

HOUSE BILL 674

M3
HB 332/16 – ENV & ECM

7lr1562
CF SB 168

By: **Delegates Lafferty and Cassilly**

Introduced and read first time: February 1, 2017

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Paint Stewardship Program**

3 FOR the purpose of requiring certain producers of architectural paint sold at retail in the
4 State or a certain representative organization to submit a plan for the establishment
5 of a Paint Stewardship Program to the Department of the Environment for approval,
6 on or before a certain date, and in accordance with certain requirements; requiring
7 a certain plan to establish a certain assessment; prohibiting a certain assessment
8 from exceeding certain costs; requiring certain assessments to be used for a certain
9 purpose; requiring the Office of Recycling within the Department to review and
10 approve certain plans, including a certain assessment, submitted in accordance with
11 the Paint Stewardship Program; requiring a producer or representative organization
12 to pay a plan review fee, as determined by the Department; requiring certain fees to
13 be deposited in the State Recycling Trust Fund; authorizing the State Recycling
14 Trust Fund to be used to cover certain costs; requiring the Department to approve a
15 certain plan under certain circumstances; requiring the Department to list certain
16 producers and brands on its Web site under certain circumstances; requiring certain
17 producers and retailers or distributors to add a certain assessment to the cost of all
18 architectural paint sold in the State beginning on a certain date; requiring a certain
19 producer or representative organization to implement a certain program within a
20 certain amount of time after the Department approves a certain plan; prohibiting a
21 producer or retailer from selling or offering for sale certain architectural paint under
22 certain circumstances beginning on a certain date or after a certain amount of time
23 after the Department approves a certain plan, whichever is later; requiring a certain
24 producer or representative organization to provide consumers with certain
25 educational materials in accordance with certain requirements; providing that
26 certain retailers are in compliance with certain requirements under certain
27 circumstances; providing that a certain producer or representative organization is
28 immune from certain liability under certain circumstances; requiring a certain
29 producer or representative organization to submit a certain report to the Department
30 in accordance with certain requirements, on or before a certain date, and with a
31 certain frequency thereafter; requiring the Department to review a certain report in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



accordance with certain requirements; requiring a producer or representative organization to pay an annual report review fee, as determined by the Department; requiring the Department to keep certain data confidential; authorizing the Department to release certain summary data under certain circumstances; defining certain terms; and generally relating to the Paint Stewardship Program.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1701, 9–1702, and 9–1707(f)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY adding to
Article – Environment
Section 9–1733 to be under the new part “Part V. Paint Stewardship Program”
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Environment

9–1701.

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

(B) (1) “ARCHITECTURAL PAINT” MEANS INTERIOR AND EXTERIOR ARCHITECTURAL COATINGS SOLD IN CONTAINERS OF 5 GALLONS OR LESS.

(2) “ARCHITECTURAL PAINT” DOES NOT INCLUDE INDUSTRIAL COATINGS, ORIGINAL EQUIPMENT COATINGS, OR SPECIALTY COATINGS.

[(b)] (C) “Compost” means the product of composting in accordance with the standards established by the Secretary of Agriculture under § 6–221 of the Agriculture Article.

[(c)] (D) “Composting” means the controlled aerobic biological decomposition of organic waste material in accordance with the standards established by the Secretary under this title.

[(d)] (E) (1) “Composting facility” means a facility where composting takes place.

(2) “Composting facility” does not include a facility that is required to obtain:

1 (i) A natural wood waste recycling facility permit in accordance with
2 this title;

3 (ii) A sewage sludge utilization permit in accordance with this title;
4 or

5 (iii) A refuse disposal permit in accordance with this title.

6 **[(e)] (F)** (1) “Computer” means a desktop personal computer or laptop
7 computer, including the computer monitor.

8 (2) “Computer” does not include:

9 (i) A personal digital assistant device; or

10 (ii) A computer peripheral device, including:

11 1. A mouse or other similar pointing device;

12 2. A printer; or

13 3. A detachable keyboard.

14 **[(f)] (G)** (1) “Covered electronic device” means a computer or video display
15 device with a screen that is greater than 4 inches measured diagonally.

16 (2) “Covered electronic device” does not include a video display device that
17 is part of a motor vehicle or that is contained within a household appliance or commercial,
18 industrial, or medical equipment.

19 **[(g)] (H)** “Covered electronic device takeback program” means a program,
20 established by a covered electronic device manufacturer or a group of covered electronic
21 device manufacturers, for the collection and recycling, refurbishing, or reuse of a covered
22 electronic device labeled with the name of the manufacturer or the manufacturer’s brand
23 label, including:

24 (1) Providing, at no cost to the returner, a method of returning a covered
25 electronic device to the manufacturer, including postage paid mailing packages or
26 designated collection points throughout the State;

27 (2) Contracting with a recycler, local government, other manufacturer, or
28 any other person; or

29 (3) Any other program approved by the Department.

30 **[(h)] (I)** “Director” means the Director of the Office of Recycling.

(J) “DISTRIBUTOR” MEANS A COMPANY THAT HAS A CONTRACTUAL RELATIONSHIP WITH ONE OR MORE PRODUCERS TO MARKET AND SELL ARCHITECTURAL PAINT TO RETAILERS IN THE STATE.

[(i)] (K) “Manufacturer” means a person that is the brand owner of a covered electronic device sold or offered for sale in the State, by any means, including transactions conducted through sales outlets, catalogs, or the Internet.

[(j)] (L) (1) “Natural wood waste” means tree and other natural vegetative refuse.

(2) “Natural wood waste” includes tree stumps, brush and limbs, root mats, logs, and other natural vegetative material.

[(k)] (M) (1) “Natural wood waste recycling facility” means a facility where recycling services for natural wood waste are provided.

(2) “Natural wood waste recycling facility” does not include a collection or processing facility operated by:

(i) A nonprofit or governmental organization located in the State; or

(ii) A single individual or business that provides recycling services for its own employees or for its own recyclable materials generated on its own premises.

[(l)] (N) “Office” means the Office of Recycling within the Department.

(O) “PAINT STEWARDSHIP ASSESSMENT” MEANS THE AMOUNT ADDED TO THE PURCHASE PRICE OF ARCHITECTURAL PAINT SOLD IN THE STATE THAT IS NECESSARY TO COVER THE PAINT STEWARDSHIP PROGRAM’S COST OF COLLECTING, TRANSPORTING, AND PROCESSING POSTCONSUMER PAINT STATEWIDE.

(P) “POSTCONSUMER PAINT” MEANS ARCHITECTURAL PAINT NOT USED AND NO LONGER WANTED BY A PURCHASER.

(Q) “PRODUCER” MEANS 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.

[(m)] (R) “Recyclable materials” means those materials that:

(1) Would otherwise become solid waste for disposal in a refuse disposal system; and

(2) May be collected, separated, composted, or processed and returned to the marketplace in the form of raw materials or products.

[(n)] (S) (1) “Recycling” means any process in which recyclable materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Recycling” includes composting.

[(o)] (T) “Recycling services” means the services provided by persons engaged in the business of recycling, including the collection, processing, storage, purchase, sale, or disposition of recyclable materials.

(U) “REPRESENTATIVE ORGANIZATION” MEANS A NONPROFIT ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT A PAINT STEWARDSHIP PROGRAM.

[(p)] (V) “Resource recovery facility” means a facility in existence as of January 1, 1988 that:

(1) Processes solid waste to produce valuable resources, including steam, electricity, metals, or refuse-derived fuel; and

(2) Achieves a volume reduction of at least 50 percent of its solid waste stream.

(W) “RETAILER” MEANS ANY PERSON THAT OFFERS ARCHITECTURAL PAINT FOR SALE AT RETAIL IN THE STATE.

(X) “SALE” OR “SELL” MEANS ANY TRANSFER OF TITLE FOR CONSIDERATION, INCLUDING REMOTE SALES CONDUCTED THROUGH SALES OUTLETS, CATALOGUES, THE INTERNET, OR ANY OTHER SIMILAR ELECTRONIC MEANS.

[(q)] (Y) (1) “Solid waste stream” means garbage or refuse that would, unless recycled, be disposed of in a refuse disposal system.

(2) “Solid waste stream” includes organic material capable of being composted that is not composted in accordance with regulations adopted under § 9–1725(b) of this subtitle.

(3) “Solid waste stream” does not include:

(i) Hospital waste;

(ii) Rubble;

(iii) Scrap material;

(iv) Land clearing debris;

(v) Sewage sludge; or

(vi) Waste generated by a single individual or business and disposed of in a facility dedicated solely for that entity's waste.

[(r)] (Z) (1) "Video display device" means an electronic device with an output surface that displays or is capable of displaying moving graphical images or visual representations of image sequences or pictures that show a number of quickly changing images on a screen to create the illusion of motion.

(2) "Video display device" includes a device that is an integral part of the display and cannot easily be removed from the display by the consumer and that produces the moving image on the screen.

(3) A video display device may use a cathode-ray tube (CRT), liquid crystal display (LCD), gas plasma, digital light processing, or other image-projection technology.

[(s)] (AA) "White goods" includes:

(1) Refrigerators;

(2) Stoves;

(3) Washing machines;

(4) Dryers;

(5) Water heaters; and

(6) Air conditioners.

[(t)] (BB) (1) "Yard waste" means organic plant waste derived from gardening, landscaping, and tree trimming activities.

(2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds, and prunings.

9-1702.

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

1 (b) The Secretary shall appoint a Director and sufficient staff to perform the
2 functions of the Office. After July 1, 1989, the number of staff shall be as provided in the
3 budget.

4 (c) The Secretary may adopt regulations to carry out the provisions of this
5 subtitle.

6 (d) The Office shall:

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

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

12 (3) Review all recycling plans submitted as part of a county plan as
13 required under § 9-505 of this title and advise the Secretary on the adequacy of the
14 recycling plan; [and]

15 (4) Administer the Statewide Electronics Recycling Program under Part IV
16 of this subtitle; AND

17 **(5) REVIEW AND APPROVE PLANS AND ANNUAL REPORTS, INCLUDING**
18 **THE PAINT STEWARDSHIP ASSESSMENT, SUBMITTED IN ACCORDANCE WITH A PAINT**
19 **STEWARDSHIP PROGRAM ESTABLISHED UNDER PART V OF THIS SUBTITLE.**

20 (e) Beginning on January 1, 1990, and biannually thereafter, the Office shall, in
21 coordination with the Maryland Environmental Service, study and report to the Governor
22 and, subject to § 2-1246 of the State Government Article, the General Assembly on:

23 (1) The availability of local, national, and international markets for
24 recycling materials;

25 (2) The identification and location of recycling centers, including an
26 analysis of existing recycling centers and the need to expand these facilities or construct
27 new recycling centers;

28 (3) Programs necessary to educate the public on the need to participate in
29 recycling efforts;

30 (4) The economics and financing of existing and proposed systems of waste
31 disposal and recycling;

32 (5) State procurement policies for the purchase of recycled materials;

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

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

(8) The percentage reduction in the amount of solid waste that has been achieved by each county; and

(9) Economically feasible methods for the recycling of scrap automobile tires, batteries, and white goods.

(f) (1) By December 1, 1988, the Office shall, in coordination with the Maryland Environmental Service and the Governor's Task Force on Solid Waste, make recommendations to the General Assembly for the financing of a comprehensive system of recycling at the State and local level, including funding for recycling centers, recycling equipment, recycling education, and marketing strategies.

(2) After the financing recommendations are made under paragraph (1) of this subsection, each county may submit to the Office and the Governor a detailed request for funds necessary to assist in the development and implementation of a recycling plan under guidelines developed by the Office.

(g) In studying feasible methods for the management and recycling of used tires under subsection (e)(9) of this section, the Office of Recycling shall consult with the appropriate industry, including representatives of:

(1) Tire manufacturers;

(2) Tire dealers; and

(3) Tire recyclers.

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 mercury switch or mercury switch assembly removal fees collected under § 6–905.4(c)(6)(iii)3 of this article;

(V) PAINT STEWARDSHIP PROGRAM PLAN AND ANNUAL REPORT REVIEW FEES COLLECTED UNDER § 9–1733(B) AND (H) OF THIS SUBTITLE;

[(v)] **(VI)** All fines and penalties collected under this subtitle and under §§ 6–905.4 and 6–905.6 of this article;

[(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; [and]

(IV) TO COVER THE COSTS OF THE PAINT STEWARDSHIP PROGRAM PLAN REVIEW UNDER § 9–1733(B) AND THE ANNUAL REPORT REVIEW UNDER § 9–1733(H) OF THIS SUBTITLE; AND

[(iv)] **(V)** 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.

9-1731. RESERVED.

9-1732. RESERVED.

PART V. PAINT STEWARDSHIP PROGRAM.

9-1733.

(A) (1) ON OR BEFORE JANUARY 1, 2018, PRODUCERS OF ARCHITECTURAL PAINT SOLD AT RETAIL IN THE STATE, OR A REPRESENTATIVE ORGANIZATION ACTING ON A PRODUCER'S BEHALF, SHALL SUBMIT A PLAN FOR THE ESTABLISHMENT OF A PAINT STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR APPROVAL.

(2) THE PLAN SHALL MINIMIZE PUBLIC SECTOR INVOLVEMENT IN, AND FINANCIAL RESPONSIBILITY FOR, THE MANAGEMENT OF POSTCONSUMER PAINT BY:

(I) REDUCING ITS GENERATION;

(II) PROMOTING ITS REUSE AND RECYCLING; AND

(III) NEGOTIATING AND EXECUTING AGREEMENTS TO COLLECT, TRANSPORT, REUSE, RECYCLE, PROCESS FOR RESOURCE RECOVERY, AND DISPOSE OF POSTCONSUMER PAINT.

(3) THE PLAN SHALL PROVIDE FOR CONVENIENT AND AVAILABLE STATEWIDE COLLECTION OF POSTCONSUMER ARCHITECTURAL PAINT THAT:

(I) PROVIDES FOR COLLECTION RATES AND CONVENIENCE EQUAL TO OR GREATER THAN THE COLLECTION PROGRAMS AVAILABLE TO CONSUMERS PRIOR TO THE PAINT STEWARDSHIP PROGRAM;

(II) ADDRESSES THE COORDINATION OF THE ARCHITECTURAL PAINT STEWARDSHIP PROGRAM WITH EXISTING HOUSEHOLD HAZARDOUS WASTE COLLECTION INFRASTRUCTURE; AND

(III) IDENTIFIES EACH PRODUCER PARTICIPATING IN THE PAINT STEWARDSHIP PROGRAM AND THE BRANDS OF ARCHITECTURAL PAINT SOLD IN THE STATE THAT ARE COVERED BY THE PROGRAM.

(4) THE PLAN SHALL ESTABLISH:

(I) A UNIFORM PAINT STEWARDSHIP ASSESSMENT FOR ALL ARCHITECTURAL PAINT SOLD IN THE STATE; AND

(II) A MECHANISM FOR PAINT PRODUCERS PARTICIPATING IN A PAINT STEWARDSHIP PROGRAM TO REMIT TO THE REPRESENTATIVE ORGANIZATION PAYMENT OF THE PAINT STEWARDSHIP ASSESSMENT FOR EACH CONTAINER OF ARCHITECTURAL PAINT SOLD IN THE STATE.

(5) THE TOTAL AMOUNT OF THE PAINT STEWARDSHIP ASSESSMENT MAY NOT EXCEED THE COSTS OF IMPLEMENTING THE PAINT STEWARDSHIP PROGRAM.

(6) PAINT STEWARDSHIP ASSESSMENTS MAY BE USED ONLY TO IMPLEMENT THE PAINT STEWARDSHIP PROGRAM.

(B) (1) THE DEPARTMENT SHALL REVIEW THE PAINT STEWARDSHIP PROGRAM PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT SUBMITS A PLAN FOR APPROVAL SHALL PAY A PLAN REVIEW FEE TO THE DEPARTMENT TO BE DEPOSITED IN THE STATE RECYCLING TRUST FUND UNDER § 9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S COST OF PLAN REVIEW, AS DETERMINED BY THE DEPARTMENT.

(3) IF THE DEPARTMENT DETERMINES THAT THE PAINT STEWARDSHIP PROGRAM PLAN, INCLUDING THE PAINT STEWARDSHIP ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL APPROVE THE PROGRAM.

(4) THE DEPARTMENT SHALL LIST ON ITS WEB SITE THE PRODUCERS AND THE BRANDS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT STEWARDSHIP PROGRAM.

(C) (1) A PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL IMPLEMENT ITS PAINT STEWARDSHIP PROGRAM PLAN WITHIN 3 MONTHS OF THE PLAN'S APPROVAL BY THE DEPARTMENT.

(2) BEGINNING JULY 1, 2018, OR 3 MONTHS AFTER PLAN APPROVAL, WHICHEVER IS LATER:

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

6 **(II) A PRODUCER SHALL ADD THE PAINT STEWARDSHIP**
7 **ASSESSMENT ESTABLISHED UNDER AN APPROVED PAINT STEWARDSHIP PROGRAM**
8 **TO THE COST OF ALL ARCHITECTURAL PAINT SOLD TO RETAILERS AND**
9 **DISTRIBUTORS IN THE STATE; AND**

10 **(III) EACH RETAILER OR DISTRIBUTOR SHALL ADD A PAINT**
11 **STEWARDSHIP ASSESSMENT TO THE PURCHASE PRICE OF ALL ARCHITECTURAL**
12 **PAINT SOLD IN THE STATE.**

13 **(D) A PRODUCER OR REPRESENTATIVE ORGANIZATION PARTICIPATING IN**
14 **AN APPROVED PAINT STEWARDSHIP PROGRAM SHALL PROVIDE CONSUMERS WITH**
15 **EDUCATIONAL MATERIALS REGARDING THE PROGRAM THAT INCLUDE:**

16 **(1) INFORMATION REGARDING AVAILABLE END-OF-LIFE**
17 **MANAGEMENT OPTIONS FOR ARCHITECTURAL PAINT OFFERED THROUGH THE**
18 **PROGRAM; AND**

19 **(2) INFORMATION THAT NOTIFIES CONSUMERS THAT AN**
20 **ASSESSMENT TO COVER THE COSTS OF IMPLEMENTING THE PROGRAM IS INCLUDED**
21 **IN THE PURCHASE PRICE OF ALL ARCHITECTURAL PAINT SOLD IN THE STATE.**

22 **(E) FOLLOWING THE IMPLEMENTATION OF THE PAINT STEWARDSHIP**
23 **PROGRAM, A RETAILER COMPLIES WITH THE REQUIREMENTS OF THIS SECTION IF,**
24 **ON THE DATE THE ARCHITECTURAL PAINT WAS ORDERED FROM THE PRODUCER OR**
25 **ITS AGENT, THE PRODUCER OF THE PAINT BRAND IS LISTED ON THE DEPARTMENT'S**
26 **WEB SITE AS IMPLEMENTING OR PARTICIPATING IN AN APPROVED PAINT**
27 **STEWARDSHIP PROGRAM.**

28 **(F) A PRODUCER OR REPRESENTATIVE ORGANIZATION THAT ORGANIZES**
29 **THE COLLECTION, TRANSPORT, AND PROCESSING OF POSTCONSUMER PAINT, IN**
30 **ACCORDANCE WITH AN APPROVED PAINT STEWARDSHIP PROGRAM, SHALL BE**
31 **IMMUNE FROM LIABILITY FOR ANY CLAIM OF A VIOLATION OF ANTITRUST,**
32 **RESTRAINT OF TRADE, OR UNFAIR TRADE PRACTICE ARISING FROM CONDUCT**
33 **UNDERTAKEN IN ACCORDANCE WITH THE PROGRAM.**

1 **(G) BEGINNING DECEMBER 1, 2019, AND ANNUALLY THEREAFTER, THE**
2 **PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT A REPORT TO THE**
3 **DEPARTMENT THAT DETAILS THE PAINT STEWARDSHIP PROGRAM, INCLUDING:**

4 **(1) A DESCRIPTION OF THE METHODS USED TO COLLECT,**
5 **TRANSPORT, AND PROCESS POSTCONSUMER PAINT IN THE STATE;**

6 **(2) THE VOLUME OF POSTCONSUMER PAINT COLLECTED IN THE**
7 **STATE;**

8 **(3) THE VOLUME AND TYPE OF POSTCONSUMER PAINT COLLECTED IN**
9 **THE STATE BY METHOD OF DISPOSITION, INCLUDING REUSE, RECYCLING, AND**
10 **OTHER METHODS OF PROCESSING OR DISPOSAL;**

11 **(4) THE TOTAL COST OF IMPLEMENTING AND ADMINISTERING THE**
12 **PROGRAM, AS DETERMINED BY AN INDEPENDENT FINANCIAL AUDIT FUNDED BY THE**
13 **PAINT STEWARDSHIP ASSESSMENT; AND**

14 **(5) SAMPLES OF EDUCATIONAL MATERIALS USED TO INFORM**
15 **CONSUMERS OF ARCHITECTURAL PAINT.**

16 **(H) (1) THE DEPARTMENT SHALL REVIEW THE ANNUAL REPORT**
17 **REQUIRED UNDER SUBSECTION (G) OF THIS SECTION AND:**

18 **(I) EVALUATE THE TOTAL COSTS OF THE PAINT STEWARDSHIP**
19 **PROGRAM, INCLUDING ALL EXPENSES AND REVENUES, TO DETERMINE WHETHER**
20 **THE PAINT STEWARDSHIP ASSESSMENT MEETS OR EXCEEDS THE COSTS OF THE**
21 **PROGRAM IN ACCORDANCE WITH SUBSECTION (A)(5) OF THIS SECTION; AND**

22 **(II) DETERMINE WHETHER THE PLAN IS BEING IMPLEMENTED**
23 **IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

24 **(2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT**
25 **SUBMITS AN ANNUAL REPORT UNDER SUBSECTION (G) OF THIS SECTION SHALL PAY**
26 **AN ANNUAL REPORT REVIEW FEE TO THE DEPARTMENT TO BE DEPOSITED IN THE**
27 **STATE RECYCLING TRUST FUND UNDER § 9-1707 OF THIS SUBTITLE THAT COVERS**
28 **THE DEPARTMENT'S COSTS OF ANNUAL REPORT REVIEW, AS DETERMINED BY THE**
29 **DEPARTMENT.**

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2017.