

HOUSE BILL 341

M3

11r0868

By: **Delegate Lafferty**

Introduced and read first time: February 2, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – At-Store Recycling – Plastic Carryout Bags**

3 FOR the purpose of requiring the operator of certain retail stores to establish an
4 at-store recycling program for plastic carryout bags; requiring certain retail
5 stores to print or display certain language on plastic carryout bags provided by
6 the store; requiring certain stores to provide certain collection bins for the
7 recycling of plastic carryout bags in a certain manner; requiring certain stores
8 to make reusable bags available to customers; requiring a plastic carryout bag
9 manufacturer to develop and make available certain educational materials;
10 providing that a county or municipality is not prohibited from adopting certain
11 ordinances, resolutions, regulations, or rules under certain circumstances;
12 establishing certain penalties for certain violations; providing for the recovery of
13 the penalties in certain civil actions; requiring certain civil penalties to be
14 deposited into a certain Fund; requiring the Department of the Environment to
15 adopt certain regulations; defining certain terms; and generally relating to the
16 recycling of plastic carryout bags.

17 BY repealing and reenacting, with amendments,
18 Article – Environment
19 Section 9–1701
20 Annotated Code of Maryland
21 (2007 Replacement Volume and 2010 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Environment
24 Section 9–1707(f)(2)
25 Annotated Code of Maryland
26 (2007 Replacement Volume and 2010 Supplement)

27 BY adding to
28 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–1733 through 9–1736 to be under the new part “Part V. Plastic
2 Carryout Bag Recycling”
3 Annotated Code of Maryland
4 (2007 Replacement Volume and 2010 Supplement)

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

7 **Article – Environment**

8 9–1701.

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

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

13 (c) “Composting” means the controlled biological decomposition of organic
14 waste material in accordance with the standards established by the Secretary under
15 this title.

16 (d) (1) “Computer” means a desktop personal computer or laptop
17 computer, including the computer monitor.

18 (2) “Computer” does not include:

19 (i) A personal digital assistant device;

20 (ii) A computer peripheral device, including:

21 1. A mouse or other similar pointing device;

22 2. A printer; or

23 3. A detachable keyboard.

24 (e) (1) “Covered electronic device” means a computer or video display
25 device with a screen that is greater than 4 inches measured diagonally.

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

29 (f) “Covered electronic device takeback program” means a program,
30 established by a covered electronic device manufacturer, for the collection and
31 recycling, refurbishing, or reuse of a covered electronic device labeled with the name of
32 the manufacturer or the manufacturer’s brand label, including:

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

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

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

7 (g) “Director” means the Director of the Office of Recycling.

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

11 (i) (1) “Natural wood waste” means tree and other natural vegetative
12 refuse.

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

15 (j) (1) “Natural wood waste recycling facility” means a facility where
16 recycling services for natural wood waste are provided.

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

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

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

24 (k) “Office” means the Office of Recycling within the Department.

25 **(L) “OPERATOR” MEANS A PERSON IN CONTROL OF, OR HAVING DAILY**
26 **RESPONSIBILITY FOR, THE DAILY OPERATION OF A STORE AND MAY INCLUDE**
27 **THE OWNER OF THE STORE.**

28 **(M) “PLASTIC CARRYOUT BAG” MEANS A PLASTIC CARRYOUT BAG**
29 **PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF SALE.**

30 **(N) “PLASTIC CARRYOUT BAG MANUFACTURER” MEANS THE PRODUCER**
31 **OF A PLASTIC CARRYOUT BAG SOLD TO A STORE.**

1 **[(l)] (O)** “Recyclable materials” means those materials that:

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

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

6 **[(m)] (P)** (1) “Recycling” means any process in which materials that
7 would otherwise become solid waste are collected, separated, or processed and
8 returned to the marketplace in the form of raw materials or products.

9 (2) “Recycling” includes composting.

10 **[(n)] (Q)** “Recycling services” means the services provided by persons
11 engaged in the business of recycling, including the collection, processing, storage,
12 purchase, sale, or disposition of recyclable materials.

13 **[(o)] (R)** “Resource recovery facility” means a facility in existence as of
14 January 1, 1988 that:

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

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

19 **(S) “REUSABLE BAG” MEANS:**

20 (1) **A BAG, WITH HANDLES, MADE OF CLOTH OR ANY OTHER**
21 **FABRIC; OR**

22 (2) **A DURABLE PLASTIC BAG, WITH HANDLES, THAT IS AT LEAST**
23 **2.25 MILLIMETERS THICK AND IS SPECIFICALLY DESIGNED AND**
24 **MANUFACTURED FOR REUSE.**

25 **[(p)] (T)** (1) “Solid waste stream” means garbage or refuse that would,
26 unless recycled, be disposed of in a refuse disposal system located in this State.

27 (2) “Solid waste stream” does not include:

28 (i) Hospital waste;

29 (ii) Rubble;

30 (iii) Scrap material;

- 1 (iv) Land clearing debris;
- 2 (v) Sewage sludge; or
- 3 (vi) Waste generated by a single individual or business and
4 disposed of in a facility dedicated solely for that entity's waste.

5 **(U) "STORE" MEANS A RETAIL ESTABLISHMENT THAT PROVIDES**
6 **PLASTIC CARRYOUT BAGS TO ITS CUSTOMERS AS A RESULT OF THE SALE OF A**
7 **PRODUCT AND HAS OVER 1,000 SQUARE FEET OF RETAIL SPACE.**

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

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

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

18 **[(r)] (W)** "White goods" includes:

- 19 (1) Refrigerators;
- 20 (2) Stoves;
- 21 (3) Washing machines;
- 22 (4) Dryers;
- 23 (5) Water heaters; and
- 24 (6) Air conditioners.

25 **[(s)] (X)** (1) "Yard waste" means organic plant waste derived from
26 gardening, landscaping, and tree trimming activities.

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

1 (f) (2) The Fund shall consist of:

2 (i) The newsprint recycling incentive fee;

3 (ii) The telephone directory recycling incentive fee collected
4 under § 9–1709 of this subtitle;

5 (iii) The covered electronic device manufacturer registration fee
6 collected under § 9–1728 of this subtitle;

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

9 (v) All fines and penalties collected under this subtitle and
10 under §§ 6–905.4 and 6–905.6 of this article;

11 (vi) Money appropriated in the State budget to the Fund; and

12 (vii) Any other money from any other source accepted for the
13 benefit of the Fund.

14 **9–1731. RESERVED.**

15 **9–1732. RESERVED.**

16 **PART V. PLASTIC CARRYOUT BAG RECYCLING.**

17 **9–1733.**

18 **(A) THE OPERATOR OF A STORE SHALL ESTABLISH AN AT-STORE**
19 **RECYCLING PROGRAM THAT PROVIDES AN OPPORTUNITY FOR A CUSTOMER OF**
20 **THE STORE TO RETURN CLEAN PLASTIC CARRYOUT BAGS TO THE STORE.**

21 **(B) AN AT-STORE RECYCLING PROGRAM SHALL INCLUDE THE**
22 **FOLLOWING REQUIREMENTS:**

23 **(1) PLASTIC CARRYOUT BAGS PROVIDED BY THE STORE SHALL**
24 **HAVE PRINTED OR DISPLAYED ON THE BAG IN A MANNER VISIBLE TO THE**
25 **CONSUMER THE WORDS “PLEASE RETURN TO A PARTICIPATING STORE FOR**
26 **RECYCLING”;**

27 **(2) A PLASTIC CARRYOUT BAG COLLECTION BIN SHALL BE**
28 **PLACED AT EACH STORE AND BE VISIBLE, EASILY ACCESSIBLE TO THE**
29 **CONSUMER, AND CLEARLY MARKED THAT THE COLLECTION BIN IS AVAILABLE**

1 FOR THE PURPOSE OF COLLECTING AND RECYCLING PLASTIC CARRYOUT BAGS;
2 AND

3 (3) THE OPERATOR OF THE STORE SHALL MAKE REUSABLE BAGS
4 AVAILABLE TO CUSTOMERS WITHIN THE STORE THAT MAY BE PURCHASED
5 INSTEAD OF USING A PLASTIC CARRYOUT BAG OR PAPER BAG.

6 9-1734.

7 A PLASTIC CARRYOUT BAG MANUFACTURER SHALL DEVELOP
8 EDUCATIONAL MATERIALS TO ENCOURAGE REUSING, RECYCLING, AND THE
9 REDUCTION OF PLASTIC CARRYOUT BAGS, AND SHALL MAKE THOSE MATERIALS
10 AVAILABLE TO STORES REQUIRED TO COMPLY WITH THIS PART.

11 9-1735.

12 THIS PART DOES NOT PROHIBIT THE ADOPTION, IMPLEMENTATION, OR
13 ENFORCEMENT OF ANY LOCAL ORDINANCE, RESOLUTION, REGULATION, OR
14 RULE GOVERNING CURBSIDE OR DROP-OFF RECYCLING PROGRAMS OPERATED
15 BY, OR IN ACCORDANCE WITH, A CONTRACT WITH A COUNTY OR MUNICIPALITY,
16 INCLUDING ANY ACTION RELATING TO FEES FOR THESE PROGRAMS.

17 9-1736.

18 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS PART IS LIABLE
19 FOR A CIVIL PENALTY NOT EXCEEDING:

20 (1) \$250 FOR A FIRST VIOLATION;

21 (2) \$500 FOR A SECOND VIOLATION; AND

22 (3) \$1,000 FOR A THIRD OR SUBSEQUENT VIOLATION.

23 (B) (1) IF A LOCAL GOVERNMENT INITIATES A CIVIL ACTION TO
24 ENFORCE THIS PART, THE LOCAL GOVERNMENT SHALL RECOVER THE CIVIL
25 PENALTIES UNDER THIS SECTION IN A CIVIL ACTION.

26 (2) IF THE STATE INITIATES A CIVIL ACTION TO ENFORCE THIS
27 PART, THE CIVIL PENALTIES UNDER THIS SECTION IN A CIVIL ACTION SHALL BE
28 DEPOSITED IN THE STATE RECYCLING TRUST FUND, ESTABLISHED UNDER
29 § 9-1707(F) OF THIS SUBTITLE.

30 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT
31 THIS PART.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2011.