

HOUSE BILL 127

M3

11r0379

HB 890/20 – ENT & ECM

(PRE-FILED)

By: **Delegate Boyce**

Requested: June 19, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation and Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 23, 2021

CHAPTER _____

1 AN ACT concerning

2 **Maryland Paint Stewardship**

3 FOR the purpose of requiring certain producers of architectural paint sold at retail in the
4 State or a certain representative organization to submit a plan for the establishment
5 of a Paint Stewardship Program to the Department of the Environment for approval
6 on or before a certain date and in accordance with certain requirements; authorizing
7 a certain plan to identify a certain retailer as a postconsumer collection site under
8 certain circumstances; requiring a certain plan to establish a certain assessment;
9 prohibiting a certain assessment from exceeding certain costs; requiring a certain
10 assessment to be evaluated by an independent financial auditor, as designated by
11 the Department, for certain purposes; requiring that the cost of certain work
12 performed by a certain financial auditor be funded by the Paint Stewardship
13 Program; requiring certain assessments to be used for a certain purpose; requiring
14 the Office of Recycling within the Department to review and approve certain plans,
15 including a certain assessment, submitted in accordance with the Paint Stewardship
16 Program; requiring a producer or representative organization to pay a plan review
17 fee, as determined by the Department; requiring certain fees to be deposited in the
18 State Recycling Trust Fund; authorizing the State Recycling Trust Fund to be used
19 to cover certain costs; requiring the Department to approve a certain plan under
20 certain circumstances; requiring the Department to list certain producers and
21 brands on its website under certain circumstances; requiring certain producers and
22 retailers or distributors to add a certain assessment to the cost of all architectural
23 paint sold in the State beginning on a certain date; requiring a certain producer or
24 representative organization to implement a certain program within a certain amount

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 of time after the Department approves a certain plan; prohibiting a producer or
2 retailer from selling or offering for sale certain architectural paint under certain
3 circumstances beginning on a certain date or after a certain amount of time after the
4 Department approves a certain plan, whichever is later; requiring a certain producer
5 or representative organization to provide consumers with certain educational
6 materials in accordance with certain requirements; providing that certain retailers
7 are in compliance with certain requirements under certain circumstances; providing
8 that a certain producer or representative organization is immune from certain
9 liability under certain circumstances; requiring a certain producer or representative
10 organization to submit a certain report to the Department in accordance with certain
11 requirements on or before a certain date and with a certain frequency thereafter;
12 requiring the Department to review a certain report in accordance with certain
13 requirements; requiring a producer or representative organization to pay an annual
14 report review fee, as determined by the Department; requiring the Department to
15 keep certain data confidential; authorizing the Department to release certain
16 summary data under certain circumstances; defining certain terms; and generally
17 relating to the Paint Stewardship Program.

18 BY repealing and reenacting, without amendments,

19 Article – Environment

20 Section 9–1701(a), (i), and (m)

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2020 Supplement)

23 BY adding to

24 Article – Environment

25 Section 9–1701(b–1), (i–1), (o–1) through (o–3), (r–1), (s–1), and (s–2); and 9–1733 to
26 be under the new part “Part V. Paint Stewardship Program”

27 Annotated Code of Maryland

28 (2014 Replacement Volume and 2020 Supplement)

29 BY repealing and reenacting, with amendments,

30 Article – Environment

31 Section 9–1702 and 9–1707(f)

32 Annotated Code of Maryland

33 (2014 Replacement Volume and 2020 Supplement)

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

36 **Article – Environment**

37 9–1701.

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

1 **(B-1) (1) “ARCHITECTURAL PAINT” MEANS INTERIOR AND EXTERIOR**
2 **ARCHITECTURAL COATINGS SOLD IN CONTAINERS OF 5 GALLONS OR LESS.**

3 **(2) “ARCHITECTURAL PAINT” DOES NOT INCLUDE INDUSTRIAL**
4 **COATINGS, ORIGINAL EQUIPMENT COATINGS, OR SPECIALTY COATINGS.**

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

6 **(I-1) “DISTRIBUTOR” MEANS A COMPANY THAT HAS A CONTRACTUAL**
7 **RELATIONSHIP WITH ONE OR MORE PRODUCERS TO MARKET AND SELL**
8 **ARCHITECTURAL PAINT TO RETAILERS IN THE STATE.**

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

10 **(O-1) “PAINT STEWARDSHIP ASSESSMENT” MEANS THE AMOUNT ADDED TO**
11 **THE PURCHASE PRICE OF ARCHITECTURAL PAINT SOLD IN THE STATE THAT IS**
12 **NECESSARY TO COVER THE PAINT STEWARDSHIP PROGRAM’S COST OF**
13 **COLLECTING, TRANSPORTING, AND PROCESSING POSTCONSUMER PAINT**
14 **STATEWIDE.**

15 **(O-2) “POSTCONSUMER PAINT” MEANS ARCHITECTURAL PAINT NOT USED**
16 **AND NO LONGER WANTED BY A PURCHASER.**

17 **(O-3) “PRODUCER” MEANS A MANUFACTURER OF ARCHITECTURAL PAINT**
18 **THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE PAINT IN THE STATE UNDER**
19 **THE PRODUCER’S OWN NAME OR BRAND.**

20 **(R-1) “REPRESENTATIVE ORGANIZATION” MEANS A NONPROFIT**
21 **ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT A PAINT STEWARDSHIP**
22 **PROGRAM.**

23 **(S-1) “RETAILER” MEANS ANY PERSON THAT OFFERS ARCHITECTURAL PAINT**
24 **FOR SALE AT RETAIL IN THE STATE.**

25 **(S-2) “SALE” OR “SELL” MEANS ANY TRANSFER OF TITLE FOR**
26 **CONSIDERATION, INCLUDING REMOTE SALES CONDUCTED THROUGH SALES**
27 **OUTLETS, CATALOGUES, THE INTERNET, OR ANY OTHER SIMILAR ELECTRONIC**
28 **MEANS.**

29 9-1702.

30 (a) There is an Office of Recycling created within the Department.

1 (b) The Secretary shall appoint a Director and sufficient staff to perform the
2 functions of the Office. After July 1, 1989, the number of staff shall be as provided in the
3 budget.

4 (c) The Secretary may adopt regulations to carry out the provisions of this
5 subtitle.

6 (d) The Office shall:

7 (1) Assist the counties in developing an acceptable recycling plan required
8 under § 9-1703 of this subtitle and § 9-505 of this title, including technical assistance to
9 the local governments;

10 (2) Coordinate the efforts of the State to facilitate the implementation of
11 the recycling goals at the county level;

12 (3) Review all recycling plans submitted as part of a county plan as
13 required under § 9-505 of this title and advise the Secretary on the adequacy of the
14 recycling plan; [and]

15 (4) Administer the Statewide Electronics Recycling Program under Part IV
16 of this subtitle; AND

17 **(5) REVIEW AND APPROVE PLANS AND ANNUAL REPORTS, INCLUDING**
18 **THE PAINT STEWARDSHIP ASSESSMENT, SUBMITTED IN ACCORDANCE WITH A PAINT**
19 **STEWARDSHIP PROGRAM ESTABLISHED UNDER PART V OF THIS SUBTITLE.**

20 (e) Beginning on January 1, 1990, and biannually thereafter, the Office shall, in
21 coordination with the Maryland Environmental Service, study and report to the Governor
22 and, subject to § 2-1257 of the State Government Article, the General Assembly on:

23 (1) The availability of local, national, and international markets for
24 recycling materials;

25 (2) The identification and location of recycling centers, including an
26 analysis of existing recycling centers and the need to expand these facilities or construct
27 new recycling centers;

28 (3) Programs necessary to educate the public on the need to participate in
29 recycling efforts;

30 (4) The economics and financing of existing and proposed systems of waste
31 disposal and recycling;

32 (5) State procurement policies for the purchase of recycled materials;

1 (6) Programs necessary to reduce the amount of solid waste generated for
2 disposal by a State agency or unit;

3 (7) The liaison role with local governments, the federal government, and
4 the private sector;

5 (8) The percentage reduction in the amount of solid waste that has been
6 achieved by each county; and

7 (9) Economically feasible methods for the recycling of scrap automobile
8 tires, batteries, and white goods.

9 (f) (1) By December 1, 1988, the Office shall, in coordination with the
10 Maryland Environmental Service and the Governor's Task Force on Solid Waste, make
11 recommendations to the General Assembly for the financing of a comprehensive system of
12 recycling at the State and local level, including funding for recycling centers, recycling
13 equipment, recycling education, and marketing strategies.

14 (2) After the financing recommendations are made under paragraph (1) of
15 this subsection, each county may submit to the Office and the Governor a detailed request
16 for funds necessary to assist in the development and implementation of a recycling plan
17 under guidelines developed by the Office.

18 (g) In studying feasible methods for the management and recycling of used tires
19 under subsection (e)(9) of this section, the Office of Recycling shall consult with the
20 appropriate industry, including representatives of:

21 (1) Tire manufacturers;

22 (2) Tire dealers; and

23 (3) Tire recyclers.

24 9-1707.

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

26 (2) The Fund shall consist of:

27 (i) The newsprint recycling incentive fee;

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

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

1 **(IV) THE PAINT STEWARDSHIP PROGRAM PLAN AND ANNUAL**
2 **REPORT REVIEW FEES COLLECTED UNDER § 9-1733(B) AND (H) OF THIS SUBTITLE;**

3 ~~[(iv)]~~ **(V)** All fines and penalties collected under this subtitle;

4 ~~[(v)]~~ **(VI)** Money appropriated in the State budget to the Fund; and

5 ~~[(vi)]~~ **(VII)** Any other money from any other source accepted for the
6 benefit of the Fund.

7 (3) The Secretary shall administer the Fund.

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

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

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

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

16 (ii) To provide grants to counties that have addressed methods for
17 the separate collection and recycling of covered electronic devices in accordance with §
18 9-1703(c)(1) of this subtitle;

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

21 **(IV) TO COVER THE COSTS OF THE PAINT STEWARDSHIP**
22 **PROGRAM PLAN REVIEW UNDER § 9-1733(B) OF THIS SUBTITLE, THE ANNUAL**
23 **REPORT REVIEW UNDER § 9-1733(H) OF THIS SUBTITLE, AND ASSOCIATED COSTS**
24 **FOR PROGRAM COMPLIANCE OVERSIGHT; AND**

25 ~~[(iv)]~~ **(V)** To carry out the purposes of the land management
26 administration.

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

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

31 **9-1731. RESERVED.**

1 9-1732. RESERVED.

2 PART V. PAINT STEWARDSHIP PROGRAM.

3 9-1733.

4 (A) (1) ON OR BEFORE JANUARY 1, 2022, PRODUCERS OF
5 ARCHITECTURAL PAINT SOLD AT RETAIL IN THE STATE, OR A REPRESENTATIVE
6 ORGANIZATION ACTING ON A PRODUCER'S BEHALF, SHALL SUBMIT A PLAN FOR THE
7 ESTABLISHMENT OF A PAINT STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR
8 APPROVAL.

9 (2) THE PLAN SHALL MINIMIZE PUBLIC SECTOR INVOLVEMENT IN,
10 AND FINANCIAL RESPONSIBILITY FOR, THE MANAGEMENT OF POSTCONSUMER
11 PAINT BY:

12 (I) REDUCING ITS GENERATION;

13 (II) PROMOTING ITS REUSE AND RECYCLING; AND

14 (III) NEGOTIATING AND EXECUTING AGREEMENTS TO COLLECT,
15 TRANSPORT, REUSE, RECYCLE, PROCESS FOR RESOURCE RECOVERY, AND DISPOSE
16 OF POSTCONSUMER PAINT.

17 (3) THE PLAN SHALL PROVIDE FOR CONVENIENT AND AVAILABLE
18 STATEWIDE COLLECTION OF POSTCONSUMER PAINT THAT:

19 (I) PROVIDES FOR COLLECTION RATES AND CONVENIENCE
20 EQUAL TO OR GREATER THAN THE COLLECTION PROGRAMS AVAILABLE TO
21 CONSUMERS PRIOR TO THE PAINT STEWARDSHIP PROGRAM;

22 (II) IDENTIFIES EACH PRODUCER PARTICIPATING IN THE
23 PAINT STEWARDSHIP PROGRAM AND THE BRANDS OF ARCHITECTURAL PAINT SOLD
24 IN THE STATE THAT ARE COVERED BY THE PROGRAM;

25 (III) DESCRIBES HOW THE PAINT STEWARDSHIP PROGRAM MAY
26 BE IMPLEMENTED IN COORDINATION WITH EXISTING HOUSEHOLD HAZARDOUS
27 WASTE COLLECTION INFRASTRUCTURE IN A MANNER THAT IS MUTUALLY
28 AGREEABLE; AND

29 (IV) PROVIDES GEOGRAPHIC MODELING TO DETERMINE THE
30 NUMBER AND DISTRIBUTION OF SITES FOR COLLECTION OF POSTCONSUMER PAINT
31 BASED ON THE FOLLOWING CRITERIA:

1 **1. AT LEAST 90% OF THE RESIDENTS OF THE STATE**
2 **SHALL HAVE A COLLECTION SITE WITHIN A 15-MILE RADIUS; AND**

3 **2. UNLESS OTHERWISE APPROVED BY THE**
4 **DEPARTMENT, ONE ADDITIONAL COLLECTION SITE SHALL BE ESTABLISHED FOR**
5 **EVERY 50,000 RESIDENTS OF A GEOGRAPHICAL AREA DESIGNATED UNDER FEDERAL**
6 **LAW AS AN URBANIZED AREA.**

7 **(4) THE PLAN MAY IDENTIFY A RETAILER AS A POSTCONSUMER PAINT**
8 **COLLECTION SITE IF:**

9 **(I) THE RETAILER VOLUNTEERS TO ACT AS A POSTCONSUMER**
10 **PAINT COLLECTION SITE;**

11 **(II) THE RETAILER IS IN COMPLIANCE WITH ALL APPLICABLE**
12 **LAWS AND REGULATIONS; AND**

13 **(III) THE SITE LOCATION OF THE RETAILER IS CONSISTENT WITH**
14 **MAINTAINING A COST-EFFECTIVE NETWORK OF POSTCONSUMER PAINT**
15 **COLLECTION LOCATIONS.**

16 **(5) THE PLAN SHALL ESTABLISH:**

17 **(I) A UNIFORM PAINT STEWARDSHIP ASSESSMENT FOR ALL**
18 **ARCHITECTURAL PAINT SOLD IN THE STATE; AND**

19 **(II) A MECHANISM FOR PAINT PRODUCERS PARTICIPATING IN A**
20 **PAINT STEWARDSHIP PROGRAM TO REMIT TO THE REPRESENTATIVE**
21 **ORGANIZATION PAYMENT OF THE PAINT STEWARDSHIP ASSESSMENT FOR EACH**
22 **CONTAINER OF ARCHITECTURAL PAINT SOLD IN THE STATE.**

23 **(6) THE TOTAL AMOUNT OF THE PAINT STEWARDSHIP ASSESSMENT**
24 **MAY NOT EXCEED THE COSTS OF IMPLEMENTING THE PAINT STEWARDSHIP**
25 **PROGRAM.**

26 **(7) (I) THE PAINT STEWARDSHIP ASSESSMENT SHALL BE**
27 **EVALUATED BY AN INDEPENDENT FINANCIAL AUDITOR, AS DESIGNATED BY THE**
28 **DEPARTMENT, TO ENSURE THE COSTS OF IMPLEMENTING THE PAINT**
29 **STEWARDSHIP PROGRAM ARE COVERED BUT NOT EXCEEDED.**

30 **(II) THE COST OF ANY WORK PERFORMED BY AN INDEPENDENT**
31 **FINANCIAL AUDITOR SHALL BE FUNDED BY THE PROGRAM.**

1 **(8) PAINT STEWARDSHIP ASSESSMENTS MAY BE USED ONLY TO**
2 **IMPLEMENT THE PAINT STEWARDSHIP PROGRAM.**

3 **(B) (1) THE DEPARTMENT SHALL REVIEW:**

4 **(I) THE PAINT STEWARDSHIP PROGRAM PLAN REQUIRED**
5 **UNDER SUBSECTION (A) OF THIS SECTION; AND**

6 **(II) THE WORK PRODUCT OF THE INDEPENDENT FINANCIAL**
7 **AUDITOR DESIGNATED BY THE DEPARTMENT TO EVALUATE PAINT STEWARDSHIP**
8 **ASSESSMENTS.**

9 **(2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT**
10 **SUBMITS A PLAN FOR APPROVAL SHALL PAY A PLAN REVIEW FEE TO THE**
11 **DEPARTMENT TO BE DEPOSITED IN THE STATE RECYCLING TRUST FUND UNDER §**
12 **9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S COST OF PLAN**
13 **REVIEW, INCLUDING ASSOCIATED COSTS FOR PROGRAM COMPLIANCE OVERSIGHT,**
14 **AS DETERMINED BY THE DEPARTMENT.**

15 **(3) IF THE DEPARTMENT DETERMINES THAT THE PAINT**
16 **STEWARDSHIP PROGRAM PLAN, INCLUDING THE PAINT STEWARDSHIP**
17 **ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS**
18 **SECTION, THE DEPARTMENT SHALL APPROVE THE PROGRAM.**

19 **(4) THE DEPARTMENT SHALL LIST ON ITS WEBSITE THE PRODUCERS**
20 **AND BRANDS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT**
21 **STEWARDSHIP PROGRAM.**

22 **(C) (1) A PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL**
23 **IMPLEMENT ITS PAINT STEWARDSHIP PROGRAM PLAN WITHIN 6 MONTHS AFTER**
24 **THE PLAN'S APPROVAL BY THE DEPARTMENT.**

25 **(2) BEGINNING OCTOBER 1, 2022, OR 6 MONTHS AFTER PLAN**
26 **APPROVAL, WHICHEVER IS LATER:**

27 **(I) A PRODUCER OR RETAILER MAY NOT SELL OR OFFER FOR**
28 **SALE A BRAND OF ARCHITECTURAL PAINT TO ANY PERSON IN THE STATE, UNLESS**
29 **THE PRODUCER OF THE BRAND OR A REPRESENTATIVE ORGANIZATION OF WHICH**
30 **THE PRODUCER IS A MEMBER IS IMPLEMENTING AN APPROVED PAINT**
31 **STEWARDSHIP PROGRAM;**

32 **(II) A PRODUCER SHALL ADD THE PAINT STEWARDSHIP**
33 **ASSESSMENT ESTABLISHED UNDER AN APPROVED PAINT STEWARDSHIP PROGRAM**

1 TO THE COST OF ALL ARCHITECTURAL PAINT SOLD TO RETAILERS AND
2 DISTRIBUTED IN THE STATE; AND

3 (III) EACH RETAILER OR DISTRIBUTOR SHALL ADD A PAINT
4 STEWARDSHIP ASSESSMENT TO THE PURCHASE PRICE OF ALL ARCHITECTURAL
5 PAINT SOLD IN THE STATE.

6 (D) A PRODUCER OR REPRESENTATIVE ORGANIZATION PARTICIPATING IN
7 AN APPROVED PAINT STEWARDSHIP PROGRAM SHALL PROVIDE CONSUMERS WITH
8 EDUCATIONAL MATERIALS REGARDING THE PROGRAM THAT INCLUDE:

9 (1) INFORMATION REGARDING AVAILABLE END-OF-LIFE
10 MANAGEMENT OPTIONS FOR ARCHITECTURAL PAINT OFFERED THROUGH THE
11 PROGRAM; AND

12 (2) INFORMATION THAT NOTIFIES CONSUMERS THAT AN
13 ASSESSMENT TO COVER THE COSTS OF IMPLEMENTING THE PROGRAM IS INCLUDED
14 IN THE PURCHASE PRICE OF ALL ARCHITECTURAL PAINT SOLD IN THE STATE.

15 (E) FOLLOWING THE IMPLEMENTATION OF THE PAINT STEWARDSHIP
16 PROGRAM, A RETAILER COMPLIES WITH THE REQUIREMENTS OF THIS SECTION IF,
17 ON THE DATE THE ARCHITECTURAL PAINT WAS ORDERED FROM THE PRODUCER OR
18 ITS AGENT, THE PRODUCER OF THE PAINT BRAND IS LISTED ON THE DEPARTMENT'S
19 WEBSITE AS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT
20 STEWARDSHIP PROGRAM.

21 (F) A POSTCONSUMER PAINT COLLECTION SITE THAT IS IDENTIFIED IN THE
22 PLAN MAY NOT CHARGE AN ADDITIONAL FEE FOR THE DISPOSAL OF PAINT WHEN IT
23 IS OFFERED FOR DISPOSAL.

24 (G) A PRODUCER OR REPRESENTATIVE ORGANIZATION THAT ORGANIZES
25 THE COLLECTION, TRANSPORT, AND PROCESSING OF POSTCONSUMER PAINT IN
26 ACCORDANCE WITH AN APPROVED PAINT STEWARDSHIP PROGRAM SHALL BE
27 IMMUNE FROM LIABILITY FOR ANY CLAIM OF A VIOLATION OF ANTITRUST,
28 RESTRAINT OF TRADE, OR UNFAIR TRADE PRACTICE ARISING FROM CONDUCT
29 UNDERTAKEN IN ACCORDANCE WITH THE PROGRAM.

30 (H) (1) BEGINNING APRIL 1, 2023, AND ANNUALLY THEREAFTER, THE
31 PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT A REPORT TO THE
32 DEPARTMENT THAT DETAILS THE PAINT STEWARDSHIP PROGRAM, INCLUDING:

33 (I) A DESCRIPTION OF THE METHODS USED TO COLLECT,
34 TRANSPORT, AND PROCESS POSTCONSUMER PAINT IN THE STATE;

1 (II) THE VOLUME OF POSTCONSUMER PAINT COLLECTED IN
2 THE STATE;

3 (III) THE VOLUME AND TYPE OF POSTCONSUMER PAINT
4 COLLECTED IN THE STATE BY METHOD OF DISPOSITION, INCLUDING REUSE,
5 RECYCLING, AND OTHER METHODS OF PROCESSING OR DISPOSAL, THAT INCLUDES
6 AN ACCOUNTING OF THE VOLUME OF POSTCONSUMER PAINT COLLECTED IN THE
7 STATE FOR EACH COUNTY IN THE STATE;

8 (IV) THE TOTAL COST OF IMPLEMENTING AND ADMINISTERING
9 THE PROGRAM, AS DETERMINED BY AN INDEPENDENT FINANCIAL AUDIT FUNDED
10 BY THE PAINT STEWARDSHIP ASSESSMENT; AND

11 (V) SAMPLES OF EDUCATIONAL MATERIALS USED TO INFORM
12 CONSUMERS OF ARCHITECTURAL PAINT.

13 (2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT
14 SUBMITS A REPORT REQUIRED UNDER THIS SECTION SHALL PAY A REPORT REVIEW
15 FEE TO THE DEPARTMENT TO BE DEPOSITED IN THE STATE RECYCLING TRUST
16 FUND UNDER § 9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S COST
17 OF REPORT REVIEW, INCLUDING ASSOCIATED COSTS FOR PROGRAM COMPLIANCE
18 OVERSIGHT, AS DETERMINED BY THE DEPARTMENT.

19 (I) (1) THE DEPARTMENT SHALL REVIEW THE ANNUAL REPORT
20 REQUIRED UNDER SUBSECTION (H) OF THIS SECTION AND:

21 (I) EVALUATE THE TOTAL COSTS OF THE PAINT STEWARDSHIP
22 PROGRAM, INCLUDING ALL EXPENSES AND REVENUES, TO DETERMINE WHETHER
23 THE PAINT STEWARDSHIP ASSESSMENT MEETS OR EXCEEDS THE COSTS OF THE
24 PROGRAM IN ACCORDANCE WITH SUBSECTION (A)(5) OF THIS SECTION; AND

25 (II) DETERMINE WHETHER THE PLAN IS BEING IMPLEMENTED
26 IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

27 (2) IF THE DEPARTMENT DETERMINES THAT THE PAINT
28 STEWARDSHIP ANNUAL REPORT, INCLUDING THE PAINT STEWARDSHIP
29 ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS
30 SECTION, THE DEPARTMENT SHALL APPROVE THE ANNUAL REPORT.

31 (3) THE PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL
32 MAKE THE APPROVED ANNUAL REPORT AVAILABLE TO THE PUBLIC.

33 (J) (1) FINANCIAL, PRODUCTION, OR SALES DATA REPORTED TO THE
34 DEPARTMENT BY A PRODUCER OR THE REPRESENTATIVE ORGANIZATION SHALL BE

1 KEPT CONFIDENTIAL BY THE DEPARTMENT AND MAY NOT BE SUBJECT TO PUBLIC
2 INSPECTION.

3 (2) THE DEPARTMENT MAY RELEASE SUMMARY DATA THAT DOES
4 NOT DISCLOSE FINANCIAL, PRODUCTION, OR SALES DATA OF A PRODUCER,
5 RETAILER, OR REPRESENTATIVE ORGANIZATION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.