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By: **Senator Conway**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **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)

1 BY adding to  
2 Article - Environment  
3 Section 6-905.2  
4 Annotated Code of Maryland  
5 (1996 Replacement Volume and 2005 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That Section(s) 6-905.2 of Article - Environment of the Annotated Code  
8 of Maryland be renumbered to be Section(s) 6-905.3.

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

11 **Article - Environment**

12 6-905.

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

14 (b) "Manufacturer" means a person that:

15 (1) Produces a product;

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

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

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

23 (1) A fever thermometer containing mercury; OR

24 (2) A THERMOSTAT CONTAINING MERCURY.

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

28 (1) Dyes or pigments;

29 (2) Electric switches; AND

30 (3) Fluorescent lamps[; and

31 (4) Thermostats].

1 (e) "Motor vehicle" has the meaning stated in § 11-135 of the Transportation  
2 Article.

3 (f) "Reclamation facility" means a site:

4 (1) Where equipment is used to recapture mercury from mercury-added  
5 fluorescent lamps for the purpose of recycling or reusing the mercury; or

6 (2) That collects mercury containing components from mercury-added  
7 fluorescent lamps for the eventual recapture and recycling or reuse of the mercury.

8 (G) "THERMOSTAT" MEANS A DEVICE THAT REGULATES TEMPERATURE IN AN  
9 ENCLOSED AREA BY CONTROLLING HEATING, COOLING, OR VENTILATION  
10 EQUIPMENT.

11 6-905.2.

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

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

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

21 (1) current collection, reclamation, and recycling programs for each of  
22 these products, who administers these programs and how they are organized, and to  
23 what extent the current collection of hazardous materials covers mercury-added  
24 products;

25 (2) current and planned incentives and pilot programs designed to  
26 improve Maryland's rate of exclusion of mercury-added products from the landfill  
27 and incinerator waste streams, including advance disposal fees, manufacturer "take  
28 back" programs, the use of bounties, and residential collection;

29 (3) current and planned efforts to educate the general public regarding  
30 the health and environmental impacts of mercury-added products in comparison with  
31 similar products that do not contain mercury;

32 (4) a summary of measures utilized in other states regarding items (1)  
33 through (3) of this subsection and projections regarding the probable level of  
34 effectiveness of these measures in Maryland; and

35 (5) departmental recommendations for actions or programs related to  
36 items (1) through (3) of this subsection.

1 (b) In preparing the report and recommendations required under subsection  
2 (a) of this section, the Secretary of the Environment shall convene and consult with  
3 an advisory group of interested stakeholders, including at least two ~~individuals~~  
4 ~~representing~~ representatives from each of the following:

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

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

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

16 SECTION 4. 5. AND BE IT FURTHER ENACTED, That, except as provided in  
17 Section 4 of this Act, this Act shall take effect October 1, 2006.