

# HOUSE BILL 1349

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By: **Delegate Robinson**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Compostable, Degradable, and Biodegradable Plastic Products –**  
3 **Labeling**

4 FOR the purpose of prohibiting a person from selling in the State a certain plastic product  
5 that is labeled as biodegradable, degradable, or decomposable on or after a certain  
6 date subject to a certain exception; prohibiting a person from selling a certain plastic  
7 product in the State labeled as compostable, marine degradable, or home  
8 compostable on or after a certain date unless the plastic product meets certain  
9 standards; prohibiting a person from selling in the State a certain film plastic  
10 product labeled as soil degradable ag mulch film or biodegradable mulch film on or  
11 after a certain date unless the product meets certain standards; requiring a person  
12 that distributes or sells a certain compostable plastic bag for certain purposes to  
13 ensure that the compostable plastic bag is labeled in a certain manner; requiring a  
14 person that distributes or sells a certain compostable food or beverage product for  
15 certain purposes to ensure that the food or beverage product is labeled in a certain  
16 manner; specifying certain provisions of this Act apply to a certain extent;  
17 establishing certain penalties for certain violations; providing for the disposition of  
18 certain penalties collected under this Act; and generally relating to compostable,  
19 degradable, and biodegradable plastic products.

20 BY adding to

21 Article – Environment

22 Section 9–2101 through 9–2105 to be under the new subtitle “Subtitle 21. Plastic  
23 Products”

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2016 Supplement)

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

28 **Article – Environment**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**SUBTITLE 21. PLASTIC PRODUCTS.**

**9–2101.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) “ASTM D6400 STANDARD SPECIFICATION” MEANS THE STANDARD SPECIFICATION FOR LABELING OF PLASTICS DESIGNED TO BE AEROBICALLY COMPOSTED IN MUNICIPAL OR INDUSTRIAL FACILITIES SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.**

**(C) “ASTM D6868 STANDARD SPECIFICATION” MEANS THE STANDARD SPECIFICATION FOR LABELING OF END ITEMS THAT INCORPORATE PLASTICS AND POLYMERS AS COATINGS OR ADDITIVES WITH PAPER AND OTHER SUBSTRATES DESIGNED TO BE AEROBICALLY COMPOSTED IN MUNICIPAL OR INDUSTRIAL FACILITIES SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.**

**(D) “ASTM D7081 STANDARD SPECIFICATION” MEANS THE STANDARD SPECIFICATION FOR NONFLOATING BIODEGRADABLE PLASTICS IN THE MARINE ENVIRONMENT SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.**

**(E) “ASTM D5988 STANDARD TEST METHOD” MEANS THE STANDARD TEST METHOD FOR DETERMINING AEROBIC BIODEGRADATION OF PLASTIC MATERIALS IN SOIL SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.**

**(F) “BIODEGRADABLE MULCH FILM” OR “SOIL DEGRADABLE AG MULCH FILM” MEANS A FILM PLASTIC PRODUCT USED AS A TECHNICAL TOOL IN COMMERCIAL FARMING THAT BIODEGRADES IN SOIL AFTER BEING USED AND MEETS THE STANDARDS SPECIFIED UNDER § 9–2102(C) OF THIS SUBTITLE.**

**(G) “FEDERAL GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS” MEANS THE FEDERAL GUIDES ESTABLISHED BY THE FEDERAL TRADE COMMISSION UNDER TITLE 20, PART 260 OF THE CODE OF FEDERAL REGULATIONS.**

**(H) “FILM PLASTIC PRODUCT” MEANS A BAG, A SACK, A WRAP, OR ANY OTHER THIN PLASTIC SHEET FILM PRODUCT.**

**(I) (1) “FOOD OR BEVERAGE PRODUCT” MEANS A PRODUCT THAT IS:**

**(I) USED FOR FOOD AND DRINK; AND**

1 (II) MADE OF PLASTIC OR PAPER WITH A PLASTIC COATING.

2 (2) "FOOD OR BEVERAGE PRODUCT" INCLUDES:

3 (I) CONTAINERS;

4 (II) FOOD SERVICE WARE AND UTENSILS; AND

5 (III) STRAWS AND LIDS.

6 (J) "ISO 17556 STANDARD TEST METHOD" MEANS THE STANDARD TEST  
7 METHOD MEANS FOR DETERMINING THE ULTIMATE AEROBIC BIODEGRADABILITY  
8 OF PLASTIC MATERIALS IN SOIL BY MEASURING THE OXYGEN DEMAND IN A CLOSED  
9 RESPIROMETER OR THE AMOUNT OF CARBON DIOXIDE EVOLVED SET BY THE  
10 INTERNATIONAL ORGANIZATION FOR STANDARDIZATION.

11 (K) (1) "PLASTIC PRODUCT" MEANS A PRODUCT MADE OF PLASTIC,  
12 WHETHER ALONE OR IN COMBINATION WITH ANOTHER MATERIAL, INCLUDING  
13 PAPERBOARD.

14 (2) "PLASTIC PRODUCT" INCLUDES:

15 (I) A PACKAGE OR A PACKAGING COMPONENT;

16 (II) A FILM PLASTIC PRODUCT;

17 (III) A FOOD OR BEVERAGE PRODUCT; AND

18 (IV) ANY OTHER PLASTIC PRODUCT OR PART OF A PLASTIC  
19 PRODUCT.

20 (3) "PLASTIC PRODUCT" DOES NOT INCLUDE A PERSONAL CARE  
21 PRODUCT REGULATED UNDER SUBTITLE 20 OF THIS TITLE.

22 (L) "VINCOTTE" MEANS THE BELGIAN-ACCREDITED INSPECTION AND  
23 CERTIFICATION ORGANIZATION.

24 9-2102.

25 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON OR  
26 AFTER OCTOBER 1, 2018, A PERSON MAY NOT SELL IN THE STATE A PLASTIC  
27 PRODUCT THAT IS LABELED AS BIODEGRADABLE, DEGRADABLE, DECOMPOSABLE,

1 OR WITH ANY OTHER TERM TO IMPLY THAT THE PRODUCT WILL BREAK DOWN,  
2 FRAGMENT, BIODEGRADE, OR DECOMPOSE IN A LANDFILL OR ANY OTHER  
3 ENVIRONMENT.

4 (B) ON OR AFTER OCTOBER 1, 2018, A PERSON MAY NOT SELL IN THE STATE  
5 A PLASTIC PRODUCT THAT IS LABELED AS COMPOSTABLE, MARINE DEGRADABLE,  
6 OR HOME COMPOSTABLE UNLESS THE PLASTIC PRODUCT MEETS THE FOLLOWING  
7 STANDARDS:

8 (1) FOR A PLASTIC PRODUCT LABELED AS COMPOSTABLE, THE  
9 PLASTIC PRODUCT SHALL MEET:

10 (I) 1. THE ASTM D6400 STANDARD SPECIFICATION; OR

11 2. THE ASTM D6868 STANDARD SPECIFICATION; AND

12 (II) ANY APPLICABLE LABELING GUIDELINES IN THE FEDERAL  
13 GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS.

14 (2) FOR A PLASTIC PRODUCT LABELED AS MARINE DEGRADABLE, THE  
15 PLASTIC PRODUCT SHALL MEET:

16 (I) THE ASTM D7081 STANDARD SPECIFICATION; AND

17 (II) ANY APPLICABLE LABELING GUIDELINES IN THE FEDERAL  
18 GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS.

19 (3) FOR A PLASTIC PRODUCT LABELED AS HOME COMPOSTABLE, THE  
20 PLASTIC PRODUCT SHALL MEET:

21 (I) THE OK COMPOST HOME CERTIFICATION STANDARD  
22 ADOPTED BY VINCOTTE; AND

23 (II) ANY APPLICABLE LABELING GUIDELINES IN THE FEDERAL  
24 GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS.

25 (C) ON OR AFTER OCTOBER 1, 2018, A PERSON MAY NOT SELL IN THE STATE  
26 A FILM PLASTIC PRODUCT LABELED AS SOIL DEGRADABLE AG MULCH FILM OR  
27 BIODEGRADABLE MULCH FILM UNLESS THE PRODUCT:

28 (1) (I) MEETS THE OK BIODEGRADABLE SOIL CERTIFICATION  
29 STANDARD ADOPTED BY VINCOTTE; OR

1 (II) AT AMBIENT TEMPERATURES AND IN SOIL, SHOWS AT LEAST  
2 90% BIODEGRADATION ABSOLUTE OR RELATIVE TO MICROCRYSTALLINE  
3 CELLULOSE IN LESS THAN 2 YEARS' TIME, TESTED ACCORDING TO THE ISO 17556  
4 STANDARD TEST METHOD OR ASTM D5988 STANDARD TEST METHOD; AND

5 (2) FULFILLS THE PLANT GROWTH AND REGULATED METALS  
6 REQUIREMENTS UNDER SECTION 6.4 OF THE ASTM D6400 STANDARD  
7 SPECIFICATION.

8 9-2103.

9 (A) SUBJECT TO § 9-2102(B) OF THIS SUBTITLE AND SUBSECTION (B) OF  
10 THIS SECTION, ON AND AFTER OCTOBER 1, 2018, A PERSON THAT DISTRIBUTES OR  
11 SELLS A COMPOSTABLE PLASTIC BAG INTENDED FOR SALE OR DISTRIBUTION BY A  
12 RETAILER IN THE STATE SHALL ENSURE THAT THE COMPOSTABLE PLASTIC BAG IS:

13 (1) LABELED IN A MANNER THAT IS READILY AND EASILY  
14 IDENTIFIABLE FROM OTHER PLASTIC BAGS;

15 (2) LABELED IN A MANNER THAT IS CONSISTENT WITH THE FEDERAL  
16 GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS;

17 (3) LABELED WITH A CERTIFICATION LOGO INDICATING THE BAG  
18 MEETS THE ASTM D6400 STANDARD SPECIFICATION; AND

19 (4) (I) A UNIFORM COLOR OF GREEN AND LABELED WITH THE  
20 WORD "COMPOSTABLE" IN AT LEAST A 1 INCH FONT ON ONE SIDE OF THE BAG;

21 (II) LABELED IN GREEN WRITING WITH THE WORD  
22 "COMPOSTABLE" IN AT LEAST A 1 INCH FONT ON BOTH SIDES OF THE BAG; OR

23 (III) LABELED WITH THE WORD "COMPOSTABLE" IN AT  
24 LEAST A ONE-HALF INCH FONT ON BOTH SIDES OF THE BAG WITHIN A GREEN COLOR  
25 BAND THAT:

26 1. CONTRASTS WITH THE COMPOSTABLE BAG'S  
27 BACKGROUND COLOR; AND

28 2. IS AT LEAST 1 INCH IN HEIGHT.

29 (B) IF A COMPOSTABLE PLASTIC BAG IS SMALLER THAN 14 INCHES BY 14  
30 INCHES, THE COMPOSTABLE BAG MAY BE LABELED IN A MANNER THAT IS IN  
31 PROPORTION TO THE SIZE OF THE BAG.

1 (C) A COMPOSTABLE PLASTIC BAG SOLD OR DISTRIBUTED IN THE STATE  
2 MAY NOT BE LABELED AS RECYCLABLE.

3 (D) A PROVISION OF THIS SECTION HAS EFFECT ONLY TO THE EXTENT THAT  
4 THE PROVISION DOES NOT CONFLICT WITH THE FEDERAL GUIDES FOR THE USE OF  
5 ENVIRONMENTAL MARKETING CLAIMS.

6 9-2104.

7 (A) SUBJECT TO § 9-2102(B) OF THIS SUBTITLE, ON AND AFTER OCTOBER  
8 1, 2018, A PERSON THAT DISTRIBUTES OR SELLS A COMPOSTABLE FOOD OR  
9 BEVERAGE PRODUCT INTENDED FOR SALE OR DISTRIBUTION BY A RETAILER IN THE  
10 STATE SHALL ENSURE THAT THE COMPOSTABLE FOOD OR BEVERAGE PRODUCT IS  
11 LABELED:

12 (1) IN A MANNER THAT IS READILY AND EASILY IDENTIFIABLE FROM  
13 OTHER FOOD OR BEVERAGE PRODUCTS;

14 (2) IN A MANNER THAT IS CONSISTENT WITH THE FEDERAL GUIDES  
15 FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS; AND

16 (3) (I) WITH A CERTIFICATION LOGO INDICATING THE  
17 COMPOSTABLE FOOD OR BEVERAGE PRODUCT MEETS THE ASTM D6400 STANDARD  
18 SPECIFICATION OR ASTM D6868 STANDARD SPECIFICATION; OR

19 (II) AS COMPOSTABLE.

20 (B) SUBSECTION (A) OF THIS SECTION HAS EFFECT ONLY TO THE EXTENT  
21 THAT THE PROVISION DOES NOT CONFLICT WITH THE FEDERAL GUIDES FOR THE  
22 USE OF ENVIRONMENTAL MARKETING CLAIMS.

23 9-2105.

24 (A) A PERSON THAT VIOLATES THIS SUBTITLE IS SUBJECT TO:

25 (1) FOR A FIRST VIOLATION, A CIVIL PENALTY OF \$500;

26 (2) FOR A SECOND VIOLATION, A CIVIL PENALTY OF \$1,000; AND

27 (3) FOR A THIRD AND SUBSEQUENT VIOLATION, A CIVIL PENALTY OF  
28 \$2,000.

1           **(B) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID TO**  
2 **THE COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT THAT BROUGHT THE**  
3 **ENFORCEMENT ACTION.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2017.