

**HB0209/530619/1**

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 209  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and K. Young” and substitute “K. Young, Barve, and Ruth”; in line 2, strike “Plastics and Packaging” and substitute “Plastic Bag”; in line 3, strike “a store” and substitute “, on or after a certain date, a certain retail establishment”; in line 4, after “sale;” insert “providing that, on or after a certain date, only the State may enact a law or take other action to prohibit, restrict, or regulate the use of certain plastic bags by a retail establishment, that certain authority of a county or municipality is preempted, and that certain laws or ordinances are superseded;”; strike beginning with “requiring” in line 4 down through “circumstances;” in line 9; in lines 10 and 11, strike “or failure to charge for;” in line 15, after “Act;” insert “prohibiting a county or municipality from adopting or enforcing a certain law or ordinance unless certain conditions are met;”; strike beginning with “establishing” in line 16 down through “date;” in line 22; strike beginning with “providing” in line 22 down through “Act;” in line 24; and in line 25, strike “and single-use products”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 12 through 14, inclusive, and substitute:

**“(2) “FOOD SERVICE FACILITY” HAS THE MEANING STATED IN § 21-301 OF THE HEALTH – GENERAL ARTICLE.**

**(3) (I) “PLASTIC CARRYOUT BAG” MEANS A PLASTIC BAG LESS THAN 4 MILS THICK THAT IS PROVIDED BY A RETAIL ESTABLISHMENT TO A CUSTOMER AT THE POINT OF SALE.**

**(II) “PLASTIC CARRYOUT BAG” INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE SPECIFICATIONS OF THE AMERICAN SOCIETY OF**

(Over)

TESTING AND MATERIALS INTERNATIONAL STANDARD SPECIFICATION FOR  
COMPOSTABLE PLASTICS D6400.

**(III) “PLASTIC CARRYOUT BAG” DOES NOT INCLUDE;**;

in line 15, after “A” insert “PLASTIC”; in lines 24 and 28, in each instance, strike “OR”;  
in line 26, after “DRESSES;” insert “OR

**G. CONTAIN ICE;**;

and in line 27, after the first “A” insert “PLASTIC”.

On page 3, in line 1, strike the period and substitute a semicolon; and after line  
1, insert:

**“4. A PLASTIC BAG PROVIDED BY A FOOD SERVICE  
FACILITY THAT IS NECESSARY TO MEET FOOD SAFETY AND CONTAMINATION  
STANDARDS; OR**

**5. A PLASTIC BAG PROVIDED BY A RETAIL  
ESTABLISHMENT TO TAKE LIVE FISH, INSECTS, MOLLUSKS, OR CRUSTACEANS  
AWAY FROM THE RETAIL ESTABLISHMENT.”**

AMENDMENT NO. 3

On page 3, strike in their entirety lines 2 through 11, inclusive, and substitute:

**“(4) “RETAIL ESTABLISHMENT” MEANS A STORE, A FOOD SERVICE  
FACILITY, OR ANY OTHER ESTABLISHMENT THAT PROVIDES BAGS TO ITS  
CUSTOMERS AS A RESULT OF THE SALE OF A PRODUCT.”;**

**HB0209/530619/1 Environment and Transportation Committee  
Amendments to HB 209  
Page 3 of 4**

in line 12, strike “**A STORE**” and substitute “**ON OR AFTER JULY 1, 2021, A RETAIL ESTABLISHMENT**”; strike in their entirety lines 13 through 25, inclusive; in lines 26 and 28, strike “**(D)**” and “**(E)**”, respectively, and substitute “**(C)**” and “**(D)**”, respectively; in line 26, strike “**(E)**” and substitute “**(D)**”; in the same line, strike “**STORE**” and substitute “**RETAIL ESTABLISHMENT**”; in line 28, strike “**(1)**”; in the same line, strike “**(I)**”; and strike in their entirety lines 30 through 32, inclusive.

On page 4, strike line 1 in its entirety.

**AMENDMENT NO. 4**

On page 4, in lines 3, 7, 11, and 14, in each instance, strike “**STORE**” and substitute “**RETAIL ESTABLISHMENT**”; in line 9, strike “**(F)**” and substitute “**(E)**”; in line 16, strike “**STORES**” and substitute “**RETAIL ESTABLISHMENTS**”; and after line 16, insert:

**“(F) BEGINNING JULY 1, 2021:**

**(1) ONLY THE STATE MAY ENACT A LAW OR TAKE ANY OTHER ACTION TO PROHIBIT, RESTRICT, OR REGULATE THE USE OF PLASTIC BAGS LESS THAN 4 MILS THICK BY A RETAIL ESTABLISHMENT;**

**(2) ITEM (1) OF THIS SUBSECTION PREEMPTS THE AUTHORITY OF A COUNTY OR MUNICIPALITY TO ENACT A LAW OR AN ORDINANCE TO PROHIBIT, RESTRICT, OR REGULATE THE USE OF PLASTIC BAGS LESS THAN 4 MILS THICK BY A RETAIL ESTABLISHMENT; AND**

**(3) THIS SECTION SUPERSEDES ANY LAW OR ORDINANCE OF A COUNTY OR MUNICIPALITY THAT PROHIBITS, RESTRICTS, OR REGULATES THE USE OF PLASTIC BAGS LESS THAN 4 MILS THICK BY A RETAIL ESTABLISHMENT.**

(Over)

(G) (1) NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR MUNICIPALITY MAY NOT ADOPT OR ENFORCE A LAW OR AN ORDINANCE THAT REQUIRES A RETAIL ESTABLISHMENT TO CHARGE AND COLLECT A FEE, A TAX, OR ANY OTHER CHARGE FOR THE USE OF CARRYOUT BAGS AT THE POINT OF SALE UNLESS THE LAW OR ORDINANCE IS AUTHORIZED BY A STATE LAW ENACTED ON OR AFTER JANUARY 1, 2021.

(2) WITH RESPECT TO A COUNTY OR MUNICIPALITY THAT, ON OR BEFORE FEBRUARY 1, 2020, ADOPTED A LAW OR AN ORDINANCE THAT REQUIRES A RETAIL ESTABLISHMENT TO CHARGE AND COLLECT A FEE, A TAX, OR ANY OTHER CHARGE FOR THE USE OF CARRYOUT BAGS AT THE POINT OF SALE, THIS SUBSECTION DOES NOT AFFECT THE AUTHORITY OF THE COUNTY OR MUNICIPALITY TO CHARGE AND COLLECT THE FEE, TAX, OR OTHER CHARGE FOR THE USE OF CARRYOUT BAGS THAT ARE NOT OTHERWISE PROHIBITED UNDER THIS SECTION.”;

and in line 17, strike “(G)” and substitute “(H)”.

AMENDMENT NO. 5

On pages 4 through 6, strike in their entirety the lines beginning with line 19 on page 4 through line 14 on page 6, inclusive.

On page 6, in line 15, strike “3.” and substitute “2.”; in the same line, strike “Section 1 of”; in line 16, strike “2021” and substitute “2020”; and strike in their entirety lines 17 through 21, inclusive.