

HOUSE BILL 830

M3

4lr0457
CF SB 686

By: **Delegate Stein**

Introduced and read first time: January 31, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Covered Electronic Devices Recycling Program – Establishment**

3 FOR the purpose of repealing a certain provision of law authorizing a county to address
4 methods for the separate collection and recycling of covered electronic devices in a
5 certain recycling plan; altering the contents and use of the State Recycling Trust
6 Fund; establishing a separate covered electronic device recycling account and a
7 separate covered electronic device manufacturer registration fee account within the
8 Fund; repealing certain provisions of law relating to existing covered electronic
9 device takeback programs; altering certain provisions of law relating to registration
10 fees for certain manufacturers of covered electronic devices; requiring that a certain
11 manufacturer registration fee be paid into a certain account within the Fund;
12 establishing the Covered Electronic Device Recycling Program in the Department of
13 the Environment to facilitate the collection and recycling, refurbishment, or reuse of
14 certain covered electronic devices in the State; requiring a consumer, beginning on a
15 certain date, to pay a certain recycling fee with the purchase of a new covered
16 electronic device; requiring retailers that sell covered electronic devices to
17 consumers, beginning on a certain date, to remit the recycling fee to the Department
18 in a certain manner; requiring the Department, beginning on a certain date, to
19 disburse certain funds to authorized collectors and authorized recyclers in a certain
20 manner; prohibiting an authorized collector or authorized recycler from charging a
21 person a certain fee, subject to a certain exception; establishing the covered
22 electronic device advisory council to advise the Department on the implementation
23 of the Program; requiring that certain regulations adopted by the Department
24 establish certain application materials and procedures for authorized collectors and
25 authorized recyclers; requiring the Department to notify certain manufacturers of
26 covered electronic devices of certain information on or before a certain date; and
27 generally relating to the recycling of covered electronic devices in the State.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–1701, 9–1703, 9–1707(f), 9–1727, 9–1728, 9–1728.1, 9–1728.2, 9–1729, and
2 9–1730
3 Annotated Code of Maryland
4 (2014 Replacement Volume and 2023 Supplement)

5 BY adding to
6 Article – Environment
7 Section 9–1728.3 and 9–1728.4
8 Annotated Code of Maryland
9 (2014 Replacement Volume and 2023 Supplement)

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

12 **Article – Environment**

13 9–1701.

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

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

17 **(B–1) (1) “AUTHORIZED COLLECTOR” MEANS AN ENTITY THAT IS**
18 **AUTHORIZED BY THE DEPARTMENT TO ACCEPT OR COLLECT COVERED ELECTRONIC**
19 **DEVICES TO BE RECYCLED, REFURBISHED, OR REUSED.**

20 **(2) “AUTHORIZED COLLECTOR” INCLUDES:**

21 **(I) LOCAL GOVERNMENTS;**

22 **(II) NONPROFIT ORGANIZATIONS;**

23 **(III) RETAILERS OF COVERED ELECTRONIC DEVICES; AND**

24 **(IV) A PERSON AUTHORIZED BY A COUNTY, MUNICIPALITY, OR**
25 **DISTRICT TO COLLECT COVERED ELECTRONIC DEVICES UNDER THE TERMS OF A**
26 **CONTRACT, LICENSE, PERMIT, OR OTHER WRITTEN AUTHORIZATION.**

27 **(3) “AUTHORIZED COLLECTOR” DOES NOT INCLUDE A**
28 **MANUFACTURER.**

29 **(B–2) (1) “AUTHORIZED RECYCLER” MEANS:**

30 **(I) A PERSON THAT:**

1 **1. ENGAGES IN THE MANUAL OR MECHANICAL**
2 **REFURBISHMENT OR SEPARATION OF COVERED ELECTRONIC DEVICES IN ORDER TO**
3 **RECOVER:**

4 **A. THE ENTIRE DEVICE FOR THE PURPOSE OF REUSE; OR**

5 **B. COMPONENTS OR COMMODITIES FROM THE DEVICES**
6 **FOR THE PURPOSE OF RECYCLING; OR**

7 **2. A. CHANGES THE PHYSICAL OR CHEMICAL**
8 **COMPOSITION OF A COVERED ELECTRONIC DEVICE BY DECONSTRUCTING,**
9 **REDUCING IN SIZE, CRUSHING, CUTTING, SAWING, COMPACTING, SHREDDING, OR**
10 **REFINING IN ORDER TO SEGREGATE COMPONENTS FOR THE PURPOSE OF**
11 **RECYCLING THE COMPONENTS; AND**

12 **B. ARRANGES FOR THE TRANSPORT OF SEGREGATED**
13 **COMPONENTS TO AN END USER; OR**

14 **(II) A RETAILER THAT IS AUTHORIZED BY THE DEPARTMENT TO**
15 **COLLECT OR RECYCLE A COVERED ELECTRONIC DEVICE IN ACCORDANCE WITH THE**
16 **COVERED ELECTRONIC DEVICE RECYCLING PROGRAM ESTABLISHED UNDER §**
17 **9-1728.3 OF THIS SUBTITLE.**

18 **(2) “AUTHORIZED RECYCLER” DOES NOT INCLUDE A**
19 **MANUFACTURER.**

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

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

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

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

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

30 (ii) A sewage sludge utilization permit in accordance with this title;
31 or

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

2 (f) (1) “Computer” means a desktop personal computer or laptop computer,
3 including the computer monitor.

4 (2) “Computer” does not include:

5 (i) A personal digital assistant device; or

6 (ii) A computer peripheral device, including:

7 1. A mouse or other similar pointing device;

8 2. A printer; or

9 3. A detachable keyboard.

10 (g) (1) “Covered electronic device” means a [computer or video display] **TIER**
11 **I OR A TIER II COVERED ELECTRONIC** device [with a screen that is greater than 4 inches
12 measured diagonally].

13 (2) “Covered electronic device” does not include a video display **OR OTHER**
14 **ELECTRONIC** device that is part of a motor vehicle or that is contained within a household
15 appliance, **INCLUDING WHITE GOODS**, or commercial, industrial, or medical equipment.

16 (h) [“Covered electronic device takeback program” means a program, established
17 by a covered electronic device manufacturer or a group of covered electronic device
18 manufacturers, for the collection and recycling, refurbishing, or reuse of a covered
19 electronic device labeled with the name of the manufacturer or the manufacturer’s brand
20 label, including:

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

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

26 (3) Any other program approved by the Department.

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

28 [(i-1)] (I) “Food residuals” means material derived from the processing or
29 discarding of food, including pre- and post-consumer vegetables, fruits, grains, dairy
30 products, and meats.

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

4 (k) (1) "Natural wood waste" means tree and other natural vegetative refuse.

5 (2) "Natural wood waste" includes tree stumps, brush and limbs, root mats,
6 logs, and other natural vegetative material.

7 (l) (1) "Natural wood waste recycling facility" means a facility where recycling
8 services for natural wood waste are provided.

9 (2) "Natural wood waste recycling facility" does not include a collection or
10 processing facility operated by:

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

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

14 (m) "Office" means the Office of Recycling within the Department.

15 (n) (1) "Organics recycling" means any process in which organic materials or
16 compostable packaging materials are collected, separated, or processed and returned to the
17 marketplace in the form of raw materials or products.

18 (2) "Organics recycling" includes anaerobic digestion and composting.

19 (o) "Organics recycling facility" means a facility where organics recycling takes
20 place.

21 (p) (1) "Recyclable materials" means those materials that:

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

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

26 (2) "Recyclable materials" does not include incinerator ash.

27 (q) "Recycling" means any process in which recyclable materials are collected,
28 separated, or processed and returned to the marketplace in the form of raw materials or
29 products.

1 (r) "Recycling services" means the services provided by persons engaged in the
2 business of recycling, including the collection, processing, storage, purchase, sale, or
3 disposition of recyclable materials.

4 (r-1) "Refuse disposal system" has the meaning stated in § 9-201 of this title.

5 **(S) "RETAILER" MEANS ANY PERSON THAT SELLS A COVERED ELECTRONIC**
6 **DEVICE TO A CONSUMER.**

7 ~~[(s)]~~ **(T)** (1) "Solid waste stream" means garbage or refuse that would, unless
8 recycled, be disposed of in a refuse disposal system.

9 (2) "Solid waste stream" includes organic material capable of being
10 composted that is not composted in accordance with regulations adopted under § 9-1725(b)
11 of this subtitle.

12 (3) "Solid waste stream" does not include:

13 (i) Hospital waste;

14 (ii) Rubble;

15 (iii) Scrap material;

16 (iv) Land clearing debris;

17 (v) Sewage sludge; or

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

20 **(U) "TIER I COVERED ELECTRONIC DEVICE" MEANS A COMPUTER MONITOR,**
21 **TELEVISION, OR VIDEO DISPLAY DEVICE.**

22 **(V) "TIER II COVERED ELECTRONIC DEVICE" MEANS:**

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

24 **(2) A PERSONAL DIGITAL ASSISTANT, NOTEBOOK, READER, OR**
25 **TABLET DEVICE;**

26 **(3) A CELL PHONE;**

27 **(4) A CENTRAL PROCESSING UNIT OF A COMPUTER;**

1 **(5) A PRINTER;**

2 **(6) A SCANNER;**

3 **(7) A COPIER; AND**

4 **(8) ANY OTHER COMPUTER OR ELECTRONIC DEVICE OR ACCESSORY**
5 **THAT HAS A PLUG OR BATTERY THAT IS DESIGNATED AS A TIER II COVERED**
6 **ELECTRONIC DEVICE BY THE DEPARTMENT.**

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

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

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

16 **[(u)] (x)** “White goods” includes:

17 (1) Refrigerators;

18 (2) Stoves;

19 (3) Washing machines;

20 (4) Dryers;

21 (5) Water heaters; [and]

22 (6) Air conditioners; **AND**

23 **(7) ANY OTHER APPLIANCES DESIGNATED BY THE DEPARTMENT IN**
24 **REGULATION.**

25 **[(v)] (y)** (1) “Yard waste” means organic plant waste derived from gardening,
26 landscaping, and tree trimming activities.

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

29 9-1703.

1 (a) Each county shall submit a recycling plan to the Secretary for approval when
2 the county submits its county plan to the Secretary in accordance with the provisions of §
3 9–505 of this title.

4 (b) In preparing the recycling plan as required in § 9–505 of this title, the county
5 shall address:

6 (1) Methods to meet the solid waste stream reduction;

7 (2) The feasibility of source separation of the solid waste stream generated
8 within the county;

9 (3) The recyclable materials to be separated;

10 (4) The strategy for the collection, processing, marketing, and disposition
11 of recyclable materials, including the cost-effective use of recycling centers;

12 (5) Methods of financing the recycling efforts proposed by the county;

13 (6) Methods for the separate collection and composting of yard waste;

14 (7) The feasibility of a system for the composting of mixed solid wastes;

15 (8) The feasibility of a system for the collection and recycling of white
16 goods;

17 (9) The separate collection of other recyclable materials;

18 (10) The strategy for the collection, processing, marketing, and disposition
19 of recyclable materials from county public schools;

20 (11) The strategy for the collection and recycling of fluorescent and compact
21 fluorescent lights that contain mercury;

22 (12) The collection and recycling of recyclable materials from residents of
23 apartment buildings and condominiums that contain 10 or more dwelling units by property
24 owners or managers of apartment buildings and councils of unit owners of condominiums;

25 (13) If applicable, a method for implementing a reporting requirement for
26 recyclable materials generated at apartment buildings and condominiums that contain 10
27 or more dwelling units;

28 (14) The collection and recycling of recyclable materials from special events;

29 (15) The collection and recycling of recyclable materials from buildings that
30 have 150,000 square feet or greater of office space; and

1 (16) Any other alternative methods of recycling that will attain or exceed
2 the solid waste stream reduction goals determined by the county.

3 (c) [(1) In preparing the recycling plan as required under § 9–505 of this title,
4 the county may address methods for the separate collection and recycling of covered
5 electronic devices, including efforts by the county to establish partnerships with covered
6 electronic device manufacturers, recyclers, retailers, or other local governments for the
7 collection and recycling of covered electronic devices.

8 (2) If a county elects to address methods for the separate collection and
9 recycling of covered electronic devices in its recycling plan, any reduction in the county's
10 solid waste stream attributable to the implementation of the methods shall count towards
11 the county's required reduction through recycling of the solid waste stream under § 9–505
12 of this title.

13 (d)] In preparing a recycling plan, a county may not calculate a tax or mandatory
14 deposit on any beverage container that is enacted by a county or municipality to achieve
15 the recycling goals required under § 9–505 of this title.

16 [(e)] (D) For the purpose of determining weight, the Department may not
17 preclude the use of portable weigh scales.

18 [(f)] (E) A county shall revise its recycling plan by:

19 (1) October 1, 2010, to address the requirements of subsection (b)(10) of
20 this section;

21 (2) October 1, 2011, to address the requirements of subsection (b)(11) of
22 this section; and

23 (3) October 1, 2015, to address the requirements of subsection (b)(14) of
24 this section.

25 9–1707.

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

27 (2) The Fund shall consist of:

28 (i) The newsprint recycling incentive fee;

29 (ii) The telephone directory recycling incentive fee collected under §
30 9–1709 of this subtitle;

31 (iii) [The covered electronic device manufacturer registration fee
32 collected under § 9–1728 of this subtitle;

1 (iv)] All fines and penalties collected under this subtitle;

2 [(v)] (IV) Money appropriated in the State budget to the Fund; and

3 [(vi)] (V) Any other money from any other source accepted for the
4 benefit of the Fund.

5 (3) The Secretary shall administer the Fund.

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

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

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

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

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

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

19 **(II) IN ACCORDANCE WITH PARAGRAPH (7) OF THIS**
20 **SUBSECTION, TO MAKE A DISBURSEMENT TO AN AUTHORIZED COLLECTOR OR AN**
21 **AUTHORIZED RECYCLER IN ACCORDANCE WITH § 9–1728.3(G) OF THIS SUBTITLE;**
22 **AND**

23 [(iv)] (III) To carry out the purposes of the land management
24 administration.

25 **(7) (I) 1. THERE SHALL BE A SEPARATE COVERED ELECTRONIC**
26 **DEVICE RECYCLING ACCOUNT WITHIN THE FUND.**

27 **2. THE ACCOUNT SHALL CONSIST OF ANY FEES**
28 **COLLECTED FROM RETAILERS OF COVERED ELECTRONIC DEVICES UNDER §**
29 **9–1728.3(E) OF THIS SUBTITLE.**

1 **3. THE ACCOUNT SHALL BE USED ONLY TO MAKE A**
2 **DISBURSEMENT TO AN AUTHORIZED RECYCLER OR AN AUTHORIZED COLLECTOR IN**
3 **ACCORDANCE WITH § 9-1728.3(G) OF THIS SUBTITLE.**

4 **(II) 1. THERE SHALL BE A SEPARATE COVERED ELECTRONIC**
5 **DEVICE MANUFACTURER REGISTRATION FEE ACCOUNT WITHIN THE FUND.**

6 **2. THE ACCOUNT SHALL CONSIST OF THE COVERED**
7 **ELECTRONIC DEVICE MANUFACTURER REGISTRATION FEE COLLECTED IN**
8 **ACCORDANCE WITH § 9-1728(C) OF THIS SUBTITLE.**

9 **3. THE ACCOUNT SHALL BE USED TO FUND THE**
10 **COVERED ELECTRONIC DEVICE RECYCLING PROGRAM ESTABLISHED UNDER §**
11 **9-1728.3 OF THIS SUBTITLE.**

12 **[(7)] (8)** (i) The Treasurer shall invest the money in the Fund in the
13 same manner as other State money may be invested.

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

16 9-1727.

17 (a) This section applies to a manufacturer that sells or offers for sale a new
18 covered electronic device in the State.

19 (b) A manufacturer may not sell or offer for sale to any person in the State a new
20 covered electronic device unless:

21 (1) The covered electronic device is labeled with the name of the
22 manufacturer or the manufacturer's brand label; and

23 (2) The manufacturer has registered with and[, if applicable,] submitted a
24 registration fee to the Department as provided under this part.

25 9-1728.

26 (a) A covered electronic device manufacturer's registration shall include:

27 (1) The brand names under which the manufacturer sells or offers for sale
28 covered electronic devices in the State;

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

1 (3) If the manufacturer has implemented a covered electronic device
2 takeback program:

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

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

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

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

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

14 [(4)] (3) The total number of covered electronic devices sold in the State
15 in the prior year, including:

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

17 (ii) The brand names under which the covered electronic devices
18 were sold; and

19 [(5)] (4) Any additional information required by the Department in
20 regulation.

21 (b) The registration shall[:

22 (1) Be] **BE** submitted to the Department by [March] **JUNE** 1 of each year[;
23 and

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

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

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

1 (i) \$10,000 for a manufacturer that sold at least 1,000 covered
2 electronic devices in the State in the prior year; and

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

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

8 (i) 1. On or after March 1, 2013, and before March 1, 2016,
9 \$10,000 for a manufacturer that sold at least 1,000 covered electronic devices in the State
10 in the prior year; and

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

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

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

18 [(5) (3) There is no registration fee for a manufacturer that sold less than
19 100 covered electronic devices in the State in the prior year.

20 [(6) (4) The registration fee required under this subsection shall:

21 (i) Be submitted to the Department by [March] JUNE 1 of each
22 year; and

23 (ii) Be paid into the COVERED ELECTRONIC DEVICE
24 MANUFACTURER REGISTRATION FEE ACCOUNT WITHIN THE State Recycling Trust
25 Fund.

26 (5) THE DEPARTMENT MAY ADJUST THE COVERED ELECTRONIC
27 DEVICE MANUFACTURER REGISTRATION FEE BY REGULATION.

28 (d) (1) The Department shall:

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

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

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

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

6 (f) The sales data submitted in accordance with subsection [(a)(4)] **(A)(3)** of this
7 section shall be treated as confidential and proprietary, and may not be disclosed except as
8 otherwise required by law.

9 9–1728.1.

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

12 (b)] If a manufacturer is subject to the requirements of §§ 9–1727 and 9–1728 of
13 this part, a retailer may not sell or offer for sale to any person in the State a new covered
14 electronic device manufactured by the manufacturer, unless the manufacturer has
15 complied with the requirements of §§ 9–1727 and 9–1728 of this part.

16 9–1728.2.

17 [(a)] A manufacturer [that has implemented a covered electronic device takeback
18 program] shall include educational and instructional materials relating to the destruction
19 and sanitization of data from a covered electronic device[;

20 (1) With] **WITH** each new covered electronic device sold or offered for sale
21 in the State[;

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

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

26 [(b) A manufacturer that is participating in a covered electronic device takeback
27 program established by a group of covered electronic device manufacturers shall be
28 considered as having implemented a covered electronic device takeback program under this
29 part.]

30 **9–1728.3.**

31 **(A) IN THIS SECTION, “PROGRAM” MEANS THE COVERED ELECTRONIC**
32 **DEVICE RECYCLING PROGRAM.**

1 **(B) (1) THERE IS A COVERED ELECTRONIC DEVICE RECYCLING**
2 **PROGRAM IN THE DEPARTMENT.**

3 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
4 **DEPARTMENT SHALL ADMINISTER THE PROGRAM.**

5 **(II) THE DEPARTMENT MAY CONTRACT WITH A NONPROFIT**
6 **ORGANIZATION, B CORPORATION, OR OTHER ENTITY THAT SPECIALIZES IN THE**
7 **PRIVATE MANAGEMENT OF ELECTRONICS RECYCLING SYSTEMS FOR**
8 **GOVERNMENTAL ENTITIES TO ADMINISTER THE PROGRAM.**

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

12 **(D) THE PROGRAM SHALL BE FUNDED BY THE COVERED ELECTRONIC**
13 **DEVICE MANUFACTURER REGISTRATION FEE ACCOUNT ESTABLISHED WITHIN THE**
14 **STATE RECYCLING TRUST FUND UNDER § 9-1707(F)(7)(II) OF THIS SUBTITLE.**

15 **(E) (1) BEGINNING JANUARY 1, 2028, A CONSUMER SHALL PAY A**
16 **RECYCLING FEE WITH THE PURCHASE OF A NEW COVERED ELECTRONIC DEVICE IN**
17 **THE STATE.**

18 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
19 **RECYCLING FEE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:**

20 1. **\$10 FOR A TIER I COVERED ELECTRONIC DEVICE;**
21 **AND**

22 2. **\$5 FOR A TIER II COVERED ELECTRONIC DEVICE.**

23 **(II) THE DEPARTMENT, IN CONSULTATION WITH THE COVERED**
24 **ELECTRONIC DEVICE ADVISORY COUNCIL ESTABLISHED UNDER § 9-1728.4 OF THIS**
25 **PART, MAY DETERMINE REASONABLE RECYCLING FEES AND ADDITIONAL TIERS OF**
26 **COVERED ELECTRONIC DEVICES BY REGULATION.**

27 **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**
28 **AND BEGINNING FEBRUARY 1, 2028, AND EACH MONTH THEREAFTER, A RETAILER**
29 **OF A COVERED ELECTRONIC DEVICE SHALL REMIT THE RECYCLING FEE TO THE**
30 **DEPARTMENT.**

1 **(2) A RETAILER MAY RETAIN NOT MORE THAN 3% OF THE TOTAL**
2 **AMOUNT OF RECYCLING FEES COLLECTED UNDER SUBSECTION (E) OF THIS**
3 **SECTION.**

4 **(3) THE DEPARTMENT SHALL DEPOSIT ALL RECYCLING FEES**
5 **COLLECTED UNDER THIS SECTION INTO THE COVERED ELECTRONIC DEVICE**
6 **RECYCLING ACCOUNT ESTABLISHED WITHIN THE STATE RECYCLING TRUST FUND**
7 **UNDER § 9-1707(F)(7)(I) OF THIS SUBTITLE.**

8 **(G) BEGINNING JANUARY 1, 2029, AND EACH MONTH THEREAFTER, THE**
9 **DEPARTMENT SHALL DISBURSE FUNDS FROM THE COVERED ELECTRONIC DEVICE**
10 **RECYCLING ACCOUNT WITHIN THE STATE RECYCLING TRUST FUND TO:**

11 **(1) AUTHORIZED RECYCLERS AS REIMBURSEMENT FOR THE COSTS**
12 **OF RECYCLING, REFURBISHMENT, OR REUSE OF COVERED ELECTRONIC DEVICES IN**
13 **ACCORDANCE WITH THE PROGRAM, INCLUDING COLLECTION AND**
14 **TRANSPORTATION; AND**

15 **(2) AUTHORIZED COLLECTORS AS REIMBURSEMENT FOR THE COSTS**
16 **OF STORAGE, ON-SITE COLLECTION, EQUIPMENT, HEAT AND FIRE DETECTION AND**
17 **SUPPRESSION SYSTEMS AND EQUIPMENT, TRANSPORTATION, STAFFING, AND**
18 **EDUCATION.**

19 **(H) IF AN AUTHORIZED RECYCLER OR AN AUTHORIZED COLLECTOR**
20 **RECEIVES REIMBURSEMENT IN ACCORDANCE WITH SUBSECTION (G) OF THIS**
21 **SECTION, THE AUTHORIZED RECYCLER AND THE AUTHORIZED COLLECTOR:**

22 **(1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, MAY NOT**
23 **CHARGE A PERSON A FEE FOR DROPPING OFF A COVERED ELECTRONIC DEVICE**
24 **ON-SITE; AND**

25 **(2) SHALL, IF APPLICABLE, CHARGE A COVERED ELECTRONIC**
26 **DEVICE MANUFACTURER A FEE FOR DROPPING OFF A COVERED ELECTRONIC**
27 **DEVICE ON-SITE.**

28 **9-1728.4.**

29 **(A) THERE IS A COVERED ELECTRONIC DEVICE ADVISORY COUNCIL.**

30 **(B) THE PURPOSE OF THE ADVISORY COUNCIL IS TO ADVISE THE**
31 **DEPARTMENT ON THE IMPLEMENTATION OF THE COVERED ELECTRONIC DEVICE**
32 **RECYCLING PROGRAM ESTABLISHED UNDER § 9-1728.3 OF THIS PART.**

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

2 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE**
3 **PRESIDENT OF THE SENATE;**

4 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE**
5 **SPEAKER OF THE HOUSE;**

6 **(3) THE SECRETARY, OR THE SECRETARY'S DESIGNEE; AND**

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

8 **(I) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION**
9 **OF COUNTIES;**

10 **(II) ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL**
11 **LEAGUE;**

12 **(III) ONE REPRESENTATIVE OF COVERED ELECTRONIC DEVICE**
13 **RECYCLERS IN THE STATE;**

14 **(IV) ONE REPRESENTATIVE OF COVERED ELECTRONIC DEVICE**
15 **MANUFACTURERS IN THE STATE;**

16 **(V) ONE REPRESENTATIVE OF COVERED ELECTRONIC DEVICE**
17 **RETAILERS IN THE STATE;**

18 **(VI) ONE REPRESENTATIVE OF THE MARYLAND**
19 **ENVIRONMENTAL SERVICE;**

20 **(VII) ONE REPRESENTATIVE OF THE NORTHEAST MARYLAND**
21 **WASTE DISPOSAL AUTHORITY;**

22 **(VIII) ONE REPRESENTATIVE OF A NONPROFIT ENVIRONMENTAL**
23 **ADVOCACY ORGANIZATION THAT HAS EXPERIENCE WITH EXTENDED PRODUCER**
24 **RESPONSIBILITY LAWS;**

25 **(IX) ONE REPRESENTATIVE OF THE MARYLAND RECYCLING**
26 **NETWORK; AND**

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

1 **(D) FROM AMONG THE ADVISORY COUNCIL MEMBERS, THE SECRETARY**
2 **SHALL DESIGNATE THE CHAIR OF THE ADVISORY COUNCIL.**

3 **(E) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY**
4 **COUNCIL.**

5 **(F) A MEMBER OF THE ADVISORY COUNCIL:**

6 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
7 **ADVISORY COUNCIL; BUT**

8 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
9 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

10 **(G) THE ADVISORY COUNCIL SHALL STUDY AND MAKE RECOMMENDATIONS**
11 **REGARDING:**

12 **(1) CHANGES TO THE DEFINITION OF “COVERED ELECTRONIC**
13 **DEVICE”;**

14 **(2) THE AMOUNT OF:**

15 **(I) RECYCLING FEES COLLECTED BY RETAILERS; AND**

16 **(II) COVERED ELECTRONIC DEVICE MANUFACTURER**
17 **REGISTRATION FEES;**

18 **(3) REASONABLE CAPS ON:**

19 **(I) COVERED ELECTRONIC DEVICE RECYCLING PAYMENTS;**
20 **AND**

21 **(II) COVERED ELECTRONIC DEVICE RECOVERY FEE PAYMENTS;**

22 **(4) STANDARDS TO BE USED BY THE DEPARTMENT IN DEVELOPING**
23 **APPLICATION MATERIALS AND PROCEDURES FOR AUTHORIZED COLLECTORS AND**
24 **AUTHORIZED RECYCLERS IN ACCORDANCE WITH § 9-1729(B) OF THIS PART; AND**

25 **(5) ANY OTHER RELATED TOPICS IF REQUESTED BY THE**
26 **DEPARTMENT.**

1 **(H) ON OR BEFORE DECEMBER 1, 2027, AND EACH DECEMBER 1**
2 **THEREAFTER, THE ADVISORY COUNCIL SHALL REPORT ITS FINDINGS AND**
3 **RECOMMENDATIONS TO THE DEPARTMENT.**

4 9–1729.

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

8 **(B) REGULATIONS ADOPTED TO IMPLEMENT THE COVERED ELECTRONIC**
9 **DEVICE RECYCLING PROGRAM IN ACCORDANCE WITH § 9–1728.3 OF THIS PART**
10 **SHALL ESTABLISH APPLICATION MATERIALS AND PROCEDURES FOR AUTHORIZED**
11 **COLLECTORS AND AUTHORIZED RECYCLERS.**

12 9–1730.

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

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
24 2024, the Department of the Environment shall notify manufacturers of covered electronic
25 devices of:

26 (1) the termination of existing covered electronic device takeback programs
27 in the State; and

28 (2) the Covered Electronic Device Recycling Program as enacted by Section
29 1 of this Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2024.