

SENATE BILL 591

M3
SB 686/24 – EEE

5lr2271
CF 5lr2270

By: **Senator Augustine**

Introduced and read first time: January 23, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Covered Electronic Device Recycling Program – Establishment**
3 **(Electronics Recycling Health and Safety Modernization Act)**

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–1701, 9–1707(f), 9–1727, 9–1728, 9–1728.1, 9–1728.2, 9–1729, and 9–1730
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2024 Supplement)

4 BY adding to
5 Article – Environment
6 Section 9–1728.3 and 9–1728.4
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2024 Supplement)

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

11 **Article – Environment**

12 9–1701.

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

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

16 (b–1) (1) “Architectural paint” means interior and exterior architectural coatings
17 sold in containers of 5 gallons or less.

18 (2) “Architectural paint” does not include industrial coatings, original
19 equipment coatings, or specialty coatings.

20 **(B–2) (1) “AUTHORIZED COLLECTOR” MEANS AN ENTITY THAT IS**
21 **AUTHORIZED BY THE DEPARTMENT TO ACCEPT OR COLLECT ALL MAKES AND**
22 **MODELS OF COVERED ELECTRONIC DEVICES TO BE RECYCLED, REFURBISHED, OR**
23 **REUSED.**

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

25 **(I) LOCAL GOVERNMENTS;**

26 **(II) NONPROFIT ORGANIZATIONS;**

27 **(III) ELECTRONICS RETAILERS;**

28 **(IV) A PERSON AUTHORIZED BY A COUNTY, MUNICIPALITY, OR**
29 **DISTRICT TO COLLECT COVERED ELECTRONIC DEVICES UNDER THE TERMS OF A**
30 **CONTRACT, LICENSE, PERMIT, OR OTHER WRITTEN AUTHORIZATION; AND**

1 (V) A MANUFACTURER THAT IS AN ELECTRONICS RETAILER:

2 1. WITH THEIR OWN PHYSICAL COVERED ELECTRONIC
3 DEVICE TAKEBACK LOCATION IN THE STATE; AND

4 2. THAT ACCEPTS AND COLLECTS ALL MAKES AND
5 MODELS OF COVERED ELECTRONIC DEVICES FROM THE PUBLIC AT NO COST.

6 (3) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
7 “AUTHORIZED COLLECTOR” DOES NOT INCLUDE A MANUFACTURER.

8 (B-3) (1) “AUTHORIZED RECYCLER” MEANS:

9 (I) A PERSON THAT:

10 1. ENGAGES IN THE MANUAL OR MECHANICAL
11 REFURBISHMENT OR SEPARATION OF ALL MAKES AND MODELS OF COVERED
12 ELECTRONIC DEVICES IN ORDER TO RECOVER:

13 A. THE ENTIRE DEVICE FOR THE PURPOSE OF REUSE; OR

14 B. COMPONENTS OR COMMODITIES FROM THE DEVICES
15 FOR THE PURPOSE OF RECYCLING; OR

16 2. A. CHANGES THE PHYSICAL OR CHEMICAL
17 COMPOSITION OF A COVERED ELECTRONIC DEVICE BY DECONSTRUCTING,
18 REDUCING IN SIZE, CRUSHING, CUTTING, SAWING, COMPACTING, SHREDDING, OR
19 REFINING IN ORDER TO SEGREGATE COMPONENTS FOR THE PURPOSE OF
20 RECYCLING THE COMPONENTS; AND

21 B. ARRANGES FOR THE TRANSPORT OF SEGREGATED
22 COMPONENTS TO AN END USER; OR

23 (II) AN ELECTRONICS RETAILER THAT IS AUTHORIZED BY THE
24 DEPARTMENT TO COLLECT, REFURBISH, REUSE, OR RECYCLE A COVERED
25 ELECTRONIC DEVICE IN ACCORDANCE WITH THE COVERED ELECTRONIC DEVICE
26 RECYCLING PROGRAM ESTABLISHED UNDER § 9-1728.3 OF THIS SUBTITLE.

27 (2) “AUTHORIZED RECYCLER” DOES NOT INCLUDE A
28 MANUFACTURER.

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

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

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

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

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

9 (ii) A sewage sludge utilization permit in accordance with this title;
10 or

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

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

14 (2) “Computer” does not include:

15 (i) A personal digital assistant device; or

16 (ii) A computer peripheral device, including:

17 1. A mouse or other similar pointing device;

18 2. A printer; or

19 3. A detachable keyboard.

20 (g) (1) “Covered electronic device” means a [computer or video display] **TIER**
21 **I OR A TIER II COVERED ELECTRONIC** device [with a screen that is greater than 4 inches
22 measured diagonally] **OR OTHER TIER OF COVERED ELECTRONIC DEVICE IF**
23 **ESTABLISHED BY THE DEPARTMENT IN REGULATION.**

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

27 (h) [“Covered electronic device takeback program” means a program, established
28 by a covered electronic device manufacturer or a group of covered electronic device
29 manufacturers, for the collection and recycling, refurbishing, or reuse of a covered
30 electronic device labeled with the name of the manufacturer or the manufacturer’s brand
31 label, including:

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

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

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

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

8 [(i-1)] (I) “Distributor” means a company that has a contractual relationship with
9 one or more producers to market and sell architectural paint to retailers in the State.

10 (I-1) **“ELECTRONICS RETAILER” MEANS ANY PERSON THAT SELLS A**
11 **COVERED ELECTRONIC DEVICE DIRECTLY TO A CONSUMER.**

12 (i-2) “Food residuals” means material derived from the processing or discarding of
13 food, including pre- and post-consumer vegetables, fruits, grains, dairy products, and
14 meats.

15 (j) “Manufacturer” means a person that is the brand owner of a covered electronic
16 device sold or offered for sale in the State, by any means, including transactions conducted
17 through sales outlets, catalogs, or the Internet.

18 (k) (1) “Natural wood waste” means tree and other natural vegetative refuse.

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

21 (l) (1) “Natural wood waste recycling facility” means a facility where recycling
22 services for natural wood waste are provided.

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

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

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

28 (m) “Office” means the Office of Recycling within the Department.

29 (n) (1) “Organics recycling” means any process in which organic materials or
30 compostable packaging materials are collected, separated, or processed and returned to the
31 marketplace in the form of raw materials or products.

1 (2) “Organics recycling” includes anaerobic digestion and composting.

2 (o) “Organics recycling facility” means a facility where organics recycling takes
3 place.

4 (o-1) “Paint stewardship assessment” means the amount added to the purchase
5 price of architectural paint sold in the State that is necessary to cover the Paint
6 Stewardship Program’s cost of collecting, transporting, and processing postconsumer paint
7 statewide.

8 (o-2) “Postconsumer paint” means architectural paint not used and no longer
9 wanted by a purchaser.

10 (o-3) “Producer” means a manufacturer of architectural paint that sells, offers for
11 sale, or distributes the paint in the State under the producer’s own name or brand.

12 (p) (1) “Recyclable materials” means those materials that:

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

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

17 (2) “Recyclable materials” does not include incinerator ash.

18 (q) “Recycling” means any process in which recyclable materials are collected,
19 separated, or processed and returned to the marketplace in the form of raw materials or
20 products.

21 (r) “Recycling services” means the services provided by persons engaged in the
22 business of recycling, including the collection, processing, storage, purchase, sale, or
23 disposition of recyclable materials.

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

25 (r-2) “Representative organization” means a nonprofit organization created by
26 producers to implement a Paint Stewardship Program.

27 (r-3) “Retailer” means any person that offers architectural paint for sale at retail
28 in the State.

29 (r-4) “Sale” or “sell” means any transfer of title for consideration, including remote
30 sales conducted through sales outlets, catalogues, the Internet, or any other similar
31 electronic means.

1 (s) (1) "Solid waste stream" means garbage or refuse that would, unless
2 recycled, be disposed of in a refuse disposal system.

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

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

7 (i) Hospital waste;

8 (ii) Rubble;

9 (iii) Scrap material;

10 (iv) Land clearing debris;

11 (v) Sewage sludge; or

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

14 (T) **"TIER I COVERED ELECTRONIC DEVICE" MEANS A COMPUTER MONITOR,**
15 **TELEVISION, OR VIDEO DISPLAY DEVICE THAT IS NOT OTHERWISE SPECIFIED AS A**
16 **TIER II COVERED ELECTRONIC DEVICE.**

17 (U) **"TIER II COVERED ELECTRONIC DEVICE" MEANS:**

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

19 (2) **A PERSONAL DIGITAL ASSISTANT, NOTEBOOK, READER, OR**
20 **TABLET DEVICE;**

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

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

23 (5) **A PRINTER;**

24 (6) **A SCANNER;**

25 (7) **A FACSIMILE MACHINE;**

26 (8) **A COPIER; AND**

1 **(9) ANY OTHER COMPUTER OR ELECTRONIC DEVICE OR ACCESSORY**
 2 **THAT HAS A PLUG OR BATTERY THAT IS DESIGNATED AS A TIER II COVERED**
 3 **ELECTRONIC DEVICE BY THE DEPARTMENT.**

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

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

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

13 **[(u)] (w)** “White goods” includes:

- 14 (1) Refrigerators;
- 15 (2) Stoves;
- 16 (3) Washing machines;
- 17 (4) Dryers;
- 18 (5) Water heaters; [and]
- 19 (6) Air conditioners; AND

20 **(7) ANY OTHER APPLIANCES DESIGNATED BY THE DEPARTMENT IN**
 21 **REGULATION.**

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

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

26 9–1707.

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

28 (2) The Fund shall consist of:

- 29 (i) The newsprint recycling incentive fee;

1 (ii) The telephone directory recycling incentive fee collected under §
2 9–1709 of this subtitle;

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

5 (iv)] The Paint Stewardship Program plan and annual report review
6 fees collected under § 9–1733(b) and (h) of this subtitle;

7 [(v)] (IV) All fines and penalties collected under this subtitle;

8 [(vi)] (V) Money appropriated in the State budget to the Fund; and

9 [(vii)] (VI) Any other money from any other source accepted for the
10 benefit of the Fund.

11 (3) The Secretary shall administer the Fund.

12 (4) The Treasurer shall hold the Fund separately and the Comptroller shall
13 account for the Fund.

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

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

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

20 (ii) [To provide grants to counties that have addressed methods for
21 the separate collection and recycling of covered electronic devices in accordance with §
22 9–1703(c)(1) of this subtitle;

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

25 (iv)] To cover the costs of the Paint Stewardship Program plan review
26 under § 9–1733(b) of this subtitle, the annual report review under § 9–1733(h) of this
27 subtitle, and associated costs for Program compliance oversight; [and]

28 (III) IN ACCORDANCE WITH PARAGRAPH (7) OF THIS
29 SUBSECTION, TO MAKE A DISBURSEMENT TO AN AUTHORIZED COLLECTOR OR AN
30 AUTHORIZED RECYCLER IN ACCORDANCE WITH § 9–1728.3(G) OF THIS SUBTITLE;
31 AND

1 ~~[(v)]~~ (IV) To carry out the purposes of the land management
2 administration.

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

5 2. **THE ACCOUNT SHALL CONSIST OF ANY FEES**
6 **COLLECTED FROM ELECTRONICS RETAILERS UNDER § 9-1728.3(E) OF THIS**
7 **SUBTITLE.**

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

11 ~~(II)~~ (I) 1. **THERE SHALL BE A SEPARATE COVERED ELECTRONIC**
12 **DEVICE MANUFACTURER REGISTRATION FEE ACCOUNT WITHIN THE FUND.**

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

16 3. **THE ACCOUNT SHALL BE USED TO:**

17 A. **FUND THE COVERED ELECTRONIC DEVICE**
18 **RECYCLING PROGRAM ESTABLISHED UNDER § 9-1728.3 OF THIS SUBTITLE; AND**

19 B. **REIMBURSE EXPENSES OF MEMBERS OF THE**
20 **COVERED ELECTRONIC DEVICE ADVISORY COUNCIL UNDER § 9-1728.4 OF THIS**
21 **SUBTITLE.**

22 ~~[(7)]~~ (8) (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) This section applies to a manufacturer that sells or offers for sale a new
28 covered electronic device in the State.

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

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

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

5 9-1728.

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

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

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

11 (3) If the manufacturer has implemented a covered electronic device
12 takeback program:

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

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

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

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

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

24 [(4)] (3) The total number of covered electronic devices sold in the State
25 in the prior year, including:

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

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

29 [(5)] (4) Any additional information required by the Department in
30 regulation.

1 (b) The registration shall[:

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

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

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

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

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

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

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

17 (i) 1. On or after March 1, 2013, and before March 1, 2016,
18 \$10,000 for a manufacturer that sold at least 1,000 covered electronic devices in the State
19 in the prior year; and

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

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

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

27 **[(5) (3) There is no registration fee for a manufacturer that sold less than**
28 **100 covered electronic devices in the State in the prior year.**

29 **[(6) (4) The registration fee required under this subsection shall:**

30 (i) Be submitted to the Department by March 1 of each year; and

1 (ii) Be paid into the COVERED ELECTRONIC DEVICE
2 MANUFACTURER REGISTRATION FEE ACCOUNT WITHIN THE State Recycling Trust
3 Fund.

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

6 (d) (1) The Department shall:

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

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

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

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

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

19 9–1728.1.

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

22 (b) If a manufacturer is subject to the requirements of §§ 9–1727 and 9–1728 of
23 this [part] SUBTITLE, [a] AN ELECTRONICS retailer may not sell or offer for sale to any
24 person in the State a new covered electronic device manufactured by the manufacturer,
25 unless the manufacturer has complied with the requirements of §§ 9–1727 and 9–1728 of
26 this [part] SUBTITLE.

27 9–1728.2.

28 [(a) A manufacturer [that has implemented a covered electronic device takeback
29 program] shall include educational and instructional materials relating to the destruction
30 and sanitization of data from a covered electronic device[:

31 (1) With] WITH each new covered electronic device sold or offered for sale
32 in the State[;]:

1 **[(2)] (1) (I)** On the manufacturer’s [covered electronic device takeback
2 program Web site] **WEBSITE**; or

3 **[(3)] (II)** As information provided through [the manufacturer’s covered
4 electronic device takeback program] **A toll-free number; AND**

5 **(2) IN MULTIPLE LANGUAGES, AS DETERMINED BY THE**
6 **DEPARTMENT, AND FORMATS TO COMPLY WITH THE FEDERAL AMERICANS WITH**
7 **DISABILITIES ACT.**

8 **[(b)** A manufacturer that is participating in a covered electronic device takeback
9 program established by a group of covered electronic device manufacturers shall be
10 considered as having implemented a covered electronic device takeback program under this
11 part.]

12 **9–1728.3.**

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

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

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

19 **(II) THE DEPARTMENT MAY CONTRACT WITH A NONPROFIT**
20 **ORGANIZATION, A B CORPORATION, OR ANY OTHER ENTITY THAT SPECIALIZES IN**
21 **THE PRIVATE MANAGEMENT OF ELECTRONICS RECYCLING SYSTEMS FOR**
22 **GOVERNMENTAL ENTITIES TO ADMINISTER THE PROGRAM.**

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

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

29 **(E) (1) BEGINNING JULY 1, 2027, A CONSUMER SHALL PAY A RECYCLING**
30 **FEE WITH THE PURCHASE OF A NEW COVERED ELECTRONIC DEVICE IN THE STATE.**

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

1 IN AN AMOUNT NECESSARY TO COVER REIMBURSEMENT FOR COSTS UNDER
2 SUBSECTION (G) OF THIS SECTION.

3 (II) THE DEPARTMENT, IN CONSULTATION WITH THE COVERED
4 ELECTRONIC DEVICE ADVISORY COUNCIL ESTABLISHED UNDER § 9-1728.4 OF THIS
5 SUBTITLE, MAY BY REGULATION:

6 1. DETERMINE REASONABLE RECYCLING FEES
7 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION;

8 2. AMEND OR EXPAND:

9 A. EXISTING TIERS OF COVERED ELECTRONIC DEVICES;
10 AND

11 B. THE DEFINITION OF "WHITE GOODS" AS DEFINED IN §
12 9-1701 OF THIS SUBTITLE; AND

13 3. ESTABLISH ADDITIONAL TIERS OF COVERED
14 ELECTRONIC DEVICES.

15 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION
16 AND BEGINNING AUGUST 1, 2027, AND EACH MONTH THEREAFTER, AN
17 ELECTRONICS RETAILER SHALL REMIT THE RECYCLING FEE COLLECTED DURING
18 THE IMMEDIATELY PRECEDING MONTH TO THE COMPTROLLER.

19 (2) (I) AN ELECTRONICS RETAILER THAT TIMELY SUBMITS THE
20 RECYCLING FEE UNDER THIS SUBSECTION IS ALLOWED, FOR THE EXPENSE OF
21 ADMINISTERING AND PAYING THE RECYCLING FEE, A CREDIT IN AN AMOUNT NOT
22 MORE THAN 3% OF THE TOTAL AMOUNT OF RECYCLING FEES COLLECTED UNDER
23 SUBSECTION (E) OF THIS SECTION.

24 (II) THE DEPARTMENT AND THE COMPTROLLER JOINTLY
25 SHALL DETERMINE THE AMOUNT OF THE CREDIT AUTHORIZED UNDER THIS
26 PARAGRAPH.

27 (3) EACH QUARTER, THE COMPTROLLER SHALL DEPOSIT ALL
28 RECYCLING FEES COLLECTED UNDER THIS SECTION INTO THE COVERED
29 ELECTRONIC DEVICE RECYCLING ACCOUNT ESTABLISHED WITHIN THE STATE
30 RECYCLING TRUST FUND UNDER § 9-1707(F)(7)(I) OF THIS SUBTITLE, LESS THE
31 COST OF ADMINISTRATION.

1 **(G) BEGINNING JULY 1, 2028, AND EACH MONTH THEREAFTER AND ON**
2 **RECEIPT OF ACCURATE AND REASONABLE REIMBURSEMENT REQUESTS AS**
3 **DETERMINED BY THE DEPARTMENT, THE DEPARTMENT SHALL, WITHIN 45 DAYS**
4 **AFTER THE DATE THAT THE REIMBURSEMENT REQUEST IS RECEIVED, DISBURSE**
5 **FUNDS FROM THE COVERED ELECTRONIC DEVICE RECYCLING ACCOUNT WITHIN**
6 **THE STATE RECYCLING TRUST FUND TO:**

7 **(1) AUTHORIZED RECYCLERS AS REIMBURSEMENT FOR THE COSTS**
8 **OF RECYCLING, REFURBISHMENT, OR REUSE OF COVERED ELECTRONIC DEVICES IN**
9 **ACCORDANCE WITH THE PROGRAM, INCLUDING COLLECTION AND**
10 **TRANSPORTATION SUCH AS THE ADMINISTRATION OF MAILBACK PROGRAMS,**
11 **CURBSIDE PICKUP PROGRAMS, AND COLLECTION FROM DROP-OFF SITES, AS**
12 **DETERMINED BY THE DEPARTMENT IN REGULATION; AND**

13 **(2) AUTHORIZED COLLECTORS AS REIMBURSEMENT FOR THE COSTS**
14 **OF STORAGE, ON-SITE COLLECTION, EQUIPMENT, HEAT AND FIRE DETECTION AND**
15 **SUPPRESSION AND EXTINGUISHING SYSTEMS AND EQUIPMENT, TRANSPORTATION,**
16 **STAFFING, EDUCATION, AND, IF APPLICABLE, THE ADMINISTRATION OF MAILBACK**
17 **AND CURBSIDE PICKUP PROGRAMS, AS DETERMINED BY THE DEPARTMENT IN**
18 **REGULATION.**

19 **(H) (1) 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 **(i) EXCEPT AS PROVIDED IN ITEM (ii) OF THIS PARAGRAPH AND**
23 **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MAY NOT CHARGE A PERSON A**
24 **FEE FOR DELIVERING OR DROPPING OFF A COVERED ELECTRONIC DEVICE ON-SITE;**
25 **AND**

26 **(ii) SHALL, IF APPLICABLE, CHARGE A COVERED ELECTRONIC**
27 **DEVICE MANUFACTURER A FEE FOR DELIVERING OR DROPPING OFF A COVERED**
28 **ELECTRONIC DEVICE ON-SITE.**

29 **(2) THE DEPARTMENT MAY AUTHORIZE AN AUTHORIZED RECYCLER**
30 **OR AUTHORIZED COLLECTOR TO CHARGE A PERSON A FEE FOR DROPPING OFF A**
31 **COVERED ELECTRONIC DEVICE IF THE AUTHORIZED RECYCLER OR AUTHORIZED**
32 **COLLECTOR SUBMITS A WAIVER JUSTIFYING THE NEED TO CHARGE THE FEE.**

33 **9-1728.4.**

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

1 **(B) THE PURPOSE OF THE ADVISORY COUNCIL IS TO ADVISE THE**
2 **DEPARTMENT ON THE IMPLEMENTATION AND THE ADMINISTRATION OF THE**
3 **COVERED ELECTRONIC DEVICE RECYCLING PROGRAM ESTABLISHED UNDER §**
4 **9-1728.3 OF THIS SUBTITLE.**

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

6 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, OR THE MEMBER'S**
7 **DESIGNEE, APPOINTED BY THE PRESIDENT OF THE SENATE;**

8 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, OR THE MEMBER'S**
9 **DESIGNEE, APPOINTED BY THE SPEAKER OF THE HOUSE;**

10 **(3) THE COMPTROLLER, OR THE COMPTROLLER'S DESIGNEE;**

11 **(4) THE SECRETARY, OR THE SECRETARY'S DESIGNEE; AND**

12 **(5) THE FOLLOWING MEMBERS, APPOINTED BY THE SECRETARY:**

13 **(I) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION**
14 **OF COUNTIES;**

15 **(II) ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL**
16 **LEAGUE;**

17 **(III) ONE REPRESENTATIVE OF COVERED ELECTRONIC DEVICE**
18 **RECYCLERS IN THE STATE;**

19 **(IV) ONE REPRESENTATIVE OF COVERED ELECTRONIC DEVICE**
20 **MANUFACTURERS IN THE STATE;**

21 **(V) ONE REPRESENTATIVE OF ELECTRONICS RETAILERS IN**
22 **THE STATE;**

23 **(VI) ONE REPRESENTATIVE OF THE MARYLAND**
24 **ENVIRONMENTAL SERVICE;**

25 **(VII) ONE REPRESENTATIVE OF THE NORTHEAST MARYLAND**
26 **WASTE DISPOSAL AUTHORITY;**

27 **(VIII) ONE REPRESENTATIVE OF A NONPROFIT ENVIRONMENTAL**
28 **ADVOCACY ORGANIZATION THAT HAS EXPERIENCE WITH EXTENDED PRODUCER**
29 **RESPONSIBILITY LAWS;**

1 **(IX) ONE REPRESENTATIVE OF THE MARYLAND RECYCLING**
2 **NETWORK; AND**

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

4 **(D) FROM AMONG THE ADVISORY COUNCIL MEMBERS, THE SECRETARY**
5 **SHALL DESIGNATE TWO MEMBERS TO SERVE AS COCHAIRS OF THE ADVISORY**
6 **COUNCIL.**

7 **(E) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY**
8 **COUNCIL.**

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

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

12 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES:**

13 **(I) UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS**
14 **PROVIDED IN THE STATE BUDGET; AND**

15 **(II) FROM THE COVERED ELECTRONIC DEVICE MANUFACTURER**
16 **REGISTRATION FEE ACCOUNT IN THE STATE RECYCLING TRUST FUND.**

17 **(G) THE ADVISORY COUNCIL SHALL MEET AT THE REQUEST OF THE**
18 **SECRETARY.**

19 **(H) THE ADVISORY COUNCIL SHALL STUDY AND MAKE RECOMMENDATIONS**
20 **REGARDING:**

21 **(1) CHANGES TO THE DEFINITION OF “COVERED ELECTRONIC**
22 **DEVICE”;**

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

24 **(I) RECYCLING FEES COLLECTED BY ELECTRONICS RETAILERS**
25 **EACH YEAR TO ENSURE COSTS BORNE BY AUTHORIZED COLLECTORS AND**
26 **AUTHORIZED RECYCLERS ARE COVERED; AND**

27 **(II) COVERED ELECTRONIC DEVICE MANUFACTURER**
28 **REGISTRATION FEES COLLECTED EACH YEAR TO ENSURE ADEQUATE FUNDING FOR**

1 THE DEPARTMENT'S ADMINISTRATION OF THE COVERED ELECTRONIC DEVICE
2 RECYCLING PROGRAM;

3 (3) REASONABLE CAPS ON:

4 (I) COVERED ELECTRONIC DEVICE RECYCLING PAYMENTS;
5 AND

6 (II) COVERED ELECTRONIC DEVICE RECOVERY FEE PAYMENTS;

7 (4) STANDARDS TO BE USED BY THE DEPARTMENT IN DEVELOPING
8 APPLICATION MATERIALS AND PROCEDURES FOR AUTHORIZED COLLECTORS AND
9 AUTHORIZED RECYCLERS IN ACCORDANCE WITH § 9-1729(B) OF THIS SUBTITLE;

10 (5) THE CONVENIENCE AND AVAILABILITY OF DROP-OFF SITES FOR
11 COVERED ELECTRONIC DEVICES IN THE STATE, INCLUDING AN EVALUATION OF THE
12 FEASIBILITY AND COSTS OF INCREASING PUBLIC ACCESS TO DROP-OFF SITES,
13 MAILBACK PROGRAMS, AND CURBSIDE PICKUP FOR PURPOSES OF DEVELOPING
14 ADOPTION AND CONVENIENCE TARGETS FOR EACH METHOD;

15 (6) THE REUSE, REFURBISHMENT, AND RECYCLABILITY OF COVERED
16 ELECTRONIC DEVICES AND OTHER ELECTRONIC DEVICES UNDER CONSIDERATION
17 TO BE COVERED ELECTRONIC DEVICES; AND

18 (7) ANY OTHER RELATED TOPICS IF REQUESTED BY THE
19 DEPARTMENT.

20 (I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR
21 BEFORE DECEMBER 1, 2026, AND EACH DECEMBER 1 THEREAFTER, THE ADVISORY
22 COUNCIL SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE
23 DEPARTMENT.

24 (2) (I) RECOMMENDATIONS SUBMITTED UNDER THIS SUBSECTION
25 MAY NOT BE REQUIRED TO BE CONSENSUS RECOMMENDATIONS.

26 (II) IF MULTIPLE RECOMMENDATIONS ARE SUBMITTED UNDER
27 THIS SUBSECTION, EACH RECOMMENDATION SHALL INDICATE EACH MEMBER IN
28 FAVOR OF THE RECOMMENDATION.

29 9-1729.

30 (A) The Department may adopt regulations necessary to implement AND
31 ADMINISTER the provisions of this subtitle[, including the required components of a
32 covered electronic device takeback program].

1 **(B) REGULATIONS ADOPTED TO IMPLEMENT AND ADMINISTER THE**
2 **COVERED ELECTRONIC DEVICE RECYCLING PROGRAM IN ACCORDANCE WITH §**
3 **9–1728.3 OF THIS SUBTITLE SHALL ESTABLISH APPLICATION MATERIALS AND**
4 **PROCEDURES FOR AUTHORIZED COLLECTORS AND AUTHORIZED RECYCLERS.**

5 9–1730.

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

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

11 (2) A fine under paragraph (1) of this subsection may be assessed only after
12 the **ELECTRONICS** retailer that committed the violation has been issued three warnings
13 regarding the violation.

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
17 2025, the Department of the Environment shall notify manufacturers of covered electronic
18 devices of the Covered Electronic Device Recycling Program as enacted by Section 1 of this
19 Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2025.