

Chapter 725

(House Bill 1166)

AN ACT concerning

Howard County – Authority to Impose Fees for Use of Disposable Bags

Ho. Co. 04–19

FOR the purpose of authorizing Howard County to impose, by law, a fee on certain retail establishments for the use of disposable bags as part of a retail sale of products; limiting the amount of a certain fee; requiring the county to use certain revenue only for certain purposes; defining certain terms; and generally relating to the authority for Howard County to impose a fee for the use of disposable bags.

BY adding to

Article – Local Government

Section 13–1001 to be under the new subtitle “Subtitle 10. Miscellaneous Provisions”

Annotated Code of Maryland

(2013 Volume and 2018 Supplement)

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

Article – Local Government

SUBTITLE 10. MISCELLANEOUS PROVISIONS.

13–1001.

(A) THIS SECTION APPLIES ONLY IN HOWARD COUNTY.

(B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

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

(II) “DISPOSABLE BAG” DOES NOT INCLUDE:

1. A DURABLE PLASTIC BAG WITH HANDLES THAT IS AT LEAST 2.25 MILS THICK AND IS DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE;

2. A BAG USED TO:

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

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

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

D. CONTAIN UNWRAPPED PREPARED FOODS OR BAKERY GOODS; OR

E. CONTAIN A NEWSPAPER OR DRY CLEANING;

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

4. PLASTIC BAGS SOLD IN PACKAGES CONTAINING MULTIPLE PLASTIC BAGS INTENDED FOR USE AS GARBAGE, PET WASTE, OR YARD WASTE BAGS.

(3) “STORE” MEANS A RETAIL ESTABLISHMENT THAT PROVIDES DISPOSABLE BAGS TO CUSTOMERS AS A RESULT OF THE SALE OF A PRODUCT.

(C) (1) THE COUNTY MAY IMPOSE, BY LAW, A FEE ON A STORE FOR THE USE OF DISPOSABLE BAGS AS A PART OF A RETAIL SALE OF PRODUCTS.

(2) THE FEE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 5 CENTS FOR EACH DISPOSABLE BAG USED.

(D) THE COUNTY MAY ONLY USE THE REVENUE FROM A FEE IMPOSED UNDER SUBSECTION (C) OF THIS SECTION FOR:

(1) AN ENVIRONMENTAL PURPOSE, INCLUDING THE ESTABLISHMENT OF A PROGRAM TO PROVIDE REUSABLE BAGS TO INDIVIDUALS IN THE COUNTY; OR

(2) THE IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT OF THE FEE.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.