

# HOUSE BILL 31

C2  
HB 551/15 – ENV & ECM

(PRE-FILED)

6lr1002  
CF SB 57

---

By: **Delegate Lierman**

Requested: October 9, 2015

Introduced and read first time: January 13, 2016

Assigned to: Environment and Transportation and Economic Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Community Cleanup and Greening Act of 2016**

3 FOR the purpose of prohibiting a store from distributing plastic disposable carryout bags  
4 free of charge to a customer at the point of sale; requiring a store to charge and collect  
5 a certain fee for each paper disposable carryout bag the store provides to a customer;  
6 authorizing a store to retain a certain amount of a certain fee under certain  
7 circumstances; prohibiting a store from advertising or stating certain information  
8 under certain circumstances; requiring a store to include certain information on  
9 certain receipts; providing that the sales and use tax does not apply to a certain  
10 amount of money retained by a store under certain circumstances; requiring the  
11 operator of a store to remit a certain amount of money to the Comptroller; requiring  
12 the Comptroller to retain a certain amount of money for a certain purpose; requiring  
13 the Comptroller to distribute a certain amount of money to the Department of Labor,  
14 Licensing, and Regulation for a certain purpose and to distribute a certain remaining  
15 amount of money to the counties proportional to each county's population; requiring  
16 a county that receives a certain distribution of money to use the money only for  
17 certain purposes; establishing a certain maximum penalty for a violation of this Act;  
18 providing that a distribution of one or more plastic disposable carryout bags free of  
19 charge at a single point of sale is a single violation; requiring the Department to  
20 adopt certain regulations; defining certain terms; and generally relating to carryout  
21 bags and community cleanup and greening efforts.

22 BY adding to

23 Article – Business Regulation

24 Section 19–104

25 Annotated Code of Maryland

26 (2015 Replacement Volume and 2015 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Business Regulation**

2 **19-104.**

3 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**

5 **(2) “CUSTOMER BAG CREDIT PROGRAM” MEANS A PROGRAM**  
6 **IMPLEMENTED IN A STORE THAT:**

7 **(I) REQUIRES THE STORE TO PAY A CUSTOMER A CREDIT OF AT**  
8 **LEAST 5 CENTS FOR EACH BAG PROVIDED BY THE CUSTOMER FOR PACKAGING THE**  
9 **CUSTOMER’S PURCHASES;**

10 **(II) REQUIRES THE TOTAL AMOUNT OF THE CREDIT PAID TO A**  
11 **CUSTOMER UNDER ITEM (I) OF THIS PARAGRAPH TO BE DISPLAYED ON THE**  
12 **CUSTOMER TRANSACTION RECEIPT; AND**

13 **(III) IS PROMINENTLY ADVERTISED AT EACH CHECKOUT**  
14 **REGISTER IN THE STORE.**

15 **(3) (I) “DISPOSABLE CARRYOUT BAG” MEANS A PAPER OR PLASTIC**  
16 **BAG PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF SALE.**

17 **(II) “DISPOSABLE CARRYOUT BAG” INCLUDES A DURABLE**  
18 **PLASTIC BAG WITH HANDLES THAT IS DESIGNED AND MANUFACTURED FOR**  
19 **MULTIPLE REUSE.**

20 **(III) “DISPOSABLE CARRYOUT BAG” DOES NOT INCLUDE:**

21 **1. A BAG USED TO:**

22 **A. PACKAGE BULK ITEMS, INCLUDING FRUIT,**  
23 **VEGETABLES, NUTS, GRAINS, CANDY, OR SMALL HARDWARE ITEMS;**

24 **B. CONTAIN OR WRAP FROZEN FOODS, MEAT, OR FISH,**  
25 **WHETHER PREPACKAGED OR NOT;**

26 **C. CONTAIN OR WRAP FLOWERS, POTTED PLANTS, OR**  
27 **OTHER DAMP ITEMS;**

28 **D. CONTAIN UNWRAPPED PREPARED FOODS OR BAKERY**  
29 **GOODS; OR**

1                   E.     CONTAIN A NEWSPAPER OR DRY CLEANING;

2                   2.     A BAG PROVIDED BY A PHARMACIST TO CONTAIN  
3     PRESCRIPTION DRUGS;

4                   3.     PLASTIC BAGS SOLD IN PACKAGES CONTAINING  
5     MULTIPLE PLASTIC BAGS INTENDED FOR USE AS GARBAGE BAGS, PET WASTE BAGS,  
6     OR YARD WASTE BAGS; AND

7                   4.     A PAPER BAG THAT A RESTAURANT PROVIDES TO A  
8     CUSTOMER TO TAKE FOOD OR DRINK AWAY FROM THE RESTAURANT.

9                   (4)    (I)     “OPERATOR” MEANS A PERSON IN CONTROL OF, OR HAVING  
10    DAILY RESPONSIBILITY FOR, THE DAILY OPERATION OF A STORE.

11                   (II)    “OPERATOR” INCLUDES THE OWNER OF THE STORE.

12                   (5)    (I)     “STORE” MEANS A RETAIL ESTABLISHMENT THAT  
13    PROVIDES DISPOSABLE CARRYOUT BAGS TO ITS CUSTOMERS AS A RESULT OF THE  
14    SALE OF A PRODUCT.

15                   (II)    “STORE” DOES NOT INCLUDE A ROADSIDE STAND OR  
16    FARMER’S MARKET.

17                   (B)    A STORE MAY NOT DISTRIBUTE PLASTIC DISPOSABLE CARRYOUT BAGS  
18    FREE OF CHARGE TO A CUSTOMER AT THE POINT OF SALE.

19                   (C)    (1)     A STORE SHALL CHARGE AND COLLECT A FEE OF 10 CENTS FOR  
20    EACH PAPER DISPOSABLE CARRYOUT BAG THE STORE PROVIDES TO A CUSTOMER.

21                   (2)    A STORE MAY RETAIN:

22                   (I)     5 CENTS FROM EACH 10-CENT FEE THE STORE COLLECTS;  
23    OR

24                   (II)    7 CENTS FROM EACH 10-CENT FEE THE STORE COLLECTS IF  
25    THE STORE HAS A CUSTOMER BAG CREDIT PROGRAM.

26                   (3)    A STORE MAY NOT ADVERTISE, HOLD OUT, OR STATE TO THE  
27    PUBLIC OR TO A CUSTOMER, DIRECTLY OR INDIRECTLY, THAT THE REIMBURSEMENT  
28    OF THE FEE OR ANY PART OF THE FEE COLLECTED BY THE STORE WILL BE ASSUMED  
29    OR ABSORBED BY THE STORE OR REFUNDED TO THE CUSTOMER.

1           **(4) A STORE SHALL INDICATE ON THE CONSUMER TRANSACTION**  
2 **RECEIPT THE NUMBER OF DISPOSABLE CARRYOUT BAGS PROVIDED BY THE STORE**  
3 **AND THE TOTAL AMOUNT OF THE FEE CHARGED.**

4           **(5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SALES**  
5 **AND USE TAX DOES NOT APPLY TO THE AMOUNT OF MONEY RETAINED BY A STORE**  
6 **UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

7           **(6) THE OPERATOR OF A STORE SHALL REMIT TO THE COMPTROLLER**  
8 **THE AMOUNT OF MONEY COLLECTED FROM THE FEE THAT IS NOT RETAINED BY THE**  
9 **STORE UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

10           **(D) (1) FROM THE MONEY COLLECTED UNDER SUBSECTION (C)(6) OF**  
11 **THIS SECTION, THE COMPTROLLER SHALL:**

12                   **(I) RETAIN AN AMOUNT NECESSARY FOR THE ADMINISTRATION**  
13 **OF THIS SECTION, INCLUDING EDUCATION OF THE PUBLIC AND REGULATED**  
14 **BUSINESSES ABOUT THIS SECTION AND ITS PURPOSE;**

15                   **(II) DISTRIBUTE A PORTION TO THE DEPARTMENT IN AN**  
16 **AMOUNT TO COVER THE COSTS OF IMPLEMENTING AND ENFORCING THIS SECTION;**  
17 **AND**

18                   **(III) DISTRIBUTE THE MONEY THAT REMAINS AFTER THE**  
19 **DISTRIBUTIONS UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH TO THE COUNTIES,**  
20 **PROPORTIONAL TO EACH COUNTY'S POPULATION.**

21           **(2) A COUNTY THAT RECEIVES MONEY UNDER PARAGRAPH (1)(III) OF**  
22 **THIS SUBSECTION MAY USE THE MONEY ONLY FOR:**

23                   **(I) COMMUNITY GREENING;**

24                   **(II) STORMWATER CONTROL;**

25                   **(III) TRASH OR LITTER CLEANUP AND PREVENTION;**

26                   **(IV) TOTAL MAXIMUM DAILY LOAD AND WATERSHED**  
27 **IMPLEMENTATION PROJECTS;**

28                   **(V) RECYCLING PROGRAMS AND PROJECTS;**

29                   **(VI) FRESH FOOD FINANCING; OR**

1                   (VII) ANY OTHER PROJECT RELATED TO WATER QUALITY  
2 IMPROVEMENT OR SOLID WASTE SOURCE REDUCTION.

3           (E)   (1)   A STORE THAT VIOLATES THIS SECTION IS SUBJECT TO A PENALTY  
4 NOT EXCEEDING \$100.

5                   (2)   A DISTRIBUTION OF ONE OR MORE PLASTIC DISPOSABLE  
6 CARRYOUT BAGS FREE OF CHARGE TO A CUSTOMER AT A SINGLE POINT OF SALE IS  
7 A SINGLE VIOLATION.

8                   (3)   A PENALTY MAY NOT BE IMPOSED ON A STORE MORE THAN ONCE  
9 WITHIN A 7-DAY PERIOD.

10           (F)   THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT AND  
11 ENFORCE THIS SECTION.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2016.