

# HOUSE BILL 661

L2, M3

11r2642  
CF SB 721

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By: **Delegate Frush**

Introduced and read first time: February 9, 2011

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Authority to Impose Fees for Use of Disposable**  
3 **Plastic Bags**

4 FOR the purpose of authorizing Prince George's County to impose, by law, a fee on  
5 certain retail establishments for use of disposable plastic bags under certain  
6 circumstances; defining certain terms; and generally relating to the authority  
7 for Prince George's County to impose a fee for use of disposable plastic bags.

8 BY adding to

9 The Public Local Laws of Prince George's County  
10 Section 10–283 to be under the new division “Division 16. Fees for Use of  
11 Disposable Plastic Bags”  
12 Article 17 – Public Local Laws of Maryland  
13 (2007 Edition, as amended)

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

16 **Article 17 – Prince George's County**

17 **DIVISION 16. FEES FOR USE OF DISPOSABLE PLASTIC BAGS.**

18 **10–283.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
20 **MEANINGS INDICATED.**

21 **(2) (A) “DISPOSABLE PLASTIC BAG” MEANS A PLASTIC BAG**  
22 **PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF SALE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(B) “DISPOSABLE PLASTIC BAG” DOES NOT INCLUDE:**

2                   **(I) A DURABLE PLASTIC BAG WITH HANDLES THAT IS**  
3 **AT LEAST 2.25 MILS THICK AND IS DESIGNED AND MANUFACTURED FOR**  
4 **MULTIPLE REUSE;**

5                   **(II) A BAG USED TO:**

6                   **(AA) PACKAGE BULK ITEMS, INCLUDING FRUIT,**  
7 **VEGETABLES, NUTS, GRAINS, CANDY, OR SMALL HARDWARE ITEMS;**

8                   **(BB) CONTAIN OR WRAP FROZEN FOODS, MEAT, OR**  
9 **FISH, WHETHER PREPACKAGED OR NOT;**

10                   **(CC) CONTAIN OR WRAP FLOWERS, POTTED PLANTS,**  
11 **OR OTHER DAMP ITEMS;**

12                   **(DD) CONTAIN UNWRAPPED PREPARED FOODS OR**  
13 **BAKERY GOODS; AND**

14                   **(EE) CONTAIN A NEWSPAPER OR DRY CLEANING;**

15                   **(III) A BAG PROVIDED BY A PHARMACIST TO CONTAIN**  
16 **PRESCRIPTION DRUGS;**

17                   **(IV) PLASTIC BAGS SOLD IN PACKAGES CONTAINING**  
18 **MULTIPLE PLASTIC BAGS INTENDED FOR USE AS GARBAGE, PET WASTE, OR**  
19 **YARD WASTE BAGS; AND**

20                   **(V) A BAG THAT A RESTAURANT PROVIDES TO A**  
21 **CUSTOMER TO TAKE FOOD OR DRINK AWAY FROM THE RESTAURANT.**

22                   **(3) “STORE” MEANS A RETAIL ESTABLISHMENT THAT PROVIDES**  
23 **DISPOSABLE PLASTIC BAGS TO ITS CUSTOMERS AS A RESULT OF THE SALE OF A**  
24 **PRODUCT.**

25                   **(B) THE COUNTY OR MUNICIPAL CORPORATION MAY IMPOSE, BY LAW, A**  
26 **FEE ON A STORE FOR THE USE OF DISPOSABLE PLASTIC BAGS AS A PART OF A**  
27 **RETAIL SALE OF PRODUCTS.**

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