

HOUSE BILL 858

M3

5lr1432

HB 1355/24 – ENT & ECM

By: **Delegates Hill, Feldmark, R. Lewis, Palakovich Carr, Ruth, Terrasa, ~~and Wims~~
Wims, Boyce, and Lehman**

Introduced and read first time: January 30, 2025

Assigned to: Environment and Transportation and Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2025

CHAPTER _____

1 AN ACT concerning

2 **Mattress Stewardship Program – Establishment**

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

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.



seek environmental justice for underserved communities; providing that certain agreements for the recycling of mattresses may not be renewed except under certain circumstances; requiring the Department to request certain legislation under certain circumstances on or before a certain date; and generally relating to the disposal of mattresses and the Mattress Stewardship Program.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1701(a), (i), and (m) and 9–1702(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2024 Supplement)

BY adding to
Article – Environment
Section 9–1701(j–1), (j–2), (j–3), ~~(j–4)~~, (o–2), (r–2), (r–6), and (s–1) and 9–1715; and
9–1737 through 9–1742 to be under the new part “Part VI. Mattress
Stewardship Program”
Annotated Code of Maryland
(2014 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1701(o–2), (o–3), (r–2), (r–3), and (r–4), 9–1702(d) and (e), and 9–1707(f)
Annotated Code of Maryland
(2014 Replacement Volume and 2024 Supplement)

Preamble

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

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

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

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

1 WHEREAS, Since 2013, California, Connecticut, Oregon, and Rhode Island have
2 implemented successful mattress stewardship programs that have recycled 15 million
3 mattresses and diverted more than 563 million pounds of steel, foam, cotton, and wood from
4 disposal, saving more than 7.5 billion gallons of water; and

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

8 WHEREAS, Under Executive Order 01.01.2017.13, Maryland has committed to
9 sustainable materials management practices, which use and manage materials as
10 efficiently and sustainably as possible; and

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

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

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

21 WHEREAS, Implementing policies for mattresses is consistent with existing State
22 policy; and

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

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

28 Article – Environment

29 9–1701.

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

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

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

(2) "MATTRESS" INCLUDES A FOUNDATION.

(3) "MATTRESS" DOES NOT INCLUDE:

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

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

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

(IV) A SLEEPING BAG;

(V) A PILLOW;

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

(VII) A FOUNDATION;

(VIII) A CAR BED; OR

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

~~(J-2) "MATTRESS CORE" MEANS THE PRINCIPAL SUPPORT SYSTEM THAT IS PRESENT IN A MATTRESS, INCLUDING:~~

~~(1) SPRINGS;~~

~~(2) FOAM;~~

~~(3) AN AIR BLADDER;~~

~~(4) A WATER BLADDER; AND~~

~~(5) RESILIENT FILLING.~~

~~(J-3)~~ (J-2) "MATTRESS STEWARDSHIP ASSESSMENT" MEANS THE AMOUNT ADDED TO THE PURCHASE PRICE OF MATTRESSES SOLD IN THE STATE THAT IS

NECESSARY TO COVER THE MATTRESS STEWARDSHIP PROGRAM'S COST, INCLUDING COLLECTING, TRANSPORTING, MANAGING, AND PROCESSING POSTCONSUMER MATTRESSES STATEWIDE, AND ADMINISTRATION, EDUCATION, AND OUTREACH.

~~(J-4)~~ (J-3) "MATTRESS WASTE MANAGEMENT ENTITY" MEANS A WASTE MANAGEMENT COMPANY AUTHORIZED OR CONTRACTED BY THE MATTRESS STEWARDSHIP PROGRAM TO COLLECT, DISAGGREGATE, REDUCE, ~~REUSE~~, AND RECYCLE MATTRESSES.

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

(O-2) (1) "POSTCONSUMER MATTRESS" MEANS A MATTRESS NO LONGER WANTED BY A PURCHASER.

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

~~[(O-2)]~~ (O-3) "Postconsumer paint" means architectural paint not used and no longer wanted by a purchaser.

~~[(O-3)]~~ (O-4) "Producer" means, **EXCEPT AS PROVIDED IN PART VI OF THIS SUBTITLE**, a manufacturer of architectural paint that sells, offers for sale, or distributes the paint in the State under the producer's own name or brand.

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

(2) "RENOVATE" DOES NOT INCLUDE:

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

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

~~[(R-2)]~~ (R-3) "Representative organization" means, **EXCEPT AS PROVIDED IN PART VI OF THIS SUBTITLE**, a nonprofit organization created by producers to implement a Paint Stewardship Program.

~~[(R-3)]~~ (R-4) "Retailer" means, **EXCEPT AS PROVIDED IN PART VI OF THIS SUBTITLE**, any person that offers architectural paint for sale at retail in the State.

1 **3. DISADVANTAGED YOUTH;**

2 **4. INDIVIDUALS WITH DISABILITIES;**

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

5 **6. OTHER DISADVANTAGED INDIVIDUALS;**

6 **[(4)] (5)** Administer the Statewide Electronics Recycling Program under
7 Part IV of this subtitle;

8 **[(5)] (6)** Promote the development of markets for recycled materials and
9 recycled products in the State in accordance with § 9–1702.1 of this subtitle; and

10 **[(6)] (7)** Review and approve plans and annual reports, including the
11 paint stewardship assessment, submitted in accordance with a Paint Stewardship Program
12 established under Part V of this subtitle.

13 (e) On or before December 31, **[2024] 2026**, and every 2 years thereafter, the
14 Office shall, in coordination with the Maryland Environmental Service, study and report to
15 the Governor and, subject to § 2–1257 of the State Government Article, the General
16 Assembly on:

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

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

22 (3) The economics and financing of existing and proposed systems of waste
23 disposal and recycling;

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

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

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

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

(8) Economically feasible methods for the recycling of scrap automobile 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 newsprint 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 Paint Stewardship Program plan and annual report review fees collected under § 9–1733(b) and (h) of this subtitle;

(V) THE MATTRESS STEWARDSHIP PROGRAM PLAN AND ANNUAL REPORT REVIEW FEES COLLECTED UNDER § 9–1739(C)(2) AND (H)(2) OF THIS SUBTITLE;

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

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

[(vii)] (VIII) 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;

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

(iv) To cover the costs of the Paint Stewardship Program plan review under § 9–1733(b) of this subtitle, the annual report review under § 9–1733(h) of this subtitle, and associated costs for Program compliance oversight; [and]

(V) TO COVER THE ACTUAL COSTS OF THE MATTRESS STEWARDSHIP PROGRAM PLAN REVIEW AND ANNUAL REPORT REVIEW UNDER § 9–1739 OF THIS SUBTITLE AND ASSOCIATED COSTS FOR PROGRAM COMPLIANCE OVERSIGHT; AND

[(v)] (VI) To carry out the purposes of the land management administration.

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

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

9–1715.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR AFTER JANUARY 1, 2031, A PERSON MAY NOT DISPOSE OF A MATTRESS IN A LANDFILL.

(2) A PERSON MAY DISPOSE OF A MATTRESS IN A LANDFILL IF THE MATTRESS IS DEEPLY CONTAMINATED AND POSES A RISK TO PERSONNEL, NEW PRODUCTS, OR EQUIPMENT, AS DETERMINED BY THE DEPARTMENT.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR AFTER JANUARY 1, 2031, A PERSON MAY NOT DISPOSE OF A MATTRESS IN AN INCINERATOR.

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

1 POSES A RISK TO PERSONNEL, NEW PRODUCTS, OR EQUIPMENT, AS DETERMINED BY
2 THE DEPARTMENT.

3 9-1735. RESERVED.

4 9-1736. RESERVED.

5 PART VI. MATTRESS STEWARDSHIP PROGRAM.

6 9-1737.

7 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) "ADVISORY BOARD" MEANS THE MATTRESS STEWARDSHIP ADVISORY
10 BOARD.

11 (C) "PREMIUM COLLECTION SERVICE" MEANS A MATTRESS COLLECTION
12 SERVICE THAT PROVIDES A GREATER SERVICE CONVENIENCE, FREQUENCY, OR
13 COMPONENT.

14 (D) (1) "PRODUCER" MEANS:

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

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

20 (2) "PRODUCER" INCLUDES THE OWNER OF A MATTRESS
21 TRADEMARK OR BRAND, WHETHER OR NOT THE TRADEMARK OR BRAND IS
22 REGISTERED IN THE STATE.

23 (E) "PROGRAM" MEANS THE MATTRESS STEWARDSHIP PROGRAM.

24 (F) "REPRESENTATIVE ORGANIZATION" MEANS A NONPROFIT
25 ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT AND OPERATE A
26 MATTRESS STEWARDSHIP PROGRAM.

27 (G) "RETAILER" MEANS ANY PERSON THAT OFFERS MATTRESSES FOR SALE
28 AT RETAIL IN THE STATE.

29 9-1738.

1 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A PRODUCER OR
2 REPRESENTATIVE ORGANIZATION THAT ORGANIZES THE COLLECTION, TRANSPORT,
3 AND PROCESSING OF MATTRESSES IN ACCORDANCE WITH AN APPROVED MATTRESS
4 STEWARDSHIP PROGRAM SHALL BE IMMUNE FROM LIABILITY FOR ANY CLAIM
5 UNDER STATE OR FEDERAL LAW RELATING TO ANTITRUST AND RESTRAINT OF
6 TRADE, OR ANY UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE, ARISING FROM
7 CONDUCT UNDERTAKEN IN ACCORDANCE WITH THE PROGRAM.

8 **9-1739.**

9 (A) ON OR BEFORE JULY 1, 2027, PRODUCERS OF MATTRESSES SOLD AT
10 RETAIL IN THE STATE, OR A REPRESENTATIVE ORGANIZATION ACTING ON A
11 PRODUCER'S BEHALF, SHALL SUBMIT A PLAN FOR THE ESTABLISHMENT OF A
12 MATTRESS STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR APPROVAL.

13 (B) (1) THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
14 SHALL:

15 (I) IDENTIFY THE MATERIALS, ENTITIES, AND RESPONSIBLE
16 PARTIES COVERED UNDER THE PLAN;

17 (II) DESCRIBE THE ORGANIZATIONAL STRUCTURE OF ANY
18 REPRESENTATIVE ORGANIZATION;

19 (III) DESCRIBE THE FINANCING METHOD FOR THE PLAN,
20 INCLUDING:

21 1. HOW FEES WILL BE STRUCTURED AND COLLECTED;

22 2. CONSIDERATION OF WHETHER TO SET A FEE,
23 CONSISTENT THROUGHOUT THE STATE, THAT IS:

24 A. THE SAME FOR ALL MATTRESSES REGARDLESS OF
25 TYPE; OR

26 B. TIERED BASED ON MATTRESS TYPE; AND

27 3. AN ANALYSIS OF THE DIFFERENTIAL COST TO THE
28 MATTRESS STEWARDSHIP PROGRAM OF THE FEE STRUCTURES IDENTIFIED IN ITEM
29 2 OF THIS ITEM;

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

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

(VI) DESCRIBE HOW PRODUCERS WILL:

1. WORK WITH EXISTING RECYCLING PROGRAMS AND INFRASTRUCTURE;

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

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

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

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

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

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

4. MINORITY BUSINESS ENTERPRISES;

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

6. WOMEN-OWNED BUSINESSES;

7. VETERAN-OWNED BUSINESSES; AND

8. BUSINESSES THAT PRIORITIZE THE TRAINING AND HIRING OF:

A. INDIVIDUALS REENTERING SOCIETY AFTER IMPRISONMENT;

B. INDIVIDUALS EXPERIENCING HOMELESSNESS AND HOUSING INSECURITY;

1 C. INDIVIDUALS IN ADDICTION RECOVERY;

2 D. INDIVIDUALS WITH DISABILITIES; AND

3 E. INDIVIDUALS WHO ARE OTHERWISE
4 SOCIOECONOMICALLY OR HISTORICALLY MARGINALIZED OR DISADVANTAGED;

5 (VIII) PROVIDE AN ESTIMATED ANNUAL OPERATING BUDGET;

6 (IX) PROVIDE A PLAN FOR MARKET DEVELOPMENT;

7 (X) PROVIDE THE TIME FRAME FOR ACHIEVING ZERO-WASTE
8 GOALS AND PROGRAM ~~PROFITABILITY AND~~ SUSTAINABILITY WITHOUT THE NEED
9 FOR FEES BY:

10 1. ENCOURAGING EXPANSION AND DEVELOPMENT OF
11 DOWNSTREAM MARKETS FOR DISAGGREGATED COMPONENT MATTRESS PARTS;

12 2. INCREASING EFFICIENCIES OF END-OF-LIFE
13 PRODUCT MANAGEMENT; AND

14 3. ENCOURAGING EFFECTIVE COORDINATION AND
15 SHARING OF RESOURCES WHERE POSSIBLE; AND

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

17 (2) THE PLAN SHALL MINIMIZE PUBLIC SECTOR INVOLVEMENT IN,
18 AND FINANCIAL RESPONSIBILITY FOR, THE MANAGEMENT OF MATTRESS DISPOSAL
19 BY:

20 (I) PROMOTING MATTRESS ~~REUSE AND~~ RECYCLING;

21 (II) NEGOTIATING AND EXECUTING AGREEMENTS TO COLLECT,
22 TRANSPORT, ~~REUSE~~, RECYCLE, PROCESS FOR MATERIALS RECOVERY, AND DISPOSE
23 OF MATTRESSES, AND AGREEMENTS TO REIMBURSE ~~ANY~~ COSTS ASSOCIATED WITH
24 TASKS UNDER EXISTING PUBLIC SECTOR PROGRAMS OR AGREEMENTS; AND

25 (III) PROVIDING FOR THE FINANCIAL REIMBURSEMENT TO
26 COLLECTION SITES FOR THE INCREASED COSTS OF COLLECTION.

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

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

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

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

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

1. UNLESS OTHERWISE APPROVED OR REQUIRED BY THE DEPARTMENT, AT LEAST 90% OF THE RESIDENTS OF THE STATE SHALL HAVE A COLLECTION SITE WITHIN A 15-MILE RADIUS; AND

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

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

(VI) ALLOWS FOR SCHEDULING AND PICK-UP OF MATTRESSES FROM PRIVATE PROPERTY; AND

(VII) ALLOWS FOR A MATTRESS WASTE MANAGEMENT ENTITY TO:

1. OFFER A PREMIUM COLLECTION SERVICE UNDER THE PROGRAM; ~~AND~~

2. CHARGE FOR THE ADDITIONAL COST OF THAT PREMIUM COLLECTION SERVICE; AND

1 **3. CARRY OUT A STATEWIDE ASSESSMENT OF NEEDS**
2 **AND COSTS.**

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

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

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

9 **(III) THE SITE LOCATION OF THE RETAILER IS CONSISTENT WITH**
10 **MAINTAINING A COST-EFFECTIVE NETWORK OF POSTCONSUMER MATTRESS**
11 **COLLECTION LOCATIONS.**

12 **(5) (I) THE PLAN SHALL ESTABLISH:**

13 ~~(H)~~ **1. A UNIFORM MATTRESS STEWARDSHIP ASSESSMENT**
14 **FOR ALL MATTRESSES SOLD IN THE STATE; AND**

15 ~~(H)~~ **2. A MECHANISM FOR RETAILERS PARTICIPATING IN A**
16 **MATTRESS STEWARDSHIP PROGRAM TO REMIT, AT THE POINT OF SALE, TO THE**
17 **REPRESENTATIVE ORGANIZATION PAYMENT OF THE MATTRESS STEWARDSHIP**
18 **ASSESSMENT FOR EACH MATTRESS SOLD IN THE STATE.**

19 **(II) THE UNIFORM MATTRESS STEWARDSHIP ASSESSMENT**
20 **REQUIRED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY BE TIERED BASED**
21 **ON MATTRESS WEIGHT, CONSTRUCTION, SIZE, TYPE, RECYCLABILITY, RETAIL**
22 **PRICE, OR ANY OTHER FACTOR THE PRODUCER OR REPRESENTATIVE**
23 **ORGANIZATION DETERMINES WILL DISTRIBUTE THE ASSESSMENT MORE FAIRLY.**

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

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

26 **(II) THE RECYCLING RATES OF DISCARDED MATTRESSES;**
27 **~~INCLUDING CLOSED-LOOP RECYCLING;~~**

28 **(III) ~~THE~~ IN COORDINATION WITH THE RENOVATORS AND TO**
29 **THE EXTENT PRACTICABLE, THE RENOVATION RATES OF DISCARDED MATTRESSES;**

30 **(IV) ~~THE~~ IN COORDINATION WITH LOCAL JURISDICTIONS AND**
31 **TO THE EXTENT PRACTICABLE, THE NUMBER OF ILLEGALLY DUMPED MATTRESSES**

1 AND THE SHARE OF DUMPED MATTRESSES AS A PERCENTAGE OF ALL MATTRESSES
2 IN THE PROGRAM; AND

3 (V) PUBLIC AWARENESS OF THE MATTRESS STEWARDSHIP
4 PROGRAM.

5 (7) (I) ~~THE~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
6 THE TOTAL AMOUNT OF THE MATTRESS STEWARDSHIP ASSESSMENT MAY NOT
7 EXCEED THE COSTS OF IMPLEMENTING THE MATTRESS STEWARDSHIP PROGRAM.

8 (II) THE TOTAL AMOUNT OF THE MATTRESS STEWARDSHIP
9 ASSESSMENT MAY INCLUDE A FINANCIAL RESERVE SUFFICIENT TO OPERATE THE
10 PROGRAM OVER A MULTIYEAR PERIOD.

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) ~~(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,~~
21 ~~WHEN THE MATTRESS STEWARDSHIP PROGRAM BECOMES PROFITABLE BASED ON~~
22 ~~ANY PRODUCTS IT PRODUCES FROM THE RECYCLED MATERIAL, ASSESSMENT FEES~~
23 ~~SHALL BE PHASED OUT.~~

24 ~~(II) IF THE MATTRESS STEWARDSHIP PROGRAM IS NO LONGER~~
25 ~~PROFITABLE AFTER THE PHASING OUT OF ASSESSMENT FEES UNDER~~
26 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH, ASSESSMENT FEES SHALL BE PHASED IN.~~

27 ~~(11)~~ (I) EACH PLAN SUBMITTED UNDER SUBSECTION (A) OF THIS
28 SECTION AND APPROVED BY THE DEPARTMENT SHALL BE REEVALUATED BY THE
29 DEPARTMENT EVERY 5 YEARS.

30 (II) THE DEPARTMENT MAY REQUIRE A PLAN TO BE REVISED
31 BEFORE ITS TIME PERIOD ENDS IF:

32 1. TARGETS ARE NOT BEING MET;

1 2. THERE IS AN APPEAL TO THE MATTRESS
2 STEWARDSHIP ADVISORY BOARD ESTABLISHED UNDER § 9-1742 OF THIS SUBTITLE
3 OR TO THE DEPARTMENT UNDER TITLE 10, SUBTITLE 2 OF THE STATE
4 GOVERNMENT ARTICLE BY AN ENTITY THAT RECEIVES REIMBURSEMENT UNDER
5 THE PLAN THAT WARRANTS A REVISION; OR

6 3. THERE IS A CHANGE IN CIRCUMSTANCES THAT
7 WARRANTS A REVISION.

8 (c) (1) THE DEPARTMENT SHALL REVIEW:

9 (i) THE MATTRESS STEWARDSHIP PROGRAM PLAN REQUIRED
10 UNDER SUBSECTION (A) OF THIS SECTION; AND

11 (ii) THE WORK PRODUCT OF THE INDEPENDENT FINANCIAL
12 AUDITOR DESIGNATED BY THE DEPARTMENT TO EVALUATE MATTRESS
13 STEWARDSHIP ASSESSMENTS.

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

20 (3) (i) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS
21 STEWARDSHIP PROGRAM PLAN, INCLUDING THE MATTRESS STEWARDSHIP
22 ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS
23 SECTION, THE DEPARTMENT SHALL APPROVE THE PROGRAM WITHIN 90 DAYS OF
24 SUBMISSION.

25 (ii) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS
26 STEWARDSHIP PROGRAM PLAN, INCLUDING THE MATTRESS STEWARDSHIP
27 ASSESSMENT, REQUIRES MODIFICATION, THE PRODUCER OR REPRESENTATIVE
28 ORGANIZATION SHALL HAVE 30 DAYS TO MODIFY THE PLAN.

29 (4) THE DEPARTMENT SHALL LIST ON ITS WEBSITE THE PRODUCERS,
30 BRANDS, RENOVATORS, AND RETAILERS IMPLEMENTING OR PARTICIPATING IN AN
31 APPROVED MATTRESS STEWARDSHIP PROGRAM.

32 (d) (1) A PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL
33 IMPLEMENT ITS MATTRESS STEWARDSHIP PROGRAM PLAN WITHIN 1 YEAR AFTER
34 THE PLAN'S APPROVAL BY THE DEPARTMENT.

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

3 **(I) A PRODUCER OR RETAILER MAY NOT SELL OR OFFER FOR**
4 **SALE A BRAND OF MATTRESS TO ANY PERSON IN THE STATE, UNLESS THE**
5 **PRODUCER OF THE BRAND OR A REPRESENTATIVE ORGANIZATION OF WHICH THE**
6 **PRODUCER IS A MEMBER IS IMPLEMENTING AN APPROVED MATTRESS**
7 **STEWARDSHIP PROGRAM;**

8 **(II) A PRODUCER SHALL ADD THE MATTRESS STEWARDSHIP**
9 **ASSESSMENT ESTABLISHED UNDER AN APPROVED MATTRESS STEWARDSHIP**
10 **PROGRAM TO THE COST OF ALL MATTRESSES SOLD TO RETAILERS AND**
11 **DISTRIBUTED IN THE STATE; AND**

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

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

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

21 **(II) INFORMATION THAT NOTIFIES CONSUMERS THAT AN**
22 **ASSESSMENT TO COVER THE COSTS OF IMPLEMENTING THE PROGRAM IS INCLUDED**
23 **IN THE PURCHASE PRICE OF ALL MATTRESSES SOLD IN THE STATE.**

24 **(2) FOLLOWING THE IMPLEMENTATION OF THE MATTRESS**
25 **STEWARDSHIP PROGRAM, A RETAILER SHALL PROVIDE CONSUMERS, AT THE POINT**
26 **OF RETAIL SALE, WITH EDUCATIONAL MATERIALS, PROVIDED BY A PRODUCER OR**
27 **REPRESENTATIVE ORGANIZATION, ON AVAILABLE COLLECTION OPPORTUNITIES**
28 **FOR POSTCONSUMER MATTRESSES THROUGH THE PROGRAM.**

29 **(F) FOLLOWING THE IMPLEMENTATION OF THE MATTRESS STEWARDSHIP**
30 **PROGRAM, A RETAILER COMPLIES WITH THE REQUIREMENTS OF THIS SECTION IF,**
31 **ON THE DATE THE MATTRESS WAS ORDERED FROM THE PRODUCER OR ITS AGENT,**
32 **THE PRODUCER OF THE MATTRESS BRAND IS LISTED ON THE DEPARTMENT’S**
33 **WEBSITE AS IMPLEMENTING OR PARTICIPATING IN AN APPROVED MATTRESS**
34 **STEWARDSHIP PROGRAM.**

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

5 (H) (1) BEGINNING MARCH 1, 2029, OR 1 YEAR AFTER PLAN APPROVAL,
6 WHICHEVER IS LATER, AND ANNUALLY THEREAFTER, THE PRODUCER OR
7 REPRESENTATIVE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT AND
8 PUBLISH ONLINE A REPORT THAT DETAILS THE MATTRESS STEWARDSHIP
9 PROGRAM, INCLUDING:

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

12 (II) THE AMOUNT BY VOLUME OR WEIGHT, AS SPECIFIED BY THE
13 DEPARTMENT, AND TYPE OF MATTRESSES COLLECTED IN THE STATE SORTED BY
14 TYPE OF COLLECTION SITE AND THE POLITICAL SUBDIVISION IN WHICH THE
15 MATTRESSES WERE COLLECTED;

16 (III) THE AMOUNT BY VOLUME OR WEIGHT, AS SPECIFIED BY THE
17 DEPARTMENT, AND TYPE OF MATTRESSES COLLECTED IN THE STATE BY METHODS
18 OF DISPOSITION, INCLUDING RECYCLING AND OTHER METHODS OF PROCESSING OR
19 DISPOSAL, USING METRICS FOR EVALUATION AND PROGRESS DETERMINED BY THE
20 DEPARTMENT, FOR EACH COUNTY IN THE STATE;

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

24 (V) SAMPLES OF EDUCATIONAL MATERIALS USED TO INFORM
25 CONSUMERS OF MATTRESS RECYCLING, ~~REUSE,~~ OR DISPOSAL, A SUMMARY OF
26 PUBLIC EDUCATION EFFORTS, AND AN EVALUATION OF THE EFFECTIVENESS OF
27 THESE METHODS;

28 (VI) AN EVALUATION OF WHY MATTRESSES THAT WERE NOT
29 RECYCLED WERE NOT RECYCLED;

30 (VII) THE TOTAL NUMBER OF MATTRESSES SOLD TO CONSUMERS
31 IN THE PREVIOUS YEAR;

32 (VIII) STRATEGIES TO ADDRESS POSTCONSUMER AND DISCARDED
33 MATTRESSES THAT ARE NOT INCLUDED IN THE PROGRAM AND THAT ARE ILLEGALLY
34 DUMPED;

(IX) REPORTS ON RESEARCH ACTIVITIES, PILOT PROGRAMS,
AND ANY CHANGES IN MATTRESS DESIGN;

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

(XI) ~~THE~~ IN COORDINATION WITH LOCAL JURISDICTIONS AND
TO THE EXTENT PRACTICABLE, THE NUMBER OF POSTCONSUMER MATTRESSES
THAT WERE ILLEGALLY DUMPED AS REPORTED TO THE DEPARTMENT;

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

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

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

(XV) ANY OTHER INFORMATION REQUIRED BY THE
DEPARTMENT.

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

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

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

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

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

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

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

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

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

9-1740.

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

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

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

~~(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;~~

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

~~(3) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S
DESIGNEE;~~

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

~~(5) THE SECRETARY OF COMMERCE, OR THE SECRETARY'S
DESIGNEE;~~

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

~~(7) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR:~~

~~(I) ONE REPRESENTATIVE OF MATTRESS RETAILERS;~~

~~(II) ONE REPRESENTATIVE OF THE MATTRESS
MANUFACTURING INDUSTRY;~~

~~(III) ONE REPRESENTATIVE OF MATTRESS RECYCLERS;~~

~~(IV) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF
THE SIERRA CLUB;~~

~~(V) ONE REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY
GROUP;~~

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

~~(VII) ONE REPRESENTATIVE OF INDEPENDENT HAULERS OF
BULK WASTE;~~

~~(VIII) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION
OF COUNTIES;~~

~~(IX) ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL
LEAGUE; AND~~

~~(X) ONE CONSUMER REPRESENTATIVE EACH FROM WESTERN
MARYLAND, CENTRAL MARYLAND, SOUTHERN MARYLAND, AND THE EASTERN
SHORE.~~

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

~~(E) (1) THE ADVISORY BOARD SHALL:~~

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

~~(II) REVIEW AND EVALUATE EACH MATTRESS STEWARDSHIP
PLAN REQUIRED UNDER § 9-1739(A) OF THIS SUBTITLE BEFORE THE PLAN IS
SUBMITTED TO THE DEPARTMENT FOR APPROVAL;~~

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

~~(IV) 1. RECEIVE AND REVIEW THE MATTRESS STEWARDSHIP
PLANS SUBMITTED IN ACCORDANCE WITH § 9-1739 OF THIS SUBTITLE; AND~~

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

~~(V) 1. RECEIVE AND REVIEW ANNUAL REPORTS SUBMITTED
IN ACCORDANCE WITH § 9-1739 OF THIS SUBTITLE; AND~~

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

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

~~(2) THE ADVISORY BOARD SHALL MEET AT LEAST QUARTERLY UNTIL
THE INITIAL ROUND OF STEWARDSHIP PLANS HAVE BEEN APPROVED, AND
SEMIANNUALLY OR ANNUALLY, AS DETERMINED BY THE DEPARTMENT,
THEREAFTER.~~

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

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

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

~~(6) ON OR BEFORE APRIL 1, 2027, THE ADVISORY BOARD SHALL REPORT, AND IF APPLICABLE SUBMIT A MINORITY REPORT ON, ITS FINDINGS AND RECOMMENDATIONS, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.~~

~~9-1741.~~

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

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

~~(2) A REPRESENTATIVE ORGANIZATION MAY NOT USE ANY MONEY COLLECTED THROUGH A MATTRESS STEWARDSHIP ASSESSMENT TO PAY A PENALTY IMPOSED UNDER THIS SUBSECTION.~~

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

~~9-1742.~~ 9-1741.

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

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

(2) MEASURES ADOPTED UNDER THIS SUBSECTION MAY INCLUDE:

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

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

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

(IV) REQUIRING REPRESENTATIVE ORGANIZATIONS TO GUARANTEE PRODUCTS ARE TRANSFERRED TO RESPONSIBLE END MARKETS THAT MEET ENVIRONMENTAL AND PUBLIC SAFETY STANDARDS;

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

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

(C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ENFORCE THIS PART THAT INCLUDE A CLARIFICATION OF THE AUTHORITY AND RESPONSIBILITY TO INSPECT AND ENFORCE THE PROGRAM BETWEEN LOCAL AND STATE GOVERNMENTS.

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

Article – Environment

9-1742.

(A) THERE IS A MATTRESS STEWARDSHIP ADVISORY BOARD.

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

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

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

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

(3) THE SECRETARY, OR THE SECRETARY’S DESIGNEE;

(4) THE SECRETARY OF HEALTH, OR THE SECRETARY’S DESIGNEE;

1 (5) THE SECRETARY OF COMMERCE, OR THE SECRETARY'S
2 DESIGNEE;

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

4 (7) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR:

5 (I) ONE REPRESENTATIVE OF MATTRESS RETAILERS;

6 (II) ONE REPRESENTATIVE OF THE MATTRESS
7 MANUFACTURING INDUSTRY;

8 (III) ONE REPRESENTATIVE OF MATTRESS RECYCLERS;

9 (IV) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF
10 THE SIERRA CLUB;

11 (V) ONE REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY
12 GROUP;

13 (VI) ONE REPRESENTATIVE OF AN ADVOCACY GROUP FOR THE
14 REHABILITATION OF FORMERLY INCARCERATED INDIVIDUALS;

15 (VII) ONE REPRESENTATIVE OF INDEPENDENT HAULERS OF
16 BULK WASTE;

17 (VIII) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION
18 OF COUNTIES;

19 (IX) ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL
20 LEAGUE; AND

21 (X) ONE CONSUMER REPRESENTATIVE EACH FROM WESTERN
22 MARYLAND, CENTRAL MARYLAND, SOUTHERN MARYLAND, AND THE EASTERN
23 SHORE.

24 (D) IN APPOINTING INDIVIDUALS TO THE ADVISORY BOARD, THE
25 GOVERNOR SHALL CONSIDER APPOINTING INDIVIDUALS FROM UNDERSERVED,
26 OVERBURDENED, LOW-INCOME, AND HISTORICALLY MARGINALIZED COMMUNITIES.

27 (E) (1) THE ADVISORY BOARD SHALL:

28 (I) REVIEW AND EVALUATE THE STRUCTURE, FINANCING, AND
29 OTHER ASPECTS OF THE MATTRESS STEWARDSHIP PROGRAM;

1 (II) REVIEW AND EVALUATE EACH MATTRESS STEWARDSHIP
2 PLAN REQUIRED UNDER § 9-1739(A) OF THIS SUBTITLE BEFORE THE PLAN IS
3 SUBMITTED TO THE DEPARTMENT FOR APPROVAL;

4 (III) CONSULT WITH AND ADVISE PRODUCERS AND
5 REPRESENTATIVE ORGANIZATIONS AS THEY PREPARE THE MATTRESS
6 STEWARDSHIP PLAN;

7 (IV) 1. RECEIVE AND REVIEW THE MATTRESS STEWARDSHIP
8 PLANS SUBMITTED IN ACCORDANCE WITH § 9-1739 OF THIS SUBTITLE; AND

9 2. MAKE RECOMMENDATIONS TO THE DEPARTMENT
10 REGARDING MATTRESS STEWARDSHIP PLAN APPROVAL;

11 (V) 1. RECEIVE AND REVIEW ANNUAL REPORTS SUBMITTED
12 IN ACCORDANCE WITH § 9-1739 OF THIS SUBTITLE; AND

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

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

18 (2) THE ADVISORY BOARD SHALL MEET AT LEAST QUARTERLY UNTIL
19 THE INITIAL ROUND OF STEWARDSHIP PLANS HAVE BEEN APPROVED, AND
20 SEMIANNUALLY OR ANNUALLY, AS DETERMINED BY THE DEPARTMENT,
21 THEREAFTER.

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

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

27 (5) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY
28 BOARD.

29 (6) ON OR BEFORE APRIL 1, 2027, THE ADVISORY BOARD SHALL
30 REPORT, AND IF APPLICABLE SUBMIT A MINORITY REPORT ON, ITS FINDINGS AND
31 RECOMMENDATIONS, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
32 ARTICLE, TO THE GENERAL ASSEMBLY.

1 SECTION 3. AND BE IT FURTHER ENACTED, That:

2 (a) On or after July 1, 2026, a contract or agreement for the recycling of
3 mattresses in existence prior to the effective date of this Act may not be renewed unless the
4 contract or agreement conforms to or is modified to conform to the requirements of a
5 Mattress Stewardship Program plan as enacted by this Act.

6 (b) On or before December 1, 2026, the Department of the Environment shall, if
7 necessary, request legislation to further implement this Act.

8 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2025. Section 2 of this Act shall remain effective for a period of 5 years and, at the
10 end of June 30, 2030, Section 2 of this Act, with no further action required by the General
11 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.