

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 354 (Delegate Love, *et al.*)
Economic Matters and Environment and
Transportation

**Solid Waste Management - Personal Cleansing Products Provided at Lodging
Establishments - Prohibition**

This bill prohibits an owner, an operator, or a manager of a “lodging establishment” from providing a “personal cleansing product” in a “small plastic bottle,” except under specified circumstances. Beginning January 1, 2023, the prohibition applies to lodging establishments with 51 or more rooms used for lodging or sleeping purposes. Beginning January 1, 2024, the prohibition applies to all lodging establishments. The prohibition may be enforced by the Maryland Department of the Environment (MDE), a unit of local government that has the authority to inspect lodging establishments, or the Attorney General. The bill establishes related penalty provisions.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures beginning in FY 2024 for MDE if it chooses to enforce the bill, assuming enforcement is complaint based. Potential minimal increase in general fund revenues beginning in FY 2024 due to the bill’s civil penalty provision. The bill is not anticipated to materially affect State-owned or State-operated lodging establishments or campgrounds.

Local Effect: Local expenditures may increase beginning in FY 2024 to the extent a local jurisdiction chooses to enforce the bill. Local revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill prohibits an owner, an operator, or a manager of a lodging establishment from providing a personal cleansing product in a small plastic bottle (1) to a guest staying at the establishment; (2) in any part of a room used for lodging or sleeping purposes, including the bathroom; or (3) in a bathroom that is shared by guests staying at the establishment or by members of the public. However, such products may be provided if the personal cleansing product is provided upon request of the guest, at no charge to the guest, and in an area other than the room used for lodging or sleeping or in a bathroom shared by guests and the public, as specified.

For a first violation, a violator is subject to a warning. For a second or subsequent violation, a violator is subject to a civil penalty of up to \$500, but not exceeding \$2,000 per person per year.

A “lodging establishment” is an establishment that (1) contains one or more rooms available for a fee and (2) is used by transient guests for lodging or sleeping purposes. The definition includes a motel, a hotel, a resort, a bed and breakfast inn, and a vacation rental unit. It does not include a hospital, a nursing home, a residential retirement community, a prison or jail, a homeless shelter, a boarding school, a long-term rental unit, an employee housing unit, or a residential dwelling unit or a portion of the unit used for limited residential lodging.

A “plastic cleansing product” is a product intended to be applied to or used on the human body for purposes of cleaning; it includes shampoo, hair conditioner, and bath soap. A “small plastic bottle” means a plastic bottle or container that has less than a six-ounce capacity and is intended to be nonreusable by the end user.

Current Law/Background: State law does not address the provision of personal cleansing products at lodging establishments.

California recently passed legislation that restricts the provision of small plastic bottles containing personal care products to lodging establishment guests (beginning January 1, 2023, for lodging establishments with more than 50 rooms and beginning January 1, 2024, for lodging establishments with 50 or fewer rooms). The California law encourages lodging establishments to use bulk dispensers for personal care products to reduce waste and lower operating costs.

According to MDE, many large hotel chains, including Marriott and the Intercontinental Hotel Group, have already replaced small toiletry products with personal care products stored in dispensers or large containers.

Small Business Effect: A small business that owns an affected lodging establishment may incur additional costs to identify and provide alternative personal cleansing products. Specifically, affected lodging establishments may incur additional costs to install bulk personal cleansing product dispensers or provide products in larger containers. Because the bill's prohibition does not take effect until January 1, 2023, at the earliest, it is assumed that any existing stock of personal cleansing products in small plastic bottles can be used before the bill's prohibition takes effect. In addition, once bulk dispensers are installed, purchasing personal cleansing products in bulk may end up being less costly.

Any small businesses that manufacture or sell personal cleansing products in small plastic bottles to lodging establishments may be negatively affected to the extent the bill results in a decrease in sales. On the other hand, any small businesses that manufacture or sell such products in larger containers may benefit.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, Frederick, Montgomery, and Somerset counties; City of Havre de Grace; Office of the Attorney General; Maryland Department of the Environment; Department of Legislative Services

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