

HOUSE BILL 967

M3

8lr0609

By: **Delegates Schuler, Barnes, Barve, Beidle, Bromwell, Cardin, DeBoy, Dumais, Gilchrist, Guzzone, Hecht, Hucker, Ivey, Krysiak, Kullen, Lafferty, Morhaim, Olszewski, Ramirez, and Walker**

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Carryout Bags – Requirements**

3 FOR the purpose of requiring certain retail stores to provide certain carryout bags to
4 customers; requiring the Department of the Environment to adopt certain
5 regulations; establishing certain civil penalties for certain violations; providing
6 for the recovery of the penalties by the State in civil actions brought in any
7 county or Baltimore City; defining certain terms; and generally relating to
8 carryout bags in certain retail stores.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 9-1701
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2007 Supplement)

14 BY adding to
15 Article – Environment
16 Section 9-1731
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2007 Supplement)

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

21 **Article – Environment**

22 9-1701.

23 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) “CARRYOUT BAG” MEANS A BAG PROVIDED BY A STORE TO A**
2 **CUSTOMER AT THE POINT OF SALE.**

3 [(b)] (C) “Compost” means the product of composting in accordance with the
4 standards established by the Secretary of Agriculture under § 6–221 of the Agriculture
5 Article.

6 [(c)] (D) “Composting” means the controlled biological decomposition of
7 organic waste material in accordance with the standards established by the Secretary
8 under this title.

9 [(d)] (E) (1) “Computer” means a desktop personal computer or laptop
10 computer, including the computer monitor.

11 (2) “Computer” does not include:

12 (i) A personal digital assistant device;

13 (ii) A computer peripheral device, including:

14 1. A mouse or other similar pointing device;

15 2. A printer; or

16 3. A detachable keyboard.

17 [(e)] (F) (1) “Covered electronic device” means a computer or video
18 display device with a screen that is greater than 4 inches measured diagonally.

19 (2) “Covered electronic device” does not include a video display device
20 that is part of a motor vehicle or that is contained within a household appliance or
21 commercial, industrial, or medical equipment.

22 [(f)] (G) “Covered electronic device takeback program” means a program,
23 established by a covered electronic device manufacturer, for the collection and
24 recycling, refurbishing, or reuse of a covered electronic device labeled with the name of
25 the manufacturer or the manufacturer’s brand label, including:

26 (1) Providing, at no cost to the returner, a method of returning a
27 covered electronic device to the manufacturer, including postage paid mailing
28 packages or designated collection points throughout the State;

29 (2) Contracting with a recycler, local government, other manufacturer,
30 or any other person; or

31 (3) Any other program approved by the Department.

1 [(g)] (H) “Director” means the Director of the Office of Recycling.

2 [(h)] (I) “Manufacturer” means a person that is the brand owner of a
3 covered electronic device sold or offered for sale in the State, by any means, including
4 transactions conducted through sales outlets, catalogs, or the Internet.

5 [(i)] (J) (1) “Natural wood waste” means tree and other natural
6 vegetative refuse.

7 (2) “Natural wood waste” includes tree stumps, brush and limbs, root
8 mats, logs, and other natural vegetative material.

9 [(j)] (K) (1) “Natural wood waste recycling facility” means a facility
10 where recycling services for natural wood waste are provided.

11 (2) “Natural wood waste recycling facility” does not include a collection
12 or processing facility operated by:

13 (i) A nonprofit or governmental organization located in the
14 State; or

15 (ii) A single individual or business that provides recycling
16 services for its own employees or for its own recyclable materials generated on its own
17 premises.

18 [(k)] (L) “Office” means the Office of Recycling within the Department.

19 **(M) “OPERATOR” MEANS A PERSON IN CONTROL OF, OR HAVING DAILY
20 RESPONSIBILITY FOR, THE DAILY OPERATION OF A STORE, WHICH MAY INCLUDE
21 THE OWNER OF THE STORE.**

22 [(l)] (N) “Recyclable materials” means those materials that:

23 (1) Would otherwise become solid waste for disposal in a refuse
24 disposal system; and

25 (2) May be collected, separated, or processed and returned to the
26 marketplace in the form of raw materials or products.

27 [(m)] (O) (1) “Recycling” means any process in which materials that
28 would otherwise become solid waste are collected, separated, or processed and
29 returned to the marketplace in the form of raw materials or products.

30 (2) “Recycling” includes composting.

1 [(n)] **(P)** “Recycling services” means the services provided by persons
2 engaged in the business of recycling, including the collection, processing, storage,
3 purchase, sale, or disposition of recyclable materials.

4 [(o)] **(Q)** “Resource recovery facility” means a facility in existence as of
5 January 1, 1988 that:

6 (1) Processes solid waste to produce valuable resources, including
7 steam, electricity, metals, or refuse-derived fuel; and

8 (2) Achieves a volume reduction of at least 50 percent of its solid waste
9 stream.

10 **(R) “REUSABLE BAG” MEANS EITHER OF THE FOLLOWING:**

11 **(1) A BAG MADE OF CLOTH OR OTHER MACHINE WASHABLE
12 FABRIC THAT HAS HANDLES; OR**

13 **(2) A DURABLE PLASTIC BAG WITH HANDLES THAT IS AT LEAST
14 2.25 MILLIMETERS THICK AND IS SPECIFICALLY DESIGNED AND
15 MANUFACTURED FOR MULTIPLE REUSE.**

16 [(p)] **(S)** (1) “Solid waste stream” means garbage or refuse that would,
17 unless recycled, be disposed of in a refuse disposal system located in this State.

18 (2) “Solid waste stream” does not include:

19 (i) Hospital waste;

20 (ii) Rubble;

21 (iii) Scrap material;

22 (iv) Land clearing debris;

23 (v) Sewage sludge; or

24 (vi) Waste generated by a single individual or business and
25 disposed of in a facility dedicated solely for that entity’s waste.

26 **(T) “STORE” MEANS A RETAIL ESTABLISHMENT THAT PROVIDES
27 PLASTIC CARRYOUT BAGS TO ITS CUSTOMERS AS A RESULT OF THE SALE OF A
28 PRODUCT AND THAT:**

29 **(1) MEETS THE DEFINITION OF A SUPERMARKET; OR**

3 (U) "SUPERMARKET" MEANS A FULL-LINE, SELF-SERVICE RETAIL
4 STORE WITH GROSS ANNUAL SALES OF \$2,000,000 OR MORE, AND WHICH SELLS
5 A LINE OF DRY GROCERY, CANNED GOODS, NONFOOD ITEMS, AND PERISHABLE
6 ITEMS.

7 [(q)] (V) (1) “Video display device” means an electronic device with an
8 output surface that displays or is capable of displaying moving graphical images or
9 visual representations of image sequences or pictures that show a number of quickly
10 changing images on a screen to create the illusion of motion.

14 (3) A video display device may use a cathode-ray tube (CRT), liquid
15 crystal display (LCD), gas plasma, digital light processing, or other image-projection
16 technology.

18 (1) Refrigerators;

19 (2) Stoyes:

20 (3) Washing machines:

21 (4) Dryers:

22 (5) Water heaters: and

23 (6) Air conditioners

24 [(s)] (x) (1) "Yard waste" means organic plant waste derived from
25 gardening, landscaping, and tree trimming activities.

26 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds,
27 and prunings.

28 9-1731.

29 (A) A STORE SHALL PROVIDE ONLY THE FOLLOWING AS CARRYOUT
30 BAGS TO CUSTOMERS:

1 **(1) PAPER BAGS; OR**

2 **(2) REUSABLE BAGS.**

3 **(B) AN OPERATOR WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS**
4 **LIABLE TO THE STATE FOR A CIVIL PENALTY NOT EXCEEDING:**

5 **(1) \$100 FOR A FIRST VIOLATION;**

6 **(2) \$200 FOR A SECOND VIOLATION; AND**

7 **(3) \$500 FOR A THIRD OR SUBSEQUENT VIOLATION.**

8 **(C) THE STATE SHALL RECOVER THE CIVIL PENALTIES UNDER THIS**
9 **SECTION IN A CIVIL ACTION IN ANY COUNTY.**

10 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**
11 **THIS SECTION.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2008.