

HOUSE BILL 1355

M3
HB 930/23 – ENT & ECM

4lr1208

By: **Delegates Hill, Boyce, Fair, Foley, Guyton, Kaufman, Lehman, R. Lewis, McCaskill, Ruth, Simpson, Taveras, Terrasa, and Woods**

Introduced and read first time: February 9, 2024

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

28 BY repealing and reenacting, without amendments,
29 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–1701(a), (i), and (m) and 9–1702(a)
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2023 Supplement)

4 BY adding to
5 Article – Environment
6 Section 9–1701(j–1), (j–2), (j–3), (j–4), (o–1), (o–2), (r–2), (r–3), (r–4), (r–5), (r–6), and
7 (s–1) and 9–1715; and 9–1733 through 9–1737 to be under the new part “Part
8 V. Mattress Stewardship Program”
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 9–1702(d) and (e) and 9–1707(f)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2023 Supplement)

16 Preamble

17 WHEREAS, In the United States, it is estimated that approximately 20 million
18 mattress units are disposed of annually and that fewer than 5% are recycled; and

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

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

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

31 WHEREAS, Since 2013, California, Connecticut, and Rhode Island have
32 implemented successful mattress stewardship programs that have recycled 12 million
33 mattresses and diverted more than 450 million pounds of steel, foam, cotton, and wood from
34 disposal, and Oregon will be launching a similar program in 2024; and

35 WHEREAS, There are existing mattress recyclers in the State of Maryland who
36 manage mattress collection and reuse and recycling programs on behalf of local
37 government, educational institutions, nonprofit organizations, and individuals; and

1 WHEREAS, Under Executive Order 01.01.2017.13, Maryland has committed to
2 sustainable materials management practices, which use and manage materials as
3 efficiently and sustainably as possible; and

4 WHEREAS, According to Executive Order 01.01.2017.13, through source reduction,
5 reuse, and recycling, Maryland can extend existing disposal capacity, reduce the need to
6 construct new or expanded solid waste disposal facilities, conserve natural resources, and
7 support a productive economy through recovery of valuable resources; and

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

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

14 WHEREAS, Implementing policies for mattresses is consistent with existing State
15 policy; and

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

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

21 Article – Environment

22 9–1701.

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

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

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

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

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

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

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

4 (III) A CARRIAGE, A BASKET, A DRESSING TABLE, A STROLLER, A
5 PLAYPEN, AN INFANT CARRIER, A LOUNGE PAD, A CRIB BUMPER, A CRIB MATTRESS,
6 A BASSINET MATTRESS, OR ANY OTHER PRODUCT MANUFACTURED FOR YOUNG
7 CHILDREN;

8 (IV) A SLEEPING BAG;

9 (V) A PILLOW;

10 (VI) A FUTON, SLEEPER SOFA, OR FOLD–OUT SOFA BED;

11 (VII) A FOUNDATION;

12 (VIII) A CAR BED; OR

13 (IX) FURNITURE THAT OTHERWISE DOES NOT CONTAIN A
14 DETACHABLE MATTRESS.

15 (J–2) “MATTRESS CORE” MEANS THE PRINCIPAL SUPPORT SYSTEM THAT IS
16 PRESENT IN A MATTRESS, INCLUDING:

17 (1) SPRINGS;

18 (2) FOAM;

19 (3) AN AIR BLADDER;

20 (4) A WATER BLADDER; AND

21 (5) RESILIENT FILLING.

22 (J–3) “MATTRESS STEWARDSHIP ASSESSMENT” MEANS THE AMOUNT ADDED
23 TO THE PURCHASE PRICE OF MATTRESSES SOLD IN THE STATE THAT IS NECESSARY
24 TO COVER THE MATTRESS STEWARDSHIP PROGRAM’S COST OF COLLECTING,
25 TRANSPORTING, MANAGING, AND PROCESSING POSTCONSUMER MATTRESSES
26 STATEWIDE.

27 (J–4) “MATTRESS WASTE MANAGEMENT ENTITY” MEANS A WASTE

1 MANAGEMENT COMPANY AUTHORIZED OR CONTRACTED BY THE MATTRESS
2 STEWARDSHIP PROGRAM TO COLLECT, DISAGGREGATE, REDUCE, REUSE, AND
3 RECYCLE MATTRESSES.

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

5 (O-1) (1) "POSTCONSUMER MATTRESS" MEANS A MATTRESS NO LONGER
6 WANTED BY A PURCHASER.

7 (2) "POSTCONSUMER MATTRESS" INCLUDES UNUSED MATTRESSES
8 AND MATTRESSES THAT HAVE BEEN USED AND ABANDONED OR DISCARDED IN THE
9 STATE.

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

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

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

16 (2) "PRODUCER" INCLUDES THE OWNER OF A MATTRESS
17 TRADEMARK OR BRAND.

18 (R-2) (1) "RENOVATE" MEANS TO ALTER A DISCARDED MATTRESS FOR
19 RESALE THROUGH REPLACING THE TICKING OR FILLING, ADDING ADDITIONAL
20 FILLING, OR REPLACING COMPONENTS OF THE DISCARDED MATTRESS WITH NEW OR
21 RECYCLED MATERIALS.

22 (2) "RENOVATE" DOES NOT INCLUDE:

23 (I) STRIPPING A DISCARDED MATTRESS OF THE TICKING OR
24 FILLING WITHOUT ADDING NEW MATERIAL; OR

25 (II) THE SANITIZATION OR STERILIZATION OF A DISCARDED
26 MATTRESS WITHOUT OTHER ALTERATION TO THE DISCARDED MATTRESS.

27 (R-3) "REPRESENTATIVE ORGANIZATION" MEANS A NONPROFIT
28 ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT AND OPERATE A
29 MATTRESS STEWARDSHIP PROGRAM.

30 (R-4) "RETAILER" MEANS ANY PERSON THAT OFFERS MATTRESSES FOR SALE
31 AT RETAIL IN THE STATE.

1 (R-5) "SALE" OR "SELL" MEANS ANY TRANSFER OF TITLE FOR
2 CONSIDERATION, INCLUDING REMOTE SALES CONDUCTED THROUGH SALES
3 OUTLETS, CATALOGUES, OR THE INTERNET OR ANY OTHER SIMILAR ELECTRONIC
4 MEANS.

5 (R-6) "SANITIZATION" MEANS THE DIRECT APPLICATION OF CHEMICALS TO A
6 MATTRESS TO KILL PATHOGENS THAT CAUSE HUMAN DISEASE.

7 (S-1) "STERILIZATION" MEANS THE MITIGATION OF ANY DELETERIOUS
8 SUBSTANCES OR ORGANISMS, INCLUDING PATHOGENS THAT CAUSE HUMAN
9 DISEASE, FUNGI, AND INSECTS, FROM A MATTRESS OR FILLING MATERIAL USING A
10 CHEMICAL OR HEAT PROCESS.

11 9-1702.

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

13 (d) The Office shall:

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

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

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

22 (4) (I) REVIEW AND APPROVE PLANS AND ANNUAL REPORTS,
23 INCLUDING THE MATTRESS STEWARDSHIP ASSESSMENT, SUBMITTED IN
24 ACCORDANCE WITH A MATTRESS STEWARDSHIP PROGRAM ESTABLISHED UNDER
25 PART V OF THIS SUBTITLE;

26 (II) PROVIDE TO LOCAL COMMUNITIES THE MOST UP-TO-DATE
27 INFORMATION ON LOCAL AND NATIONAL PROGRAMS FOR THE RECYCLING AND
28 REUSE OF MATTRESSES; AND

29 (III) PROVIDE TO LOCAL COMMUNITIES FOR CONSIDERATION
30 EXAMPLES OF MATTRESS RECYCLING PROGRAMS THAT CREATE JOBS FOR:

31 1. UNEMPLOYED INDIVIDUALS;

- 1 **2. HOMELESS INDIVIDUALS;**
- 2 **3. DISADVANTAGED YOUTH;**
- 3 **4. INDIVIDUALS WITH DISABILITIES;**
- 4 **5. INDIVIDUALS WHO WERE INCARCERATED IN A LOCAL,**
5 **STATE, OR FEDERAL CORRECTIONAL FACILITY; AND**
- 6 **6. OTHER DISADVANTAGED INDIVIDUALS;**

7 **[(4)] (5)** Administer the Statewide Electronics Recycling Program under
8 Part IV of this subtitle; and

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

11 (e) On or before December 31, 2024, and every 2 years thereafter, the Office shall,
12 in coordination with the Maryland Environmental Service, study and report to the
13 Governor and, subject to § 2–1257 of the State Government Article, the General Assembly
14 on:

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

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

20 (3) The economics and financing of existing and proposed systems of waste
21 disposal and recycling;

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

23 (5) Programs necessary to reduce the amount of solid waste generated for
24 disposal by a State agency or unit;

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

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

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

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

9–1707.

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

(2) The Fund shall consist of:

(i) The newspaper recycling incentive fee;

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

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

**(IV) THE MATTRESS STEWARDSHIP PROGRAM PLAN AND
ANNUAL REPORT REVIEW FEES COLLECTED UNDER § 9–1734(C)(2) AND (I)(2) OF
THIS SUBTITLE;**

~~[(iv)]~~ (v) All fines and penalties collected under this subtitle;

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

~~[(vi)]~~ (vii) Any other money from any other source accepted for the benefit of the Fund.

(3) The Secretary shall administer the Fund.

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

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

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

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

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

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

3 (IV) TO COVER THE ACTUAL COSTS OF THE MATTRESS
4 STEWARDSHIP PROGRAM PLAN REVIEW AND ANNUAL REPORT REVIEW UNDER §
5 9-1734 OF THIS SUBTITLE AND ASSOCIATED COSTS FOR PROGRAM COMPLIANCE
6 OVERSIGHT; AND

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

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

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

13 9-1715.

14 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
15 ON OR AFTER JANUARY 1, 2029, A PERSON MAY NOT DISPOSE OF A MATTRESS IN A
16 LANDFILL.

17 (2) A PERSON MAY DISPOSE OF A MATTRESS IN A LANDFILL IF THE
18 MATTRESS IS DEEPLY CONTAMINATED, THE MATTRESS CANNOT BE RENOVATED,
19 AND NO PARTS OF THE MATTRESS CAN BE RECYCLED.

20 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
21 ON OR AFTER JANUARY 1, 2029, A PERSON MAY NOT DISPOSE OF A MATTRESS IN AN
22 INCINERATOR.

23 (2) A PERSON MAY DISPOSE OF A MATTRESS IN AN INCINERATOR IF
24 THE MATTRESS IS DEEPLY CONTAMINATED, THE MATTRESS CANNOT BE
25 RENOVATED, AND NO PARTS OF THE MATTRESS CAN BE RECYCLED.

26 9-1731. RESERVED.

27 9-1732. RESERVED.

28 PART V. MATTRESS STEWARDSHIP PROGRAM.

29 9-1733.

30 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS

1 INDICATED.

2 (B) "ADVISORY BOARD" MEANS THE MATTRESS STEWARDSHIP ADVISORY
3 BOARD.

4 (C) "PROGRAM" MEANS THE MATTRESS STEWARDSHIP PROGRAM.

5 9-1734.

6 (A) ON OR BEFORE JULY 1, 2025, PRODUCERS OF MATTRESSES SOLD AT
7 RETAIL IN THE STATE, OR A REPRESENTATIVE ORGANIZATION ACTING ON A
8 PRODUCER'S BEHALF, SHALL SUBMIT A PLAN FOR THE ESTABLISHMENT OF A
9 MATTRESS STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR APPROVAL.

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

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

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

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

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

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

22 (VI) DESCRIBE HOW PRODUCERS WILL:

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

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

27 3. CONDUCT RESEARCH AS NEEDED TO IMPROVE THE
28 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 AN ESTIMATED ANNUAL OPERATING BUDGET;**

26 **(IX) PROVIDE A PLAN FOR MARKET DEVELOPMENT;**

27 **(X) PROVIDE THE TIME FRAME FOR ACHIEVING ZERO-WASTE**

1 GOALS AND PROGRAM PROFITABILITY AND SUSTAINABILITY WITHOUT THE NEED
2 FOR FEES BY:

3 1. ENCOURAGING EXPANSION AND DEVELOPMENT OF
4 DOWNSTREAM MARKETS FOR DISAGGREGATED COMPONENT MATTRESS PARTS;

5 2. INCREASING EFFICIENCIES OF END-OF-LIFE
6 PRODUCT MANAGEMENT; AND

7 3. ENCOURAGING EFFECTIVE COORDINATION AND
8 SHARING OF RESOURCES WHERE POSSIBLE; AND

9 (XI) PROVIDE A PLAN IN CASE OF CLOSURE OF THE PROGRAM.

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

13 (I) PROMOTING MATTRESS REUSE AND RECYCLING; AND

14 (II) NEGOTIATING AND EXECUTING AGREEMENTS TO COLLECT,
15 TRANSPORT, REUSE, RECYCLE, PROCESS FOR MATERIALS RECOVERY, AND DISPOSE
16 OF MATTRESSES.

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

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

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

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

29 (IV) PROVIDES GEOGRAPHIC MODELING TO DETERMINE THE
30 NUMBER AND DISTRIBUTION OF SITES FOR ALL COLLECTION OF POSTCONSUMER
31 MATTRESSES 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 **(V) PROVIDES INFORMATION ON HOW MATTRESSES**
8 **CONTAMINATED BY BIOLOGICAL FLUIDS, TOXINS, OR INFECTIOUS AGENTS WILL BE**
9 **DISPOSED OF, INCLUDING WHETHER THE DISPOSAL WILL BE HANDLED IN OR OUT**
10 **OF THE STATE; AND**

11 **(VI) ALLOWS FOR SCHEDULING AND PICK-UP OF MATTRESSES**
12 **FROM PRIVATE PROPERTY.**

13 **(4) THE PLAN MAY IDENTIFY A RETAILER AS A POSTCONSUMER**
14 **MATTRESS COLLECTION SITE IF:**

15 **(I) THE RETAILER VOLUNTEERS TO ACT AS A POSTCONSUMER**
16 **MATTRESS COLLECTION SITE;**

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

19 **(III) THE SITE LOCATION OF THE RETAILER IS CONSISTENT WITH**
20 **MAINTAINING A COST-EFFECTIVE NETWORK OF POSTCONSUMER MATTRESS**
21 **COLLECTION LOCATIONS.**

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

23 **(I) A UNIFORM MATTRESS STEWARDSHIP ASSESSMENT FOR**
24 **ALL MATTRESSES SOLD IN THE STATE; AND**

25 **(II) A MECHANISM FOR PRODUCERS PARTICIPATING IN A**
26 **MATTRESS STEWARDSHIP PROGRAM TO REMIT TO THE REPRESENTATIVE**
27 **ORGANIZATION PAYMENT OF THE MATTRESS STEWARDSHIP ASSESSMENT FOR EACH**
28 **MATTRESS SOLD IN THE STATE.**

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

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

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

3 **(III) THE RENOVATION RATES OF DISCARDED MATTRESSES;**

4 **(IV) THE NUMBER OF ILLEGALLY DUMPED MATTRESSES AND**
5 **THE SHARE OF DUMPED MATTRESSES AS A PERCENTAGE OF ALL MATTRESSES IN**
6 **THE PROGRAM; AND**

7 **(V) PUBLIC AWARENESS OF THE MATTRESS STEWARDSHIP**
8 **PROGRAM.**

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

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

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

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

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

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

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

30 **(C) (1) THE DEPARTMENT SHALL REVIEW:**

1 **(I) THE MATTRESS STEWARDSHIP PROGRAM PLAN REQUIRED**
2 **UNDER SUBSECTION (A) OF THIS SECTION; AND**

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

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

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

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

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

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

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

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

33 **(III) EACH RETAILER OR DISTRIBUTOR SHALL ADD A MATTRESS**
34 **STEWARDSHIP ASSESSMENT TO THE PURCHASE PRICE OF ALL MATTRESSES SOLD IN**

1 THE STATE BY DISPLAYING A LINE ITEM ON THE RECEIPT FOR THE ADDED COST.

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

6 (I) INFORMATION REGARDING AVAILABLE END-OF-LIFE
7 MANAGEMENT OPTIONS FOR MATTRESSES OFFERED THROUGH THE PROGRAM; AND

8 (II) INFORMATION THAT NOTIFIES CONSUMERS THAT AN
9 ASSESSMENT TO COVER THE COSTS OF IMPLEMENTING THE PROGRAM IS INCLUDED
10 IN THE PURCHASE PRICE OF ALL MATTRESSES SOLD IN THE STATE.

11 (2) FOLLOWING THE IMPLEMENTATION OF THE MATTRESS
12 STEWARDSHIP PROGRAM, A RETAILER SHALL PROVIDE CONSUMERS, AT THE POINT
13 OF RETAIL SALE, WITH EDUCATIONAL MATERIALS, PROVIDED BY A PRODUCER OR
14 REPRESENTATIVE ORGANIZATION, ON AVAILABLE COLLECTION OPPORTUNITIES
15 FOR POSTCONSUMER MATTRESSES THROUGH THE PROGRAM.

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

22 (G) A POSTCONSUMER MATTRESS COLLECTION SITE THAT IS IDENTIFIED IN
23 THE PLAN MAY NOT CHARGE AN ADDITIONAL FEE FOR THE DISPOSAL OF
24 MATTRESSES WHEN MATTRESSES ARE OFFERED FOR DISPOSAL, REUSE, OR
25 RECYCLING UNDER AN APPROVED MATTRESS STEWARDSHIP PROGRAM.

26 (H) A PRODUCER OR REPRESENTATIVE ORGANIZATION THAT ORGANIZES
27 THE COLLECTION, TRANSPORT, AND PROCESSING OF THE MATTRESSES IN
28 ACCORDANCE WITH AN APPROVED MATTRESS STEWARDSHIP PROGRAM SHALL BE
29 IMMUNE FROM LIABILITY FOR ANY CLAIM UNDER STATE LAW RELATING TO
30 ANTITRUST AND RESTRAINT OF TRADE, OR ANY UNFAIR, ABUSIVE, OR DECEPTIVE
31 TRADE PRACTICE, ARISING FROM CONDUCT UNDERTAKEN IN ACCORDANCE WITH
32 THE PROGRAM.

33 (I) (1) BEGINNING MARCH 1, 2027, OR 1 YEAR AFTER PLAN APPROVAL,
34 WHICHEVER IS LATER, AND ANNUALLY THEREAFTER, THE PRODUCER OR
35 REPRESENTATIVE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT AND

1 PUBLISH ONLINE A REPORT THAT DETAILS THE MATTRESS STEWARDSHIP
2 PROGRAM, INCLUDING:

3 (I) A DESCRIPTION OF THE METHODS USED TO COLLECT,
4 TRANSPORT, AND PROCESS MATTRESSES IN THE STATE;

5 (II) THE VOLUME AND TYPE OF MATTRESSES COLLECTED IN
6 THE STATE SORTED BY TYPE OF COLLECTION SITE;

7 (III) THE VOLUME AND TYPE OF MATTRESSES COLLECTED IN
8 THE STATE BY METHODS OF DISPOSITION, INCLUDING REUSE, RECYCLING, AND
9 OTHER METHODS OF PROCESSING OR DISPOSAL, WHICH INCLUDES AN ACCOUNTING
10 OF THE VOLUME OF MATTRESSES COLLECTED IN THE STATE FOR EACH COUNTY IN
11 THE STATE;

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

15 (V) SAMPLES OF EDUCATIONAL MATERIALS USED TO INFORM
16 CONSUMERS OF MATTRESS RECYCLING, REUSE, OR DISPOSAL, A SUMMARY OF
17 PUBLIC EDUCATION EFFORTS, AND AN EVALUATION OF THE EFFECTIVENESS OF
18 THESE METHODS;

19 (VI) AN EVALUATION OF WHY MATTRESSES THAT WERE NOT
20 RECYCLED WERE NOT RECYCLED;

21 (VII) THE TOTAL NUMBER OF MATTRESSES SOLD TO CONSUMERS
22 IN THE PREVIOUS YEAR;

23 (VIII) STRATEGIES TO ADDRESS POSTCONSUMER AND DISCARDED
24 MATTRESSES THAT ARE NOT INCLUDED IN THE PROGRAM AND THAT ARE ILLEGALLY
25 DUMPED;

26 (IX) REPORTS ON RESEARCH ACTIVITIES AND PILOT
27 PROGRAMS;

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

29 (XI) THE NUMBER OF POSTCONSUMER MATTRESSES RECEIVED
30 THROUGH COLLECTION THAT WERE NOT INCLUDED IN THE PROGRAM;

31 (XII) THE NUMBER OF POSTCONSUMER MATTRESSES THAT WERE

1 ILLEGALLY DUMPED AS REPORTED TO THE DEPARTMENT;

2 (XIII) AN ANALYSIS OF HOW THE DATA REQUIRED BY THIS
3 PARAGRAPH HAS CHANGED OVER TIME;

4 (XIV) AN EVALUATION OF THE EFFECTIVENESS OF METHODS AND
5 PROCESSES USED TO ACHIEVE THE GOALS OF THE PROGRAM, INCLUDING
6 INFORMATION ON PROGRESS MADE TOWARD ACHIEVING THE GOALS, AN
7 EXPLANATION OF WHY ANY GOALS WERE NOT MET DURING THE PREVIOUS
8 CALENDAR YEAR, AND ANY EFFORTS THAT WILL BE TAKEN TO IMPROVE PROGRESS
9 TOWARD MEETING THE GOALS IN THE FUTURE, IF APPLICABLE;

10 (XV) RECOMMENDATIONS FOR ANY CHANGES TO THE PROGRAM,
11 INCLUDING INFORMATION RELEVANT TO COMPLIANCE WITH THE PLAN; AND

12 (XVI) ANY OTHER INFORMATION REQUIRED BY THE
13 DEPARTMENT.

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

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

22 (I) EVALUATE THE TOTAL COSTS OF THE MATTRESS
23 STEWARDSHIP PROGRAM, INCLUDING ALL EXPENSES AND REVENUES, TO
24 DETERMINE WHETHER THE MATTRESS STEWARDSHIP ASSESSMENT MEETS OR
25 EXCEEDS THE COSTS OF THE PROGRAM IN ACCORDANCE WITH SUBSECTION (B)(8)
26 OF THIS SECTION; AND

27 (II) DETERMINE WHETHER THE PROGRAM IS BEING
28 IMPLEMENTED IN ACCORDANCE WITH THE PLAN APPROVED UNDER SUBSECTION (C)
29 OF THIS SECTION.

30 (2) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS
31 STEWARDSHIP ANNUAL REPORT, INCLUDING THE MATTRESS STEWARDSHIP
32 ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF THIS SECTION, THE
33 DEPARTMENT SHALL APPROVE THE ANNUAL REPORT.

1 **(3) THE PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL**
2 **MAKE THE APPROVED ANNUAL REPORT AVAILABLE TO THE PUBLIC.**

3 **(4) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS**
4 **STEWARDSHIP ANNUAL REPORT, INCLUDING THE MATTRESS STEWARDSHIP**
5 **ASSESSMENT, DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION, THE**
6 **PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT TO THE**
7 **DEPARTMENT A PLAN ON HOW THE PRODUCER OR REPRESENTATIVE**
8 **ORGANIZATION WILL ADDRESS THE NONCOMPLIANCE IN THE UPCOMING YEAR.**

9 **(K) (1) FINANCIAL, PRODUCTION, OR SALES DATA REPORTED TO THE**
10 **DEPARTMENT BY A PRODUCER OR THE REPRESENTATIVE ORGANIZATION SHALL BE**
11 **KEPT CONFIDENTIAL BY THE DEPARTMENT AND MAY NOT BE SUBJECT TO PUBLIC**
12 **INSPECTION.**

13 **(2) THE DEPARTMENT MAY RELEASE SUMMARY DATA THAT DOES**
14 **NOT DISCLOSE FINANCIAL, PRODUCTION, OR SALES DATA OF A PRODUCER,**
15 **RETAILER, OR REPRESENTATIVE ORGANIZATION.**

16 **9-1735.**

17 **(A) THERE IS A MATTRESS STEWARDSHIP ADVISORY BOARD.**

18 **(B) THE PURPOSE OF THE ADVISORY BOARD IS TO ADVISE ON THE PROPER**
19 **IMPLEMENTATION AND SUSTAINABILITY OF THE MATTRESS STEWARDSHIP**
20 **PROGRAM.**

21 **(C) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING MEMBERS:**

22 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE**
23 **PRESIDENT OF THE SENATE;**

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

26 **(3) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S**
27 **DESIGNEE;**

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

29 **(5) THE SECRETARY OF COMMERCE, OR THE SECRETARY'S**
30 **DESIGNEE;**

1 **(6) THE COMPTROLLER, OR THE COMPTROLLER’S DESIGNEE; AND**

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

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

4 **(II) ONE REPRESENTATIVE OF THE MATTRESS**
5 **MANUFACTURING INDUSTRY;**

6 **(III) ONE REPRESENTATIVE OF MATTRESS RECYCLERS;**

7 **(IV) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF**
8 **THE SIERRA CLUB;**

9 **(V) ONE REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY**
10 **GROUP;**

11 **(VI) ONE REPRESENTATIVE OF AN ADVOCACY GROUP FOR THE**
12 **REHABILITATION OF FORMERLY INCARCERATED INDIVIDUALS;**

13 **(VII) ONE REPRESENTATIVE OF INDEPENDENT HAULERS OF**
14 **BULK WASTE;**

15 **(VIII) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION**
16 **OF COUNTIES; AND**

17 **(IX) ONE CONSUMER REPRESENTATIVE EACH FROM WESTERN**
18 **MARYLAND, CENTRAL MARYLAND, SOUTHERN MARYLAND, AND THE EASTERN**
19 **SHORE.**

20 **(D) IN APPOINTING INDIVIDUALS TO THE ADVISORY BOARD, THE**
21 **GOVERNOR SHALL CONSIDER APPOINTING INDIVIDUALS FROM UNDERSERVED,**
22 **OVERBURDENED, LOW-INCOME, AND HISTORICALLY MARGINALIZED COMMUNITIES.**

23 **(E) (1) THE ADVISORY BOARD SHALL:**

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

26 **(II) REVIEW AND EVALUATE EACH MATTRESS STEWARDSHIP**
27 **PLAN REQUIRED UNDER § 9-1734(A) OF THIS SUBTITLE BEFORE THE PLAN IS**
28 **SUBMITTED TO THE DEPARTMENT FOR APPROVAL;**

1 (III) CONSULT WITH AND ADVISE PRODUCERS AND
2 REPRESENTATIVE ORGANIZATIONS AS THEY PREPARE THE MATTRESS
3 STEWARDSHIP PLAN;

4 (IV) 1. RECEIVE AND REVIEW THE MATTRESS STEWARDSHIP
5 PLANS SUBMITTED IN ACCORDANCE WITH § 9-1734 OF THIS SUBTITLE; AND

6 2. MAKE RECOMMENDATIONS TO THE DEPARTMENT
7 REGARDING MATTRESS STEWARDSHIP PLAN APPROVAL;

8 (V) 1. RECEIVE AND REVIEW ANNUAL REPORTS SUBMITTED
9 IN ACCORDANCE WITH § 9-1734 OF THIS SUBTITLE; AND

10 2. MAKE RECOMMENDATIONS TO THE DEPARTMENT
11 REGARDING THE NEED FOR ANY PLAN AMENDMENTS OR OTHER REQUIREMENTS
12 BASED ON THE ADVISORY BOARD'S REVIEW OF THE REPORTS; AND

13 (VI) REVIEW AND COMMENT ON DRAFT REGULATIONS
14 RELEVANT TO THE IMPLEMENTATION OF THE MATTRESS STEWARDSHIP PROGRAM.

15 (2) THE ADVISORY BOARD SHALL MEET AT LEAST QUARTERLY UNTIL
16 THE INITIAL ROUND OF STEWARDSHIP PLANS HAVE BEEN APPROVED, AND
17 SEMIANNUALLY THEREAFTER.

18 (3) THE ADVISORY BOARD SHALL ELECT A CHAIR FROM AMONG THE
19 MEMBERS BY A SIMPLE MAJORITY VOTE.

20 (4) THE ADVISORY BOARD MAY ADOPT BYLAWS AND A CHARTER FOR
21 THE OPERATION OF THE ADVISORY BOARD'S BUSINESS IN ACCORDANCE WITH THIS
22 PART.

23 (5) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY
24 BOARD.

25 (6) ON OR BEFORE JULY 1, 2025, THE ADVISORY BOARD SHALL
26 REPORT, AND IF APPLICABLE SUBMIT A MINORITY REPORT ON, ITS FINDINGS AND
27 RECOMMENDATIONS, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
28 ARTICLE, TO THE GENERAL ASSEMBLY.

29 9-1736.

30 (A) A RETAILER THAT VIOLATES THIS PART IS SUBJECT TO A CIVIL PENALTY
31 NOT TO EXCEED \$100 PER DAY FOR EACH DAY OF THE VIOLATION.

1 **(B) (1) A PRODUCER, RENOVATOR, OR REPRESENTATIVE ORGANIZATION**
2 **THAT VIOLATES THIS PART IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$1,000**
3 **PER DAY FOR EACH DAY OF THE VIOLATION.**

4 **(2) A CIVIL PENALTY IMPOSED ON A REPRESENTATIVE**
5 **ORGANIZATION UNDER THIS SUBSECTION CREATES A JOINT AND SEVERAL**
6 **OBLIGATION OF THE REPRESENTATIVE ORGANIZATION AND EACH PRODUCER**
7 **REGISTERED WITH THE REPRESENTATIVE ORGANIZATION.**

8 **(3) A REPRESENTATIVE ORGANIZATION MAY NOT USE ANY MONEY**
9 **COLLECTED THROUGH A MATTRESS STEWARDSHIP ASSESSMENT TO PAY A PENALTY**
10 **IMPOSED UNDER THIS SUBSECTION.**

11 **(C) ANY PENALTY COLLECTED UNDER THIS SECTION SHALL BE PLACED IN**
12 **A SPECIAL FUND TO BE USED BY THE DEPARTMENT TO ENSURE THE**
13 **IMPLEMENTATION OF APPROVED MATTRESS STEWARDSHIP PROGRAMS.**

14 **9-1737.**

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

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

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

22 **(i) CONDUCTING STUDIES ON HOW TO IMPROVE ACCESS TO**
23 **RECYCLING FOR UNDERSERVED COMMUNITIES;**

24 **(ii) CONDUCTING STUDIES ON HOW TO IMPROVE SOCIAL**
25 **EQUITY WITHIN THE RECYCLING SYSTEM, INCLUDING ENSURING EQUITABLE**
26 **EMPLOYMENT AND DEVELOPMENT OPPORTUNITIES;**

27 **(iii) PROVIDING A PLATFORM FOR RECOMMENDATIONS FROM**
28 **ENVIRONMENTAL JUSTICE AND COMMUNITY-BASED ORGANIZATIONS ON HOW TO**
29 **IMPROVE THE PROGRAM;**

30 **(iv) REQUIRING REPRESENTATIVE ORGANIZATIONS TO**
31 **GUARANTEE PRODUCTS ARE TRANSFERRED TO RESPONSIBLE END MARKETS THAT**

1 MEET ENVIRONMENTAL AND PUBLIC SAFETY STANDARDS;

2 (v) REQUIRING ALL CONTRACTS MADE BY A REPRESENTATIVE
3 ORGANIZATION TO INCLUDE LANGUAGE GUARANTEEING A LIVABLE WAGE AND
4 QUALITY BENEFITS TO WORKERS; AND

5 (vi) REQUIRING REPRESENTATIVE ORGANIZATIONS TO
6 TRANSLATE ALL EDUCATIONAL MATERIALS INTO THE LANGUAGES SPOKEN BY
7 LOCAL POPULATIONS AND TO ENSURE THAT COLLECTION INFRASTRUCTURE IS
8 ACCESSIBLE TO DISABLED RESIDENTS.

9 (c) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ENFORCE THIS
10 PART.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2024.