

# HOUSE BILL 747

M3  
HB 1021/23 – ECM

4lr2199

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By: **Delegate Terrasa**

Introduced and read first time: January 31, 2024

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Products That Contain Mercury – Fluorescent Lamps – Prohibition**

3 FOR the purpose of prohibiting a person from knowingly selling or distributing as a new  
4 manufactured product certain fluorescent lamps in the State on or after certain  
5 dates; and generally relating to products that contain mercury and fluorescent  
6 lamps.

7 BY repealing and reenacting, without amendments,  
8 Article – Environment  
9 Section 6–904  
10 Annotated Code of Maryland  
11 (2013 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Environment  
14 Section 6–905 and 6–905.4(a)  
15 Annotated Code of Maryland  
16 (2013 Replacement Volume and 2023 Supplement)

17 BY adding to  
18 Article – Environment  
19 Section 6–905.5  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2023 Supplement)

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

24 **Article – Environment**

25 6–904.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



The General Assembly finds that:

(1) Mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) Consumption of mercury–contaminated fish poses a significant health threat;

(3) Combustion of municipal and other solid waste is a source of mercury pollution;

(4) Both industry and government are working to reduce the content of mercury in products and to control the release of mercury into the environment;

(5) Accidental mercury spills, breakages, and releases have occurred at schools in the United States, exposing students, teachers, and administrators to mercury emissions; and

(6) Removal of mercury and mercury–containing products from the waste stream prior to combustion or disposal is an effective way to reduce mercury pollution.

6–905.

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

**(B) “COMPACT FLUORESCENT LAMP” MEANS A COMPACT LOW–PRESSURE, MERCURY–CONTAINING, ELECTRIC–DISCHARGE LIGHT SOURCE:**

**(1) IN WHICH A FLUORESCENT COATING TRANSFORMS SOME OF THE ULTRAVIOLET ENERGY GENERATED BY THE MERCURY DISCHARGE INTO VISIBLE LIGHT; AND**

**(2) THAT INCLUDES ALL OF THE FOLLOWING CHARACTERISTICS:**

**(I) ONE BASE OF ANY TYPE, INCLUDING SCREW, BAYONET, AND PIN;**

**(II) INTEGRALLY BALLASTED OR NONINTEGRALLY BALLASTED;**

**(III) LIGHT EMISSION BETWEEN A CORRELATED COLOR TEMPERATURE OF 1700K AND 24000K AND A DUV OF +0.024 AND –0.024 IN THE INTERNATIONAL COMMISSION ON ILLUMINATION (CIE) UNIFORM COLOR SPACE (CAM02–UCS);**

1 (IV) ALL TUBE DIAMETERS AND ALL TUBE LENGTHS; AND

2 (V) ALL LAMP SIZES AND SHAPES FOR DIRECTIONAL AND  
3 NONDIRECTIONAL INSTALLATIONS, INCLUDING PL, SPIRAL, TWIN TUBE, TRIPLE  
4 TWIN, 2D, U-BEND, AND CIRCULAR.

5 [(a-1)] (C) “Electric relay” means a product or device that opens or closes electrical  
6 contacts to effect the operation of other devices in the same or another electrical circuit.

7 [(a-2)] (D) “Electric switch” means a product or device that opens or closes an  
8 electrical circuit.

9 [(a-3)] (E) “Gas valve switch” means a product or device that opens or closes a gas  
10 valve.

11 (F) “LINEAR FLUORESCENT LAMP” MEANS A LOW-PRESSURE,  
12 MERCURY-CONTAINING, ELECTRIC-DISCHARGE LIGHT SOURCE:

13 (1) IN WHICH A FLUORESCENT COATING TRANSFORMS SOME OF THE  
14 ULTRAVIOLET ENERGY GENERATED BY THE MERCURY DISCHARGE INTO VISIBLE  
15 LIGHT; AND

16 (2) THAT INCLUDES ALL OF THE FOLLOWING CHARACTERISTICS:

17 (I) TWO BASES OF ANY TYPE, INCLUDING SINGLE-PIN,  
18 TWO-PIN, AND RECESSED DOUBLE CONTACT;

19 (II) LIGHT EMISSION BETWEEN A CORRELATED COLOR  
20 TEMPERATURE OF 1700K AND 24000K AND A DUV OF +0.024 AND -0.024 IN THE  
21 CIE CAM02-UCS;

22 (III) ALL TUBE DIAMETERS, INCLUDING T5, T8, T10, AND T12;

23 (IV) ALL TUBE LENGTHS FROM 0.5 TO 8.0 FEET, BOTH  
24 INCLUSIVE; AND

25 (V) ALL LAMP SHAPES, INCLUDING LINEAR, U-BEND, AND  
26 CIRCULAR.

27 [(b)] (G) “Manufacturer” means a person that:

28 (1) Produces a product;

1                   (2)     For a multicomponent product, produces or assembles the final product;  
2 or

3                   (3)     Serves as an importer or domestic distributor of a product produced  
4 outside of the United States.

5           [(c)] (H)     “Marketer” means a person that manufactures, assembles, sells,  
6 distributes, affixes a brand name or private label to, or licenses the use of a brand name  
7 on[:

8                   (1)     A fever thermometer containing mercury;

9                   (2)     A thermostat containing mercury;

10                  (3)     An electric switch containing mercury or a product component with an  
11 electric switch containing mercury;

12                  (4)     An electric relay containing mercury or a product component with an  
13 electric relay containing mercury; or

14                  (5)     A gas valve switch containing mercury or a product component with a  
15 gas valve switch containing mercury] **A PRODUCT SUBJECT TO THE PROVISIONS OF §§**  
16 **6–905.1 THROUGH 6–905.4 OF THIS SUBTITLE.**

17           [(d)] (I)     “Mercury-added product” means any of the following products if  
18 containing elemental mercury or a mercury compound that has been added to the product  
19 for any reason:

20                   (1)     Dyes or pigments; and

21                   (2)     Fluorescent lamps.

22           [(e)] (J)     “Motor vehicle” has the meaning stated in § 11–135 of the  
23 Transportation Article.

24           [(f)] (K)     “Reclamation facility” means a site:

25                   (1)     Where equipment is used to recapture mercury from mercury-added  
26 fluorescent lamps for the purpose of recycling or reusing the mercury; or

27                   (2)     That collects mercury-containing components from mercury-added  
28 fluorescent lamps for the eventual recapture and recycling or reuse of the mercury.

29           [(g)] (L)     “Thermostat” means a device that regulates temperature in an enclosed  
30 area by controlling heating, cooling, or ventilation equipment.

1 6–905.4.

2 (a) This section does not apply to:

3 (1) Prescription drugs;

4 (2) Any substance regulated by the Federal Food, Drug, and Cosmetic Act;

5 (3) Biological products regulated by the federal Food and Drug  
6 Administration under the federal Public Health Service Act;

7 (4) Medical equipment not intended for use by nonmedical personnel; [or]

8 (5) Products that contain mercury—added products that are labeled in  
9 accordance with this section; **OR**

10 **(6) FLUORESCENT LAMPS SUBJECT TO § 6–905.5 OF THIS SUBTITLE.**

11 **6–905.5.**

12 **(A) THIS SECTION DOES NOT APPLY TO:**

13 **(1) A LAMP DESIGNED AND MARKETING EXCLUSIVELY FOR IMAGE**  
14 **CAPTURE AND PROJECTION, INCLUDING:**

15 **(I) PHOTOCOPYING;**

16 **(II) PRINTING, DIRECTLY OR IN PREPROCESSING;**

17 **(III) LITHOGRAPHY;**

18 **(IV) FILM AND VIDEO PROJECTION; AND**

19 **(V) HOLOGRAPHY;**

20 **(2) A LAMP THAT HAS A HIGH PROPORTION OF ULTRAVIOLET LIGHT**  
21 **EMISSION AND IS:**

22 **(I) A LAMP WITH HIGH ULTRAVIOLET CONTENT THAT HAS**  
23 **ULTRAVIOLET POWER GREATER THAN TWO MILLIWATTS PER KILOLUMEN;**

24 **(II) A LAMP FOR GERMICIDAL USE, SUCH AS THE DESTRUCTION**  
25 **OF DNA, THAT EMITS A PEAK RADIATION OF APPROXIMATELY 253.7 NANOMETERS;**

(III) A LAMP DESIGNED AND MARKETING EXCLUSIVELY FOR DISINFECTION OR FLY TRAPPING FROM WHICH EITHER THE RADIATION POWER EMITTED BETWEEN 250 AND 315 NANOMETERS REPRESENTS AT LEAST 5% OF, OR THE RADIATION POWER EMITTED BETWEEN 315 AND 400 NANOMETERS REPRESENTS AT LEAST 20% OF, THE TOTAL RADIATION POWER EMITTED BETWEEN 250 AND 800 NANOMETERS;

(IV) A LAMP DESIGNED AND MARKETING EXCLUSIVELY FOR THE GENERATION OF OZONE WHERE THE PRIMARY PURPOSE IS TO EMIT RADIATION AT APPROXIMATELY 185.1 NANOMETERS;

(V) A LAMP DESIGNED AND MARKETING EXCLUSIVELY FOR CORAL ZOOXANTHELLAE SYMBIOSIS FROM WHICH THE RADIATION POWER EMITTED BETWEEN 400 AND 480 NANOMETERS REPRESENTS AT LEAST 40% OF THE TOTAL RADIATION POWER EMITTED BETWEEN 250 AND 800 NANOMETERS; OR

(VI) ANY LAMP DESIGNED AND MARKETING EXCLUSIVELY FOR USE IN A SUNLAMP PRODUCT, AS DEFINED IN TITLE 21, SUBCHAPTER J, § 1040.20 OF THE CODE OF FEDERAL REGULATIONS AND IN EFFECT ON OCTOBER 1, 2024;

(3) A LAMP DESIGNED AND MARKETING EXCLUSIVELY FOR USE IN MEDICAL OR VETERINARY DIAGNOSIS OR TREATMENT OR IN A MEDICAL DEVICE;

(4) A LAMP DESIGNED AND MARKETING EXCLUSIVELY FOR USE IN THE MANUFACTURING OR QUALITY CONTROL OF PHARMACEUTICAL PRODUCTS;

(5) A LAMP DESIGNED AND MARKETING EXCLUSIVELY FOR SPECTROSCOPY AND PHOTOMETRIC APPLICATIONS, SUCH AS UV-VISIBLE SPECTROSCOPY, MOLECULAR SPECTROSCOPY, ATOMIC ABSORPTION SPECTROSCOPY, NONDISPERSIVE INFRARED, FOURIER TRANSFORM INFRARED, MEDICAL ANALYSIS, ELLIPSOMETRY, LAYER THICKNESS MEASUREMENT, PROCESS MONITORING, OR ENVIRONMENTAL MONITORING;

(6) A LAMP DESIGNED AND MARKETING EXCLUSIVELY FOR USE BY ACADEMIC AND RESEARCH INSTITUTIONS FOR CONDUCTING RESEARCH PROJECTS AND EXPERIMENTS; OR

(7) A COMPACT FLUORESCENT LAMP USED TO REPLACE A LAMP IN A MOTOR VEHICLE MANUFACTURED ON OR BEFORE JANUARY 1, 2020.

(B) (1) ON OR AFTER JANUARY 1, 2025, A PERSON MAY NOT KNOWINGLY SELL OR DISTRIBUTE AS A NEW MANUFACTURED PRODUCT A SCREW- OR BAYONET-BASE TYPE COMPACT FLUORESCENT LAMP IN THE STATE.

1                   **(2) ON OR AFTER JULY 1, 2026, A PERSON MAY NOT KNOWINGLY SELL**  
2 **OR DISTRIBUTE AS A NEW MANUFACTURED PRODUCT A PIN-BASE TYPE COMPACT**  
3 **FLUORESCENT LAMP OR A LINEAR FLUORESCENT LAMP IN THE STATE.**

4           **(C) (1) THE PROVISIONS OF §§ 9-334 THROUGH 9-342 OF THIS ARTICLE**  
5 **APPLY TO ENFORCE VIOLATIONS OF THIS SECTION.**

6                   **(2) A PENALTY MAY NOT BE IMPOSED ON A PERSON UNDER THIS**  
7 **SECTION UNLESS THE DEPARTMENT FIRST ISSUES A WRITTEN NOTICE OF THE**  
8 **VIOLATION.**

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2024.