

1 1. A WASTE ACCEPTANCE PROGRAM SHALL BE SUBJECT TO THE DEPARTMENT'S
2 APPROVAL AND SHALL AT A MINIMUM INCLUDE (A) A MAIL OR SHIP BACK RETURN
3 PROGRAM; (B) A PUBLIC EDUCATION PROGRAM TO INFORM CONSUMERS ABOUT THE
4 WASTE ACCEPTANCE PROGRAM, INCLUDING BUT NOT LIMITED TO AN INTERNET
5 WEBSITE, A TOLL-FREE TELEPHONE NUMBER AND WRITTEN INFORMATION INCLUDED
6 IN THE PRODUCT MANUAL FOR, OR AT THE TIME OF SALE OF, THE IONIZATION
7 SMOKE DETECTOR THAT INFORMS THE CONSUMER OF THE ENVIRONMENTAL BENEFITS
8 OF RECYCLING RADIOACTIVE MATERIAL, BATTERIES AND OTHER COMPONENTS OF THE
9 DETECTOR AND HOW TO RETURN OR OTHERWISE ARRANGE FOR RECYCLING OF THE
10 DETECTOR, INCLUDING INSTRUCTIONS ON SAFE HANDLING AND PREPARATION OF THE
11 DETECTOR FOR RECYCLING; AND (C) ANY ADDITIONAL PROVISIONS DETERMINED BY
12 THE DEPARTMENT TO CONTRIBUTE TO ENSURING CONVENIENT COLLECTION FROM
13 CONSUMERS AND EFFECTIVENESS OF THE WASTE ACCEPTANCE PROGRAM. NOTHING IN
14 THIS SECTION SHALL PRECLUDE THE OPERATION, WITH THE APPROVAL OF THE
15 DEPARTMENT, OF COOPERATIVE OR COLLECTIVE WASTE ACCEPTANCE PROGRAMS BY
16 MORE THAN ONE MANUFACTURER.

17 2. A MANUFACTURER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH
18 THE IMPLEMENTATION OF THE WASTE ACCEPTANCE PROGRAM. THE MANUFACTURER
19 SHALL NOT CHARGE CONSUMERS FOR THE COLLECTION, HANDLING AND RECYCLING OF
20 USED OR UNWANTED IONIZATION SMOKE DETECTORS, PROVIDED THAT SUCH PROHIBI-
21 TION SHALL NOT APPLY TO A CHARGE ON BUSINESS CONSUMERS. FOR PURPOSES OF
22 THIS SUBDIVISION, "BUSINESS CONSUMER" MEANS A FOR-PROFIT ENTITY WHICH
23 HAS FIFTY OR MORE FULL TIME EMPLOYEES OR A NOT-FOR-PROFIT CORPORATION
24 WITH SEVENTY-FIVE OR MORE FULL TIME EMPLOYEES, BUT NOT A NOT-FOR-PROFIT
25 CORPORATION DESIGNATED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE
26 CODE.

27 S 2. The environmental conservation law is amended by adding a new
28 section 71-2730 to read as follows:

29 S 71-2730. ENFORCEMENT OF TITLE 28 OF ARTICLE 27 OF THIS CHAPTER.

30 1. ANY MANUFACTURER WHO:

31 A. FAILS TO SUBMIT ANY REPORT, REGISTRATION OR FEE TO THE DEPARTMENT
32 AS REQUIRED BY TITLE TWENTY-EIGHT OF ARTICLE TWENTY-SEVEN OF THIS CHAP-
33 TER SHALL BE LIABLE FOR A CIVIL PENALTY NOT TO EXCEED TWO HUNDRED
34 DOLLARS FOR EACH DAY SUCH REPORT, REGISTRATION OR FEE IS NOT SUBMITTED;
35 AND

36 B. VIOLATES ANY OTHER PROVISION OF TITLE TWENTY-EIGHT OF ARTICLE TWEN-
37 TY-SEVEN OF THIS CHAPTER OR FAILS TO PERFORM ANY DUTY IMPOSED BY SUCH
38 TITLE SHALL BE LIABLE FOR A CIVIL PENALTY FOR EACH VIOLATION NOT TO
39 EXCEED FIVE HUNDRED DOLLARS FOR THE FIRST VIOLATION, ONE THOUSAND
40 DOLLARS FOR THE SECOND VIOLATION AND FIVE THOUSAND DOLLARS FOR THE THIRD
41 AND SUBSEQUENT VIOLATIONS OF THIS TITLE WITHIN A TWELVE-MONTH PERIOD.

42 2. CIVIL PENALTIES UNDER THIS SECTION SHALL BE ASSESSED BY THE COMMIS-
43 SIONER AFTER A HEARING OR OPPORTUNITY TO BE HEARD PURSUANT TO THE
44 PROVISIONS OF SECTION 71-1709 OF THIS ARTICLE, OR BY THE COURT IN ANY
45 ACTION OR PROCEEDING PURSUANT TO THIS SECTION, AND, IN ADDITION THERETO,
46 SUCH PERSON MAY BY SIMILAR PROCESS BE ENJOINED FROM CONTINUING SUCH
47 VIOLATION.

48 3. ALL PENALTIES COLLECTED PURSUANT TO THIS SECTION SHALL BE PAID OVER
49 TO THE COMMISSIONER FOR DEPOSIT TO THE ENVIRONMENTAL PROTECTION FUND
50 ESTABLISHED PURSUANT TO SECTION NINETY-TWO-S OF THE STATE FINANCE LAW.

51 S 3. This act shall take effect immediately.