

HOUSE BILL 504

M3

7lr0874
CF SB 713

By: **Delegates Robinson, Carr, Fraser–Hidalgo, Lafferty, Lam, and R. Lewis**

Introduced and read first time: January 27, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2017

CHAPTER _____

1 AN ACT concerning

2 **Products That Contain Mercury – Prohibition on Sale of Electric Switches,**
3 **Electric Relays, and Gas Valve Switches**

4 FOR the purpose of prohibiting a certain marketer from knowingly selling or providing
5 certain electric switches, electric relays, and gas valve switches that contain mercury
6 to a consumer on or after a certain date; establishing certain penalties for certain
7 violations; authorizing the Department of the Environment to impose certain
8 penalties in a certain manner for certain violations; providing for the application of
9 this Act; and generally relating to products that contain mercury.

10 BY renumbering

11 Article – Environment

12 Section 6–905.3 through 6–905.6, respectively

13 to be Section 6–905.4 through 6–905.7, respectively

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Environment

18 Section 6–905(a)

19 Annotated Code of Maryland

20 (2013 Replacement Volume and 2016 Supplement)

21 BY adding to

22 Article – Environment

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 Section 6–905(b–1), (b–2), and (c–1) and 6–905.3
 2 Annotated Code of Maryland
 3 (2013 Replacement Volume and 2016 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article – Environment
 6 Section 6–905(e) and (f)
 7 Annotated Code of Maryland
 8 (2013 Replacement Volume and 2016 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 10 That Section(s) 6–905.3 through 6–905.6, respectively, of Article – Environment of the
 11 Annotated Code of Maryland be renumbered to be Section(s) 6–905.4 through 6–905.7,
 12 respectively.

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

15 **Article – Environment**

16 6–905.

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

18 **(B–1) “ELECTRIC RELAY” MEANS A PRODUCT OR DEVICE THAT OPENS OR**
 19 **CLOSES ELECTRICAL CONTACTS TO EFFECT THE OPERATION OF OTHER DEVICES IN**
 20 **THE SAME OR ANOTHER ELECTRICAL CIRCUIT.**

21 **(B–2) “ELECTRIC SWITCH” MEANS A PRODUCT OR DEVICE THAT OPENS OR**
 22 **CLOSES AN ELECTRICAL CIRCUIT.**

23 **(C–1) “GAS VALVE SWITCH” MEANS A PRODUCT OR DEVICE THAT OPENS OR**
 24 **CLOSES A GAS VALVE.**

25 (e) “Marketer” means a person that manufactures, assembles, sells, distributes,
 26 affixes a brand name or private label to, or licenses the use of a brand name on:

27 (1) A fever thermometer containing mercury; [or]

28 (2) A thermostat containing mercury;

29 **(3) AN ELECTRIC SWITCH CONTAINING MERCURY OR A PRODUCT**
 30 **COMPONENT WITH AN ELECTRIC SWITCH CONTAINING MERCURY;**

31 **(4) AN ELECTRIC RELAY CONTAINING MERCURY OR A PRODUCT**
 32 **COMPONENT WITH AN ELECTRIC RELAY CONTAINING MERCURY; OR**

1 **(5) A GAS VALVE SWITCH CONTAINING MERCURY OR A PRODUCT**
2 **COMPONENT WITH A GAS VALVE SWITCH CONTAINING MERCURY.**

3 (f) “Mercury-added product” means any of the following products if containing
4 elemental mercury or a mercury compound that has been added to the product for any
5 reason:

6 (1) Dyes or pigments; AND

7 (2) [Electric switches; and

8 (3)] Fluorescent lamps.

9 **6-905.3.**

10 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON OR**
11 **AFTER OCTOBER 1, 2018, A MARKETER MAY NOT KNOWINGLY SELL OR PROVIDE TO**
12 **A CONSUMER INDIVIDUALLY OR AS A PRODUCT COMPONENT:**

13 **(1) AN ELECTRIC SWITCH CONTAINING MERCURY;**

14 **(2) AN ELECTRIC RELAY CONTAINING MERCURY; OR**

15 **(3) A GAS VALVE SWITCH CONTAINING MERCURY.**

16 **(B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC SWITCH, AN ELECTRIC**
17 **RELAY, OR A GAS VALVE SWITCH THAT IS SOLD OR PROVIDED TO REPLACE A SWITCH**
18 **OR RELAY THAT IS A COMPONENT OF A LARGER PRODUCT IN USE ON OR BEFORE**
19 **OCTOBER 1, ~~2010~~ 2018, IF:**

20 **(1) THE LARGER PRODUCT IS USED IN MANUFACTURING;**

21 **(2) THE LARGER PRODUCT IS USED IN A GENERATING,**
22 **TRANSMISSION, OR DISTRIBUTING FACILITY FOR ELECTRIC ENERGY, GAS, OR**
23 **WATER;**

24 **(3) THE SWITCH OR RELAY IS INTEGRATED WITH, AND NOT**
25 **PHYSICALLY SEPARATE FROM, OTHER COMPONENTS OF THE LARGER PRODUCT; ~~OR~~**

26 **(4) THE USE OF THE SWITCH OR RELAY IS REQUIRED UNDER FEDERAL**
27 **LAW OR REGULATION; OR**

1 **(5) THE MANUFACTURER OF THE LARGER PRODUCT HAS NOT**
2 **APPROVED FOR USE IN THE LARGER PRODUCT A SWITCH OR RELAY THAT DOES NOT**
3 **CONTAIN MERCURY.**

4 **(C) (1) A PERSON THAT VIOLATES THIS SECTION IS LIABLE FOR A CIVIL**
5 **PENALTY TO BE COLLECTED IN A CIVIL ACTION IN THE CIRCUIT COURT FOR ANY**
6 **COUNTY IN THE STATE NOT EXCEEDING:**

7 **(I) \$1,000 FOR A FIRST OFFENSE;**

8 **(II) \$2,500 FOR A SECOND OFFENSE; OR**

9 **(III) \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.**

10 **(2) (I) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW**
11 **OR IN EQUITY, AFTER AN OPPORTUNITY FOR A HEARING, THE DEPARTMENT MAY**
12 **IMPOSE A FINE FOR EACH VIOLATION OF THIS SECTION, NOT EXCEEDING:**

13 **1. \$1,000 FOR A FIRST OFFENSE;**

14 **2. \$2,500 FOR A SECOND OFFENSE; OR**

15 **3. \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.**

16 **(II) THE DEPARTMENT SHALL CONSIDER THE FOLLOWING IN**
17 **ASSESSING THE FINE IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:**

18 **1. THE WILLFULNESS OF THE VIOLATION;**

19 **2. THE EXTENT TO WHICH THE VIOLATION WAS KNOWN,**
20 **BUT UNCORRECTED, BY THE VIOLATOR;**

21 **3. THE EXTENT TO WHICH THE VIOLATION RESULTED IN**
22 **ACTUAL HARM TO HUMAN HEALTH OR THE ENVIRONMENT;**

23 **4. THE NATURE AND DEGREE OF INJURY TO, OR**
24 **INTERFERENCE WITH, GENERAL WELFARE AND HEALTH; AND**

25 **5. THE EXTENT TO WHICH THE CURRENT VIOLATION IS**
26 **PART OF A PATTERN OF THE SAME OR A SIMILAR TYPE OF VIOLATION BY THE**
27 **VIOLATOR.**

28 **(3) EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE**
29 **UNDER THIS SECTION.**

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.