **THE POPULATION OF THE STATE, AS DETERMINED BY THE U.S. CENSUS**
12 **BUREAU, TIMES 6 POUNDS;**

13 **(2) FOR CALENDAR YEAR 2014, THE PRODUCT OF MULTIPLYING**
14 **THE POPULATION OF THE STATE, AS DETERMINED BY THE U.S. CENSUS**
15 **BUREAU, TIMES 6.5 POUNDS; AND**

16 **(3) FOR CALENDAR YEAR 2015, AND EACH YEAR THEREAFTER,**
17 **THE PRODUCT OF MULTIPLYING THE LATEST POPULATION ESTIMATE FOR THE**
18 **STATE, AS DETERMINED BY THE U.S. CENSUS BUREAU, TIMES 7 POUNDS.**

19 **(B) BEGINNING IN CALENDAR YEAR 2016, AND EACH YEAR**
20 **THEREAFTER, IF THE TOTAL AMOUNT OF ELIGIBLE ELECTRONIC WASTE**
21 **COLLECTED DURING THE PREVIOUS YEAR EXCEEDS THE STATEWIDE**
22 **RECYCLING OR REUSE GOAL FOR ALL COVERED ELECTRONIC DEVICES BY MORE**
23 **THAN 10%, THE STATEWIDE RECYCLING GOAL MAY BE RAISED BY 10%.**

24 **9-1732.**

25 **(A) SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR CALENDAR**
26 **YEAR 2013, AND EACH YEAR THEREAFTER, EACH MANUFACTURER'S RECYCLING**
27 **GOAL SHALL BE THE PRODUCT OF MULTIPLYING THE STATEWIDE RECYCLING**
28 **GOAL TIMES THE MANUFACTURER'S MARKET SHARE OF COVERED ELECTRONIC**
29 **DEVICES AS DETERMINED UNDER SUBSECTION (B) OF THIS SECTION.**

30 **(B) A MANUFACTURER'S MARKET SHARE OF COVERED ELECTRONIC**
31 **DEVICES SHALL BE:**

1 **(1) DETERMINED BY THE DEPARTMENT BASED ON AVERAGE**
2 **ANNUAL RETAIL SALES DURING THE PRECEDING 3 CALENDAR YEARS; AND**

3 **(2) EQUAL TO THE TOTAL WEIGHT OF COVERED ELECTRONIC**
4 **DEVICES SOLD IN THE STATE BY THE MANUFACTURER DIVIDED BY THE TOTAL**
5 **WEIGHT OF COVERED ELECTRONIC DEVICES SOLD IN THE STATE BY ALL**
6 **MANUFACTURERS.**

7 **(C) ON OR BEFORE APRIL 1, 2014, AND EACH YEAR THEREAFTER, THE**
8 **DEPARTMENT SHALL PROVIDE EACH MANUFACTURER WITH A DETERMINATION**
9 **OF ITS MARKET SHARE OF COVERED ELECTRONIC DEVICES.**

10 **(D) BEGINNING JANUARY 1, 2013, FOR THE PURPOSE OF CALCULATING**
11 **A MANUFACTURER'S RECYCLING GOAL, THE TOTAL WEIGHT IN POUNDS OF**
12 **COLLECTED ELIGIBLE ELECTRONIC EQUIPMENT MAY BE MULTIPLIED BY 2% IF:**

13 **(1) THE DEVICES ARE DONATED FOR REUSE TO A PUBLIC SCHOOL**
14 **OR A NONPROFIT ENTITY THAT IS ESTABLISHED UNDER SECTION 501(C)(3) OF**
15 **THE INTERNAL REVENUE CODE TO ASSIST LOW-INCOME CHILDREN OR**
16 **FAMILIES OR TO ASSIST THE DEVELOPMENTALLY DISABLED IN THE STATE;**

17 **(2) THE MANUFACTURER HAS WRITTEN CONFIRMATION THAT**
18 **THE RECIPIENT ACCEPTED THE DONATION; AND**

19 **(3) FOR A MANUFACTURER THAT REPORTS THE WEIGHT OF**
20 **ELIGIBLE ELECTRONIC EQUIPMENT COLLECTED AND DONATED FOR REUSE**
21 **SEPARATELY, THE MANUFACTURER SUBMITS COPIES OF THE WRITTEN**
22 **CONFIRMATIONS WITH THE ANNUAL REPORT REQUIRED UNDER THIS PART.**

23 **9-1733.**

24 **(A) A MANUFACTURER THAT FAILS TO MEET ITS RECYCLING GOAL FOR**
25 **A CALENDAR YEAR SHALL BE SUBJECT TO A RECYCLING SHORTFALL FEE AS**
26 **DETERMINED UNDER SUBSECTION (B) OF THIS SECTION.**

27 **(B) (1) FOR A MANUFACTURER THAT ACCEPTS AT LEAST 90% BUT**
28 **LESS THAN 100% OF ITS RECYCLING GOAL, THE SHORTFALL FEE SHALL BE THE**
29 **PRODUCT OF MULTIPLYING 30 CENTS TIMES THE NUMBER OF ADDITIONAL**
30 **POUNDS OF ELIGIBLE ELECTRONIC EQUIPMENT THAT SHOULD HAVE BEEN**
31 **ACCEPTED BY THE MANUFACTURER.**

32 **(2) FOR A MANUFACTURER THAT ACCEPTS AT LEAST 50% BUT**
33 **LESS THAN 90% OF ITS RECYCLING GOAL, THE SHORTFALL FEE SHALL BE THE**

1 PRODUCT OF MULTIPLYING 40 CENTS TIMES THE NUMBER OF ADDITIONAL
2 POUNDS OF ELIGIBLE ELECTRONIC EQUIPMENT THAT SHOULD HAVE BEEN
3 ACCEPTED BY THE MANUFACTURER.

4 (3) FOR A MANUFACTURER THAT ACCEPTS LESS THAN 50% OF ITS
5 RECYCLING GOAL, THE SHORTFALL FEE SHALL BE THE PRODUCT OF
6 MULTIPLYING 50 CENTS TIMES THE NUMBER OF ADDITIONAL POUNDS OF
7 ELIGIBLE ELECTRONIC EQUIPMENT THAT SHOULD HAVE BEEN ACCEPTED BY
8 THE MANUFACTURER.

9 (C) A MANUFACTURER SHALL PAY THE RECYCLING SHORTFALL FEE TO
10 THE DEPARTMENT WITH THE ANNUAL REPORT REQUIRED UNDER § 9-1735 OF
11 THIS PART.

12 (D) THE FEES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO
13 THE STATE RECYCLING TRUST FUND.

14 9-1734.

15 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEGINNING ON
16 JANUARY 1, 2013, A MANUFACTURER THAT EXCEEDS ITS RECYCLING GOAL AS
17 DETERMINED UNDER THIS PART MAY:

18 (1) USE THE EXCESS WEIGHT AS RECYCLING CREDITS; AND

19 (2) SELL, TRADE, OR BANK RECYCLING CREDITS FOR A PERIOD
20 NOT EXCEEDING 3 CALENDAR YEARS AFTER THE YEAR IN WHICH THE CREDITS
21 WERE EARNED.

22 (B) A MANUFACTURER MAY MEET NO MORE THAN 5% OF THE
23 MANUFACTURER'S RECYCLING GOAL FOR ANY YEAR WITH RECYCLING CREDITS
24 GENERATED IN A PRIOR CALENDAR YEAR.

25 9-1735.

26 (A) BEGINNING ON OR BEFORE MARCH 1, 2014, AND EACH YEAR
27 THEREAFTER, A MANUFACTURER THAT IMPLEMENTS AN ELECTRONICS
28 TAKEBACK PROGRAM IN THE STATE SHALL REPORT TO THE DEPARTMENT THE
29 FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR:

30 (1) THE NAME AND ADDRESS OF EACH COLLECTION SITE AT
31 WHICH COVERED ELECTRONIC DEVICES WERE RECEIVED ON BEHALF OF THE
32 MANUFACTURER;

1 **(2) THE METHODS USED TO COLLECT COVERED ELECTRONIC**
2 **DEVICES;**

3 **(3) THE TOTAL QUANTITY, BY WEIGHT, OF COVERED ELECTRONIC**
4 **DEVICES COLLECTED IN THE STATE FOR RECYCLING OR REUSE, CATEGORIZED**
5 **BY COLLECTION SITE, COLLECTION METHOD, AND TYPE OF ELECTRONIC**
6 **EQUIPMENT COLLECTED;**

7 **(4) THE TOTAL QUANTITY, BY WEIGHT, OF ELIGIBLE ELECTRONIC**
8 **EQUIPMENT COLLECTED IN THE STATE FOR RECYCLING OR REUSE,**
9 **CATEGORIZED BY COLLECTION SITE, COLLECTION METHOD, AND TYPE OF**
10 **ELECTRONIC EQUIPMENT COLLECTED;**

11 **(5) THE QUANTITY AND CATEGORY OF COVERED ELECTRONIC**
12 **DEVICES COLLECTED UNDER THE MANUFACTURER'S ELECTRONICS TAKEBACK**
13 **PROGRAM THAT WERE DIVERTED FOR REUSE;**

14 **(6) THE QUANTITY AND CATEGORIES OF ELIGIBLE ELECTRONIC**
15 **EQUIPMENT COLLECTED UNDER THE MANUFACTURER'S ELECTRONICS**
16 **TAKEBACK PROGRAM THAT WERE DIVERTED FOR REUSE;**

17 **(7) THE PROCESSES AND METHODS USED TO RECYCLE OR REUSE**
18 **THE COVERED ELECTRONIC DEVICES COLLECTED IN THE STATE;**

19 **(8) THE NUMBER OF RECYCLING CREDITS PURCHASED, SOLD,**
20 **BANKED, AND TRADED DURING THE REPORTING PERIOD;**

21 **(9) THE NUMBER OF RECYCLING CREDITS USED TO MEET THE**
22 **MANUFACTURER'S RECYCLING GOALS, INCLUDING THE NAMES OF THE PARTIES**
23 **INVOLVED IN THE SALE OR TRADE OF THE CREDITS;**

24 **(10) THE NUMBER OF RECYCLING CREDITS RETAINED AS OF THE**
25 **DATE OF THE REPORT;**

26 **(11) THE AMOUNT OF ANY RECYCLING SHORTFALL FEE OWED FOR**
27 **THE REPORTING PERIOD, WITH SUFFICIENT INFORMATION TO DEMONSTRATE**
28 **THE BASIS FOR THE CALCULATION OF THE FEE;**

29 **(12) THE NAMES, LOCATIONS, AND CERTIFICATIONS OF THE**
30 **VENDORS THE MANUFACTURER USES FOR COVERED ELECTRONIC DEVICE**
31 **RECYCLING AND REUSE;**

1 **(13) A BRIEF DESCRIPTION OF THE MANUFACTURER’S PUBLIC**
2 **EDUCATION STRATEGY AND PROGRAM, INCLUDING THE NUMBER OF VISITS TO**
3 **THE WEB SITE, THE NUMBER OF CALLS TO THE TOLL-FREE TELEPHONE**
4 **NUMBER, DETAILS OF OUTREACH AND ADVERTISING EFFORTS, AND THE**
5 **ESTIMATED PERCENT OF THE POPULATION REACHED;**

6 **(14) INFORMATION ON THE CLOSED-LOOP RECYCLING BY THE**
7 **MANUFACTURER OF MATERIALS RECOVERED THROUGH THE MANUFACTURER’S**
8 **ELECTRONICS TAKEBACK PROGRAM;**

9 **(15) THE SIGNATURE OF AN OFFICER, DIRECTOR, OR OTHER**
10 **INDIVIDUAL AFFIRMING THE ACCURACY OF THE REPORT; AND**

11 **(16) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.**

12 **(B) THE MANUFACTURER SHALL PAY WITH THE REPORT ANY**
13 **RECYCLING SHORTFALL FEE REQUIRED UNDER § 9-1733 OF THIS PART.**

14 **(C) THE DEPARTMENT MAY REQUIRE MANUFACTURERS TO FILE THE**
15 **ANNUAL REPORTS REQUIRED UNDER THIS SECTION:**

16 **(1) ELECTRONICALLY; OR**

17 **(2) THROUGH A MULTISTATE CLEARINGHOUSE OR OTHER**
18 **SIMILAR ENTITY.**

19 **[9-1728.1.] 9-1736.**

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

22 (b) If a manufacturer is subject to the requirements of §§ 9-1727 and 9-1728
23 of this part,] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEGINNING**
24 **JANUARY 1, 2014,** a retailer may not sell or offer for sale to any person in the State a
25 new covered electronic device [manufactured by the manufacturer,] unless [the]:

26 **(1) THE manufacturer [has complied with the requirements of §§**
27 **9-1727 and 9-1728] OF THE DEVICE AND THE MANUFACTURER’S BRANDS ARE**
28 **REGISTERED WITH THE DEPARTMENT IN ACCORDANCE WITH THE**
29 **REQUIREMENTS** of this part;

30 **(2) THE BRAND OF THE COVERED ELECTRONIC DEVICE IS**
31 **INCLUDED IN THE LIST ON THE DEPARTMENT’S WEB SITE; AND**

1 **(3) THE DEVICE HAS A VISIBLE, PERMANENT LABEL CLEARLY**
2 **IDENTIFYING THE MANUFACTURER OF THE DEVICE.**

3 **(B) (1) IF A RETAILER PURCHASES A COVERED ELECTRONIC DEVICE**
4 **FROM A MANUFACTURER THAT SUBSEQUENTLY FAILS TO REGISTER IN**
5 **COMPLIANCE WITH THIS PART, THE RETAILER MAY SELL THE DEVICE WITHIN**
6 **180 DAYS AFTER THE DATE OF PURCHASE; OR**

7 **(2) IF A MANUFACTURER'S REGISTRATION IS REVOKED OR**
8 **EXPIRES, A RETAILER THAT PREVIOUSLY TOOK POSSESSION OF A COVERED**
9 **ELECTRONIC DEVICE FROM THE MANUFACTURER MAY SELL THE DEVICE**
10 **WITHIN 180 DAYS AFTER THE REVOCATION OR EXPIRATION OF THE**
11 **REGISTRATION.**

12 **(C) (1) FOR AN IN-STORE SALE OF COVERED ELECTRONIC**
13 **EQUIPMENT, THE RETAILER SHALL PROVIDE THE PURCHASER OF EQUIPMENT**
14 **ANY INFORMATION PROVIDED BY THE EQUIPMENT MANUFACTURER OR BY THE**
15 **DEPARTMENT ABOUT OPPORTUNITIES TO RETURN THE EQUIPMENT FOR**
16 **RECYCLING OR REUSE.**

17 **(2) FOR AN INTERNET SALE OF COVERED ELECTRONIC**
18 **EQUIPMENT, THE INTERNET RETAILER SHALL, WITHIN 30 DAYS OF THE SALE,**
19 **PROVIDE THE PURCHASER BY ELECTRONIC MAIL ANY INFORMATION PROVIDED**
20 **BY THE EQUIPMENT MANUFACTURER OR BY THE DEPARTMENT ABOUT**
21 **OPPORTUNITIES TO RETURN THE EQUIPMENT FOR RECYCLING OR REUSE.**

22 **9-1737.**

23 **THE DEPARTMENT SHALL PROVIDE A FLYER OR OTHER MARKETING**
24 **MATERIAL CONTAINING INFORMATION ABOUT OPPORTUNITIES FOR THE**
25 **RETURN OF ELIGIBLE ELECTRONIC DEVICES TO ELECTRONICS RETAILERS IN**
26 **THE STATE FOR DISTRIBUTION TO PURCHASERS OF COVERED ELECTRONIC**
27 **EQUIPMENT.**

28 **9-1738.**

29 **THE DEPARTMENT MAY IMPLEMENT THIS PART BY PARTICIPATING IN A**
30 **REGIONAL MULTISTATE ORGANIZATION OR COMPACT.**

31 **9-1739.**

32 **(A) BEGINNING JANUARY 1, 2014, A MANUFACTURER, RETAILER, OR**
33 **OWNER OR OPERATOR OF ELIGIBLE ELECTRONIC EQUIPMENT COLLECTION SITE**
34 **MAY NOT DISPOSE OF ELIGIBLE ELECTRONIC EQUIPMENT AT A SOLID WASTE**

1 MANAGEMENT FACILITY OR HAZARDOUS WASTE MANAGEMENT FACILITY IN THE
2 STATE.

3 (B) (1) BEGINNING JANUARY 1, 2015, A PERSON MAY NOT DISPOSE
4 OF ELIGIBLE ELECTRONIC EQUIPMENT IN ANY SOLID WASTE MANAGEMENT
5 FACILITY, OR PLACE ELIGIBLE ELECTRONIC EQUIPMENT FOR COLLECTION FOR
6 DISPOSAL AT A SOLID WASTE MANAGEMENT FACILITY OR HAZARDOUS WASTE
7 MANAGEMENT FACILITY.

8 (2) EACH PERSON ENGAGED IN THE COLLECTION OF SOLID
9 WASTE FOR DELIVERY TO A SOLID WASTE MANAGEMENT FACILITY SHALL
10 PROVIDE WRITTEN INFORMATION TO USERS OF THE FACILITY ABOUT PROPER
11 METHODS FOR RECYCLING ELIGIBLE ELECTRONIC EQUIPMENT.

12 (C) BEGINNING ON OR BEFORE JANUARY 1, 2015, AN OWNER OR
13 OPERATOR OF A SOLID WASTE MANAGEMENT FACILITY OR HAZARDOUS WASTE
14 MANAGEMENT FACILITY SHALL EDUCATE USERS OF THE FACILITY ABOUT
15 MANAGEMENT OF ELIGIBLE ELECTRONIC EQUIPMENT BY:

16 (1) PROVIDING WRITTEN INFORMATION ON PROPER METHODS
17 FOR RECYCLING ELIGIBLE ELECTRONIC EQUIPMENT; AND

18 (2) POSTING SIGNS IN CONSPICUOUS LOCATIONS STATING THAT
19 ELIGIBLE ELECTRONIC EQUIPMENT MAY NOT BE DISPOSED OF AT THE FACILITY.

20 9-1740.

21 IF MORE THAN ONE PERSON IS A MANUFACTURER OF A BRAND OF A
22 COVERED ELECTRONIC DEVICE:

23 (1) SUBJECT TO PARAGRAPH (3) OF THIS SECTION, A
24 MANUFACTURER OF A BRAND MAY ASSUME RESPONSIBILITY FOR THE
25 OBLIGATIONS OF ANOTHER MANUFACTURER OF THE BRAND; AND

26 (2) IF NONE OF THE MANUFACTURERS OF A BRAND ASSUMES
27 RESPONSIBILITY FOR THE OBLIGATIONS OF ANOTHER MANUFACTURER, ALL OF
28 THE MANUFACTURERS OF THE BRAND SHALL BE CONSIDERED TO BE JOINTLY
29 AND SEVERALLY RESPONSIBLE FOR PURPOSES OF THIS PART.

30 (3) THE DEPARTMENT MAY ENFORCE THE REQUIREMENTS OF
31 THIS PART AGAINST A MANUFACTURER IF A PERSON WHO ASSUMES THE
32 MANUFACTURER'S RESPONSIBILITIES FAILS TO COMPLY WITH THE
33 REQUIREMENTS OF THIS PART.

1 [9-1729.] **9-1741.**

2 (A) The Department [may] **SHALL ADOPT REGULATIONS ESTABLISHING**
3 **CRITERIA FOR:**

4 (1) **ELECTRONIC WASTE RECYCLING CREDITS;**

5 (2) **ALTERNATIVE METHODS FOR THE DETERMINATION OF STATE**
6 **SALES DATA;**

7 (3) **REGISTRATION AND REPORTING FORMS AND REQUIREMENTS;**
8 **AND**

9 (4) **AUDIT AND INSPECTION.**

10 (B) **THE DEPARTMENT MAY MODIFY REGULATIONS OR** adopt
11 **ADDITIONAL** regulations AS necessary to implement the provisions of this subtitle,
12 including the required components of a covered electronic device takeback program
13 **AND FEE AMOUNTS.**

14 [9-1730.] **9-1742.**

15 (a) [The] **EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS**
16 **SECTION, THE** provisions and penalties of § 9-342 of this title shall be used and shall
17 apply to enforce violations of this part.

18 (b) (1) In addition to any other penalty provided by law, the Comptroller
19 may assess against any retailer that violates § [9-1728.1(b)] **9-1736** of this part a fine
20 up to \$500 for each violation, but not exceeding \$5,000 total.

21 (2) A fine under paragraph (1) of this subsection may be assessed only
22 after the retailer that committed the violation has been issued three warnings
23 regarding the violation.

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

26 (4) At the end of each quarter, the Comptroller shall forward all fines
27 to the State Recycling Trust Fund in a manner agreed on by the Department and the
28 Comptroller.

29 (C) (1) **IF A LOCAL GOVERNMENT INITIATES A CIVIL ACTION TO**
30 **ENFORCE THIS PART, THE LOCAL GOVERNMENT SHALL RECOVER THE CIVIL**
31 **PENALTIES SPECIFIED IN THIS SECTION.**

1 **(2) IF THE STATE INITIATES A CIVIL ACTION TO ENFORCE THIS**
2 **PART, THE CIVIL PENALTIES RECOVERED UNDER THIS SECTION SHALL BE**
3 **DEPOSITED IN THE STATE RECYCLING TRUST FUND ESTABLISHED UNDER §**
4 **9-1707(F) OF THIS SUBTITLE.**

5 **9-1743.**

6 **(A) ON OR BEFORE JULY 1, 2014, AND EACH YEAR THEREAFTER, THE**
7 **DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE**
8 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE**
9 **IMPLEMENTATION OF THE TAKEBACK PROGRAM FOR THE PREVIOUS YEAR,**
10 **INCLUDING THE FOLLOWING INFORMATION:**

11 **(1) THE TOTAL WEIGHT OF ELIGIBLE ELECTRONIC EQUIPMENT**
12 **COLLECTED IN THE STATE FOR RECYCLING AND REUSE, BROKEN DOWN BY**
13 **PRODUCT CATEGORY AND COLLECTION METHOD;**

14 **(2) A LIST OF MANUFACTURERS SELLING COVERED ELECTRONIC**
15 **DEVICES IN THE STATE, INCLUDING THE FOLLOWING INFORMATION FOR EACH**
16 **MANUFACTURER:**

17 **(I) REGISTERED MANUFACTURER'S BRANDS;**

18 **(II) TOTAL WEIGHT OF ELIGIBLE ELECTRONIC EQUIPMENT**
19 **COLLECTED IN THE STATE;**

20 **(III) RECYCLING SHORTFALL FEES PAID; AND**

21 **(IV) RECYCLING CREDITS EARNED, APPLIED, AND BANKED;**

22 **(3) A FINANCIAL REPORT FOR THE STATEWIDE ELECTRONICS**
23 **TAKEBACK PROGRAM SHOWING INCOME, INCLUDING REGISTRATION FEES AND**
24 **RECYCLING SHORTFALL FEES, AND EXPENSES;**

25 **(4) A DESCRIPTION OF ANY ENFORCEMENT ACTIONS;**

26 **(5) A COPY OF MARKETING MATERIAL THE DEPARTMENT HAS**
27 **PROVIDED TO RETAILERS FOR DISTRIBUTION TO CUSTOMERS; AND**

28 **(6) RECOMMENDATIONS FOR CHANGES TO THE STATEWIDE**
29 **PROGRAM.**

1 **(B) THE DEPARTMENT SHALL MAKE THE REPORT REQUIRED UNDER**
2 **SUBSECTION (A) OF THIS SECTION AVAILABLE TO THE PUBLIC ON THE**
3 **DEPARTMENT'S WEB SITE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
5 Act or the application thereof to any person or circumstance is held invalid for any
6 reason in a court of competent jurisdiction, the invalidity does not affect other
7 provisions or any other application of this Act which can be given effect without the
8 invalid provision or application, and for this purpose the provisions of this Act are
9 declared severable.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2012.