

HOUSE BILL 1226

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By: **Delegate Hill**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Office of Recycling – Mattress Stewardship Program –**
3 **Establishment**

4 FOR the purpose of prohibiting, on and after a certain date, a person from disposing of a
5 mattress in a landfill; prohibiting a person from burning or incinerating a mattress
6 as an alternative means of disposal, subject to certain exceptions; requiring certain
7 producers of mattresses sold at retail in the State or a certain representative
8 organization to submit a plan for the establishment of a Mattress Stewardship
9 Program to the Department of the Environment for approval on or before a certain
10 date and in accordance with certain requirements; requiring a certain plan to
11 establish a certain assessment on mattresses sold in the State that is necessary to
12 cover certain costs; requiring the Office of Recycling within the Department to review
13 and approve certain plans and annual reports, including a certain assessment;
14 requiring certain producers and retailers or distributors to add a certain assessment
15 to the cost of all mattresses sold in the State beginning on a certain date; requiring
16 a certain producer or representative organization to implement a certain program
17 within a certain amount of time after the Department approves a certain plan;
18 prohibiting a producer or retailer from selling or offering for sale certain mattresses
19 under certain circumstances after a certain amount of time after the Department
20 approves a certain plan; establishing the Mattress Stewardship Advisory Board;
21 authorizing the Department to cooperate with other entities in other states in order
22 to further the objectives of this Act; requiring the Department to adopt certain
23 measures to move the State toward a more equitable recycling and waste
24 management system and to seek environmental justice for underserved
25 communities; and generally relating to the disposal of mattresses and the Mattress
26 Stewardship Program.

27 BY repealing and reenacting, without amendments,
28 Article – Environment
29 Section 9–1701(a), (i), and (m) and 9–1702(a)
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2014 Replacement Volume and 2021 Supplement)

2 BY adding to

3 Article – Environment

4 Section 9–1701(j–1), (j–2), (j–3), (j–4), (o–1), (o–2), (r–2), (r–3), and (r–4) and 9–1715;

5 and 9–1733 through 9–1735 to be under the new part “Part V. Mattress

6 Stewardship Program”

7 Annotated Code of Maryland

8 (2014 Replacement Volume and 2021 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article – Environment

11 Section 9–1702(d) and (e) and 9–1707(f)

12 Annotated Code of Maryland

13 (2014 Replacement Volume and 2021 Supplement)

14 Preamble

15 WHEREAS, In the United States, it is estimated that approximately 20 million
16 mattress units are disposed of annually; and

17 WHEREAS, Mattresses deplete limited landfill space, create flammable air pockets,
18 damage equipment used at landfills, contribute to air pollution when incinerated, contain
19 nonbiodegradable synthetic foam and fibers and hazardous
20 flame–retardant chemicals that can leach into the drinking water, and contribute to
21 roadside litter when dumped illegally; and

22 WHEREAS, Mattresses pose practical challenges inherent to
23 disposal because mattresses are bulky and not easily compacted, making transport and
24 disposal inefficient; and

25 WHEREAS, Programs to address the disposal of mattresses that are good for the
26 environment and good for the economy have been implemented successfully in other
27 jurisdictions, including programs implemented through nonprofit organizations with
28 expertise in social enterprises; and

29 WHEREAS, St. Vincent de Paul Society of Lane County, Oregon, operates three
30 mattress recycling facilities, employs more than 500 individuals, including disadvantaged
31 individuals, diverts 17.8 million pounds of reusable and recyclable material annually from
32 landfills, and generates revenue that supports its social mission; and

33 WHEREAS, Under Executive Order 01.01.2017.13, Maryland has committed to
34 sustainable materials management practices, which use and manage materials as
35 efficiently and sustainably as possible; and

36 WHEREAS, According to Executive Order 01.01.2017.13, through source reduction,
37 reuse, and recycling, Maryland can extend existing disposal capacity, reduce the need to

1 construct new or expanded solid waste disposal facilities, conserve natural resources, and
2 support a productive economy through recovery of valuable resources; and

3 WHEREAS, According to Executive Order 01.01.2017.13, studies have shown that
4 diverting materials from disposal to reuse, recycling, and composting results in more jobs
5 and a more sustainable economy; and

6 WHEREAS, Executive Order 01.01.2017.13 establishes as the policy of the State that
7 solid waste and recycling should seek, among other things, to minimize the environmental
8 impacts of materials management over the materials' entire life cycles; and

9 WHEREAS, Implementing policies for mattresses is consistent with existing State
10 policy; and

11 WHEREAS, Providing examples of mattress recycling to Maryland communities
12 enables the consideration of environmental, economic, and social benefits in addressing the
13 disposal, collection, deconstruction, reuse, and recycling of mattresses; now, therefore,

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

16 Article – Environment

17 9–1701.

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

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

20 **(J–1) (1) “MATTRESS” MEANS A RESILIENT MATERIAL OR COMBINATION OF**
21 **MATERIALS THAT IS ENCLOSED BY A TICKING, IS USED ALONE OR IN COMBINATION**
22 **WITH OTHER PRODUCTS, AND IS INTENDED FOR OR PROMOTED FOR SLEEPING ON.**

23 **(2) “MATTRESS” INCLUDES BOX SPRINGS AND ANY USED OR**
24 **RENOVATED MATERIALS.**

25 **(3) “MATTRESS” DOES NOT INCLUDE:**

26 **(I) AN UNATTACHED MATTRESS PAD OR TOPPER THAT IS**
27 **DESIGNED TO BE USED ON TOP OF OR IN ADDITION TO A MATTRESS;**

28 **(II) A WATERBED, AN AIR MATTRESS, OR ANY OTHER PRODUCT**
29 **THAT CONTAINS LIQUID– OR GAS–FILLED TICKING AND THAT DOES NOT CONTAIN**
30 **UPHOLSTERY MATERIAL BETWEEN THE TICKING AND THE MATTRESS CORE;**

31 **(III) A CARRIAGE, A BASKET, A DRESSING TABLE, A STROLLER, A**

1 **PLAYPEN, AN INFANT CARRIER, A LOUNGE PAD, A CRIB BUMPER, A CRIB MATTRESS,**
2 **A BASSINET MATTRESS, OR ANY OTHER PRODUCT MANUFACTURED FOR YOUNG**
3 **CHILDREN;**

4 **(IV) A SLEEPING BAG;**

5 **(V) A PILLOW;**

6 **(VI) A FUTON, SLEEPER SOFA, OR FOLD-OUT SOFA BED;**

7 **(VII) A FOUNDATION;**

8 **(VIII) A CAR BED; OR**

9 **(IX) FURNITURE THAT OTHERWISE DOES NOT CONTAIN A**
10 **DETACHABLE MATTRESS.**

11 **(J-2) “MATTRESS CORE” MEANS THE PRINCIPAL SUPPORT SYSTEM THAT IS**
12 **PRESENT IN A MATTRESS, INCLUDING:**

13 **(1) SPRINGS;**

14 **(2) FOAM;**

15 **(3) AN AIR BLADDER;**

16 **(4) A WATER BLADDER; AND**

17 **(5) RESILIENT FILLING.**

18 **(J-3) “MATTRESS STEWARDSHIP ASSESSMENT” MEANS THE AMOUNT ADDED**
19 **TO THE PURCHASE PRICE OF MATTRESSES SOLD IN THE STATE THAT IS NECESSARY**
20 **TO COVER THE MATTRESS STEWARDSHIP PROGRAM’S COST OF COLLECTING,**
21 **TRANSPORTING, AND PROCESSING POSTCONSUMER MATTRESSES STATEWIDE.**

22 **(J-4) “MATTRESS WASTE MANAGEMENT ENTITY” MEANS A WASTE**
23 **MANAGEMENT COMPANY AUTHORIZED OR CONTRACTED BY THE MATTRESS**
24 **STEWARDSHIP PROGRAM TO COLLECT, DISAGGREGATE, REDUCE, REUSE, AND**
25 **RECYCLE MATTRESSES.**

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

27 **(O-1) “POSTCONSUMER MATTRESS” MEANS A MATTRESS NOT USED AND NO**
28 **LONGER WANTED BY A PURCHASER.**

1 (O-2) (1) "PRODUCER" MEANS:

2 (I) A MANUFACTURER OF MATTRESSES THAT SELLS, OFFERS
3 FOR SALE, OR DISTRIBUTES MATTRESSES IN THE STATE UNDER THE PRODUCER'S
4 OWN NAME OR BRAND; OR

5 (II) AN INDIVIDUAL WHO IMPORTS MATTRESSES INTO THE
6 STATE TO SELL, OFFER FOR SALE, OR DISTRIBUTE IN THE STATE.

7 (2) "PRODUCER" INCLUDES THE OWNER OF A MATTRESS
8 TRADEMARK OR BRAND.

9 (R-2) "REPRESENTATIVE ORGANIZATION" MEANS A NONPROFIT
10 ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT A MATTRESS
11 STEWARDSHIP PROGRAM.

12 (R-3) "RETAILER" MEANS ANY PERSON THAT OFFERS MATTRESSES FOR SALE
13 AT RETAIL IN THE STATE.

14 (R-4) "SALE" OR "SELL" MEANS ANY TRANSFER OF TITLE FOR
15 CONSIDERATION, INCLUDING REMOTE SALES CONDUCTED THROUGH SALES
16 OUTLETS, CATALOGUES, THE INTERNET, OR ANY OTHER SIMILAR ELECTRONIC
17 MEANS.

18 9-1702.

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

20 (d) The Office shall:

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

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

26 (3) Review all recycling plans submitted as part of a county plan as
27 required under § 9-505 of this title and advise the Secretary on the adequacy of the
28 recycling plan;

29 (4) (I) REVIEW AND APPROVE PLANS AND ANNUAL REPORTS,
30 INCLUDING THE MATTRESS STEWARDSHIP ASSESSMENT, SUBMITTED IN
31 ACCORDANCE WITH A MATTRESS STEWARDSHIP PROGRAM ESTABLISHED UNDER

1 **PART V OF THIS SUBTITLE;**

2 **(II) PROVIDE TO LOCAL COMMUNITIES THE MOST UP-TO-DATE**
3 **INFORMATION ON LOCAL AND NATIONAL PROGRAMS FOR THE RECYCLING AND**
4 **REUSE OF MATTRESSES; AND**

5 **(III) PROVIDE TO LOCAL COMMUNITIES FOR CONSIDERATION**
6 **EXAMPLES OF MATTRESS RECYCLING PROGRAMS THAT CREATE JOBS FOR:**

7 **1. UNEMPLOYED INDIVIDUALS;**

8 **2. HOMELESS INDIVIDUALS;**

9 **3. DISADVANTAGED YOUTH;**

10 **4. INDIVIDUALS WITH DISABILITIES;**

11 **5. INDIVIDUALS WHO WERE INCARCERATED IN A LOCAL,**
12 **STATE, OR FEDERAL CORRECTIONAL FACILITY; AND**

13 **6. OTHER DISADVANTAGED INDIVIDUALS;**

14 **[(4)] (5)** Administer the Statewide Electronics Recycling Program under
15 Part IV of this subtitle; and

16 **[(5)] (6)** Promote the development of markets for recycled materials and
17 recycled products in the State in accordance with § 9-1702.1 of this subtitle.

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

21 (1) The identification and location of recycling centers, including an
22 analysis of existing recycling centers and the need to expand these facilities or construct
23 new recycling centers;

24 (2) Programs necessary to educate the public on the need to participate in
25 recycling efforts;

26 (3) The economics and financing of existing and proposed systems of waste
27 disposal and recycling;

28 (4) State procurement policies for the purchase of recycled materials;

29 (5) Programs necessary to reduce the amount of solid waste generated for

1 disposal by a State agency or unit;

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

4 (7) The percentage reduction in the amount of solid waste that has been
5 achieved by each county; [and]

6 (8) Economically feasible methods for the recycling of scrap automobile
7 tires, batteries, and white goods; AND

8 (9) **THE PROGRESS MADE IN THE STATE IN DIVERTING MATTRESSES**
9 **FROM DISPOSAL IN LANDFILLS AND INCINERATORS.**

10 9–1707.

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

12 (2) The Fund shall consist of:

13 (i) The newsprint recycling incentive fee;

14 (ii) The telephone directory recycling incentive fee collected under §
15 9–1709 of this subtitle;

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

18 (IV) **THE MATTRESS STEWARDSHIP PROGRAM PLAN AND**
19 **ANNUAL REPORT REVIEW FEES COLLECTED UNDER § 9–1733(C)(2) AND (I)(2) OF**
20 **THIS SUBTITLE;**

21 [(iv)] (V) All fines and penalties collected under this subtitle;

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

23 [(vi)] (VII) Any other money from any other source accepted for the
24 benefit of the Fund.

25 (3) The Secretary shall administer the Fund.

26 (4) The Treasurer shall hold the Fund separately and the Comptroller shall
27 account for the Fund.

28 (5) At the end of each fiscal year, any unspent or unencumbered balance in
29 the Fund that exceeds \$2,000,000 shall revert to the General Fund of the State in

1 accordance with § 7–302 of the State Finance and Procurement Article.

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

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

5 (ii) To provide grants to counties that have addressed methods for
6 the separate collection and recycling of covered electronic devices in accordance with §
7 9–1703(c)(1) of this subtitle;

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

10 **(IV) TO COVER THE ACTUAL COSTS OF THE MATTRESS**
11 **STEWARDSHIP PROGRAM PLAN REVIEW UNDER § 9–1733(C) OF THIS SUBTITLE, THE**
12 **ANNUAL REPORT REVIEW UNDER § 9–1733(I) OF THIS SUBTITLE, AND ASSOCIATED**
13 **COSTS FOR PROGRAM COMPLIANCE OVERSIGHT; AND**

14 [(iv)] (v) To carry out the purposes of the land management
15 administration.

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

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

20 **9–1715.**

21 **(A) ON OR AFTER JANUARY 1, 2027, A PERSON MAY NOT DISPOSE OF A**
22 **MATTRESS IN A LANDFILL.**

23 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
24 **PERSON MAY NOT BURN OR INCINERATE A MATTRESS AS AN ALTERNATIVE MEANS**
25 **OF DISPOSAL.**

26 **(2) A MATTRESS MAY BE INCINERATED IF:**

27 **(I) THE MATTRESS IS CONTAMINATED WITH BIOLOGICAL**
28 **FLUIDS, TOXINS, OR INFECTIOUS AGENTS; AND**

29 **(II) MANAGING THE MATTRESS FOR RECLAMATION,**
30 **RECYCLING, REUSE, OR DISASSEMBLY PRESENTS AN UNACCEPTABLE HEALTH OR**
31 **SAFETY RISK TO THE WORKERS OR THE GENERAL PUBLIC.**

1 9-1731. RESERVED.

2 9-1732. RESERVED.

3 PART V. MATTRESS STEWARDSHIP PROGRAM.

4 9-1733.

5 (A) ON OR BEFORE JULY 1, 2023, PRODUCERS OF MATTRESSES SOLD AT
6 RETAIL IN THE STATE, OR A REPRESENTATIVE ORGANIZATION ACTING ON A
7 PRODUCER'S BEHALF, SHALL SUBMIT A PLAN FOR THE ESTABLISHMENT OF A
8 MATTRESS STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR APPROVAL.

9 (B) (1) THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
10 SHALL:

11 (I) IDENTIFY THE MATERIALS, ENTITIES, AND RESPONSIBLE
12 PARTIES COVERED UNDER THE PLAN;

13 (II) DESCRIBE THE ORGANIZATIONAL STRUCTURE OF ANY
14 REPRESENTATIVE ORGANIZATION;

15 (III) DESCRIBE THE FINANCING METHOD FOR THE PLAN,
16 INCLUDING HOW FEES WILL BE STRUCTURED AND COLLECTED;

17 (IV) DESCRIBE SOUND MANAGEMENT PRACTICES THAT WILL BE
18 USED FOR WORKER HEALTH AND SAFETY;

19 (V) DESCRIBE HOW DISCARDED MATTRESSES NOT COVERED
20 UNDER THE PROGRAM WILL BE HANDLED;

21 (VI) DESCRIBE HOW PRODUCERS WILL:

22 1. WORK WITH EXISTING RECYCLING PROGRAMS AND
23 INFRASTRUCTURE;

24 2. CONSULT WITH STATE AND LOCAL GOVERNMENTS
25 AND OTHER STAKEHOLDERS; AND

26 3. CONDUCT RESEARCH AS NEEDED TO IMPROVE THE
27 COLLECTION AND RECYCLING OF MATTRESSES;

1 **(VII) DESCRIBE HOW MATTRESS WASTE MANAGEMENT ENTITIES**
2 **WILL BE SOLICITED, RECRUITED, AND SUPPORTED, INCLUDING:**

3 1. **EXISTING MUNICIPAL, PRIVATE, AND NONPROFIT**
4 **ENTITIES IN THE STATE THAT WORK IN THE MATTRESS WASTE STREAM**
5 **MANAGEMENT FIELD;**

6 2. **EXISTING ENTITIES IN THE STATE THAT WORK IN THE**
7 **GENERAL WASTE MANAGEMENT FIELD;**

8 3. **ENTITIES THAT HAVE EXPERIENCE IN OR PRIORITIZE**
9 **DISAGGREGATION, REUSE, AND RECYCLING OF COMPONENT MATTRESS PARTS;**

10 4. **MINORITY BUSINESS ENTERPRISES;**

11 5. **MINORITY-OWNED BUSINESSES THAT ARE NOT**
12 **DESIGNATED AS MINORITY BUSINESS ENTERPRISES;**

13 6. **WOMAN-OWNED BUSINESSES;**

14 7. **VETERAN-OWNED BUSINESSES; AND**

15 8. **BUSINESSES THAT PRIORITIZE THE TRAINING AND**
16 **HIRING OF:**

17 A. **INDIVIDUALS REENTERING SOCIETY AFTER**
18 **IMPRISONMENT;**

19 B. **INDIVIDUALS EXPERIENCING HOMELESSNESS AND**
20 **HOUSING INSECURITY;**

21 C. **INDIVIDUALS IN ADDICTION RECOVERY;**

22 D. **INDIVIDUALS WITH DISABILITIES; AND**

23 E. **INDIVIDUALS WHO ARE OTHERWISE**
24 **SOCIOECONOMICALLY OR HISTORICALLY MARGINALIZED OR DISADVANTAGED;**

25 **(VIII) PROVIDE ACCEPTABLE OPTIONS FOR THE MANAGEMENT OF**
26 **DEEPLY CONTAMINATED MATTRESSES;**

27 **(IX) PROVIDE AN ESTIMATED ANNUAL OPERATING BUDGET;**

1 **(X) PROVIDE A PLAN FOR MARKET DEVELOPMENT;**

2 **(XI) PROVIDE THE TIME FRAME FOR ACHIEVING ZERO-WASTE**
3 **GOALS AND PROGRAM PROFITABILITY AND SUSTAINABILITY WITHOUT THE NEED**
4 **FOR FEES BY:**

5 **1. ENCOURAGING EXPANSION AND DEVELOPMENT OF**
6 **DOWNSTREAM MARKETS FOR DISAGGREGATED COMPONENT MATTRESS PARTS;**

7 **2. INCREASING EFFICIENCIES OF END-OF-LIFE**
8 **PRODUCT MANAGEMENT; AND**

9 **3. ENCOURAGING EFFECTIVE COORDINATION AND**
10 **SHARING OF RESOURCES WHERE POSSIBLE; AND**

11 **(XII) PROVIDE A PLAN IN CASE OF CLOSURE OF THE PROGRAM.**

12 **(2) THE PLAN SHALL MINIMIZE PUBLIC SECTOR INVOLVEMENT IN,**
13 **AND FINANCIAL RESPONSIBILITY FOR, THE MANAGEMENT OF MATTRESS DISPOSAL**
14 **BY:**

15 **(I) PROMOTING MATTRESS REUSE AND RECYCLING; AND**

16 **(II) NEGOTIATING AND EXECUTING AGREEMENTS TO COLLECT,**
17 **TRANSPORT, REUSE, RECYCLE, PROCESS FOR RESOURCE RECOVERY, AND DISPOSE**
18 **OF MATTRESSES.**

19 **(3) THE PLAN SHALL PROVIDE FOR CONVENIENT AND AVAILABLE**
20 **STATE COLLECTION OF MATTRESSES THAT:**

21 **(I) PROVIDES FOR FREE ACCESS TO COLLECTION OR**
22 **DROP-OFF OF MATTRESSES FROM RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, OR**
23 **OTHER SOURCES, ALONG WITH CONVENIENCE EQUAL TO OR GREATER THAN THE**
24 **COLLECTION PROGRAMS AVAILABLE TO CONSUMERS PRIOR TO THE MATTRESS**
25 **STEWARDSHIP PROGRAM STATEWIDE;**

26 **(II) PROVIDES A CONVENIENT METHOD FOR THE PUBLIC TO**
27 **ACCESS A LIST OF COLLECTION OR DROP-OFF OPTIONS;**

28 **(III) IDENTIFIES EACH PRODUCER PARTICIPATING IN THE**
29 **MATTRESS STEWARDSHIP PROGRAM AND THE BRANDS OF MATTRESSES SOLD IN**
30 **THE STATE THAT ARE COVERED BY THE PROGRAM;**

1 (IV) PROVIDES GEOGRAPHIC MODELING TO DETERMINE THE
2 NUMBER AND DISTRIBUTION OF SITES FOR ALL COLLECTION OF POSTCONSUMER
3 MATTRESSES BASED ON THE FOLLOWING CRITERIA:

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

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

10 (V) PROVIDES INFORMATION ON HOW MATTRESSES
11 CONTAMINATED BY BIOLOGICAL FLUIDS, TOXINS, OR INFECTIOUS AGENTS WILL BE
12 DISPOSED OF, INCLUDING WHETHER THE DISPOSAL WILL BE HANDLED IN OR OUT
13 OF THE STATE; AND

14 (VI) ALLOWS FOR SCHEDULING AND PICK-UP OF MATTRESSES
15 FROM PRIVATE PROPERTY.

16 (4) THE PLAN MAY IDENTIFY A RETAILER AS A POSTCONSUMER
17 MATTRESS COLLECTION SITE IF:

18 (I) THE RETAILER VOLUNTEERS TO ACT AS A POSTCONSUMER
19 MATTRESS COLLECTION SITE;

20 (II) THE RETAILER IS IN COMPLIANCE WITH ALL APPLICABLE
21 LAWS AND REGULATIONS; AND

22 (III) THE SITE LOCATION OF THE RETAILER IS CONSISTENT WITH
23 MAINTAINING A COST-EFFECTIVE NETWORK OF POSTCONSUMER MATTRESS
24 COLLECTION LOCATIONS.

25 (5) THE PLAN SHALL ESTABLISH:

26 (I) A UNIFORM MATTRESS STEWARDSHIP ASSESSMENT FOR
27 ALL MATTRESSES SOLD IN THE STATE; AND

28 (II) A MECHANISM FOR PRODUCERS PARTICIPATING IN A
29 MATTRESS STEWARDSHIP PROGRAM TO REMIT TO THE REPRESENTATIVE
30 ORGANIZATION PAYMENT OF THE MATTRESS STEWARDSHIP ASSESSMENT FOR EACH
31 MATTRESS SOLD IN THE STATE.

1 **(6) THE PLAN SHALL ESTABLISH PERFORMANCE GOALS FOR:**

2 **(I) THE COLLECTION RATES OF DISCARDED MATTRESSES;**

3 **(II) THE RECYCLING RATES OF DISCARDED MATTRESSES,**
4 **INCLUDING CLOSED-LOOP RECYCLING;**

5 **(III) THE RENOVATION RATES OF DISCARDED MATTRESSES; AND**

6 **(IV) PUBLIC AWARENESS OF THE MATTRESS STEWARDSHIP**
7 **PROGRAM.**

8 **(7) THE TOTAL AMOUNT OF THE MATTRESS STEWARDSHIP**
9 **ASSESSMENT MAY NOT EXCEED THE COSTS OF IMPLEMENTING THE MATTRESS**
10 **STEWARDSHIP PROGRAM.**

11 **(8) (I) THE MATTRESS STEWARDSHIP ASSESSMENT SHALL BE**
12 **EVALUATED BY AN INDEPENDENT FINANCIAL AUDITOR, AS DESIGNATED BY THE**
13 **DEPARTMENT, TO ENSURE THE COSTS OF IMPLEMENTING THE MATTRESS**
14 **STEWARDSHIP PROGRAM ARE COVERED BUT NOT EXCEEDED.**

15 **(II) THE COST OF ANY WORK PERFORMED BY AN INDEPENDENT**
16 **FINANCIAL AUDITOR SHALL BE FUNDED BY THE MATTRESS STEWARDSHIP**
17 **PROGRAM.**

18 **(9) MATTRESS STEWARDSHIP ASSESSMENTS MAY BE USED ONLY TO**
19 **IMPLEMENT THE MATTRESS STEWARDSHIP PROGRAM.**

20 **(10) WHEN THE MATTRESS STEWARDSHIP PROGRAM BECOMES**
21 **PROFITABLE BASED ON ANY PRODUCTS IT PRODUCES FROM THE RECYCLED**
22 **MATERIAL, ASSESSMENT FEES SHALL BE PHASED OUT.**

23 **(11) (I) EACH PLAN SUBMITTED UNDER PARAGRAPH (1) OF THIS**
24 **SUBSECTION AND APPROVED BY THE DEPARTMENT SHALL BE REEVALUATED BY**
25 **THE DEPARTMENT EVERY 5 YEARS.**

26 **(II) THE DEPARTMENT MAY REQUIRE A PLAN TO BE REVISED**
27 **BEFORE ITS TIME PERIOD ENDS IF TARGETS ARE NOT BEING MET OR THERE IS A**
28 **CHANGE IN CIRCUMSTANCES THAT WARRANTS A REVISION.**

29 **(c) (1) THE DEPARTMENT SHALL REVIEW:**

30 **(i) THE MATTRESS STEWARDSHIP PROGRAM PLAN REQUIRED**

1 UNDER SUBSECTION (A) OF THIS SECTION; AND

2 (II) THE WORK PRODUCT OF THE INDEPENDENT FINANCIAL
3 AUDITOR DESIGNATED BY THE DEPARTMENT TO EVALUATE MATTRESS
4 STEWARDSHIP ASSESSMENTS.

5 (2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT
6 SUBMITS A PLAN FOR APPROVAL SHALL PAY A PLAN REVIEW FEE TO THE
7 DEPARTMENT TO BE DEPOSITED INTO THE STATE RECYCLING TRUST FUND UNDER
8 § 9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S COST OF PLAN
9 REVIEW, INCLUDING ASSOCIATED COSTS FOR MATTRESS STEWARDSHIP PROGRAM
10 COMPLIANCE OVERSIGHT, AS DETERMINED BY THE DEPARTMENT.

11 (3) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS
12 STEWARDSHIP PROGRAM PLAN, INCLUDING THE MATTRESS STEWARDSHIP
13 ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS
14 SECTION, THE DEPARTMENT SHALL APPROVE THE PROGRAM.

15 (4) THE DEPARTMENT SHALL LIST ON ITS WEBSITE THE PRODUCERS
16 AND BRANDS IMPLEMENTING OR PARTICIPATING IN AN APPROVED MATTRESS
17 STEWARDSHIP PROGRAM.

18 (D) (1) A PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL
19 IMPLEMENT ITS MATTRESS STEWARDSHIP PROGRAM PLAN WITHIN 1 YEAR AFTER
20 THE PLAN'S APPROVAL BY THE DEPARTMENT.

21 (2) BEGINNING 1 YEAR AFTER A PRODUCER OR REPRESENTATIVE
22 ORGANIZATION'S PLAN IS APPROVED:

23 (I) A PRODUCER OR RETAILER MAY NOT SELL OR OFFER FOR
24 SALE A BRAND OF MATTRESS TO ANY PERSON IN THE STATE, UNLESS THE
25 PRODUCER OF THE BRAND OR A REPRESENTATIVE ORGANIZATION OF WHICH THE
26 PRODUCER IS A MEMBER IS IMPLEMENTING AN APPROVED MATTRESS
27 STEWARDSHIP PROGRAM;

28 (II) A PRODUCER SHALL ADD THE MATTRESS STEWARDSHIP
29 ASSESSMENT ESTABLISHED UNDER AN APPROVED MATTRESS STEWARDSHIP
30 PROGRAM TO THE COST OF ALL MATTRESSES SOLD TO RETAILERS AND
31 DISTRIBUTED IN THE STATE; AND

32 (III) EACH RETAILER OR DISTRIBUTOR SHALL ADD A MATTRESS
33 STEWARDSHIP ASSESSMENT TO THE PURCHASE PRICE OF ALL MATTRESSES SOLD IN
34 THE STATE BY DISPLAYING A LINE ITEM ON THE RECEIPT FOR THE ADDED COST.

1 **(E) A PRODUCER OR REPRESENTATIVE ORGANIZATION PARTICIPATING IN**
2 **AN APPROVED MATTRESS STEWARDSHIP PROGRAM SHALL PROVIDE CONSUMERS**
3 **WITH EDUCATIONAL MATERIALS REGARDING THE PROGRAM THAT INCLUDE:**

4 **(1) INFORMATION REGARDING AVAILABLE END-OF-LIFE**
5 **MANAGEMENT OPTIONS FOR MATTRESSES OFFERED THROUGH THE PROGRAM; AND**

6 **(2) INFORMATION THAT NOTIFIES CONSUMERS THAT AN**
7 **ASSESSMENT TO COVER THE COSTS OF IMPLEMENTING THE PROGRAM IS INCLUDED**
8 **IN THE PURCHASE PRICE OF ALL MATTRESSES SOLD IN THE STATE.**

9 **(F) FOLLOWING THE IMPLEMENTATION OF THE MATTRESS STEWARDSHIP**
10 **PROGRAM, A RETAILER COMPLIES WITH THE REQUIREMENTS OF THIS SECTION IF,**
11 **ON THE DATE THE MATTRESS WAS ORDERED FROM THE PRODUCER OR ITS AGENT,**
12 **THE PRODUCER OF THE MATTRESS BRAND IS LISTED ON THE DEPARTMENT'S**
13 **WEBSITE AS IMPLEMENTING OR PARTICIPATING IN AN APPROVED MATTRESS**
14 **STEWARDSHIP PROGRAM.**

15 **(G) A POSTCONSUMER MATTRESS COLLECTION SITE THAT IS IDENTIFIED IN**
16 **THE PLAN MAY NOT CHARGE AN ADDITIONAL FEE FOR THE DISPOSAL OF**
17 **MATTRESSES WHEN MATTRESSES ARE OFFERED FOR DISPOSAL, REUSE, OR**
18 **RECYCLING.**

19 **(H) A PRODUCER OR REPRESENTATIVE ORGANIZATION THAT ORGANIZES**
20 **THE COLLECTION, TRANSPORT, AND PROCESSING OF THE MATTRESSES IN**
21 **ACCORDANCE WITH AN APPROVED MATTRESS STEWARDSHIP PROGRAM SHALL BE**
22 **IMMUNE FROM LIABILITY FOR ANY CLAIM OF A VIOLATION OF ANTITRUST,**
23 **RESTRAINT OF TRADE, OR UNFAIR TRADE PRACTICE ARISING FROM CONDUCT**
24 **UNDERTAKEN IN ACCORDANCE WITH THE PROGRAM.**

25 **(I) (1) BEGINNING MARCH 1, 2025, OR 1 YEAR AFTER PLAN APPROVAL,**
26 **WHICHEVER IS LATER, AND ANNUALLY THEREAFTER, THE PRODUCER OR**
27 **REPRESENTATIVE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT AND**
28 **PUBLISH ONLINE A REPORT THAT DETAILS THE MATTRESS STEWARDSHIP**
29 **PROGRAM, INCLUDING:**

30 **(I) A DESCRIPTION OF THE METHODS USED TO COLLECT,**
31 **TRANSPORT, AND PROCESS MATTRESSES IN THE STATE;**

32 **(II) THE VOLUME AND TYPE OF MATTRESSES COLLECTED IN**
33 **THE STATE SORTED BY TYPE OF COLLECTION SITE;**

1 (III) THE VOLUME AND TYPE OF MATTRESSES COLLECTED IN
2 THE STATE BY METHODS OF DISPOSITION, INCLUDING REUSE, RECYCLING, AND
3 OTHER METHODS OF PROCESSING OR DISPOSAL, WHICH INCLUDES AN ACCOUNTING
4 OF THE VOLUME OF MATTRESSES COLLECTED IN THE STATE FOR EACH COUNTY IN
5 THE STATE;

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

9 (V) SAMPLES OF EDUCATIONAL MATERIALS USED TO INFORM
10 CONSUMERS OF MATTRESS DISPOSAL, A SUMMARY OF PUBLIC EDUCATION EFFORTS,
11 AND AN EVALUATION OF THE EFFECTIVENESS OF THESE METHODS;

12 (VI) AN EVALUATION OF WHY MATTRESSES THAT WERE NOT
13 RECYCLED WERE NOT RECYCLED;

14 (VII) THE TOTAL SALE OF MATTRESSES SOLD TO CONSUMERS IN
15 THE PREVIOUS YEAR;

16 (VIII) STRATEGIES TO ADDRESS DISCARDED MATTRESSES THAT
17 ARE ILLEGALLY DUMPED, INCLUDING THE POTENTIAL UTILITY OF A DISPOSAL BAN;

18 (IX) REPORTS ON RESEARCH ACTIVITIES AND PILOT
19 PROGRAMS;

20 (X) A DISCUSSION OF ANY CHANGES IN MATTRESS DESIGN; AND

21 (XI) ANY OTHER INFORMATION REQUIRED BY THE
22 DEPARTMENT.

23 (2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT
24 SUBMITS A REPORT REQUIRED UNDER THIS SUBSECTION SHALL PAY A REPORT
25 REVIEW FEE TO THE DEPARTMENT TO BE DEPOSITED INTO THE STATE RECYCLING
26 TRUST FUND UNDER § 9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S
27 COST OF REPORT REVIEW, INCLUDING ASSOCIATED COSTS FOR PROGRAM
28 COMPLIANCE OVERSIGHT, AS DETERMINED BY THE DEPARTMENT.

29 (J) (1) THE DEPARTMENT SHALL REVIEW THE ANNUAL REPORT
30 REQUIRED UNDER SUBSECTION (I) OF THIS SECTION AND:

31 (I) EVALUATE THE TOTAL COSTS OF THE MATTRESS
32 STEWARDSHIP PROGRAM, INCLUDING ALL EXPENSES AND REVENUES, TO

1 DETERMINE WHETHER THE MATTRESS STEWARDSHIP ASSESSMENT MEETS OR
2 EXCEEDS THE COSTS OF THE PROGRAM IN ACCORDANCE WITH SUBSECTION (B)(8)
3 OF THIS SECTION; AND

4 (II) DETERMINE WHETHER THE PROGRAM IS BEING
5 IMPLEMENTED IN ACCORDANCE WITH THE PLAN APPROVED UNDER SUBSECTION (C)
6 OF THIS SECTION.

7 (2) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS
8 STEWARDSHIP ANNUAL REPORT, INCLUDING THE MATTRESS STEWARDSHIP
9 ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF THIS SECTION, THE
10 DEPARTMENT SHALL APPROVE THE ANNUAL REPORT.

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

13 (4) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS
14 STEWARDSHIP ANNUAL REPORT, INCLUDING THE MATTRESS STEWARDSHIP
15 ASSESSMENT, DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION, THE
16 PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT TO THE
17 DEPARTMENT A PLAN ON HOW THEY WILL ADDRESS THE NONCOMPLIANCE IN THE
18 UPCOMING YEAR.

19 (K) (1) FINANCIAL, PRODUCTION, OR SALES DATA REPORTED TO THE
20 DEPARTMENT BY A PRODUCER OR THE REPRESENTATIVE ORGANIZATION SHALL BE
21 KEPT CONFIDENTIAL BY THE DEPARTMENT AND MAY NOT BE SUBJECT TO PUBLIC
22 INSPECTION.

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

26 9-1734.

27 (A) THERE IS A MATTRESS STEWARDSHIP ADVISORY BOARD.

28 (B) THE PURPOSE OF THE ADVISORY BOARD IS TO ADVISE ON THE PROPER
29 IMPLEMENTATION AND SUSTAINABILITY OF THE MATTRESS STEWARDSHIP
30 PROGRAM.

31 (C) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING MEMBERS:

32 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE

1 **PRESIDENT OF THE SENATE;**

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

4 **(3) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S**
5 **DESIGNEE;**

6 **(4) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;**

7 **(5) THE SECRETARY OF COMMERCE, OR THE SECRETARY'S**
8 **DESIGNEE;**

9 **(6) THE COMPTROLLER, OR THE COMPTROLLER'S DESIGNEE; AND**

10 **(7) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR:**

11 **(I) ONE REPRESENTATIVE OF MATTRESS RETAILERS;**

12 **(II) ONE REPRESENTATIVE OF THE MATTRESS**
13 **MANUFACTURING INDUSTRY;**

14 **(III) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF**
15 **THE SIERRA CLUB;**

16 **(IV) ONE REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY**
17 **GROUP;**

18 **(V) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION**
19 **OF COUNTIES; AND**

20 **(VI) ONE CONSUMER REPRESENTATIVE EACH FROM WESTERN**
21 **MARYLAND, CENTRAL MARYLAND, SOUTHERN MARYLAND, AND THE EASTERN**
22 **SHORE.**

23 **(D) (1) THE ADVISORY BOARD SHALL REVIEW AND EVALUATE:**

24 **(I) THE STRUCTURE, FINANCING, AND OTHER ASPECTS OF THE**
25 **MATTRESS STEWARDSHIP PROGRAM; AND**

26 **(II) WHETHER PENALTIES SHOULD BE ESTABLISHED FOR**
27 **VIOLATING PROGRAM REQUIREMENTS.**

1 **(2) THE ADVISORY BOARD SHALL CONSULT WITH AND ADVISE**
2 **PRODUCERS AND REPRESENTATIVE ORGANIZATIONS AS THEY PREPARE THE PLAN**
3 **REQUIRED UNDER § 9-1733(A) OF THIS PART.**

4 **(3) ON OR BEFORE DECEMBER 1, 2023, THE ADVISORY BOARD SHALL**
5 **REPORT ITS FINDINGS AND RECOMMENDATIONS, IN ACCORDANCE WITH § 2-1257 OF**
6 **THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.**

7 **9-1735.**

8 **(A) THE DEPARTMENT MAY COOPERATE WITH DEPARTMENTS, AGENCIES,**
9 **AND OTHER EQUIVALENT BODIES IN OTHER STATES IN ORDER TO FURTHER THE**
10 **OBJECTIVES OF THIS PART.**

11 **(B) (1) THE DEPARTMENT SHALL ADOPT MEASURES TO MOVE THE STATE**
12 **TOWARD A MORE EQUITABLE RECYCLING AND WASTE MANAGEMENT SYSTEM AND TO**
13 **SEEK ENVIRONMENTAL JUSTICE FOR UNDERSERVED COMMUNITIES.**

14 **(2) MEASURES ADOPTED UNDER THIS SUBSECTION MAY INCLUDE:**

15 **(I) CONDUCTING STUDIES ON HOW TO IMPROVE ACCESS TO**
16 **RECYCLING FOR UNDERSERVED COMMUNITIES;**

17 **(II) CONDUCTING STUDIES ON HOW TO IMPROVE SOCIAL**
18 **EQUITY WITHIN THE RECYCLING SYSTEM, INCLUDING ENSURING EQUITABLE**
19 **EMPLOYMENT AND DEVELOPMENT OPPORTUNITIES;**

20 **(III) PROVIDING A PLATFORM FOR RECOMMENDATIONS FROM**
21 **ENVIRONMENTAL JUSTICE AND COMMUNITY-BASED ORGANIZATIONS ON HOW TO**
22 **IMPROVE THE PROGRAM;**

23 **(IV) REQUIRING STEWARDSHIP ORGANIZATIONS TO**
24 **GUARANTEE PRODUCTS ARE TRANSFERRED TO RESPONSIBLE END MARKETS THAT**
25 **MEET ENVIRONMENTAL AND PUBLIC SAFETY STANDARDS;**

26 **(V) REQUIRING ALL CONTRACTS MADE BY A STEWARDSHIP**
27 **ORGANIZATION TO INCLUDE LANGUAGE GUARANTEEING A LIVABLE WAGE AND**
28 **QUALITY BENEFITS TO WORKERS; AND**

29 **(VI) REQUIRING STEWARDSHIP ORGANIZATIONS TO TRANSLATE**
30 **ALL EDUCATIONAL MATERIALS INTO THE LANGUAGES SPOKEN BY LOCAL**
31 **POPULATIONS AND TO ENSURE THAT COLLECTION INFRASTRUCTURE IS**
32 **ACCESSIBLE TO DISABLED RESIDENTS.**

1 **(C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ENFORCE THIS**
2 **PART.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2022.