

SENATE BILL 183

M3, C2

9lr1017

By: **Senator Kagan**

Introduced and read first time: January 23, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Recycling – Lodging Establishments – Notification to Guests**

3 FOR the purpose of authorizing an owner, an operator, or a manager of a lodging
4 establishment to provide recycling for guests; requiring an owner, an operator, or a
5 manager of a certain lodging establishment to provide a certain notice to guests
6 under certain circumstances; specifying that the method of a certain notice be at the
7 discretion of the owner, operator, or manager of a certain lodging establishment,
8 subject to a certain requirement; providing for certain penalties for a violation of
9 certain provisions of this Act; defining a certain term; providing for the application
10 of this Act; clarifying that certain provisions of this Act do not affect the authority of
11 a county, municipality, or other local government to enact and enforce certain
12 recycling requirements; clarifying that certain provisions of this Act do not require a
13 county to manage or enforce certain recycling activities; and generally relating to
14 recycling in lodging establishments.

15 BY adding to

16 Article – Environment

17 Section 9–1711.1

18 Annotated Code of Maryland

19 (2014 Replacement Volume and 2018 Supplement)

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

22 **Article – Environment**

23 **9–1711.1.**

24 **(A) (1) IN THIS SECTION, “LODGING ESTABLISHMENT” MEANS A**
25 **BUILDING OR GROUP OF BUILDINGS THAT:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) IS UNDER THE SAME MANAGEMENT;

2 (II) CONTAINS 10 OR MORE INDIVIDUAL SLEEPING
3 ACCOMMODATIONS FOR COMPENSATION; AND

4 (III) IS USED PRIMARILY BY TRANSIENT GUESTS WHO ARE
5 LODGED WITH OR WITHOUT MEALS.

6 (2) "LODGING ESTABLISHMENT" INCLUDES:

7 (I) A HOTEL;

8 (II) AN EXTENDED STAY HOTEL;

9 (III) AN INN; AND

10 (IV) A MOTEL.

11 (B) (1) THIS SECTION APPLIES ONLY TO AN OWNER, AN OPERATOR, OR A
12 MANAGER OF A LODGING ESTABLISHMENT.

13 (2) THIS SECTION DOES NOT:

14 (I) AFFECT THE AUTHORITY OF A COUNTY, A MUNICIPALITY,
15 OR ANY OTHER LOCAL GOVERNMENT TO ENACT AND ENFORCE RECYCLING
16 REQUIREMENTS, INCLUDING ESTABLISHING CIVIL PENALTIES FOR A LODGING
17 ESTABLISHMENT THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS
18 SECTION; OR

19 (II) REQUIRE A COUNTY TO MANAGE OR ENFORCE THE
20 RECYCLING ACTIVITIES OF A LODGING ESTABLISHMENT.

21 (C) AN OWNER, AN OPERATOR, OR A MANAGER OF A LODGING
22 ESTABLISHMENT MAY PROVIDE RECYCLING FOR THE GUESTS OF THE
23 ESTABLISHMENT, INCLUDING:

24 (1) THE COLLECTION OF RECYCLABLE MATERIALS FROM GUESTS
25 AND COMMON AREAS OF THE ESTABLISHMENT; AND

26 (2) THE REMOVAL OF RECYCLABLE MATERIALS COLLECTED FROM
27 GUESTS AND COMMON AREAS OF THE ESTABLISHMENT FOR FURTHER RECYCLING.

1 **(D) (1) IF AN OWNER, AN OPERATOR, OR A MANAGER OF A LODGING**
2 **ESTABLISHMENT PROVIDES RECYCLING FOR GUESTS:**

3 **(I) THE OWNER, OPERATOR, OR MANAGER SHALL PROVIDE**
4 **NOTICE TO THE GUESTS ABOUT WHAT MAY BE RECYCLED; AND**

5 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
6 **METHOD OF NOTICE SHALL BE AT THE DISCRETION OF THE OWNER, OPERATOR, OR**
7 **MANAGER OF THE ESTABLISHMENT.**

8 **(2) IF AN OWNER, AN OPERATOR, OR A MANAGER PROVIDES THE**
9 **NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO A GUEST**
10 **ORALLY, THE OWNER, OPERATOR, OR MANAGER SHALL PROVIDE AN ADDITIONAL**
11 **TYPE OF NOTICE IN WRITING TO THE GUEST.**

12 **(E) (1) AN OWNER, AN OPERATOR, OR A MANAGER OF A LODGING**
13 **ESTABLISHMENT WHO VIOLATES THE PROVISIONS OF SUBSECTION (D) OF THIS**
14 **SECTION IS SUBJECT TO A CIVIL PENALTY OF:**

15 **(I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$100; AND**

16 **(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT**
17 **EXCEEDING \$250.**

18 **(2) FOR THE PURPOSES OF THIS SUBSECTION, A SECOND OR**
19 **SUBSEQUENT OFFENSE IS ONE THAT HAS OCCURRED WITHIN 2 YEARS OF ANY PRIOR**
20 **VIOLATION OF SUBSECTION (D) OF THIS SECTION AND ARISES OUT OF A SEPARATE**
21 **SET OF CIRCUMSTANCES.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2019.