

SENATE BILL 394

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By: **Senators Frosh, Ferguson, Madaleno, Montgomery, Pinsky, and Raskin**

Introduced and read first time: January 23, 2014

Assigned to: Finance and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Statewide Container Recycling Refund Program**

3 FOR the purpose of requiring certain beverage distributors to register with the
4 Department of the Environment in a certain manner on or before a certain date;
5 requiring certain beverage distributors to maintain certain records; requiring a
6 redeemable beverage container sold in the State to bear certain information
7 beginning on a certain date; requiring each county, in consultation with the
8 Department, to designate certain convenience zones on or before a certain date;
9 requiring certain beverage distributors to pay a certain deposit to the
10 Comptroller of the State beginning on a certain date; establishing procedures
11 for the payment of certain deposits by certain beverage distributors to the
12 Comptroller; requiring the Comptroller to deposit certain payments to the
13 Container Recycling Refund Program Fund; requiring certain beverage
14 distributors to collect a certain deposit on redeemable beverage containers from
15 certain retailers and on-premise sellers beginning on a certain date; requiring
16 certain retailers to charge a consumer a redeemable beverage container deposit
17 at the point of sale of a beverage; requiring that certain deposit charges appear
18 as a separate line item on bills and invoices and prohibiting certain deposit
19 charges from being included in the calculation of the sales tax on a beverage;
20 requiring at least one licensed redemption center to be located within each
21 convenience zone beginning on a certain date; establishing certain requirements
22 for redemption centers; requiring the Department, in consultation with the
23 counties, to adopt certain rules and procedures for the licensing of redemption
24 centers and to establish certain verification procedures for certain redemption
25 centers; requiring the Comptroller to pay to a redemption center the full refund
26 value of the redeemable beverage containers the redemption center accepts
27 under certain circumstances; requiring the Comptroller to pay a certain
28 handling fee to a redemption center; establishing certain requirements for
29 requests for payment submitted by redemption centers to the Comptroller;
30 authorizing the Comptroller to refuse payment to a redemption center under
31 certain circumstances; establishing the Container Recycling Refund Program

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Fund as a special, nonlapsing fund; specifying the purpose of the Fund;
2 requiring the Comptroller to administer the Fund; requiring the State
3 Treasurer to hold the Fund and the Comptroller to account for the Fund;
4 specifying the purposes for which the Fund may be used; providing for the
5 investment of money in and expenditures from the Fund; authorizing the
6 Secretary to adopt certain regulations; requiring the Office of Recycling to work
7 with the counties on certain activities; defining certain terms; and generally
8 relating to the establishment of a Statewide Container Recycling Refund
9 Program.

10 BY adding to

11 Article – Environment

12 Section 9–1733 through 9–1741 to be under the new part “Part V. Statewide
13 Container Recycling Refund Program”

14 Annotated Code of Maryland

15 (2007 Replacement Volume and 2013 Supplement)

16 Preamble

17 WHEREAS, Roughly 4.7 billion beverage containers are sold in Maryland each
18 year, and fewer than 25% are reused or repurposed – the remainder end up in our
19 landfills and litter our environment; and

20 WHEREAS, Research indicates that litter impacts public health and decreases
21 property values, harming vulnerable communities and ecosystems; and

22 WHEREAS, Balancing environmental priorities with market incentives is
23 crucial to growing American manufacturing in an age of globalization and climate
24 change; and

25 WHEREAS, More than 2 decades of data from deposit states point to the
26 economic and environmental benefits of integrating beverage container deposit
27 incentive programs with curbside recycling; and

28 WHEREAS, Deposit systems are a proven policy tool for increasing beverage
29 container recycling rates and protecting the environment – the 10 deposit states
30 currently recycle more than 50% of all beverage containers in the United States,
31 leading to reductions in greenhouse gas emissions and litter pollution; and

32 WHEREAS, A deposit system has been determined to be the only means of
33 meeting the goals for beverage container recycling set forth in the Maryland
34 Greenhouse Gas Reduction Act Plan; and

35 WHEREAS, The purpose of this Act is to incentivize the reuse and repurpose of
36 beverage containers to encourage recycling, prevent litter, and reduce greenhouse gas
37 emissions affecting Maryland and the Chesapeake Bay watershed; now, therefore,

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

3 **Article – Environment**

4 **9–1731. RESERVED.**

5 **9–1732. RESERVED.**

6 **PART V. STATEWIDE CONTAINER RECYCLING REFUND PROGRAM.**

7 **9–1733.**

8 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 **(B) (1) “BEVERAGE” MEANS AN ALCOHOLIC OR A NONALCOHOLIC**
11 **DRINK INTENDED FOR HUMAN CONSUMPTION AND PACKAGED FOR SALE IN A**
12 **REDEEMABLE BEVERAGE CONTAINER.**

13 **(2) “BEVERAGE” INCLUDES BEER AND OTHER MALT BEVERAGES,**
14 **CARBONATED AND NONCARBONATED SOFT DRINKS, FLAVORED AND**
15 **UNFLAVORED BOTTLED WATER, FRUIT JUICE, AND TEA AND COFFEE DRINKS**
16 **REGARDLESS OF DAIRY–DERIVED CONTENT.**

17 **(3) “BEVERAGE” DOES NOT INCLUDE:**

18 **(I) A SYRUP, A LIQUID CONCENTRATE, A CONDIMENT, OR**
19 **ANY OTHER ADDITIVE INTENDED PRIMARILY AS A FLAVORING INGREDIENT IN**
20 **FOOD OR DRINK;**

21 **(II) A LIQUID THAT IS A DRUG, A MEDICAL FOOD, OR AN**
22 **INFANT FORMULA AS DEFINED BY THE FEDERAL FOOD, DRUG, AND COSMETIC**
23 **ACT;**

24 **(III) A LIQUID THAT IS A DIETARY SUPPLEMENT AS DEFINED**
25 **IN THE DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994;**

26 **(IV) MILK AND OTHER DAIRY–DERIVED PRODUCTS;**

27 **(V) A PRODUCT FROZEN AT THE TIME OF SALE TO THE**
28 **CONSUMER;**

29 **(VI) WINE; OR**

1 (VII) DISTILLED SPIRITS.

2 (C) "COMPTROLLER" MEANS THE COMPTROLLER OF THE STATE.

3 (D) "CONSUMER" MEANS A PERSON WHO BUYS A REDEEMABLE
4 BEVERAGE CONTAINER IN THE STATE FOR USE OR CONSUMPTION
5 OFF-PREMISES.

6 (E) (1) "DISTRIBUTOR" MEANS A BOTTLER OR ANY OTHER PERSON
7 THAT MANUFACTURES BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS,
8 OR THAT IMPORTS BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS TO
9 SELL WITHIN THE STATE.

10 (2) "DISTRIBUTOR" DOES NOT INCLUDE AIRLINES AND SHIPPING
11 COMPANIES THAT TRANSPORT REDEEMABLE BEVERAGE CONTAINERS.

12 (F) "PROGRAM" MEANS THE STATEWIDE CONTAINER RECYCLING
13 REFUND PROGRAM.

14 (G) "REDEEMABLE BEVERAGE CONTAINER" MEANS AN INDIVIDUAL,
15 SEPARATE, AND SEALED GLASS, METAL, ALUMINUM, STEEL, OR PLASTIC JAR,
16 CAN, OR BOTTLE THAT, AT ITS TIME OF SALE, CONTAINS NOT MORE THAN 101.5
17 FLUID OUNCES AND NOT LESS THAN 6 FLUID OUNCES OF A BEVERAGE
18 INTENDED FOR CONSUMPTION WITHIN THE STATE.

19 (H) "REDEEMER" MEANS A PERSON, OTHER THAN A RETAILER OR
20 DISTRIBUTOR, THAT DEMANDS THE REFUND VALUE IN EXCHANGE FOR AN
21 EMPTY REDEEMABLE BEVERAGE CONTAINER.

22 (I) "REDEMPTION CENTER" MEANS A FACILITY OPERATED BY A
23 COUNTY OR MUNICIPALITY OR LICENSED BY THE DEPARTMENT TO ACCEPT
24 EMPTY REDEEMABLE BEVERAGE CONTAINERS FROM CONSUMERS IN EXCHANGE
25 FOR THE CONTAINERS' REFUND VALUE.

26 (J) "REDEMPTION RATE" MEANS THE PERCENTAGE OF REDEEMABLE
27 BEVERAGE CONTAINERS REDEEMED IN THE STATE OVER A REPORTING PERIOD,
28 WHICH IS CALCULATED BY DIVIDING THE NUMBER OF REDEEMABLE BEVERAGE
29 CONTAINERS REDEEMED BY THE NUMBER OF REDEEMABLE BEVERAGE
30 CONTAINERS SOLD, THEN MULTIPLYING THAT NUMBER BY 100.

1 **(K) “RETAILER” MEANS A PERSON WHO SELLS A BEVERAGE IN A**
2 **REDEEMABLE BEVERAGE CONTAINER TO A CONSUMER FOR OFF-PREMISES**
3 **CONSUMPTION.**

4 **(L) (1) “ON-PREMISE SELLER” MEANS A PERSON WHO SELLS A**
5 **BEVERAGE IN A REDEEMABLE BEVERAGE CONTAINER FOR ON-PREMISE**
6 **CONSUMPTION.**

7 **(2) “ON-PREMISE SELLER” INCLUDES A BAR, A RESTAURANT, A**
8 **HOTEL, A SPORTING VENUE, AN ENTERTAINMENT VENUE, AND A GAMING**
9 **VENUE.**

10 **(M) “REVERSE VENDING MACHINE” MEANS A MECHANICAL DEVICE**
11 **THAT ACCEPTS ONE OR MORE TYPES OF EMPTY REDEEMABLE BEVERAGE**
12 **CONTAINERS AND ISSUES A REDEEMABLE CREDIT SLIP FOR A VALUE NOT LESS**
13 **THAN THE CONTAINERS’ REFUND VALUE.**

14 **9-1734.**

15 **(A) (1) ON OR BEFORE APRIL 1, 2015, EVERY DISTRIBUTOR**
16 **OPERATING WITHIN THE STATE SHALL REGISTER WITH THE DEPARTMENT.**

17 **(2) AFTER APRIL 1, 2015, ANY PERSON WHO DESIRES TO**
18 **CONDUCT BUSINESS IN THE STATE AS A DISTRIBUTOR SHALL REGISTER WITH**
19 **THE DEPARTMENT NO LATER THAN 1 MONTH BEFORE COMMENCING BUSINESS.**

20 **(B) (1) A DISTRIBUTOR REGISTERED UNDER THIS SECTION SHALL**
21 **MAINTAIN RECORDS OF:**

22 **(I) THE QUANTITY OF ANY BEVERAGE IN A REDEEMABLE**
23 **BEVERAGE CONTAINER THAT THE DISTRIBUTOR MANUFACTURES, SELLS, OR**
24 **TRANSFERS; AND**

25 **(II) THE IMPORTATION AND EXPORTATION OF ANY**
26 **REDEEMABLE BEVERAGE CONTAINER.**

27 **(2) RECORDS KEPT IN ACCORDANCE WITH THIS SUBSECTION**
28 **SHALL BE MADE AVAILABLE FOR INSPECTION AT THE REQUEST OF THE**
29 **DEPARTMENT.**

30 **9-1735.**

1 **(A) ON OR BEFORE APRIL 1, 2015, EACH COUNTY, IN CONSULTATION**
2 **WITH THE DEPARTMENT, SHALL DESIGNATE CONVENIENCE ZONES BASED ON**
3 **POPULATION DENSITY FOR THE PURPOSE OF ESTABLISHING REDEMPTION**
4 **CENTERS.**

5 **(B) ON OR BEFORE APRIL 1 OF EACH YEAR, EACH COUNTY SHALL**
6 **PREPARE AND MAKE AVAILABLE TO THE PUBLIC AN UPDATED MAP SHOWING**
7 **THE CONVENIENCE ZONES WITHIN ITS JURISDICTION.**

8 **9-1736.**

9 **(A) BEGINNING JANUARY 15, 2016, EXCEPT AS PROVIDED IN**
10 **SUBSECTION (C) OF THIS SECTION, EVERY REDEEMABLE BEVERAGE CONTAINER**
11 **SOLD IN THE STATE SHALL CLEARLY INDICATE A REFUND VALUE OF 5 CENTS**
12 **AND THE WORD "MARYLAND" OR THE LETTERS "MD" ON THE REDEEMABLE**
13 **BEVERAGE CONTAINER.**

14 **(B) THE REFUND VALUE SHALL BE CLEARLY, PROMINENTLY, AND**
15 **INDELIBLY MARKED BY PAINTING, PRINTING, SCRATCH EMBOSSING, OR**
16 **RAISED-LETTER EMBOSSING, OR BY SECURELY AFFIXED STICKERS, AND SHALL**
17 **APPEAR ON THE TOP OR SIDE OF THE REDEEMABLE BEVERAGE CONTAINER IN**
18 **LETTERS AT LEAST ONE-EIGHTH INCH IN SIZE.**

19 **(C) THIS SECTION DOES NOT APPLY TO A REFILLABLE BEVERAGE**
20 **CONTAINER THAT HAS:**

21 **(1) A BRAND NAME PERMANENTLY MARKED ON THE CONTAINER;**
22 **AND**

23 **(2) THE EQUIVALENT OF A REFUND VALUE OF AT LEAST 5 CENTS**
24 **THAT IS PAID ON RECEIPT OF THE CONTAINER BY A RETAILER OR DISTRIBUTOR.**

25 **(D) NO CONTAINER MARKED IN ACCORDANCE WITH THIS SECTION MAY**
26 **BE SOLD TO A CONSUMER BEFORE JANUARY 15, 2016.**

27 **9-1737.**

28 **(A) (1) BEGINNING JANUARY 15, 2016, EVERY DISTRIBUTOR SHALL**
29 **PAY TO THE COMPTROLLER A DEPOSIT OF 5 CENTS FOR EVERY REDEEMABLE**
30 **BEVERAGE CONTAINER THAT THE DISTRIBUTOR SELLS, DONATES, OR**
31 **TRANSFERS WITHIN THE STATE.**

1 **(2) PAYMENT OF DEPOSITS SHALL BE MADE ON THE 15TH**
2 **BUSINESS DAY OF EACH MONTH FOR ALL SALES, DONATIONS, AND TRANSFERS**
3 **OCCURRING DURING THE PRECEDING MONTH.**

4 **(3) THE COMPTROLLER SHALL DEPOSIT THE PAYMENTS**
5 **COLLECTED UNDER THIS SUBSECTION IN THE CONTAINER RECYCLING REFUND**
6 **PROGRAM FUND, IN ACCORDANCE WITH § 9-1740 OF THIS PART.**

7 **(B) (1) BEGINNING JANUARY 15, 2016, EVERY DISTRIBUTOR THAT**
8 **PAYS A DEPOSIT TO THE COMPTROLLER UNDER THIS SECTION SHALL COLLECT**
9 **FROM A RETAILER OR AN ON-PREMISE SELLER A DEPOSIT OF 5 CENTS ON EACH**
10 **REDEEMABLE BEVERAGE CONTAINER THE DISTRIBUTOR SELLS WITHIN THE**
11 **STATE.**

12 **(2) A RETAILER SHALL CHARGE A CONSUMER THE 5-CENT**
13 **REDEEMABLE BEVERAGE CONTAINER DEPOSIT AT THE POINT OF SALE OF THE**
14 **BEVERAGE.**

15 **(3) A DEPOSIT CHARGE MADE IN ACCORDANCE WITH THIS**
16 **SUBSECTION SHALL APPEAR AS A SEPARATE LINE ITEM ON A BILL OR AN**
17 **INVOICE AND MAY NOT BE INCLUDED IN THE CALCULATION OF ANY SALES TAX**
18 **ON THE BEVERAGE.**

19 **(C) BEGINNING JANUARY 15, 2016, A REDEEMER MAY RETURN AN**
20 **EMPTY REDEEMABLE BEVERAGE CONTAINER TO A REDEMPTION CENTER**
21 **ESTABLISHED UNDER § 9-1738 OF THIS PART FOR A FULL REFUND OF THE**
22 **5-CENT DEPOSIT PAID ON THE CONTAINER.**

23 **9-1738.**

24 **(A) (1) BEGINNING JANUARY 15, 2016, AT LEAST ONE LICENSED**
25 **REDEMPTION CENTER SHALL BE LOCATED WITHIN EVERY CONVENIENCE ZONE**
26 **DESIGNATED UNDER § 9-1735 OF THIS PART.**

27 **(2) A REDEMPTION CENTER MAY BE OPERATED BY:**

28 **(I) A COUNTY;**

29 **(II) A MUNICIPALITY; OR**

30 **(III) A PRIVATE BUSINESS OR NONPROFIT ORGANIZATION**
31 **LICENSED BY THE DEPARTMENT.**

1 **(3) A REDEMPTION CENTER SHALL:**

2 **(I) ACCEPT ALL TYPES OF EMPTY REDEEMABLE BEVERAGE**
3 **CONTAINERS FOR WHICH A DEPOSIT HAS BEEN PAID;**

4 **(II) VERIFY THAT ALL CONTAINERS TO BE REDEEMED BEAR**
5 **A VALID MARYLAND REFUND VALUE;**

6 **(III) PAY TO THE REDEEMER THE FULL REFUND VALUE IN**
7 **EITHER CASH OR A REDEEMABLE VOUCHER;**

8 **(IV) ENSURE EACH REDEEMABLE BEVERAGE CONTAINER**
9 **THE REDEMPTION CENTER ACCEPTS IS RECYCLED THROUGH A CONTRACTUAL**
10 **AGREEMENT WITH AN IN-STATE RECYCLING FACILITY, OR ON-PREMISES IF THE**
11 **REDEMPTION CENTER IS A RECYCLING FACILITY;**

12 **(V) REMAIN OPEN AT LEAST 40 HOURS PER WEEK, OF**
13 **WHICH AT LEAST 5 HOURS SHALL BE ON SATURDAY OR SUNDAY; AND**

14 **(VI) FORWARD TO THE COMPTROLLER ALL**
15 **DOCUMENTATION NECESSARY TO SUPPORT CLAIMS FOR PAYMENT, IN**
16 **ACCORDANCE WITH § 9-1739 OF THIS PART.**

17 **(4) A REDEMPTION CENTER SHALL REFUSE TO PAY THE REFUND**
18 **VALUE ON ANY REDEEMABLE BEVERAGE CONTAINER THAT:**

19 **(I) IS BROKEN OR CORRODED;**

20 **(II) CONTAINS A FREE-FLOWING LIQUID;**

21 **(III) DOES NOT PROPERLY INDICATE A MARYLAND REFUND**
22 **VALUE; OR**

23 **(IV) EXHIBITS CHARACTERISTICS OF HAVING BEEN**
24 **PROCESSED AND BALED PREVIOUSLY.**

25 **(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
26 **PARAGRAPH, A REDEMPTION CENTER SHALL ACCEPT FROM A SINGLE**
27 **REDEEMER NO MORE THAN 450 REDEEMABLE BEVERAGE CONTAINERS AT ONE**
28 **TIME.**

1 **(II) 1. A REDEMPTION CENTER MAY ACCEPT MORE THAN**
2 **450 REDEEMABLE BEVERAGE CONTAINERS FROM A REDEEMER THAT IS A**
3 **CURBSIDE RECYCLING SERVICE PROVIDER OR AN ON-PREMISE SELLER.**

4 **2. A REDEMPTION CENTER MAY ESTIMATE THE**
5 **QUANTITY OF REDEEMABLE BEVERAGE CONTAINERS ACCEPTED FROM A**
6 **CURBSIDE RECYCLING PROVIDER OR AN ON-PREMISE SELLER USING**
7 **VOLUME-TO-WEIGHT CONVERSION TABLES PUBLISHED BY THE UNITED STATES**
8 **ENVIRONMENTAL PROTECTION AGENCY.**

9 **(6) (I) A REDEMPTION CENTER MAY USE A REVERSE VENDING**
10 **MACHINE TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION.**

11 **(II) A REVERSE VENDING MACHINE SHALL:**

12 **1. ACCEPT ANY TYPE OF EMPTY REDEEMABLE**
13 **BEVERAGE CONTAINER AND PAY OUT THE FULL REFUND VALUE IN EITHER CASH**
14 **OR A REDEEMABLE VOUCHER FOR ANY CONTAINER THAT BEARS A VALID**
15 **MARYLAND REFUND VALUE;**

16 **2. REJECT A CONTAINER IF THE REVERSE VENDING**
17 **MACHINE IS UNABLE TO READ THE BARCODE ON THE CONTAINER; AND**

18 **3. BE ROUTINELY SERVICED TO ENSURE PROPER**
19 **OPERATION AND CONTINUOUS ACCEPTANCE OF EMPTY REDEEMABLE**
20 **BEVERAGE CONTAINERS AND PAYMENT OF REFUND VALUES.**

21 **(B) THE DEPARTMENT, IN CONSULTATION WITH EACH COUNTY, SHALL**
22 **ADOPT RULES AND PROCEDURES FOR THE LICENSING OF REDEMPTION**
23 **CENTERS.**

24 **(C) TO PROTECT AGAINST FRAUD, THE DEPARTMENT, IN**
25 **CONSULTATION WITH EACH COUNTY, SHALL ESTABLISH RANDOM**
26 **THIRD-PARTY VERIFICATION PROCEDURES FOR REDEMPTION CENTERS THAT**
27 **COUNT REDEEMABLE BEVERAGE CONTAINERS MANUALLY.**

28 **9-1739.**

29 **(A) THE COMPTROLLER SHALL REMIT TO A REDEMPTION CENTER THE**
30 **FULL REFUND VALUE OF EACH REDEEMABLE BEVERAGE CONTAINER THE**
31 **REDEMPTION CENTER ACCEPTS.**

1 **(B) IN ADDITION TO THE REFUND VALUE PAID UNDER SUBSECTION (A)**
2 **OF THIS SECTION, THE COMPTROLLER SHALL PAY TO A REDEMPTION CENTER A**
3 **HANDLING FEE OF 1 CENT FOR EACH REDEEMABLE BEVERAGE CONTAINER THE**
4 **REDEMPTION CENTER COLLECTS.**

5 **(C) PAYMENTS TO REDEMPTION CENTERS UNDER THIS SECTION SHALL**
6 **BE MADE ON A PER-UNIT BASIS AND NOT ON THE BASIS OF WEIGHT, EXCEPT AS**
7 **AUTHORIZED IN § 9-1738(A)(5)(II) OF THIS PART.**

8 **(D) (1) A REDEMPTION CENTER SHALL SUBMIT REQUESTS TO THE**
9 **COMPTROLLER FOR PAYMENT UNDER THIS SECTION NO MORE THAN ONCE PER**
10 **MONTH.**

11 **(2) (I) A REDEMPTION CENTER SHALL SUBMIT REQUESTS FOR**
12 **PAYMENT ALONG WITH SUPPORTING DOCUMENTATION ON FORMS REQUIRED BY**
13 **THE COMPTROLLER.**

14 **(II) REQUESTS SHALL INCLUDE, AT A MINIMUM:**

15 **1. THE NUMBER OF REDEEMABLE BEVERAGE**
16 **CONTAINERS OF EACH MATERIAL TYPE ACCEPTED AT THE REDEMPTION**
17 **CENTER DURING THE REPORTING PERIOD;**

18 **2. THE AMOUNT OF REFUNDS PAID OUT BY**
19 **MATERIAL TYPE; AND**

20 **3. THE NUMBER OF REDEEMABLE BEVERAGE**
21 **CONTAINERS OF EACH MATERIAL TYPE TRANSPORTED TO AN IN-STATE**
22 **RECYCLING FACILITY.**

23 **(3) THE COMPTROLLER MAY REFUSE PAYMENT ON ANY REQUEST**
24 **THAT CONTAINS SIGNIFICANT DISCREPANCIES OR THAT DOES NOT INCLUDE**
25 **SUFFICIENT SUPPORTING DOCUMENTATION.**

26 **9-1740.**

27 **(A) IN THIS SECTION, “FUND” MEANS THE CONTAINER RECYCLING**
28 **REFUND PROGRAM FUND.**

29 **(B) THERE IS A CONTAINER RECYCLING REFUND PROGRAM FUND.**

30 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE FINANCIAL ASSISTANCE**
31 **FOR THE PROGRAM IN ACCORDANCE WITH THIS PART.**

1 (D) **THE COMPTROLLER SHALL ADMINISTER THE FUND.**

2 (E) (1) **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
3 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

4 (2) **THE STATE TREASURER SHALL HOLD THE FUND**
5 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

6 (F) **THE FUND CONSISTS OF:**

7 (1) **REDEEMABLE BEVERAGE CONTAINER DEPOSITS COLLECTED**
8 **UNDER § 9-1737 OF THIS PART;**

9 (2) **MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

10 (3) **ANY INVESTMENT EARNINGS OF THE FUND; AND**

11 (4) **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
12 **FOR THE BENEFIT OF THE FUND.**

13 (G) **THE FUND SHALL BE USED ONLY:**

14 (1) **TO PAY HANDLING FEES AND REFUNDS ON REDEEMABLE**
15 **BEVERAGE CONTAINERS TO REDEMPTION CENTERS, IN ACCORDANCE WITH §**
16 **9-1739 OF THIS PART;**

17 (2) **TO IMPLEMENT AND ADMINISTER THE PROGRAM;**

18 (3) **TO PROVIDE FUNDING FOR STATE AND LOCAL RECYCLING**
19 **CENTERS, RECYCLING EQUIPMENT, RECYCLING EDUCATION, AND MARKETING;**
20 **AND**

21 (4) **TO PROVIDE FUNDING FOR STATE AND LOCAL**
22 **ENVIRONMENTAL PROGRAMS.**

23 (H) (1) **THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
24 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

25 (2) **ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID**
26 **INTO THE SPECIAL FUND AND MAY NOT BE TRANSFERRED TO THE GENERAL**
27 **FUND OF THE STATE.**

1 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
2 **ACCORDANCE WITH THE STATE BUDGET.**

3 **(J) MONEY EXPENDED FROM THE FUND FOR THE PROGRAM IS**
4 **SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING**
5 **THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.**

6 **9-1741.**

7 **(A) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE**
8 **PROVISIONS OF THIS PART.**

9 **(B) THE OFFICE OF RECYCLING SHALL WORK WITH THE COUNTIES TO:**

10 **(1) ASSIST WITH THE IMPLEMENTATION OF THE PROGRAM;**

11 **(2) ACHIEVE THE STATEWIDE REDEEMABLE BEVERAGE**
12 **CONTAINER REDEMPTION RATES SPECIFIED IN MARYLAND'S GREENHOUSE GAS**
13 **REDUCTION ACT PLAN;**

14 **(3) DEVELOP STRATEGIES FOR PROTECTING AGAINST FRAUD IN**
15 **THE PAYMENT OF HANDLING FEES AND REFUNDS; AND**

16 **(4) FACILITATE THE EXCHANGE OF INFORMATION BETWEEN**
17 **REDEEMABLE BEVERAGE CONTAINER MANUFACTURERS, DISTRIBUTORS,**
18 **RETAILERS, AND LICENSED REDEMPTION CENTERS, INCLUDING UNIVERSAL**
19 **PRODUCT CODE INFORMATION FOR REVERSE VENDING MACHINE PURPOSES.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2014.**