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OUTLETS, CATALOGS, MAIL, THE TELEPHONE, THE INTERNET, OR ANY ELECTRONIC MEANS, BUT DOES NOT INCLUDE CONSUMER-TO-CONSUMER SECOND-HAND TRANSFER. "SELL OR SALE" ALSO DOES NOT INCLUDE: (A) THE LEASE OF IONIZATION SMOKE DETECTORS; OR (B) WHOLESALE TRANSACTIONS AMONG MANUFACTURERS, WHOLESALE- S 27-2803. SPECIAL PROVISIONS FOR RECYCLING OF IONIZATION SMOKE DETEC- TORS.

1. BEGINNING JULY FIRST, TWO THOUSAND THIRTEEN A MANUFACTURER OF IONIZATION SMOKE DETECTORS SHALL NOT SELL OR OFFER FOR SALE ANY IONIZATION SMOKE DETECTOR INTENDED FOR USE BY INDIVIDUAL HOUSEHOLDS, OFFICES OR COMMERCIAL ESTABLISHMENTS UNLESS THE MANUFACTURER HAS REGISTERED WITH THE DEPARTMENT AND MAINTAINS A WASTE ACCEPTANCE PROGRAM CONSISTENT WITH THE PROVISIONS OF SECTION 27-2805 OF THIS TITLE PROVIDING FOR THE COLLECTION, HANDLING AND RECYCLING OR REUSE OF SUCH DETECTOR.

2. A MANUFACTURER SHALL SUBMIT A REGISTRATION ON A FORM PRESCRIBED BY THE DEPARTMENT BY JANUARY FIRST, TWO THOUSAND THIRTEEN, ALONG WITH A REGISTRATION FEE OF ONE THOUSAND DOLLARS. THE REGISTRATION SHALL INCLUDE:

- (A) THE MANUFACTURER'S NAME, ADDRESS, AND TELEPHONE NUMBER;
- (B) THE NAME AND TITLE OF AN OFFICER, DIRECTOR, OR OTHER INDIVIDUAL DESIGNATED AS THE MANUFACTURER'S CONTACT FOR PURPOSES OF THIS TITLE;
- (C) THE LICENSE NUMBER OF THE SPECIFIC LICENSEE AUTHORIZED TO INITIAL- LY TRANSFER DETECTORS FOR USE BY EXEMPT PERSONS;
- (D) A LIST IDENTIFYING THE MANUFACTURER'S BRANDS;
- (E) SPECIFIC INFORMATION ON THE MANNER IN WHICH THE MANUFACTURER WILL COMPLY WITH SECTION 27-2805 OF THIS TITLE; AND
- (E) ANY OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE.

3. A MANUFACTURER'S REGISTRATION IS EFFECTIVE UPON ACCEPTANCE BY THE DEPARTMENT AND MUST BE UPDATED WITHIN THIRTY DAYS OF ANY MATERIAL CHANGE IN THE INFORMATION REQUIRED BY SUBDIVISION TWO OF THIS SECTION.

4. ANY PERSON WHO BECOMES A MANUFACTURER OF IONIZATION SMOKE DETECTORS ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN SHALL REGISTER WITH THE DEPARTMENT PRIOR TO SELLING OR OFFERING FOR SALE SUCH PRODUCTS IN THE STATE, AND MUST COMPLY WITH THE REQUIREMENTS OF THIS TITLE.

5. A MANUFACTURER SHALL REPORT SUCH INFORMATION AS THE DEPARTMENT SHALL FROM TIME TO TIME REQUIRE.

6. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT AND ADMINISTER THIS TITLE.

7. ALL FEES AND CHARGES COLLECTED PURSUANT TO THIS TITLE SHALL BE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-S OF THE STATE FINANCE LAW.

S 27-2805. WASTE ACCEPTANCE PROGRAM FOR IONIZATION SMOKE DETECTORS.

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

1 DEPARTMENT, OF COOPERATIVE OR COLLECTIVE WASTE ACCEPTANCE PROGRAMS BY
2 MORE THAN ONE MANUFACTURER.

3 2. A MANUFACTURER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH
4 THE IMPLEMENTATION OF THE WASTE ACCEPTANCE PROGRAM. THE MANUFACTURER
5 SHALL NOT CHARGE CONSUMERS FOR THE COLLECTION, HANDLING AND RECYCLING OF
6 USED OR UNWANTED IONIZATION SMOKE DETECTORS, PROVIDED THAT SUCH PROHIBI-
7 TION SHALL NOT APPLY TO A CHARGE ON BUSINESS CONSUMERS. FOR PURPOSES OF
8 THIS SUBDIVISION, "BUSINESS CONSUMER" MEANS A FOR-PROFIT ENTITY WHICH
9 HAS FIFTY OR MORE FULL TIME EMPLOYEES OR A NOT-FOR-PROFIT CORPORATION
10 WITH SEVENTY-FIVE OR MORE FULL TIME EMPLOYEES, BUT NOT A NOT-FOR-PROFIT
11 CORPORATION DESIGNATED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE
12 CODE.

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

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

16 1. ANY MANUFACTURER WHO:

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

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

28 2. CIVIL PENALTIES UNDER THIS SECTION SHALL BE ASSESSED BY THE COMMIS-
29 SIONER AFTER A HEARING OR OPPORTUNITY TO BE HEARD PURSUANT TO THE
30 PROVISIONS OF SECTION 71-1709 OF THIS ARTICLE, OR BY THE COURT IN ANY
31 ACTION OR PROCEEDING PURSUANT TO THIS SECTION, AND, IN ADDITION THERETO,
32 SUCH PERSON MAY BY SIMILAR PROCESS BE ENJOINED FROM CONTINUING SUCH
33 VIOLATION.

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

37 S 3. This act shall take effect immediately.