

HOUSE BILL 1306

M3

9lr2512

By: **Delegates Carter, Anderson, Bobo, and Hucker**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Recycling - Restaurants and Bars - Aluminum, Glass, and Plastic Bottles**

3 FOR the purpose of requiring the owners or managers of certain restaurants and bars
4 to recycle aluminum, glass, and plastic bottles generated for disposal; requiring
5 the Department of the Environment to facilitate coordination of certain
6 recycling efforts; authorizing the Department to grant certain exemptions from
7 the requirements of this Act; requiring the Department to adopt certain rules
8 and regulations; authorizing the rules and regulations adopted by the
9 Department to include certain reporting requirements; making certain
10 violations of this Act a misdemeanor, subject to certain fines; and generally
11 relating to recycling requirements for restaurants and bars.

12 BY adding to

13 Article - Environment

14 Section 9-1711

15 Annotated Code of Maryland

16 (2007 Replacement Volume and 2008 Supplement)

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

19 **Article - Environment**

20 **9-1711.**

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
22 MEANINGS INDICATED.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) **“BAR” MEANS AN ESTABLISHMENT THAT HAS BEEN ISSUED A**
2 **CLASS D ALCOHOLIC BEVERAGES LICENSE IN ACCORDANCE WITH ARTICLE 2B**
3 **OF THE CODE.**

4 (3) **“RESTAURANT” HAS THE MEANING STATED IN ARTICLE 2B, §**
5 **1-102 OF THE CODE.**

6 (b) **THE OWNER OR MANAGER OF A RESTAURANT OR BAR SHALL**
7 **RECYCLE ALUMINUM, GLASS, AND PLASTIC BOTTLES THAT THE RESTAURANT OR**
8 **BAR GENERATES FOR DISPOSAL.**

9 (c) **THE DEPARTMENT SHALL FACILITATE THE COORDINATION OF**
10 **RECYCLING EFFORTS BETWEEN A LOCAL JURISDICTION AND THE RESTAURANTS**
11 **AND BARS LOCATED IN THE LOCAL JURISDICTION.**

12 (d) **ON WRITTEN APPLICATION, THE DEPARTMENT MAY EXEMPT A**
13 **RESTAURANT OR BAR FROM COMPLIANCE WITH THIS SECTION IF THE**
14 **DEPARTMENT DETERMINES THAT THE RESTAURANT OR BAR:**

15 (1) **AFTER A GOOD FAITH ATTEMPT, WAS UNABLE TO FIND A**
16 **RECYCLING FACILITY TO ACCEPT THE MATERIALS REQUIRED TO BE RECYCLED**
17 **UNDER THIS SECTION; OR**

18 (2) **WOULD SUFFER UNDUE FINANCIAL HARDSHIP IF A WAIVER IS**
19 **NOT GRANTED.**

20 (e) (1) **THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY**
21 **OUT THE PROVISIONS OF THIS SECTION.**

22 (2) **THE REGULATIONS ADOPTED BY THE DEPARTMENT MAY**
23 **INCLUDE REPORTING REQUIREMENTS TO ENSURE COMPLIANCE WITH THE**
24 **PROVISIONS OF THIS SECTION.**

25 (f) **AN OWNER OR MANAGER OF A RESTAURANT OR BAR THAT FAILS TO**
26 **COMPLY WITH SUBSECTION (B) OF THIS SECTION IS SUBJECT TO A FINE NOT**
27 **EXCEEDING \$100 FOR THE FIRST FAILURE TO COMPLY, AND NOT EXCEEDING**
28 **\$250 FOR ANY SUBSEQUENT FAILURE TO COMPLY, UP TO A MAXIMUM OF \$500.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2009.