

# SENATE BILL 642

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CF HB 735

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By: **Senators Brooks, Rosapepe, Muse, Waldstreicher, Gile, Carter, Kagan, Jackson, Augustine, Kelly, Lewis Young, M. Washington, Hettleman, Lam, Benson, and Elfreth**

Introduced and read first time: January 29, 2024

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Beverage Container Recycling Refund and Litter Reduction Program**

3 FOR the purpose of establishing the Maryland Beverage Container Recycling Refund and  
4 Litter Reduction Program to increase the reuse and recycling of beverage containers  
5 and reduce the litter, pollution, and costs associated with beverage containers;  
6 altering the duties of the Office of Recycling; altering the contents and use of the  
7 State Recycling Trust Fund; requiring the Comptroller to establish a separate  
8 account within the Fund; requiring that each redeemable beverage container sold in  
9 the State depict certain information beginning on a certain date; requiring the  
10 wholesale price and retail price of a full redeemable beverage container to include  
11 the refund value of the container, subject to a certain exception, beginning on a  
12 certain date; requiring a retailer to include certain information on a customer's sales  
13 receipt; establishing a framework for the redemption of redeemable beverage  
14 containers sold in the State; requiring a producer to provide a certified copy of a  
15 certain contractual agreement to the relevant beverage container stewardship  
16 organization; prohibiting a producer from selling, offering for sale, or distributing in  
17 or importing into the State a redeemable beverage container unless the producer is  
18 registered with the Department of the Environment, pays a certain fee, and is part  
19 of a certain beverage container stewardship organization; establishing a framework  
20 for a beverage container stewardship organization to represent producers in fulfilling  
21 the requirements of this Act; requiring each beverage container stewardship  
22 organization to submit a certain beverage container stewardship plan to the  
23 Department for approval; requiring a beverage container stewardship organization  
24 to implement and administer a beverage container stewardship plan within a certain  
25 time after the plan is approved; requiring the Department to establish a process for  
26 a county or municipal corporation to create a redemption facility; authorizing  
27 redeemable beverage containers redeemed at a redemption facility managed by a  
28 county or municipal corporation to be credited toward meeting certain recycling  
29 rates; establishing the Beverage Container Recycling Refund Grant Program to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 increase the reuse and recycling of beverage containers in the State, increase the  
2 availability of public water fountains and refill stations in the State, and reduce the  
3 volume of litter from beverage containers in the State; establishing the Redeemable  
4 Beverage Container Recycling Refund Advisory Council to review certain reports,  
5 make certain recommendations, and advise the Department on certain matters;  
6 providing immunity from liability to a certain producer or beverage container  
7 stewardship organization under certain circumstances; and generally relating to the  
8 Maryland Beverage Container Recycling Refund and Litter Reduction Program.

9 BY repealing and reenacting, without amendments,

10 Article – Environment

11 Section 9–1701(a) and (q) and 9–1702(a)

12 Annotated Code of Maryland

13 (2014 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Environment

16 Section 9–1702(d) and 9–1707(f)

17 Annotated Code of Maryland

18 (2014 Replacement Volume and 2023 Supplement)

19 BY adding to

20 Article – Environment

21 Section 9–1733 through 9–1751 to be under the new part “Part V. Maryland  
22 Beverage Container Recycling Refund and Litter Reduction Program”

23 Annotated Code of Maryland

24 (2014 Replacement Volume and 2023 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

26 That the Laws of Maryland read as follows:

27 **Article – Environment**

28 9–1701.

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

30 (q) “Recycling” means any process in which recyclable materials are collected,  
31 separated, or processed and returned to the marketplace in the form of raw materials or  
32 products.

33 9–1702.

34 (a) There is an Office of Recycling created within the Department.

35 (d) The Office shall:

1 (1) Assist the counties in developing an acceptable recycling plan required  
2 under § 9-1703 of this subtitle and § 9-505 of this title, including technical assistance to  
3 the local governments;

4 (2) Coordinate the efforts of the State to facilitate the implementation of  
5 the recycling goals at the county level;

6 (3) Review all recycling plans submitted as part of a county plan as  
7 required under § 9-505 of this title and advise the Secretary on the adequacy of the  
8 recycling plan;

9 (4) Administer the Statewide Electronics Recycling Program under Part IV  
10 of this subtitle; [and]

11 (5) Promote the development of markets for recycled materials and  
12 recycled products in the State in accordance with § 9-1702.1 of this subtitle; AND

13 **(6) ADMINISTER THE MARYLAND BEVERAGE CONTAINER**  
14 **RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §**  
15 **9-1735 OF THIS SUBTITLE.**

16 9-1707.

17 (f) (1) There is a State Recycling Trust Fund.

18 (2) The Fund shall consist of:

19 (i) The newsprint recycling incentive fee;

20 (ii) The telephone directory recycling incentive fee collected under §  
21 9-1709 of this subtitle;

22 (iii) The covered electronic device manufacturer registration fee  
23 collected under § 9-1728 of this subtitle;

24 **(IV) UNCLAIMED DEPOSITS, FEES, AND PENALTIES**  
25 **TRANSFERRED TO THE FUND UNDER §§ 9-1739, 9-1740, AND 9-1750 OF THIS**  
26 **SUBTITLE;**

27 [(iv)] **(V)** All fines and penalties collected under this subtitle;

28 [(v)] **(VI)** Money appropriated in the State budget to the Fund; and

29 [(vi)] **(VII)** Any other money from any other source accepted for the  
30 benefit of the Fund.

1 (3) The Secretary shall administer the Fund.

2 (4) The Treasurer shall hold the Fund separately and the Comptroller shall  
3 account for the Fund.

4 (5) (I) [At] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
5 **PARAGRAPH, AT** the end of each fiscal year, any unspent or unencumbered balance in the  
6 Fund that exceeds \$2,000,000 shall revert to the General Fund of the State in accordance  
7 with § 7–302 of the State Finance and Procurement Article.

8 (II) **THE FUNDS TRANSFERRED TO THE FUND UNDER**  
9 **PARAGRAPH (2)(IV) OF THIS SUBSECTION ARE NOT SUBJECT TO § 7–302 OF THE**  
10 **STATE FINANCE AND PROCUREMENT ARTICLE AND MAY NOT REVERT TO THE**  
11 **GENERAL FUND OF THE STATE.**

12 (6) In accordance with the State budget, the Fund shall be used only:

13 (i) To provide grants to the counties to be used by the counties to  
14 develop and implement local recycling plans;

15 (ii) To provide grants to counties that have addressed methods for  
16 the separate collection and recycling of covered electronic devices in accordance with §  
17 9–1703(c)(1) of this subtitle;

18 (iii) To provide grants to municipalities to be used by the  
19 municipalities to implement local covered electronic device recycling programs; [and]

20 (iv) To carry out the purposes of the land management  
21 administration; **AND**

22 (V) **TO COVER THE COSTS OF ADMINISTERING, MONITORING,**  
23 **EVALUATING, AND ENFORCING THE MARYLAND BEVERAGE CONTAINER**  
24 **RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §**  
25 **9–1735 OF THIS SUBTITLE.**

26 (7) (I) **THE COMPTROLLER SHALL ESTABLISH A SEPARATE**  
27 **ACCOUNT WITHIN THE FUND.**

28 (II) **THE ACCOUNT SHALL CONSIST OF THE FUNDS SPECIFIED IN**  
29 **PARAGRAPH (2)(IV) OF THIS SUBSECTION.**

30 (III) **THE ACCOUNT MAY BE USED ONLY TO:**

31 1. **COVER THE COSTS OF ADMINISTERING, MONITORING,**  
32 **EVALUATING, AND ENFORCING THE MARYLAND BEVERAGE CONTAINER**

1 **RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §**  
2 **9-1735 OF THIS SUBTITLE;**

3 **2. FUND THE BEVERAGE CONTAINER RECYCLING**  
4 **REFUND GRANT PROGRAM ESTABLISHED UNDER § 9-1746 OF THIS SUBTITLE;**

5 **3. COMPENSATE LOCAL GOVERNMENTS IN**  
6 **ACCORDANCE WITH § 9-1744 OF THIS SUBTITLE; AND**

7 **4. MEET OR EXCEED THE PERFORMANCE TARGETS**  
8 **ESTABLISHED UNDER § 9-1736 OF THIS SUBTITLE.**

9 **[(7)] (8)** (i) The Treasurer shall invest the money in the Fund in the  
10 same manner as other State money may be invested.

11 (ii) Any investment earnings of the Fund shall be credited to the  
12 General Fund of the State.

13 **9-1731. RESERVED.**

14 **9-1732. RESERVED.**

15 **PART V. MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND LITTER**  
16 **REDUCTION PROGRAM.**

17 **9-1733.**

18 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20 **(B) (1) "ACCOUNT-BASED BULK PROCESSING PROGRAM" MEANS A**  
21 **PROGRAM THAT:**

22 **(I) UTILIZES A SYSTEM OF CUSTOMER ACCOUNTS AND A**  
23 **MECHANISM TO ASSOCIATE REDEEMED REDEEMABLE BEVERAGE CONTAINERS WITH**  
24 **THE APPROPRIATE CUSTOMER ACCOUNT;**

25 **(II) CONSOLIDATES THE REDEEMED REDEEMABLE BEVERAGE**  
26 **CONTAINERS FOR BULK SORTING WHILE COLLECTING DATA ABOUT THE**  
27 **CONTAINERS;**

28 **(III) FULLY PREPARES REDEEMED REDEEMABLE BEVERAGE**  
29 **CONTAINERS FOR SALE TO RECYCLERS; AND**

1 (IV) COLLECTS DATA TO SUPPORT AN ACCOUNTING OF THE  
2 REDEEMABLE BEVERAGE CONTAINERS, INCLUDING THE DEPOSITS, FEES, AND  
3 POUNDS OF MATERIAL PRODUCED THAT ARE ASSOCIATED WITH THE REDEEMABLE  
4 BEVERAGE CONTAINERS.

5 (2) "ACCOUNT-BASED BULK PROCESSING PROGRAM" INCLUDES A  
6 BAG DROP PROGRAM IF THE BAG DROP PROGRAM IS A COMPONENT OF THE  
7 ACCOUNT-BASED BULK PROCESSING PROGRAM.

8 (C) "ADVISORY COUNCIL" MEANS THE REDEEMABLE BEVERAGE  
9 CONTAINER RECYCLING REFUND ADVISORY COUNCIL ESTABLISHED UNDER §  
10 9-1748 OF THIS SUBTITLE.

11 (D) "BAG DROP PROGRAM" MEANS A PROGRAM THAT ALLOWS A CUSTOMER  
12 TO:

13 (1) DROP OFF EMPTY REDEEMABLE BEVERAGE CONTAINERS IN A BAG  
14 OR OTHER RECEPTACLE AT ONE OR MORE LOCATIONS FOR A REFUND; AND

15 (2) HAVE THE CORRESPONDING REFUND PLACED INTO AN ACCOUNT  
16 HELD FOR THE BENEFIT OF THE CUSTOMER IN A MANNER THAT ALLOWS THE  
17 CUSTOMER TO OBTAIN THE REFUND OR REFUND RECEIPT WITHIN A SPECIFIED  
18 NUMBER OF DAYS AFTER THE DROP-OFF.

19 (E) (1) "BEVERAGE" MEANS ANY DRINKABLE LIQUID INTENDED FOR  
20 HUMAN ORAL CONSUMPTION.

21 (2) "BEVERAGE" DOES NOT INCLUDE:

22 (I) DRUGS REGULATED UNDER THE FEDERAL FOOD, DRUG,  
23 AND COSMETIC ACT; AND

24 (II) INFANT FORMULA.

25 (F) "BEVERAGE CONTAINER" MEANS A BOTTLE, CAN, OR OTHER  
26 CONTAINER THAT:

27 (1) HAS BEEN SEALED BY A MANUFACTURER;

28 (2) IS MADE OF GLASS, METAL, OR PLASTIC; AND

29 (3) AT THE TIME OF SALE, CONTAINS 3 LITERS OR LESS OF A  
30 BEVERAGE.

1           **(G) “BEVERAGE CONTAINER REDEMPTION AND PROCESSING METHOD”**  
2 **MEANS A MANUAL OR TECHNOLOGICAL METHOD FOR PROPERLY COLLECTING,**  
3 **IDENTIFYING, COUNTING, OR PROCESSING EMPTY REDEEMABLE BEVERAGE**  
4 **CONTAINERS FOR REDEMPTION.**

5           **(H) “BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION” MEANS A**  
6 **NONPROFIT ORGANIZATION THAT IS:**

7                   **(1) EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL**  
8 **REVENUE CODE; AND**

9                   **(2) CREATED BY PRODUCERS TO IMPLEMENT A BEVERAGE**  
10 **CONTAINER STEWARDSHIP PLAN.**

11           **(I) “BEVERAGE CONTAINER STEWARDSHIP PLAN” MEANS A PLAN**  
12 **SUBMITTED TO THE DEPARTMENT UNDER § 9-1742 OF THIS SUBTITLE.**

13           **(J) “DEPOSIT INITIATOR” MEANS THE FIRST DISTRIBUTOR TO COLLECT A**  
14 **DEPOSIT ON A BEVERAGE CONTAINER SOLD IN THE STATE.**

15           **(K) (1) “DISTRIBUTOR” MEANS A PERSON THAT SELLS BEVERAGES IN**  
16 **REDEEMABLE BEVERAGE CONTAINERS TO A RETAILER IN THE STATE.**

17                   **(2) “DISTRIBUTOR” INCLUDES A PERSON THAT MANUFACTURES AND**  
18 **SELLS BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS TO A RETAILER IN THE**  
19 **STATE.**

20                   **(3) “DISTRIBUTOR” DOES NOT INCLUDE AIRLINES OR SHIPPING**  
21 **COMPANIES THAT TRANSPORT REDEEMABLE BEVERAGE CONTAINERS.**

22           **(L) “GRANT PROGRAM” MEANS THE BEVERAGE CONTAINER RECYCLING**  
23 **REFUND GRANT PROGRAM ESTABLISHED UNDER § 9-1746 OF THIS SUBTITLE.**

24           **(M) “LINE BREAKAGE” MEANS A BEVERAGE CONTAINER THAT:**

25                   **(1) BECOMES DEFECTIVE OR DAMAGED DURING MANUFACTURING;**

26                   **(2) IS NOT INTENDED TO BE SOLD; AND**

27                   **(3) IS NOT ELIGIBLE FOR REDEMPTION.**

1           (N)    “MARYLAND-SPECIFIC UPC BARCODE” MEANS A UNIVERSAL PRODUCT  
2 CODE THAT IS:

3                   (1)    UNIQUE TO BEVERAGE CONTAINERS SOLD IN THE STATE; AND

4                   (2)    USED TO DETER FRAUD AND ENSURE THE LEGITIMATE  
5 REDEMPTION OF REDEEMABLE BEVERAGE CONTAINERS.

6           (O)    (1)    “ON-PREMISES SELLER” MEANS A PERSON THAT SELLS FILLED  
7 AND UNOPENED REDEEMABLE BEVERAGE CONTAINERS FOR ON-PREMISES  
8 CONSUMPTION.

9                   (2)    “ON-PREMISES SELLER” INCLUDES:

10                   (I)    BARS;

11                   (II)   HOTELS;

12                   (III)   RESTAURANTS;

13                   (IV)   SPORTING VENUES;

14                   (V)    ENTERTAINMENT VENUES; AND

15                   (VI)   GAMING VENUES.

16           (P)    “PERFORMANCE TARGETS” MEANS THE TARGETS ESTABLISHED UNDER  
17 § 9-1736 OF THIS SUBTITLE.

18           (Q)    (1)    “PRODUCER” MEANS A PERSON RESPONSIBLE FOR COMPLYING  
19 WITH THE REQUIREMENTS UNDER THIS PART.

20                   (2)    “PRODUCER” INCLUDES A FRANCHISOR OF A FRANCHISE  
21 LOCATED IN THE STATE.

22                   (3)    “PRODUCER” DOES NOT INCLUDE:

23                   (I)    THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR  
24 ANY OTHER POLITICAL SUBDIVISION OF THE STATE;

25                   (II)   A CHARITABLE ORGANIZATION THAT IS TAX-EXEMPT  
26 UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;



1 (III) A SOCIAL WELFARE ORGANIZATION THAT IS TAX-EXEMPT  
2 UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE;

3 (IV) A FRANCHISEE THAT OPERATES A FRANCHISE IN THE  
4 STATE;

5 (V) A PERSON THAT ANNUALLY SELLS, OFFERS FOR SALE,  
6 DISTRIBUTES, OR IMPORTS INTO THE COUNTRY FOR SALE IN THE STATE FEWER  
7 THAN 1,000 REDEEMABLE BEVERAGE CONTAINERS; OR

8 (VI) A PERSON THAT ANNUALLY SELLS, OFFERS FOR SALE, OR  
9 DISTRIBUTES IN THE STATE REDEEMABLE BEVERAGE CONTAINERS THAT IN  
10 AGGREGATE GENERATE LESS THAN \$5,000,000 EACH YEAR IN GLOBAL REVENUE.

11 (R) "PROGRAM" MEANS THE MARYLAND BEVERAGE CONTAINER  
12 RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §  
13 9-1735 OF THIS SUBTITLE.

14 (S) "RECYCLING RATE" MEANS THE NUMBER OF NONREFILLABLE  
15 REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE THAT ARE REDEEMED  
16 AND RECYCLED SHOWN AS A PERCENTAGE OF ALL NONREFILLABLE REDEEMABLE  
17 BEVERAGE CONTAINERS SOLD IN THE STATE.

18 (T) "REDEEM" MEANS THE RETURN OF AN EMPTY REDEEMABLE BEVERAGE  
19 CONTAINER IN EXCHANGE FOR A REFUND, A VOUCHER FOR A REFUND, OR A CREDIT  
20 TO AN ACCOUNT FOR NOT LESS THAN THE REFUND VALUE.

21 (U) "REDEEMABLE BEVERAGE CONTAINER" MEANS A BEVERAGE  
22 CONTAINER THAT, AT THE TIME OF SALE:

23 (1) CONTAINS 3 LITERS OR LESS OF A BEVERAGE;

24 (2) BEARS A UNIVERSAL PRODUCT CODE; AND

25 (3) MAY BEAR A MARYLAND-SPECIFIC UPC BARCODE FOR THE  
26 PURPOSE OF ENSURING LEGITIMATE REDEMPTION AND DETERRING FRAUD.

27 (V) "REDEMPTION FACILITY" MEANS A FACILITY THAT:

28 (1) ACCEPTS EMPTY BEVERAGE CONTAINERS FROM A CONSUMER, A  
29 RETAILER, OR BOTH;

30 (2) COLLECTS, SORTS, AND COUNTS EMPTY BEVERAGE CONTAINERS;

1           **(3) REFUNDS THE REFUND VALUE OF EMPTY REDEEMABLE**  
2 **BEVERAGE CONTAINERS IN CASH, WITH A VOUCHER, OR AS A CREDIT TO AN**  
3 **ACCOUNT FOR NOT LESS THAN THE REFUND VALUE OF THE REDEEMABLE**  
4 **BEVERAGE CONTAINER; AND**

5           **(4) IS LICENSED UNDER § 9-1738 OF THIS SUBTITLE.**

6           **(W) “REDEMPTION RATE” MEANS THE PERCENTAGE OF REDEEMABLE**  
7 **BEVERAGE CONTAINERS SOLD IN THE STATE THAT ARE REDEEMED FOR THE**  
8 **DEPOSIT VALUE.**

9           **(X) “REFILLABLE” MEANS A BEVERAGE CONTAINER THAT IS DESIGNED AND**  
10 **INTENDED TO BE REUSED AS A BEVERAGE CONTAINER AFTER BEING USED BY A**  
11 **CONSUMER WITHOUT THE NEED FOR REMANUFACTURING.**

12           **(Y) (1) “RETAILER” MEANS A PERSON THAT ENGAGES IN THE SALE OF**  
13 **REDEEMABLE BEVERAGE CONTAINERS TO A CONSUMER IN THE STATE.**

14           **(2) “RETAILER” INCLUDES A PERSON THAT ENGAGES IN THE SALE OF**  
15 **REDEEMABLE BEVERAGE CONTAINERS:**

16                   **(I) THROUGH A VENDING MACHINE; OR**

17                   **(II) ONLINE FOR HOME DELIVERY.**

18           **(Z) “REVERSE VENDING MACHINE” MEANS AN AUTOMATED DEVICE THAT:**

19                   **(1) ACCEPTS ONE OR MORE TYPES OF EMPTY REDEEMABLE**  
20 **BEVERAGE CONTAINERS;**

21                   **(2) USES A LASER SCANNER, AN OPTICAL SENSOR, A**  
22 **MICROPROCESSOR, OR OTHER TECHNOLOGY TO ACCURATELY RECOGNIZE A**  
23 **BEVERAGE CONTAINER’S UNIVERSAL PRODUCT CODE TO DETERMINE WHETHER THE**  
24 **CONTAINER IS A REDEEMABLE BEVERAGE CONTAINER;**

25                   **(3) ISSUES A REDEEMABLE CREDIT SLIP FOR THE REDEEMABLE**  
26 **BEVERAGE CONTAINER’S REFUND VALUE;**

27                   **(4) SEPARATES REDEEMABLE BEVERAGE CONTAINERS FROM**  
28 **CONTAINERS THAT ARE NOT REDEEMABLE;**

1           **(5) USES MECHANICAL COMPACTION TO CANCEL REDEEMABLE**  
2 **BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED; AND**

3           **(6) COMPILES INFORMATION REGARDING THE REDEEMABLE**  
4 **BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED, INCLUDING THE NUMBER OF**  
5 **REDEEMABLE BEVERAGE CONTAINERS REDEEMED.**

6           **(AA) (1) “UNIVERSAL PRODUCT CODE” OR “UPC” MEANS A STANDARD**  
7 **BARCODE THAT ENCODES A NUMBER UNIQUELY ASSIGNED TO A PRODUCT FOR**  
8 **IDENTIFICATION OF THE PRODUCT.**

9           **(2) “UNIVERSAL PRODUCT CODE” OR “UPC” INCLUDES:**

10           **(I) ANY INDUSTRY–ACCEPTED BARCODE USED FOR PRODUCT**  
11 **IDENTIFICATION PURPOSES; AND**

12           **(II) A EUROPEAN ARTICLE NUMBER.**

13 **9–1734.**

14           **IT IS THE INTENT OF THE GENERAL ASSEMBLY TO:**

15           **(1) ACHIEVE A REDEMPTION RATE OF AT LEAST 90% FOR THE**  
16 **APPROXIMATELY 5,200,000,000 SINGLE–USE BEVERAGE CONTAINERS SOLD**  
17 **ANNUALLY IN THE STATE;**

18           **(2) PROVIDE A SOURCE OF HIGH–QUALITY FOOD–GRADE MATERIALS**  
19 **FOR USE AS RECYCLED CONTENT IN BEVERAGE AND FOOD CONTAINERS;**

20           **(3) REDUCE THE VOLUME OF LITTER AND PLASTIC POLLUTION FROM**  
21 **BEVERAGE CONTAINERS IN THE STATE;**

22           **(4) REDUCE THE VOLUME OF BEVERAGE CONTAINERS THAT ARE**  
23 **LANDFILLED OR INCINERATED IN THE STATE;**

24           **(5) REDUCE THE COSTS OF LITTER AND BEVERAGE CONTAINER**  
25 **COLLECTION, RECYCLING, AND DISPOSAL INCURRED BY TAXPAYERS, COUNTIES,**  
26 **AND MUNICIPAL CORPORATIONS BY MAKING PRODUCERS OF BEVERAGE**  
27 **CONTAINERS RESPONSIBLE FOR THE RECOVERY, RECYCLING, AND REUSE OF**  
28 **BEVERAGE CONTAINERS;**

29           **(6) PROVIDE INCENTIVES FOR INCREASING THE USE OF REUSABLE**  
30 **AND REFILLABLE BEVERAGE CONTAINERS; AND**

1           **(7) REDUCE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE**  
2 **PRODUCTION, TRANSPORTATION, PROCESSING, AND WASTE DISPOSAL OF**  
3 **SINGLE-USE BEVERAGE CONTAINERS SOLD IN THE STATE.**

4 **9-1735.**

5           **THERE IS A MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND**  
6 **LITTER REDUCTION PROGRAM IN THE DEPARTMENT.**

7 **9-1736.**

8           **PERFORMANCE TARGETS FOR THE PROGRAM ARE AS FOLLOWS:**

9           **(1) A 70% REDEMPTION RATE BY DECEMBER 31, 2028;**

10          **(2) A 90% REDEMPTION RATE BY DECEMBER 31, 2031;**

11          **(3) A 65% RECYCLING RATE BY DECEMBER 31, 2028;**

12          **(4) AN 85% RECYCLING RATE BY DECEMBER 31, 2031;**

13          **(5) BY DECEMBER 31, 2026, ATTAINMENT OF ALL CONVENIENCE**  
14 **STANDARDS IDENTIFIED BY THE DEPARTMENT UNDER § 9-1747 OF THIS SUBTITLE;**  
15 **AND**

16          **(6) BY DECEMBER 31, 2034, AT LEAST 10% OF ALL BEVERAGE**  
17 **CONTAINERS SOLD IN THE STATE ARE RETURNED AND REFILLED.**

18 **9-1737.**

19          **(A) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**  
20 **BEGINNING JANUARY 1, 2027, EACH REDEEMABLE BEVERAGE CONTAINER SOLD IN**  
21 **THE STATE SHALL INCLUDE A DEPICTION OF THE FOLLOWING INFORMATION:**

22                 **(I) THE WORD “MARYLAND” OR THE LETTERS “MD”; AND**

23                         **(II) 1. FOR REDEEMABLE BEVERAGE CONTAINERS WITH A**  
24 **VOLUME OF 24 FLUID OUNCES OR LESS, A REFUND VALUE OF 10 CENTS; OR**

25                                 **2. FOR REDEEMABLE BEVERAGE CONTAINERS WITH A**  
26 **VOLUME OF MORE THAN 24 FLUID OUNCES, A REFUND VALUE OF 15 CENTS.**

1           **(2) THE DEPARTMENT MAY ADJUST THE REFUND VALUES SPECIFIED**  
2 **IN PARAGRAPH (1) OF THIS SUBSECTION:**

3           **(I) IF THE DEPARTMENT DETERMINES ALTERING THE REFUND**  
4 **VALUES IS NECESSARY TO MEET OR EXCEED PERFORMANCE TARGETS; OR**

5           **(II) AT THE REQUEST OF A BEVERAGE CONTAINER**  
6 **STEWARDSHIP ORGANIZATION.**

7           **(3) BEGINNING JANUARY 1, 2031, THE DEPARTMENT SHALL**  
8 **INCREASE THE REFUND VALUES SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION**  
9 **BY 5 CENTS IF THE DEPARTMENT DETERMINES THAT FOR 2 CONSECUTIVE**  
10 **CALENDAR YEARS THE REDEMPTION RATE WAS LESS THAN 90% OF THE TOTAL**  
11 **NUMBER OF BEVERAGE CONTAINERS SOLD IN THE STATE.**

12           **(B) A BEVERAGE CONTAINER DEPICTING THE INFORMATION SPECIFIED IN**  
13 **SUBSECTION (A) OF THIS SECTION MAY NOT BE SOLD TO A CONSUMER BEFORE**  
14 **JANUARY 1, 2027.**

15           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
16 **BEGINNING JANUARY 1, 2027:**

17           **(I) THE WHOLESALE PRICE AND THE RETAIL PRICE OF A FULL**  
18 **REDEEMABLE BEVERAGE CONTAINER SHALL INCLUDE THE REFUND VALUE OF THE**  
19 **REDEEMABLE BEVERAGE CONTAINER; AND**

20           **(II) A RETAILER SHALL INCLUDE ON A CUSTOMER'S SALES**  
21 **RECEIPT THE REFUND VALUE OF A REDEEMABLE BEVERAGE CONTAINER SOLD BY**  
22 **THE RETAILER TO THE CUSTOMER.**

23           **(2) THE RETAIL PRICE OF A FULL REDEEMABLE BEVERAGE**  
24 **CONTAINER SOLD BY AN ON-PREMISES SELLER MAY NOT INCLUDE THE REFUND**  
25 **VALUE OF THE REDEEMABLE BEVERAGE CONTAINER.**

26 **9-1738.**

27           **(A) (1) THE PROGRAM SHALL PROVIDE A RANGE OF OPTIONS FOR**  
28 **CUSTOMERS TO CONVENIENTLY REDEEM EMPTY REDEEMABLE BEVERAGE**  
29 **CONTAINERS FOR THE FULL REFUND VALUE, INCLUDING:**

30           **(I) AT A RETAILER'S PLACE OF BUSINESS THROUGH DIRECT**  
31 **TAKE-BACK BY THE RETAILER, REVERSE VENDING MACHINES, A BAG DROP**  
32 **PROGRAM, OR OTHER REDEMPTION METHODS;**

1                   **(II) DEDICATED AND CONVENIENTLY LOCATED REDEMPTION**  
2 **FACILITIES OPERATED BY RETAILERS, PUBLIC ENTITIES, OR A BEVERAGE**  
3 **CONTAINER STEWARDSHIP ORGANIZATION; AND**

4                   **(III) PLACING REDEEMABLE BEVERAGE CONTAINER**  
5 **REDEMPTION AND PROCESSING METHODS, SUCH AS REVERSE VENDING MACHINES,**  
6 **BAG DROP PROGRAMS, AND ACCOUNT-BASED BULK PROCESSING PROGRAMS, IN**  
7 **AREAS:**

8                   1.     **WITH A HIGH NUMBER OF PEDESTRIANS; AND**

9                   2.     **WHERE INDIVIDUALS PURCHASE OR USE BEVERAGE**  
10 **CONTAINERS.**

11                   **(2) THE PROGRAM SHALL PROVIDE A RANGE OF OPTIONS FOR**  
12 **ON-PREMISES SELLERS TO CONVENIENTLY REDEEM EMPTY REDEEMABLE**  
13 **BEVERAGE CONTAINERS FOR THE FULL REFUND VALUE, INCLUDING:**

14                   **(I) AN ACCOUNT-BASED REFUND ISSUED BY A BEVERAGE**  
15 **CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENTS FOLLOWING THE**  
16 **COLLECTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS BY THE BEVERAGE**  
17 **CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENTS FROM THE ON-PREMISES**  
18 **SELLER; OR**

19                   **(II) AN ACCOUNT-BASED REFUND ISSUED BY THE OPERATOR OF**  
20 **A BAG DROP PROGRAM.**

21                   **(B) (1) A PERSON SHALL APPLY TO THE DEPARTMENT FOR A LICENSE TO**  
22 **OPERATE A REDEMPTION FACILITY IN THE STATE.**

23                   **(2) THE DEPARTMENT SHALL DEVELOP STANDARDS AND A**  
24 **LICENSING PROCESS FOR THE ESTABLISHMENT AND OPERATION OF REDEMPTION**  
25 **FACILITIES.**

26                   **(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A REDEMPTION**  
27 **FACILITY SHALL ACCEPT ALL TYPES OF EMPTY REDEEMABLE BEVERAGE**  
28 **CONTAINERS FOR REDEMPTION.**

29                   **(D) A RETAILER OR REDEMPTION FACILITY MAY REFUSE TO ACCEPT AN**  
30 **EMPTY REDEEMABLE BEVERAGE CONTAINER THAT:**

31                   **(1) IS DIRTY;**

1           **(2) IS BROKEN;**

2           **(3) CONTAINS MATERIAL FOREIGN TO THE NORMAL CONTENTS OF**  
3 **THE BEVERAGE CONTAINER; OR**

4           **(4) THE RETAILER OR REDEMPTION FACILITY BELIEVES WAS NOT**  
5 **SOLD IN THE STATE.**

6           **(E) (1) THIS SUBSECTION APPLIES TO A RETAILER WITH AT LEAST 3,000**  
7 **SQUARE FEET OF SALES FLOOR SPACE AND AT LEAST 150 SQUARE FEET OF SHELF**  
8 **SPACE DEDICATED TO THE DISPLAY OF REDEEMABLE BEVERAGE CONTAINERS.**

9           **(2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A RETAILER**  
10 **SHALL:**

11           **(I) ESTABLISH AND MAINTAIN A DEDICATED AREA AT THE**  
12 **RETAILER'S PLACE OF BUSINESS TO ACCEPT EMPTY REDEEMABLE BEVERAGE**  
13 **CONTAINERS;**

14           **(II) ACCEPT AT THE RETAILER'S PLACE OF BUSINESS ANY**  
15 **EMPTY REDEEMABLE BEVERAGE CONTAINERS RETURNED FOR REDEMPTION**  
16 **DURING THE RETAILER'S BUSINESS HOURS; AND**

17           **(III) PAY TO THE REDEEMER THE REFUND VALUE FOR EACH**  
18 **EMPTY REDEEMABLE BEVERAGE CONTAINER REDEEMED.**

19           **(3) RETAILERS MAY MEET THE REQUIREMENTS IN PARAGRAPH (2) OF**  
20 **THIS SUBSECTION THROUGH VARIOUS METHODS, INCLUDING:**

21           **(I) SUPPLEMENTING THE MANUAL COLLECTION AND STORING**  
22 **OF REDEEMED REDEEMABLE BEVERAGE CONTAINERS WITH A REVERSE VENDING**  
23 **MACHINE, A BAG DROP PROGRAM, OR OTHER COUNTING AND SORTING METHODS;**  
24 **AND**

25           **(II) GROUPING BEVERAGE CONTAINER REDEMPTION AND**  
26 **PROCESSING METHODS WITH THOSE OF OTHER RETAILERS IF:**

27                   **1. A BEVERAGE CONTAINER STEWARDSHIP**  
28 **ORGANIZATION APPROVES THE PROPOSAL; AND**

29                   **2. THE RETAILERS PARTICIPATING IN THE GROUPED**  
30 **METHODS PROVIDE CONSISTENT SERVICE, MARKETING, AND SITE REDEMPTION**

1 LOCATIONS THAT COMPLY WITH DISTANCE PROVISIONS DETERMINED BY THE  
2 DEPARTMENT.

3 (4) A RETAILER WITHIN AN AREA THAT MEETS THE CONVENIENCE  
4 STANDARDS ESTABLISHED BY THE DEPARTMENT UNDER § 9-1747 OF THIS  
5 SUBTITLE MAY BE EXEMPT FROM THE REQUIREMENTS OF THIS SUBSECTION IF THE  
6 RETAILER:

7 (I) IS LOCATED IN CLOSE PROXIMITY TO A REDEMPTION  
8 FACILITY IN THAT AREA; AND

9 (II) SHARES THE COST OF THE OPERATION OF THE  
10 REDEMPTION FACILITY WITH A BEVERAGE CONTAINER STEWARDSHIP  
11 ORGANIZATION.

12 (5) THE DEPARTMENT MAY:

13 (I) SET STANDARDS FOR THE NUMBER OF REVERSE VENDING  
14 MACHINES REQUIRED FOR RETAILERS LOCATED IN UNDERSERVED COMMUNITIES;  
15 AND

16 (II) ESTABLISH A CAP FOR THE NUMBER OF EMPTY  
17 REDEEMABLE BEVERAGE CONTAINERS THAT CAN BE REDEEMED PER VISIT AT  
18 SMALL RETAILERS.

19 (F) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A RETAILER WITH LESS  
20 THAN 3,000 SQUARE FEET OF SALES FLOOR SPACE OR LESS THAN 150 SQUARE FEET  
21 OF SHELF SPACE DEDICATED TO THE DISPLAY OF REDEEMABLE BEVERAGE  
22 CONTAINERS SHALL:

23 (1) PROVIDE ON-SITE CASH REFUNDS FOR THE REDEMPTION OF ANY  
24 EMPTY REDEEMABLE BEVERAGE CONTAINER THAT IS OF THE SAME MATERIAL AND  
25 SIZE AS THOSE THAT ARE SOLD BY THE RETAILER IF THE EMPTY REDEEMABLE  
26 BEVERAGE CONTAINER BEING REDEEMED IS NOT ACCEPTED BY A REVERSE  
27 VENDING MACHINE; AND

28 (2) POST AT THE RETAILER'S ENTRANCE THE ADDRESS OF THE  
29 NEAREST REVERSE VENDING MACHINE OR OTHER REDEMPTION METHOD THAT  
30 PROVIDES AN IMMEDIATE CASH REFUND FOR REDEEMING EMPTY REDEEMABLE  
31 BEVERAGE CONTAINERS.

32 (G) (1) A PERSON THAT PROVIDES A REVERSE VENDING MACHINE FOR  
33 THE REDEMPTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS SHALL:



1           **(I) PROVIDE AN OPTION FOR REDEEMING EMPTY REDEEMABLE**  
2 **BEVERAGE CONTAINERS WHEN THE REVERSE VENDING MACHINE IS FULL, BROKEN,**  
3 **OR UNDER REPAIR; AND**

4           **(II) PROVIDE AN OPTION FOR REDEEMING ANY EMPTY**  
5 **REDEEMABLE BEVERAGE CONTAINERS NOT ACCEPTED BY THE REVERSE VENDING**  
6 **MACHINE.**

7           **(2) (I) THE DEPARTMENT SHALL ESTABLISH A PROCESS FOR**  
8 **SUBMITTING FOR REVIEW, APPROVING, AND MONITORING AN ACCOUNT-BASED**  
9 **BULK PROCESSING PROGRAM THAT:**

10           **1. ENSURES THAT THE PROGRAM WILL ACCURATELY**  
11 **REFUND DEPOSITS AND MAINTAIN AND REPORT DATA FROM EACH TRANSACTION;**  
12 **AND**

13           **2. IDENTIFIES THE INFORMATION THAT MUST BE**  
14 **SUBMITTED TO THE DEPARTMENT FOR APPROVAL OF THE PROGRAM.**

15           **(II) A PERSON THAT INTENDS TO PROVIDE AN ACCOUNT-BASED**  
16 **BULK PROCESSING PROGRAM FOR THE REDEMPTION OF EMPTY REDEEMABLE**  
17 **BEVERAGE CONTAINERS SHALL SUBMIT INFORMATION IDENTIFIED UNDER**  
18 **SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE DEPARTMENT FOR APPROVAL OF**  
19 **THE PROGRAM.**

20           **(H) REFUNDS PROVIDED FOR AN EMPTY REDEEMED REDEEMABLE**  
21 **BEVERAGE CONTAINER SHALL BE:**

22           **(1) IN CASH;**

23           **(2) IN THE FORM OF A RECEIPT FROM A REVERSE VENDING MACHINE**  
24 **IF:**

25           **(I) THE RECEIPT CAN BE EXCHANGED FOR CASH WITHIN 60**  
26 **DAYS AFTER THE RECEIPT IS ISSUED; AND**

27           **(II) THERE IS NO REQUIREMENT THAT OTHER GOODS BE**  
28 **PURCHASED TO RECEIVE THE CASH REFUND; OR**

29           **(3) CREDITED TO AN ACCOUNT BY THE RECEIVER OF THE EMPTY**  
30 **REDEEMABLE BEVERAGE CONTAINER SO THAT THE CONSUMER CAN RECEIVE THE**  
31 **REFUND OR A REFUND RECEIPT WITHIN A SPECIFIED NUMBER OF DAYS, AS**

1 DETERMINED BY THE DEPARTMENT, AFTER REDEEMING THE EMPTY REDEEMABLE  
2 BEVERAGE CONTAINER.

3 (I) (1) A REDEMPTION FACILITY, RETAILER, OR OTHER PERSON THAT  
4 ACCEPTS REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION SHALL BE  
5 REIMBURSED BY A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS  
6 AGENT FOR THE HANDLING OF EACH EMPTY REDEEMABLE BEVERAGE CONTAINER  
7 REDEEMED.

8 (2) (I) THE DEPARTMENT SHALL SET A HANDLING FEE TO BE PAID  
9 BY A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENT TO A  
10 REDEMPTION FACILITY, RETAILER, OR OTHER PERSON THAT ACCEPTS EMPTY  
11 REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION.

12 (II) 1. THE HANDLING FEE SHALL BE SET AT AN AMOUNT  
13 THAT COVERS THE COSTS OF COLLECTING, SORTING, PROCESSING, AND  
14 TRANSPORTING EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR RECYCLING,  
15 REUSE, OR REFILLING.

16 2. THE DEPARTMENT MAY INCREASE THE HANDLING  
17 FEE IF THE DEPARTMENT DETERMINES AN INCREASE IS NECESSARY TO ENCOURAGE  
18 THE ESTABLISHMENT OF MORE REDEMPTION FACILITIES.

19 (J) (1) AN ON-PREMISES SELLER THAT ACCEPTS EMPTY REDEEMABLE  
20 BEVERAGE CONTAINERS FOR REDEMPTION SHALL BE REIMBURSED BY A BEVERAGE  
21 CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENT FOR:

22 (I) THE REFUNDS PAID BY THE ON-PREMISES SELLER FOR THE  
23 EMPTY REDEEMED REDEEMABLE BEVERAGE CONTAINERS; AND

24 (II) THE HANDLING OF EACH EMPTY REDEEMABLE BEVERAGE  
25 CONTAINER REDEEMED.

26 (2) (I) THE DEPARTMENT SHALL SET A MATERIAL HANDLING FEE  
27 TO BE PAID BY A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS  
28 AGENT TO AN ON-PREMISES SELLER THAT ACCEPTS EMPTY REDEEMABLE  
29 BEVERAGE CONTAINERS FOR REDEMPTION.

30 (II) THE HANDLING FEE SHALL BE SET AT AN AMOUNT THAT  
31 COVERS THE COSTS OF TEMPORARY STORAGE, PRELIMINARY SORTING, AND  
32 PREPARING EACH REDEEMABLE BEVERAGE CONTAINER REDEEMED FOR  
33 COLLECTION.

1           **(3) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS**  
2 **AGENT SHALL PROVIDE TO AN ON-PREMISES SELLER:**

3           **(I) ANY RECEPTACLES OR BAGS REQUIRED FOR THE**  
4 **PRELIMINARY SORTING OF REDEEMED REDEEMABLE BEVERAGE CONTAINERS BY**  
5 **THE ON-PREMISES SELLER; AND**

6           **(II) ANY LABELS NECESSARY FOR ATTRIBUTING THE**  
7 **REDEEMED REDEEMABLE BEVERAGE CONTAINERS TO THE ON-PREMISES SELLER.**

8           **(K) A DEPOSIT INITIATOR THAT COLLECTS A DEPOSIT FROM A RETAILER,**  
9 **REDEMPTION FACILITY, OR OTHER PERSON THAT ACCEPTS REDEEMABLE**  
10 **BEVERAGE CONTAINERS FOR REDEMPTION SHALL ACCOUNT FOR ANY DEPOSITS IN**  
11 **ACCORDANCE WITH § 9-1739 OF THIS SUBTITLE.**

12           **(L) REDEEMED EMPTY REDEEMABLE BEVERAGE CONTAINERS SHALL BE**  
13 **COLLECTED FOR RETURN TO A BEVERAGE CONTAINER STEWARDSHIP**  
14 **ORGANIZATION FOR SALE AS SCRAP MATERIAL TO FINANCE THE PROGRAM.**

15 **9-1739.**

16           **(A) A DEPOSIT INITIATOR SHALL DEPOSIT ANY DEPOSITS COLLECTED**  
17 **UNDER § 9-1738 OF THIS SUBTITLE INTO A DEPOSIT COLLECTION ACCOUNT THAT IS**  
18 **MAINTAINED SEPARATELY FROM ALL OTHER REVENUES.**

19           **(B) THE FUNDS IN THE DEPOSIT COLLECTION ACCOUNT MAY BE USED ONLY**  
20 **TO PAY THE REFUND VALUE OF AN EMPTY REDEEMABLE BEVERAGE CONTAINER**  
21 **BEING REDEEMED.**

22           **(C) A DEPOSIT INITIATOR SHALL REPORT TO A BEVERAGE CONTAINER**  
23 **STEWARDSHIP ORGANIZATION, AT A FREQUENCY DETERMINED BY THE**  
24 **DEPARTMENT, THE FOLLOWING INFORMATION:**

25           **(1) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD**  
26 **AND EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED SINCE THE LAST**  
27 **REPORT WAS SUBMITTED TO THE BEVERAGE CONTAINER STEWARDSHIP**  
28 **ORGANIZATION UNDER THIS SUBSECTION;**

29           **(2) THE FUNDS DEPOSITED INTO THE DEPOSIT COLLECTION**  
30 **ACCOUNT AND THE REFUNDS ISSUED FROM THE DEPOSIT COLLECTION ACCOUNT**  
31 **SINCE THE LAST REPORT WAS SUBMITTED TO THE BEVERAGE CONTAINER**  
32 **STEWARDSHIP ORGANIZATION UNDER THIS SUBSECTION;**

1           **(3) ANY INCOME EARNED ON THE FUNDS IN THE DEPOSIT**  
2 **COLLECTION ACCOUNT SINCE THE LAST REPORT WAS SUBMITTED TO THE**  
3 **BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION UNDER THIS SUBSECTION;**

4           **(4) THE BALANCE OF THE DEPOSIT COLLECTION ACCOUNT; AND**

5           **(5) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.**

6           **(D) (1) THE DEPARTMENT SHALL DETERMINE THE POINT AT WHICH A**  
7 **DEPOSIT BECOMES AN UNCLAIMED DEPOSIT.**

8           **(2) UNCLAIMED DEPOSITS ARE CALCULATED AS THE AMOUNT OF**  
9 **FUNDS TRANSFERRED TO A DEPOSIT COLLECTION ACCOUNT THAT ARE IN EXCESS**  
10 **OF THE SUM OF:**

11           **(I) ANY INTEREST EARNINGS ON THE DEPOSIT COLLECTION**  
12 **ACCOUNT DURING THE TIME FOR WHICH UNCLAIMED DEPOSITS ARE BEING**  
13 **CALCULATED; AND**

14           **(II) THE TOTAL AMOUNT OF THE REFUND VALUE RECEIVED FOR**  
15 **THE EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED DURING THE TIME**  
16 **FOR WHICH THE UNCLAIMED DEPOSITS ARE BEING CALCULATED.**

17           **(3) A DEPOSIT INITIATOR SHALL TRANSFER ALL UNCLAIMED**  
18 **DEPOSITS TO A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AT A**  
19 **FREQUENCY DETERMINED BY THE DEPARTMENT.**

20           **(4) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL:**

21           **(I) ESTABLISH A RESERVE ACCOUNT TO MANAGE ALL**  
22 **UNCLAIMED DEPOSITS; AND**

23           **(II) TRANSFER 10% OF ALL UNCLAIMED DEPOSITS TO THE**  
24 **DEPARTMENT WITH A FREQUENCY DETERMINED BY THE DEPARTMENT.**

25           **(5) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL**  
26 **USE THE FUNDS IN THE RESERVE ACCOUNT ESTABLISHED UNDER PARAGRAPH (4)**  
27 **OF THIS SUBSECTION TO:**

28           **(I) ACHIEVE THE INTENT OF THE GENERAL ASSEMBLY STATED**  
29 **IN § 9-1734 OF THIS SUBTITLE; AND**

1                   **(II) MEET OR EXCEED THE PERFORMANCE TARGETS**  
2 **ESTABLISHED IN § 9-1736 OF THIS SUBTITLE.**

3                   **(6) (I) THE DEPARTMENT SHALL TRANSFER ANY UNCLAIMED**  
4 **DEPOSITS RECEIVED UNDER THIS PARAGRAPH TO THE STATE RECYCLING TRUST**  
5 **FUND UNDER § 9-1707(F) OF THIS SUBTITLE.**

6                   **(II) THE UNCLAIMED DEPOSITS TRANSFERRED TO THE STATE**  
7 **RECYCLING TRUST FUND MAY BE USED ONLY FOR THE COSTS OF ADMINISTERING**  
8 **AND FINANCING THE GRANT PROGRAM UNDER § 9-1746 OF THIS SUBTITLE.**

9 **9-1740.**

10                   **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION**  
11 **APPLIES TO A PRODUCER THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES**  
12 **REDEEMABLE BEVERAGE CONTAINERS IN THE STATE.**

13                   **(2) (I) IF THE BEVERAGE CONTAINER IS SOLD UNDER THE**  
14 **PRODUCER'S OWN BRAND OR LACKS IDENTIFICATION OF A BRAND, THE PRODUCER**  
15 **IS THE PERSON THAT MANUFACTURES THE REDEEMABLE BEVERAGE CONTAINER.**

16                   **(II) IF THE REDEEMABLE BEVERAGE CONTAINER IS**  
17 **MANUFACTURED BY A PERSON OTHER THAN THE BRAND OWNER, THE PRODUCER IS**  
18 **THE PERSON THAT IS THE LICENSEE OF A BRAND OR TRADEMARK UNDER WHICH A**  
19 **REDEEMABLE BEVERAGE CONTAINER IS SOLD, OFFERED FOR SALE, OR**  
20 **DISTRIBUTED IN THE STATE, WHETHER OR NOT THE TRADEMARK IS REGISTERED IN**  
21 **THE STATE, UNLESS ANOTHER RESPONSIBLE PERSON HAS CONTRACTUALLY**  
22 **ACCEPTED RESPONSIBILITY AS THE PRODUCER AND HAS JOINED A BEVERAGE**  
23 **CONTAINER STEWARDSHIP ORGANIZATION AS THE PRODUCER RESPONSIBLE FOR**  
24 **THE REDEEMABLE BEVERAGE CONTAINER UNDER THIS SECTION.**

25                   **(III) IF THERE IS NO PERSON DESCRIBED IN THIS PARAGRAPH**  
26 **OVER WHOM THE STATE CAN CONSTITUTIONALLY EXERCISE JURISDICTION, THE**  
27 **PRODUCER IS THE PERSON THAT IMPORTS OR DISTRIBUTES THE REDEEMABLE**  
28 **BEVERAGE CONTAINER IN THE STATE.**

29                   **(3) IF ANOTHER PERSON CONTRACTUALLY ACCEPTS**  
30 **RESPONSIBILITY AS A PRODUCER UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION,**  
31 **THE PRODUCER MUST PROVIDE A CERTIFIED COPY OF THE CONTRACTUAL**  
32 **AGREEMENT TO THE RELEVANT BEVERAGE CONTAINER STEWARDSHIP**  
33 **ORGANIZATION.**

1           **(B) BEGINNING JANUARY 1, 2027, A PRODUCER MAY NOT SELL, OFFER FOR**  
2 **SALE, OR DISTRIBUTE IN OR IMPORT INTO THE STATE A REDEEMABLE BEVERAGE**  
3 **CONTAINER UNLESS THE PRODUCER:**

4           **(1) IS REGISTERED WITH THE DEPARTMENT IN ACCORDANCE WITH**  
5 **THIS SECTION;**

6           **(2) HAS PAID THE REGISTRATION FEE UNDER SUBSECTION (F) OF**  
7 **THIS SECTION; AND**

8           **(3) IS PART OF A BEVERAGE CONTAINER STEWARDSHIP**  
9 **ORGANIZATION THAT:**

10           **(I) HAS BEEN APPROVED BY THE DEPARTMENT UNDER §**  
11 **9-1741 OF THIS SUBTITLE; AND**

12           **(II) HAS A BEVERAGE CONTAINER STEWARDSHIP PLAN**  
13 **APPROVED BY THE DEPARTMENT UNDER § 9-1742 OF THIS SUBTITLE.**

14           **(C) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2026, A BEVERAGE**  
15 **CONTAINER STEWARDSHIP ORGANIZATION REPRESENTING A PRODUCER SHALL**  
16 **PROVIDE TO THE DEPARTMENT:**

17           **(1) A LIST OF EACH PRODUCER PARTICIPATING IN THE BEVERAGE**  
18 **CONTAINER STEWARDSHIP ORGANIZATION; AND**

19           **(2) FOR EACH PRODUCER, THE REGISTRATION FORM REQUIRED**  
20 **UNDER SUBSECTION (D) OF THIS SECTION.**

21           **(D) (1) THE DEPARTMENT SHALL CREATE A REGISTRATION FORM THAT**  
22 **REQUIRES EACH PRODUCER PARTICIPATING IN THE BEVERAGE CONTAINER**  
23 **STEWARDSHIP ORGANIZATION TO PROVIDE THE FOLLOWING INFORMATION:**

24           **(I) THE NAME, PRIMARY BUSINESS ADDRESS, AND CONTACT**  
25 **INFORMATION OF THE PERSON RESPONSIBLE FOR ENSURING COMPLIANCE WITH**  
26 **THIS PART;**

27           **(II) A LIST OF EACH BRAND OF REDEEMABLE BEVERAGE**  
28 **CONTAINERS THAT THE PRODUCER INTENDS TO SELL, OFFER FOR SALE, OR**  
29 **DISTRIBUTE IN THE STATE, INCLUDING THE SIZE AND MATERIAL OF THE**  
30 **REDEEMABLE BEVERAGE CONTAINERS FOR EACH BRAND;**

1                   **(III) FOR EACH REDEEMABLE BEVERAGE CONTAINER SPECIFIED**  
2 **IN THE REGISTRATION, WHETHER THE REDEEMABLE BEVERAGE CONTAINER:**

3                   1.     **IS REFILLABLE; AND**

4                   2.     **DEPICTS A UPC OR MARYLAND-SPECIFIC UPC**  
5 **BARCODE;**

6                   **(IV) HOW EACH PRODUCER WILL PREVENT THE FRAUDULENT**  
7 **SALE AND REDEMPTION OF REDEEMABLE BEVERAGE CONTAINERS THAT WERE NOT**  
8 **SOLD IN THE STATE;**

9                   **(V) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS**  
10 **EACH PRODUCER SOLD IN THE STATE IN THE IMMEDIATELY PRECEDING CALENDAR**  
11 **YEAR; AND**

12                   **(VI) ANY OTHER INFORMATION REQUIRED BY THE**  
13 **DEPARTMENT.**

14                   **(2) A PRODUCER SHALL SUBMIT A COMPLETED REGISTRATION FORM**  
15 **TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT REPRESENTS**  
16 **THE PRODUCER.**

17                   **(E) ON OR BEFORE MARCH 1, 2026, AND WITH A FREQUENCY AS**  
18 **DETERMINED BY THE DEPARTMENT THEREAFTER, EACH PRODUCER SHALL PAY A**  
19 **REGISTRATION FEE ESTABLISHED BY THE DEPARTMENT UNDER SUBSECTION (F) OF**  
20 **THIS SECTION.**

21                   **(F) (1) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL REGISTRATION**  
22 **FEE FOR PRODUCERS THAT SELL REDEEMABLE BEVERAGE CONTAINERS IN THE**  
23 **STATE.**

24                   **(2) THE REGISTRATION FEE SHALL BE SET IN A MANNER THAT:**

25                   **(I) WHEN TAKEN IN COMBINATION WITH ANTICIPATED**  
26 **REVENUES FROM PENALTIES COLLECTED UNDER § 9-1750 OF THIS SUBTITLE, WILL**  
27 **PRODUCE FUNDS SUFFICIENT TO COVER THE DEPARTMENT'S ESTIMATED COSTS OF**  
28 **PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND**  
29 **EVALUATING THE PROGRAM FOR THE UPCOMING YEAR;**

30                   **(II) FOR THE FIRST YEAR OF THE PROGRAM DURING WHICH**  
31 **REGISTRATION FEES ARE COLLECTED, SHALL COVER THE START-UP COSTS OF THE**

1 PROGRAM THAT WERE INCURRED BY THE DEPARTMENT AND FINANCED FROM THE  
2 GENERAL FUND; AND

3 (III) IS PROPORTIONAL TO A PRODUCER'S SHARE OF THE TOTAL  
4 NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE FOR THE  
5 IMMEDIATELY PRECEDING CALENDAR YEAR.

6 (3) THE DEPARTMENT SHALL:

7 (I) IF THE REVENUES FROM THE REGISTRATION FEES IN THE  
8 IMMEDIATELY PRECEDING YEAR EXCEED THE COSTS SPECIFIED IN PARAGRAPH  
9 (2)(I) OF THIS SUBSECTION, CARRY THE EXCESS REVENUES FORWARD TO REDUCE  
10 REGISTRATION FEES THE FOLLOWING YEAR; AND

11 (II) IF THE REVENUES FROM THE REGISTRATION FEES IN THE  
12 IMMEDIATELY PRECEDING YEAR DO NOT COVER THE COSTS SPECIFIED IN  
13 PARAGRAPH (2)(I) OF THIS SUBSECTION, ADJUST REGISTRATION FEES FOR THE  
14 FOLLOWING YEAR TO AN AMOUNT THAT WILL COVER THE DEPARTMENT'S ACTUAL  
15 COSTS FROM THE IMMEDIATELY PRECEDING YEAR.

16 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
17 PARAGRAPH, REGISTRATION FEES COLLECTED UNDER THIS SUBSECTION SHALL BE:

18 1. TRANSFERRED TO THE STATE RECYCLING TRUST  
19 FUND UNDER § 9-1707(F) OF THIS SUBTITLE; AND

20 2. USED ONLY TO COVER THE DEPARTMENT'S COSTS OF  
21 PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND  
22 EVALUATING THE PROGRAM.

23 (II) THE PORTION OF THE REGISTRATION FEES THAT COVERED  
24 THE START-UP COSTS OF THE PROGRAM AND WERE FINANCED FROM THE GENERAL  
25 FUND DURING THE FIRST YEAR OF THE PROGRAM FOR WHICH REGISTRATION FEES  
26 ARE COLLECTED IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION  
27 SHALL BE DEPOSITED INTO THE GENERAL FUND.

28 9-1741.

29 (A) ON OR BEFORE AUGUST 1, 2025, THE DEPARTMENT SHALL ACCEPT  
30 APPLICATIONS FROM BEVERAGE CONTAINER STEWARDSHIP ORGANIZATIONS TO  
31 REPRESENT PRODUCERS IN FULFILLING THE REQUIREMENTS OF THIS PART.



1           **(B) ON OR BEFORE OCTOBER 1, 2025, THE DEPARTMENT MAY APPROVE,**  
2 **FOR A PERIOD NOT TO EXCEED 10 YEARS, A SINGLE BEVERAGE CONTAINER**  
3 **STEWARDSHIP ORGANIZATION AS A SYSTEM OPERATOR FOR THE PROGRAM IF THE**  
4 **BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION DEMONSTRATES THAT IT**  
5 **HAS:**

6           **(1) THE ABILITY, AS DETERMINED BY THE DEPARTMENT, TO**  
7 **ADMINISTER THE REQUIREMENTS OF A BEVERAGE CONTAINER STEWARDSHIP PLAN**  
8 **UNDER § 9-1742 OF THIS SUBTITLE;**

9           **(2) A GOVERNING BOARD CONSISTING OF PRODUCERS THAT**  
10 **REPRESENT THE DIVERSITY OF APPLICABLE REDEEMABLE BEVERAGE CONTAINERS**  
11 **IN THE MARKET;**

12           **(3) SET NO UNREASONABLE BARRIERS TO JOINING THE BEVERAGE**  
13 **CONTAINER STEWARDSHIP ORGANIZATION AND WILL TAKE INTO CONSIDERATION**  
14 **THE NEEDS OF SMALL PRODUCERS THAT DO NOT GENERATE A HIGH VOLUME OF**  
15 **CONTAINERS;**

16           **(4) ADEQUATE FINANCIAL RESPONSIBILITY AND SAFEGUARDS,**  
17 **INCLUDING FRAUD PREVENTION MEASURES AND AN AUDIT SCHEDULE;**

18           **(5) THE ABILITY TO SECURE THE CAPITAL NECESSARY FOR THE**  
19 **INITIAL INVESTMENT IN INFRASTRUCTURE, SORTING EQUIPMENT, SOFTWARE,**  
20 **TRANSPORTATION, AND OTHER START-UP EXPENSES; AND**

21           **(6) MET ANY OTHER REQUIREMENTS SET BY THE DEPARTMENT.**

22           **(C) THE DEPARTMENT MAY RENEW THE APPROVAL OF A BEVERAGE**  
23 **CONTAINER STEWARDSHIP ORGANIZATION AS A SYSTEM OPERATOR UNDER**  
24 **SUBSECTION (B) OF THIS SECTION IF THE BEVERAGE CONTAINER STEWARDSHIP**  
25 **ORGANIZATION CONTINUES TO MEET THE REQUIREMENTS OF THIS SECTION AND**  
26 **ANY OTHER REQUIREMENT SET BY THE DEPARTMENT.**

27           **(D) (1) THE DEPARTMENT SHALL REVOKE THE APPROVAL OF A**  
28 **BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AS A SYSTEM OPERATOR IF**  
29 **THE DEPARTMENT DETERMINES THAT THE BEVERAGE CONTAINER STEWARDSHIP**  
30 **ORGANIZATION:**

31           **(I) FAILED TO MEET THE REQUIREMENTS OF THIS SECTION; OR**

1                   **(II) FAILED TO IMPLEMENT AND ADMINISTER AN APPROVED**  
2 **BEVERAGE CONTAINER STEWARDSHIP PLAN IN ACCORDANCE WITH § 9-1742 OF**  
3 **THIS SUBTITLE.**

4                   **(2) IF THE DEPARTMENT REVOKES THE APPROVAL OF A BEVERAGE**  
5 **CONTAINER STEWARDSHIP ORGANIZATION AS A SYSTEM OPERATOR UNDER**  
6 **PARAGRAPH (1) OF THIS SUBSECTION:**

7                   **(I) THE DEPARTMENT MAY APPROVE ONE OR MORE**  
8 **ADDITIONAL BEVERAGE CONTAINER STEWARDSHIP ORGANIZATIONS TO CARRY OUT**  
9 **THE RESPONSIBILITIES OF THE BEVERAGE CONTAINER STEWARDSHIP**  
10 **ORGANIZATION THAT WAS REVOKED AS A SYSTEM OPERATOR, SUBJECT TO ONE OR**  
11 **MORE OF THE ADDITIONAL BEVERAGE CONTAINER STEWARDSHIP ORGANIZATIONS**  
12 **MEETING THE REQUIREMENTS SPECIFIED IN SUBSECTION (B) OF THIS SECTION; AND**

13                   **(II) THE TRUSTEE OR ESCROW AGENT OF THE TRUST FUND OR**  
14 **ESCROW ACCOUNT ESTABLISHED IN THE BEVERAGE CONTAINER STEWARDSHIP**  
15 **PLAN UNDER § 9-1742(A)(3)(VI) OF THIS SUBTITLE SHALL:**

16                   **1. RECEIVE ALL PAYMENTS DIRECTLY FROM**  
17 **PRODUCERS THAT WOULD HAVE BEEN PAID TO THE BEVERAGE CONTAINER**  
18 **STEWARDSHIP ORGANIZATION;**

19                   **2. DEPOSIT THE PAYMENTS RECEIVED UNDER ITEM 1 OF**  
20 **THIS ITEM INTO THE TRUST FUND OR ESCROW ACCOUNT; AND**

21                   **3. MAKE PAYMENTS FROM THE TRUST FUND OR ESCROW**  
22 **ACCOUNT AS DIRECTED BY THE DEPARTMENT TO IMPLEMENT THE REQUIREMENTS**  
23 **OF THIS PART.**

24 **9-1742.**

25                   **(A) (1) ON OR BEFORE MARCH 1, 2026, EACH BEVERAGE CONTAINER**  
26 **STEWARDSHIP ORGANIZATION SHALL SUBMIT A BEVERAGE CONTAINER**  
27 **STEWARDSHIP PLAN TO THE DEPARTMENT.**

28                   **(2) A BEVERAGE CONTAINER STEWARDSHIP PLAN SHALL:**

29                   **(I) IDENTIFY AND INCLUDE THE CONTACT INFORMATION FOR**  
30 **EACH PRODUCER INTENDED TO BE COVERED UNDER THE PLAN;**

31                   **(II) IDENTIFY EACH BRAND OF REDEEMABLE BEVERAGE**  
32 **CONTAINER INTENDED TO BE SOLD UNDER THE PLAN, INCLUDING THE SIZE AND**

1 MATERIAL OF THE REDEEMABLE BEVERAGE CONTAINERS FOR EACH BRAND AND  
2 WHETHER THE REDEEMABLE BEVERAGE CONTAINERS ARE REFILLABLE;

3 (III) DESCRIBE:

4 1. THE FINANCING INFORMATION SPECIFIED IN  
5 PARAGRAPH (3) OF THIS SUBSECTION;

6 2. HOW THE PERFORMANCE TARGETS WILL BE MET OR  
7 EXCEEDED FOR THE 5-YEAR PERIOD FOLLOWING THE YEAR IN WHICH THE PLAN IS  
8 APPROVED;

9 3. HOW STAKEHOLDER COMMENTS WERE CONSIDERED  
10 AND REFLECTED IN THE DEVELOPMENT OF THE PLAN, INCLUDING THE ROLE OF  
11 RETAILERS, DISTRIBUTORS, AND LOCAL GOVERNMENTS IN PLAN IMPLEMENTATION;

12 4. THE ADMINISTRATION AND IMPLEMENTATION OF  
13 THE PLAN, INCLUDING ANY STAFFING THAT WILL BE NECESSARY FOR THESE  
14 PURPOSES;

15 5. THE ACTIONS THAT HAVE BEEN TAKEN AND THAT  
16 WILL BE TAKEN FOR PUBLIC OUTREACH, EDUCATION, AND COMMUNICATION,  
17 INCLUDING MESSAGING AND IDENTIFICATION OF TARGET AUDIENCES; AND

18 6. THE ANTICIPATED INVESTMENTS THAT WILL BE  
19 MADE TO IMPROVE THE REUSE OF BEVERAGE CONTAINERS, INCLUDING THE  
20 SOURCE OF FUNDING FOR THE INVESTMENTS;

21 (IV) LIST THE STAKEHOLDERS CONSULTED IN DEVELOPING THE  
22 PLAN;

23 (V) PROVIDE THE ANTICIPATED COSTS OF IMPLEMENTING THE  
24 PLAN FOR 5 YEARS, BROKEN DOWN BY YEAR;

25 (VI) INCLUDE A CLOSURE AND TRANSFER PLAN FOR HANDLING  
26 THE AFFAIRS OF THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT  
27 ENSURES THAT EACH PRODUCER INTENDED TO BE COVERED UNDER THE BEVERAGE  
28 CONTAINER STEWARDSHIP PLAN CAN FULFILL THE PRODUCER'S OBLIGATIONS IN  
29 THE EVENT THAT THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION  
30 DISSOLVES OR HAS ITS APPROVAL AS A SYSTEM OPERATOR REVOKED UNDER §  
31 9-1741 OF THIS SUBTITLE; AND

1 (VII) INCLUDE ANY OTHER INFORMATION REQUESTED BY THE  
2 DEPARTMENT.

3 (3) THE FINANCING INFORMATION INCLUDED IN A BEVERAGE  
4 CONTAINER STEWARDSHIP PLAN SHALL:

5 (I) EXPLAIN THE FINANCING FOR DIRECT INVESTMENTS OR  
6 REIMBURSEMENTS THAT WILL IMPROVE INFRASTRUCTURE IN A MANNER THAT  
7 SUPPORTS REDEMPTION SERVICES AND TECHNOLOGIES;

8 (II) ESTABLISH A FEE STRUCTURE IN ACCORDANCE WITH  
9 PARAGRAPH (4) OF THIS SUBSECTION FOR PRODUCERS PARTICIPATING IN A  
10 BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION;

11 (III) DESCRIBE THE COSTS OF MEETING THE PERFORMANCE  
12 TARGETS;

13 (IV) DESCRIBE THE INCENTIVES USED TO ENCOURAGE  
14 PRODUCERS TO:

15 1. INVEST IN REUSABLE AND REFILLABLE BEVERAGE  
16 CONTAINER SYSTEMS; AND

17 2. REDESIGN BEVERAGE CONTAINERS TO BE EASIER  
18 AND LESS COSTLY TO RECYCLE;

19 (V) CREATE INCENTIVES FOR PRODUCERS TO USE A  
20 MARYLAND-SPECIFIC UPC BARCODE TO REDUCE FRAUDULENT REDEMPTION;

21 (VI) ESTABLISH A TRUST FUND OR AN ESCROW ACCOUNT IN THE  
22 STATE INTO WHICH A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL  
23 DEPOSIT ALL UNEXPENDED FUNDS FOR USE IN ACCORDANCE WITH THIS SECTION IN  
24 THE EVENT THAT THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION  
25 DISSOLVES OR HAS ITS APPROVAL AS A SYSTEM OPERATOR REVOKED BY THE  
26 DEPARTMENT UNDER § 9-1741 OF THIS SUBTITLE; AND

27 (VII) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE  
28 DEPARTMENT.

29 (4) (I) THE FEE STRUCTURE REQUIRED UNDER PARAGRAPH (3) OF  
30 THIS SUBSECTION FOR PRODUCERS PARTICIPATING IN A BEVERAGE CONTAINER  
31 STEWARDSHIP ORGANIZATION SHALL BE:

1           **1. SET IN A MANNER THAT COVERS THE COSTS OF**  
2 **ADMINISTERING A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AND**  
3 **IMPLEMENTING THE BEVERAGE CONTAINER STEWARDSHIP PLAN; AND**

4           **2. BASED ON:**

5           **A. THE COSTS ASSOCIATED WITH TRANSPORTING,**  
6 **COLLECTING, AND PROCESSING EACH TYPE OF REDEEMABLE BEVERAGE**  
7 **CONTAINER MATERIAL;**

8           **B. WHETHER A PRODUCER'S REDEEMABLE BEVERAGE**  
9 **CONTAINERS ARE REFILLABLE;**

10           **C. WHETHER A PRODUCER'S EMPTY REDEEMABLE**  
11 **BEVERAGE CONTAINERS ARE EASY TO RECYCLE;**

12           **D. WHETHER A PRODUCER'S REDEEMABLE BEVERAGE**  
13 **CONTAINERS HAVE A MARYLAND-SPECIFIC UPC BARCODE;**

14           **E. A PRODUCER'S PORTION, BY MATERIAL TYPE, OF**  
15 **REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE DURING THE PREVIOUS**  
16 **CALENDAR YEAR; AND**

17           **F. ANY OTHER FACTOR THE DEPARTMENT DETERMINES**  
18 **IS NECESSARY TO SUPPORT THE PROGRAM.**

19           **(II) 1. EXCEPT AS PROVIDED IN § 9-1741(D)(2) OF THIS**  
20 **SUBTITLE, A PRODUCER PARTICIPATING IN A BEVERAGE CONTAINER STEWARDSHIP**  
21 **ORGANIZATION SHALL PAY THE FEE ESTABLISHED UNDER PARAGRAPH (3) OF THIS**  
22 **SUBSECTION TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.**

23           **2. A BEVERAGE CONTAINER STEWARDSHIP**  
24 **ORGANIZATION SHALL DEPOSIT FEES RECEIVED UNDER THIS SUBPARAGRAPH TO AN**  
25 **ACCOUNT HELD BY THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.**

26           **3. A BEVERAGE CONTAINER STEWARDSHIP**  
27 **ORGANIZATION MAY USE THE FEES RECEIVED UNDER THIS SUBPARAGRAPH ONLY**  
28 **FOR IMPLEMENTING THE BEVERAGE CONTAINER STEWARDSHIP PLAN.**

29           **(5) THE DEPARTMENT SHALL SUBMIT A BEVERAGE CONTAINER**  
30 **STEWARDSHIP PLAN TO AN INDEPENDENT FINANCIAL AUDITOR TO ENSURE THAT**  
31 **THE FINANCING PROPOSED IN THE PLAN WILL COVER THE COSTS OF IMPLEMENTING**  
32 **THE PLAN.**

1           **(B) (1) (I) WITHIN 120 DAYS AFTER RECEIPT OF A BEVERAGE**  
2 **CONTAINER STEWARDSHIP PLAN SUBMITTED TO THE DEPARTMENT UNDER THIS**  
3 **SECTION, THE DEPARTMENT SHALL APPROVE, APPROVE WITH CONDITIONS, OR**  
4 **DENY THE PLAN.**

5                       **(II) IN DETERMINING WHETHER TO APPROVE, APPROVE WITH**  
6 **CONDITIONS, OR DENY A BEVERAGE CONTAINER STEWARDSHIP PLAN, THE**  
7 **DEPARTMENT SHALL:**

8                               **1. CONSIDER WHETHER:**

9                                       **A. THE PLAN COMPLIES WITH THE REQUIREMENTS OF**  
10 **THIS SECTION; AND**

11                                       **B. THERE WAS SUFFICIENT ENGAGEMENT WITH**  
12 **STAKEHOLDERS, INCLUDING LOCAL GOVERNMENTS, RETAILERS, DISTRIBUTORS,**  
13 **AND ON-PREMISES SELLERS, IN DEVELOPING THE PLAN; AND**

14                               **2. CONSULT WITH THE ADVISORY COUNCIL.**

15           **(2) (I) THE DEPARTMENT MAY RESCIND APPROVAL OF A**  
16 **BEVERAGE CONTAINER STEWARDSHIP PLAN FOR GOOD CAUSE.**

17                       **(II) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION**  
18 **MAY AMEND A RESCINDED BEVERAGE CONTAINER STEWARDSHIP PLAN AND SUBMIT**  
19 **THE AMENDED PLAN TO THE DEPARTMENT FOR APPROVAL.**

20           **(3) (I) A BEVERAGE CONTAINER STEWARDSHIP PLAN APPROVED**  
21 **BY THE DEPARTMENT MAY BE AMENDED WITH APPROVAL OF THE DEPARTMENT.**

22                       **(II) THE DEPARTMENT MAY REQUIRE THAT AN APPROVED**  
23 **BEVERAGE CONTAINER STEWARDSHIP PLAN BE AMENDED IF THE REPORT**  
24 **SUBMITTED UNDER § 9-1743 OF THIS SUBTITLE REFLECTS THAT THE**  
25 **PERFORMANCE TARGETS HAVE NOT BEEN MET.**

26           **(C) AN APPROVED BEVERAGE CONTAINER STEWARDSHIP PLAN EXPIRES AT**  
27 **THE END OF 5 YEARS.**

28           **(D) (1) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL**  
29 **IMPLEMENT AND ADMINISTER A BEVERAGE CONTAINER STEWARDSHIP PLAN**  
30 **WITHIN 6 MONTHS AFTER THE PLAN IS APPROVED.**

1           **(2) IN IMPLEMENTING AND ADMINISTERING A BEVERAGE CONTAINER**  
2 **STEWARDSHIP PLAN, A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION**  
3 **SHALL:**

4           **(I) FACILITATE LOGISTICS, THE INITIATION OF DEPOSITS, AND**  
5 **THE ISSUANCE OF REFUNDS UNDER THE PLAN;**

6           **(II) COORDINATE THE LOGISTICS FOR COLLECTING**  
7 **REDEEMABLE BEVERAGE CONTAINERS FROM AN ON-PREMISES SELLER;**

8           **(III) ESTABLISH PROCEDURES FOR TRACKING REDEEMABLE**  
9 **BEVERAGE CONTAINERS SOLD IN THE STATE;**

10           **(IV) DESIGN AND OPERATE SERVICES FOR THE**  
11 **TRANSPORTATION AND PROCESSING OF REDEEMABLE BEVERAGE CONTAINERS;**

12           **(V) DEVELOP AND IMPLEMENT A PLAN FOR ESTABLISHING,**  
13 **OPERATING, AND MANAGING REDEMPTION FACILITIES THAT WILL OFFER A WIDE**  
14 **RANGE OF CONVENIENT REDEMPTION LOCATIONS AND TECHNOLOGIES THAT ARE**  
15 **EASY TO USE, ACCESSIBLE, AND MEET OR EXCEED THE CONVENIENCE STANDARDS**  
16 **ESTABLISHED BY THE DEPARTMENT UNDER § 9-1747 OF THIS SUBTITLE;**

17           **(VI) DEVELOP AND IMPLEMENT A PLAN FOR THE DISTRIBUTION,**  
18 **OPERATION, AND MAINTENANCE OF BEVERAGE CONTAINER REDEMPTION AND**  
19 **PROCESSING METHODS, INCLUDING REVERSE VENDING MACHINES, BAG DROP**  
20 **PROGRAMS, AND ACCOUNT-BASED BULK PROCESSING PROGRAMS;**

21           **(VII) DEVELOP ACCOUNTING AND CONTROL STANDARDS;**

22           **(VIII) IMPLEMENT ACCOUNTING, AUDIT, PAYMENT, AND**  
23 **REPORTING PROCEDURES;**

24           **(IX) ESTABLISH A HIGH-VOLUME VALIDATION AND AUDIT**  
25 **SYSTEM TO PAY A BULK RATE TO AN ON-PREMISES SELLER FOR THE REDEMPTION**  
26 **OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;**

27           **(X) ESTABLISH AN APPLICATION PROCESS FOR LARGE**  
28 **ON-PREMISES SELLERS TO APPLY FOR AND RECEIVE A BULK RATE FOR THE**  
29 **REDEMPTION OF HIGH VOLUMES OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;**

30           **(XI) MARKET REDEEMABLE BEVERAGE CONTAINER MATERIALS**  
31 **FOR REUSE IN THE MANUFACTURING OF SIMILAR PRODUCTS;**

1                   **(XII) FUND A MARKETING PROGRAM TO EDUCATE THE PUBLIC**  
2 **ABOUT THE PROGRAM;**

3                   **(XIII) ESTABLISH A SYSTEM FOR REPORTING KEY INFORMATION**  
4 **GATHERED BY THE PROGRAM TO THE DEPARTMENT ON A QUARTERLY BASIS; AND**

5                   **(XIV) CREATE INCENTIVES FOR THE DEVELOPMENT OF**  
6 **REFILLABLE AND REUSABLE BEVERAGE CONTAINER SYSTEMS.**

7                   **(3) ON REQUEST OF THE DEPARTMENT, A BEVERAGE CONTAINER**  
8 **STEWARDSHIP ORGANIZATION SHALL SUBMIT A COPY OF ITS FINANCIAL RECORDS**  
9 **TO THE DEPARTMENT FOR A FINANCIAL AUDIT.**

10 **9-1743.**

11                   **(A) THIS SECTION APPLIES TO A BEVERAGE CONTAINER STEWARDSHIP**  
12 **ORGANIZATION THAT HAS A BEVERAGE CONTAINER STEWARDSHIP PLAN APPROVED**  
13 **BY THE DEPARTMENT UNDER § 9-1742 OF THIS SUBTITLE.**

14                   **(B) (1) ON OR BEFORE APRIL 1 EACH YEAR, BEGINNING IN 2028, A**  
15 **BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL SUBMIT A REPORT TO**  
16 **THE DEPARTMENT ON THE PROGRESS MADE IN THE PRECEDING CALENDAR YEAR**  
17 **TOWARD MEETING THE PERFORMANCE TARGETS AND THE GOALS OF THE PROGRAM**  
18 **AND THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION'S BEVERAGE**  
19 **CONTAINER STEWARDSHIP PLAN.**

20                   **(2) THE DEPARTMENT SHALL PROVIDE THE ADVISORY COUNCIL**  
21 **WITH A COPY OF EACH REPORT SUBMITTED UNDER THIS SUBSECTION.**

22                   **(C) THE REPORT SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION**  
23 **SHALL INCLUDE, FOR THE PRECEDING CALENDAR YEAR:**

24                   **(1) THE PROGRESS MADE TOWARD ACHIEVING THE PERFORMANCE**  
25 **TARGETS;**

26                   **(2) IF THE PERFORMANCE TARGETS WERE NOT ACHIEVED, A**  
27 **DESCRIPTION OF THE ACTIONS PROPOSED TO ACHIEVE THE PERFORMANCE**  
28 **TARGETS;**

29                   **(3) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN**  
30 **THE STATE;**



1           **(4) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN**  
2 **THE STATE SORTED BY MATERIAL TYPE, REFUND VALUE, AND WHETHER THE**  
3 **CONTAINER CAN BE REFILLED OR REUSED;**

4           **(5) THE NUMBER OF EMPTY REDEEMABLE BEVERAGE CONTAINERS**  
5 **REDEEMED;**

6           **(6) THE NUMBER OF EMPTY REDEEMABLE BEVERAGE CONTAINERS**  
7 **REDEEMED AT EACH REDEMPTION FACILITY, REVERSE VENDING MACHINE, BAG**  
8 **DROP PROGRAM, ACCOUNT-BASED BULK PROCESSING PROGRAM, OR OTHER**  
9 **BEVERAGE CONTAINER REDEMPTION AND PROCESSING METHOD SORTED BY**  
10 **MATERIAL TYPE, REFUND VALUE, AND WHETHER THE EMPTY REDEEMABLE**  
11 **BEVERAGE CONTAINER CAN BE REFILLED OR REUSED;**

12           **(7) THE REDEMPTION RATE AND RECYCLING RATE FOR**  
13 **NONREFILLABLE REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE**  
14 **SORTED BY MATERIAL TYPE, NUMBER OF CONTAINERS SOLD, AND CONTAINER**  
15 **WEIGHT;**

16           **(8) THE AMOUNT OF EACH TYPE OF:**

17                   **(I) REDEEMABLE BEVERAGE CONTAINER MATERIAL**  
18 **COLLECTED IN THE STATE; AND**

19                   **(II) SCRAP MATERIAL SOLD BY A BEVERAGE CONTAINER**  
20 **STEWARDSHIP ORGANIZATION;**

21           **(9) THE LOCATION OF EACH REDEMPTION FACILITY IN THE STATE**  
22 **AND THE REDEMPTION METHOD USED AT EACH REDEMPTION FACILITY;**

23           **(10) A DESCRIPTION OF ANY IMPROVEMENTS MADE TO MAKE**  
24 **RETURNING EMPTY REDEEMABLE BEVERAGE CONTAINERS EASIER AND MORE**  
25 **CONVENIENT;**

26           **(11) THE IDENTIFICATION AND DESCRIPTION OF AREAS THAT DO NOT**  
27 **HAVE READILY AVAILABLE OPTIONS FOR REDEEMING AN EMPTY REDEEMABLE**  
28 **BEVERAGE CONTAINER AND ACTIONS THE BEVERAGE CONTAINER STEWARDSHIP**  
29 **ORGANIZATION WILL TAKE TO IMPROVE OPTIONS IN THESE AREAS;**

30           **(12) THE NUMBER OF CONSUMER COMPLAINTS PER MONTH, SORTED**  
31 **BY REDEMPTION FACILITY;**

1           **(13) THE NUMBER OF INDIVIDUALS AND ORGANIZATIONS WITH**  
2 **ACCOUNTS ESTABLISHED FOR THE RECEIPT OF ELECTRONIC DEPOSITS OR**  
3 **REFUNDS;**

4           **(14) THE TOTAL COST OF IMPLEMENTING THE BEVERAGE CONTAINER**  
5 **STEWARDSHIP PLAN, AS DETERMINED BY AN INDEPENDENT FINANCIAL AUDITOR**  
6 **UNDER § 9-1742(A)(5) OF THIS SUBTITLE;**

7           **(15) THE AVERAGE COST OF PROCESSING AN EMPTY REDEEMED**  
8 **REDEEMABLE BEVERAGE CONTAINER;**

9           **(16) A COPY OF THE AUDIT CONDUCTED UNDER § 9-1742(A)(5) OF**  
10 **THIS SUBTITLE;**

11           **(17) FINANCIAL STATEMENTS DETAILING ALL DEPOSITS RECEIVED**  
12 **AND REFUNDS ISSUED BY EACH PRODUCER COVERED UNDER THE BEVERAGE**  
13 **CONTAINER STEWARDSHIP PLAN;**

14           **(18) THE TOTAL AMOUNT OF DEPOSITS INITIATED, REFUNDS ISSUED,**  
15 **AND UNCLAIMED DEPOSITS COLLECTED UNDER THE BEVERAGE CONTAINER**  
16 **STEWARDSHIP PLAN;**

17           **(19) AN ACCOUNTING OF ALL ACTIVITIES AND INVESTMENTS**  
18 **FINANCED BY UNCLAIMED DEPOSITS;**

19           **(20) EXPENDITURES AND REVENUES SORTED BY SOURCE, INCLUDING**  
20 **FEES PAID UNDER § 9-1742(A)(4) OF THIS SUBTITLE, REVENUE FROM THE SALE OF**  
21 **SCRAP MATERIALS, AND UNCLAIMED DEPOSITS;**

22           **(21) SAMPLES OF ALL EDUCATIONAL MATERIALS PROVIDED TO**  
23 **CONSUMERS, RETAILERS, AND OTHER ENTITIES;**

24           **(22) A DETAILED DESCRIPTION OF INVESTMENTS MADE IN NEW**  
25 **REDEMPTION FACILITIES AND REDEMPTION METHODS;**

26           **(23) THE LOCATION OF NEW REDEMPTION FACILITIES AND**  
27 **REDEMPTION METHODS;**

28           **(24) A DETAILED DESCRIPTION OF CHANGES MADE BY PRODUCERS TO**  
29 **INCREASE THE RECYCLABILITY OF REDEEMABLE BEVERAGE CONTAINERS;**

30           **(25) A DETAILED DESCRIPTION OF ANY INCIDENTS OF FRAUD AND**  
31 **EFFORTS TAKEN TO PREVENT FRAUD; AND**

1           **(26) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.**

2           **(D) THE FINANCIAL, PRODUCTION, AND SALES DATA OF INDIVIDUAL**  
3 **PRODUCERS REPORTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE**  
4 **KEPT CONFIDENTIAL BY THE DEPARTMENT AND THE ADVISORY COUNCIL.**

5           **(E) THE DEPARTMENT SHALL POST THE REPORT SUBMITTED UNDER THIS**  
6 **SECTION ON THE DEPARTMENT'S WEBSITE IN A MANNER THAT PROTECTS THE**  
7 **CONFIDENTIALITY OF THE DATA SPECIFIED UNDER SUBSECTION (D) OF THIS**  
8 **SECTION.**

9 **9-1744.**

10           **(A) THE DEPARTMENT SHALL ESTABLISH A PROCESS FOR A COUNTY OR**  
11 **MUNICIPAL CORPORATION TO CREATE A REDEMPTION FACILITY.**

12           **(B) EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED AT A**  
13 **REDEMPTION FACILITY MANAGED BY A COUNTY OR MUNICIPAL CORPORATION**  
14 **SHALL BE CREDITED TOWARD MEETING THE RECYCLING RATES REQUIRED UNDER §**  
15 **9-505 OF THIS TITLE.**

16           **(C) (1) THROUGH DECEMBER 31, 2029, A PORTION OF PROGRAM**  
17 **REVENUES SHALL BE USED TO COMPENSATE A COUNTY OR MUNICIPAL**  
18 **CORPORATION FOR ANY NET LOSS OF REVENUE TO THE COUNTY'S OR MUNICIPAL**  
19 **CORPORATION'S WASTE MANAGEMENT SYSTEM THAT CAN BE DOCUMENTED AND**  
20 **ATTRIBUTED TO THE PROGRAM.**

21           **(2) IN DETERMINING A NET LOSS OF REVENUE, A COUNTY OR**  
22 **MUNICIPAL CORPORATION SHALL CONSIDER:**

23                   **(I) THE LOSS OF REVENUE FROM THE SALE OF SCRAP**  
24 **MATERIALS;**

25                   **(II) FINANCIAL SAVINGS FROM A REDUCTION IN:**

- 26                           1. **GLASS BOTTLES IN THE RECYCLING STREAM;**
- 27                           2. **TRANSPORTATION COSTS ASSOCIATED WITH**  
28 **CURBSIDE COLLECTION OF TRASH AND RECYCLING;**
- 29                           3. **PROCESSING COSTS ASSOCIATED WITH RECYCLING**  
30 **BEVERAGE CONTAINERS;**

1                   4.     **THE COSTS OF LANDFILLING AND INCINERATING**  
2 **BEVERAGE CONTAINERS THAT ARE NOT RECYCLED; AND**

3                   5.     **THE COSTS OF LITTER COLLECTION; AND**

4                   (III) **FOR A COUNTY OR MUNICIPAL CORPORATION THAT HAS A**  
5 **TOTAL MAXIMUM DAILY LOAD FOR TRASH IN A WATERWAY UNDER ITS**  
6 **JURISDICTION, THE REDUCED COSTS AND INCREASED BENEFITS OF COMPLYING**  
7 **WITH THE TOTAL MAXIMUM DAILY LOAD DUE TO A REDUCTION IN BEVERAGE**  
8 **CONTAINER LITTER.**

9 **9-1745.**

10           **FUNDING FOR THE PROGRAM SHALL:**

11           (1) **INCLUDE:**

12                   (I) **REDEEMABLE BEVERAGE CONTAINER STEWARDSHIP**  
13 **ORGANIZATION FEES COLLECTED UNDER § 9-1742 OF THIS SUBTITLE;**

14                   (II) **REVENUE FROM THE SALE OF RAW MATERIALS;**

15                   (III) **UNCLAIMED DEPOSITS COLLECTED UNDER § 9-1739 OF**  
16 **THIS SUBTITLE;**

17                   (IV) **REGISTRATION FEES COLLECTED UNDER § 9-1740 OF THIS**  
18 **SUBTITLE; AND**

19                   (V) **PENALTIES COLLECTED UNDER § 9-1750 OF THIS**  
20 **SUBTITLE; AND**

21                   (2) **BE USED IN ACCORDANCE WITH §§ 9-1707(F), 9-1739, 9-1740,**  
22 **AND 9-1750 OF THIS SUBTITLE.**

23 **9-1746.**

24           (A) **THERE IS A BEVERAGE CONTAINER RECYCLING REFUND GRANT**  
25 **PROGRAM.**

26           (B) **THE PURPOSE OF THE GRANT PROGRAM IS TO PROVIDE FUNDING FOR**  
27 **PROJECTS THAT:**

1           **(1) INCREASE THE REUSE AND RECYCLING OF BEVERAGE**  
2 **CONTAINERS IN THE STATE;**

3           **(2) INCREASE THE AVAILABILITY OF PUBLIC WATER FOUNTAINS AND**  
4 **REFILL STATIONS IN THE STATE; AND**

5           **(3) REDUCE THE VOLUME OF LITTER FROM BEVERAGE CONTAINERS**  
6 **IN THE STATE.**

7           **(C) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM.**

8           **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE GRANT**  
9 **PROGRAM SHALL BE FUNDED FROM A PORTION OF THE UNCLAIMED DEPOSITS**  
10 **TRANSFERRED TO THE SEPARATE ACCOUNT ESTABLISHED UNDER § 9-1707(F)(7) OF**  
11 **THIS SUBTITLE.**

12           **(2) THE GRANT PROGRAM MAY AWARD UP TO \$5,000,000 IN GRANTS**  
13 **EACH YEAR FROM THE UNCLAIMED DEPOSITS TRANSFERRED TO THE SEPARATE**  
14 **ACCOUNT ESTABLISHED UNDER § 9-1707(F)(7) OF THIS SUBTITLE.**

15           **(E) THE FOLLOWING ENTITIES ARE ELIGIBLE FOR A GRANT UNDER THE**  
16 **GRANT PROGRAM:**

17           **(1) A SCHOOL OR AN INSTITUTION OF HIGHER EDUCATION;**

18           **(2) A NONPROFIT ORGANIZATION;**

19           **(3) A COUNTY OR MUNICIPAL CORPORATION;**

20           **(4) A FOR-PROFIT ORGANIZATION; AND**

21           **(5) A PUBLIC-PRIVATE PARTNERSHIP.**

22           **(F) THE DEPARTMENT, IN CONSULTATION WITH THE ADVISORY COUNCIL,**  
23 **SHALL ADOPT REGULATIONS ESTABLISHING:**

24           **(1) AN APPLICATION PROCESS FOR AN ENTITY TO APPLY FOR A**  
25 **GRANT;**

26           **(2) THE CRITERIA FOR EVALUATING AND AWARDING GRANTS;**

27           **(3) REPORTING AND EVALUATION REQUIREMENTS FOR A GRANT**  
28 **AWARDED UNDER THIS SECTION; AND**

1           **(4) ANY OTHER REQUIREMENTS THE DEPARTMENT DETERMINES**  
2 **ARE NECESSARY FOR ADMINISTERING AND IMPLEMENTING GRANTS AWARDED**  
3 **UNDER THE GRANT PROGRAM.**

4           **(G) THE DEPARTMENT SHALL BEGIN AWARDING GRANTS ON OR BEFORE**  
5 **JANUARY 1, 2028.**  
6 **9-1747.**

7           **IN ADDITION TO THE DUTIES AND REQUIREMENTS SPECIFIED IN THIS PART,**  
8 **THE DEPARTMENT SHALL:**

9           **(1) IN CONSULTATION WITH THE ADVISORY COUNCIL:**

10           **(i) ESTABLISH CONVENIENCE STANDARDS FOR THE COVERAGE**  
11 **AND AVAILABILITY OF REDEMPTION OPTIONS ACROSS THE STATE; AND**

12           **(ii) ENSURE THE CONVENIENCE STANDARDS PROVIDE**  
13 **ACCESSIBLE REDEMPTION OPTIONS FOR DIFFERENTLY ABLED PEOPLE AND PEOPLE**  
14 **WHO LIVE IN RURAL AREAS OR LOW-INCOME COMMUNITIES OF COLOR; AND**

15           **(2) ESTABLISH A SYSTEM FOR LARGE ON-PREMISES SELLERS TO**  
16 **VERIFY THE SOURCE OF THE HIGH VOLUMES OF REDEEMABLE BEVERAGE**  
17 **CONTAINERS REDEEMED BY THE ON-PREMISES SELLER.**

18 **9-1748.**

19           **(A) THERE IS A REDEEMABLE BEVERAGE CONTAINER RECYCLING**  
20 **REFUND ADVISORY COUNCIL.**

21           **(B) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING MEMBERS,**  
22 **DESIGNATED BY THE SECRETARY:**

23           **(1) ONE MEMBER REPRESENTING RECYCLING PROCESSORS;**

24           **(2) ONE MEMBER REPRESENTING LOCAL GOVERNMENT AGENCIES**  
25 **RESPONSIBLE FOR RECYCLING PROGRAMS;**

26           **(3) ONE MEMBER REPRESENTING GLASS MANUFACTURERS OR A**  
27 **GLASS MANUFACTURING TRADE ORGANIZATION;**

1           **(4) ONE MEMBER REPRESENTING ALUMINUM MANUFACTURERS OR**  
2 **AN ALUMINUM MANUFACTURING TRADE ORGANIZATION;**

3           **(5) ONE MEMBER REPRESENTING PLASTIC MANUFACTURERS OR A**  
4 **PLASTIC MANUFACTURING TRADE ORGANIZATION;**

5           **(6) ONE MEMBER REPRESENTING BEVERAGE COMPANIES;**

6           **(7) ONE MEMBER REPRESENTING PURCHASERS OF RECYCLED**  
7 **CONTENT;**

8           **(8) ONE MEMBER REPRESENTING RETAILERS;**

9           **(9) ONE MEMBER REPRESENTING RESTAURANTS OR OTHER**  
10 **ON-PREMISES SELLERS;**

11           **(10) ONE MEMBER REPRESENTING REVERSE VENDING MACHINE**  
12 **BUSINESSES;**

13           **(11) ONE MEMBER REPRESENTING ACCOUNT-BASED BULK**  
14 **PROCESSORS;**

15           **(12) ONE MEMBER REPRESENTING BUSINESSES INVOLVED IN REUSE**  
16 **AND REFILL SYSTEMS;**

17           **(13) AT LEAST ONE MEMBER REPRESENTING AN ENVIRONMENTAL**  
18 **ADVOCACY ORGANIZATION;**

19           **(14) AT LEAST ONE MEMBER REPRESENTING AN ENVIRONMENTAL**  
20 **JUSTICE ADVOCACY ORGANIZATION; AND**

21           **(15) AT LEAST TWO MEMBERS WHO ARE MEMBERS OF THE GENERAL**  
22 **PUBLIC AND RESIDE IN THE STATE.**

23           **(C) THE SECRETARY SHALL DESIGNATE TWO COCHAIRS FROM AMONG THE**  
24 **MEMBERSHIP OF THE ADVISORY COUNCIL.**

25           **(D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY**  
26 **COUNCIL.**

27           **(E) A MEMBER OF THE ADVISORY COUNCIL:**

1           (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
2 ADVISORY COUNCIL; BUT

3           (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
4 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

5           (F) THE ADVISORY COUNCIL SHALL MEET:

6               (1) AT LEAST QUARTERLY EACH YEAR; AND

7               (2) AS REQUESTED BY THE DEPARTMENT.

8           (G) THE ADVISORY COUNCIL SHALL:

9               (1) ADVISE THE DEPARTMENT ON DETERMINING WHETHER TO  
10 APPROVE A BEVERAGE CONTAINER STEWARDSHIP PLAN;

11              (2) MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE  
12 IMPLEMENTATION OF APPROVED BEVERAGE CONTAINER STEWARDSHIP PLANS;

13              (3) REVIEW AND ADVISE THE DEPARTMENT ON THE ANNUAL  
14 REPORTS SUBMITTED UNDER § 9-1743 OF THIS SUBTITLE; AND

15              (4) ADVISE THE DEPARTMENT ON THE IMPLEMENTATION,  
16 ADMINISTRATION, AND PERFORMANCE OF THE PROGRAM.

17 9-1749.

18           THE DEPARTMENT SHALL ADOPT REGULATIONS ON OR BEFORE JUNE 1, 2025,  
19 TO CARRY OUT THIS PART.

20 9-1750.

21           (A) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION,  
22 THE PROVISIONS OF §§ 9-334 THROUGH 9-344 OF THIS TITLE APPLY TO ENFORCE  
23 VIOLATIONS OF THIS PART.

24           (B) A PENALTY MAY NOT BE IMPOSED ON A PRODUCER FOR FAILING TO  
25 PROPERLY REGISTER WITH THE DEPARTMENT UNDER § 9-1740 OF THIS SUBTITLE,  
26 INCLUDING FAILING TO IDENTIFY EACH BRAND OF REDEEMABLE BEVERAGE  
27 CONTAINER THAT THE PRODUCER INTENDS TO SELL, OFFER FOR SALE, OR  
28 DISTRIBUTE IN THE STATE, UNLESS:



1           **(1) THE DEPARTMENT FIRST ISSUES A WRITTEN NOTICE OF THE**  
2 **VIOLATION TO THE PRODUCER; AND**

3           **(2) THE PRODUCER DOES NOT REGISTER WITHIN 90 DAYS AFTER**  
4 **RECEIVING THE WRITTEN NOTICE.**

5           **(C) (1) A PERSON MAY NOT REDEEM, ATTEMPT TO REDEEM, RECEIVE,**  
6 **STORE, TRANSPORT, DISTRIBUTE, OR OTHERWISE FACILITATE OR AID IN THE**  
7 **REDEMPTION OF THE FOLLOWING MATERIALS WITH AN INTENT TO DEFRAUD:**

8                   **(I) AN EMPTY REDEEMABLE BEVERAGE CONTAINER THAT WAS**  
9 **SOLD IN ANOTHER STATE;**

10                   **(II) AN EMPTY REDEEMABLE BEVERAGE CONTAINER THAT WAS**  
11 **REJECTED FOR REDEMPTION;**

12                   **(III) LINE BREAKAGE;**

13                   **(IV) A PREVIOUSLY REDEEMED REDEEMABLE BEVERAGE**  
14 **CONTAINER; OR**

15                   **(V) ANOTHER INELIGIBLE MATERIAL.**

16           **(2) A PERSON MAY NOT DISPOSE OF A REDEEMED REDEEMABLE**  
17 **BEVERAGE CONTAINER IN A LANDFILL OR AN INCINERATOR.**

18           **(3) THE DEPARTMENT SHALL ESTABLISH ADMINISTRATIVE**  
19 **PENALTIES FOR A VIOLATION OF THIS SUBSECTION THAT ARE BASED ON THE**  
20 **NUMBER OF BEVERAGE CONTAINERS AND REFUND AMOUNTS INVOLVED.**

21           **(D) (1) BEGINNING JANUARY 1, 2030, A PRODUCER OR BEVERAGE**  
22 **CONTAINER STEWARDSHIP ORGANIZATION THAT HAS NOT REACHED THE**  
23 **REDEMPTION RATES ESTABLISHED IN § 9-1736 OF THIS SUBTITLE FOR THE**  
24 **IMMEDIATELY PRECEDING 2 YEARS IS SUBJECT TO AN ADMINISTRATIVE PENALTY.**

25                   **(2) EACH YEAR THAT A PRODUCER OR BEVERAGE CONTAINER**  
26 **STEWARDSHIP ORGANIZATION DOES NOT MEET THE REDEMPTION RATES**  
27 **ESTABLISHED IN § 9-1736 OF THIS SUBTITLE IS A SEPARATE VIOLATION UNDER THIS**  
28 **SUBSECTION.**

29                   **(3) AN ADMINISTRATIVE PENALTY ASSESSED UNDER THIS**  
30 **SUBSECTION SHALL EQUAL THE TOTAL NUMBER OF REDEEMABLE BEVERAGE**  
31 **CONTAINERS NEEDED TO BE REDEEMED TO MEET THE REDEMPTION RATES**

1 ESTABLISHED IN § 9-1736 OF THIS SUBTITLE, MINUS THE NUMBER OF REDEEMABLE  
2 BEVERAGE CONTAINERS ACTUALLY REDEEMED, MULTIPLIED BY 10 CENTS.

3 (E) THE DEPARTMENT MAY ALTER THE ADMINISTRATIVE PENALTIES  
4 ASSESSED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION AS NECESSARY TO  
5 ENSURE THAT THE PENALTY AMOUNTS ASSESSED EXCEED THE COSTS OF  
6 COMPLYING WITH THIS PART.

7 (F) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE:

8 (1) TRANSFERRED TO THE STATE RECYCLING TRUST FUND UNDER §  
9 9-1707(F) OF THIS SUBTITLE; AND

10 (2) USED ONLY TO COVER THE DEPARTMENT'S COSTS OF PLANNING,  
11 IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING  
12 THE PROGRAM.

13 9-1751.

14 A PRODUCER OR BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION  
15 PARTICIPATING IN A BEVERAGE CONTAINER STEWARDSHIP PLAN IN ACCORDANCE  
16 WITH THIS SUBTITLE IS IMMUNE FROM LIABILITY UNDER STATE LAWS CONCERNING  
17 ANTITRUST AND RESTRAINT OF TRADE FOR COOPERATIVE ACTIVITIES ASSOCIATED  
18 WITH THE COLLECTION, TRANSPORT, PROCESSING, RECYCLING, REUSE, AND  
19 MANAGEMENT OF EMPTY REDEEMABLE BEVERAGE CONTAINERS.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
21 1, 2024.