SENATE BILL 183

M3, C2

By: Senator Kagan
Introduced and read first time: January 23, 2019
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Recycling – Lodging Establishments – Notification to Guests

FOR the purpose of authorizing an owner, an operator, or a manager of a lodging establishment to provide recycling for guests; requiring an owner, an operator, or a manager of a certain lodging establishment to provide a certain notice to guests under certain circumstances; specifying that the method of a certain notice be at the discretion of the owner, operator, or manager of a certain lodging establishment, subject to a certain requirement; providing for certain penalties for a violation of certain provisions of this Act; defining a certain term; providing for the application of this Act; clarifying that certain provisions of this Act do not affect the authority of a county, municipality, or other local government to enact and enforce certain recycling requirements; clarifying that certain provisions of this Act do not require a county to manage or enforce certain recycling activities; and generally relating to recycling in lodging establishments.

BY adding to

Article – Environment

Section 9–1711.1

Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

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

Article – Environment

9–1711.1.

(A) (1) IN THIS SECTION, “LODGING ESTABLISHMENT” MEANS A BUILDING OR GROUP OF BUILDINGS THAT:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
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(1) IS UNDER THE SAME MANAGEMENT;

(II) CONTAINS 10 OR MORE INDIVIDUAL SLEEPING ACCOMMODATIONS FOR COMPENSATION; AND

(III) IS USED PRIMARILY BY TRANSIENT GUESTS WHO ARE LODGED WITH OR WITHOUT MEALS.

(2) “LODGING ESTABLISHMENT” INCLUDES:

(I) A HOTEL;

(II) AN EXTENDED STAY HOTEL;

(III) AN INN; AND

(IV) A MOTEL.

(B) (1) THIS SECTION APPLIES ONLY TO AN OWNER, AN OPERATOR, OR A MANAGER OF A LODGING ESTABLISHMENT.

(2) THIS SECTION DOES NOT:

(I) AFFECT THE AUTHORITY OF A COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT TO ENACT AND ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL PENALTIES FOR A LODGING ESTABLISHMENT THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION; OR

(II) REQUIRE A COUNTY TO MANAGE OR ENFORCE THE RECYCLING ACTIVITIES OF A LODGING ESTABLISHMENT.

(C) AN OWNER, AN OPERATOR, OR A MANAGER OF A LODGING ESTABLISHMENT MAY PROVIDE RECYCLING FOR THE GUESTS OF THE ESTABLISHMENT, INCLUDING:

(1) THE COLLECTION OF RECYCLABLE MATERIALS FROM GUESTS AND COMMON AREAS OF THE ESTABLISHMENT; AND

(2) THE REMOVAL OF RECYCLABLE MATERIALS COLLECTED FROM GUESTS AND COMMON AREAS OF THE ESTABLISHMENT FOR FURTHER RECYCLING.
(D) (1) If an owner, an operator, or a manager of a lodging establishment provides recycling for guests:

(i) The owner, operator, or manager shall provide notice to the guests about what may be recycled; and

(ii) Subject to paragraph (2) of this subsection, the method of notice shall be at the discretion of the owner, operator, or manager of the establishment.

(2) If an owner, an operator, or a manager provides the notice required under paragraph (1) of this subsection to a guest orally, the owner, operator, or manager shall provide an additional type of notice in writing to the guest.

(E) (1) An owner, an operator, or a manager of a lodging establishment who violates the provisions of subsection (D) of this section is subject to a civil penalty of:

(i) For a first offense, a fine not exceeding $100; and

(ii) For a second or subsequent offense, a fine not exceeding $250.

(2) For the purposes of this subsection, a second or subsequent offense is one that has occurred within 2 years of any prior violation of subsection (D) of this section and arises out of a separate set of circumstances.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.