

HOUSE BILL 944

M3

0lr1166

By: **Delegates Niemann, Carter, Ali, Bobo, Carr, Frush, Gilchrist, Glenn, Hecht, Hucker, Montgomery, Ross, and Stein**
Introduced and read first time: February 12, 2010
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Recycling – Bars and Restaurants – Beverage Containers**

3 FOR the purpose of requiring a certain distributor, on or before a certain date, to
4 establish a certain program for the collection and recycling of certain beverage
5 containers; requiring the Department of the Environment to provide certain
6 financial assistance to certain distributors under certain circumstances;
7 requiring a certain owner or manager of a certain bar or restaurant to separate,
8 store, and arrange for the collection and recycling of certain beverage containers
9 under certain circumstances; authorizing the Department to grant a waiver
10 from certain requirements; requiring a certain local government to submit to
11 the Department a certain annual report; requiring the Department to adopt
12 certain regulations; defining certain terms; making this Act subject to a certain
13 contingency; and generally relating to recycling requirements for distributors
14 and bars and restaurants.

15 BY adding to

16 Article – Environment

17 Section 9–1711

18 Annotated Code of Maryland

19 (2007 Replacement Volume and 2009 Supplement)

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

22 **Article – Environment**

23 **9–1711.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
25 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “BAR” MEANS AN ESTABLISHMENT THAT IS LICENSED UNDER**
2 **ARTICLE 2B OF THE CODE TO SELL ALCOHOLIC BEVERAGES AND IS GENERALLY**
3 **RECOGNIZED AS A BAR.**

4 **(3) (I) “BEVERAGE” MEANS ALL CARBONATED AND**
5 **NONCARBONATED DRINKS IN LIQUID FORM AND INTENDED FOR HUMAN**
6 **CONSUMPTION.**

7 **(II) “BEVERAGE” INCLUDES BEER, MIXED WINE, AND MIXED**
8 **SPIRIT DRINKS.**

9 **(III) “BEVERAGE” DOES NOT INCLUDE:**

10 **1. MILK AND DAIRY DERIVED PRODUCTS, EXCEPT**
11 **COFFEE AND TEA DRINKS CONTAINING THESE PRODUCTS; AND**

12 **2. A LIQUID THAT IS A SYRUP IN A CONCENTRATED**
13 **FORM, SUCH AS EXTRACTS, COOKING ADDITIVES, SAUCES, OR CONDIMENTS**
14 **THAT ARE USED FOR FLAVORING FOOD OR DRINK.**

15 **(4) “DISTRIBUTOR” MEANS A PERSON THAT ENGAGES IN THE**
16 **SALE OR DISTRIBUTION OF BEVERAGES TO A BAR OR RESTAURANT IN THE**
17 **STATE.**

18 **(5) “RESTAURANT” MEANS AN ESTABLISHMENT THAT IS**
19 **LICENSED UNDER ARTICLE 2B OF THE CODE TO SELL ALCOHOLIC BEVERAGES**
20 **AND IS GENERALLY RECOGNIZED AS A RESTAURANT.**

21 **(6) “TARGET BEVERAGE CONTAINER” MEANS AN AIRTIGHT**
22 **CONTAINER THAT IS CONSTRUCTED OF ALUMINUM, GLASS, OR POLYETHYLENE**
23 **TEREPHTHALATE THAT CONTAINS 1 GALLON OR LESS OR 3.8 LITERS OR LESS AT**
24 **THE TIME OF SALE TO A BAR OR RESTAURANT IN THE STATE.**

25 **(B) (1) THIS SUBSECTION APPLIES TO A DISTRIBUTOR THAT SELLS**
26 **OR DISTRIBUTES BEVERAGES TO A BAR OR RESTAURANT THAT IS LOCATED IN A**
27 **COUNTY WITH A POPULATION GREATER THAN 150,000 ACCORDING TO THE**
28 **LATEST PROJECTIONS BY THE DEPARTMENT OF PLANNING.**

29 **(2) ON OR BEFORE JANUARY 1, 2012, A DISTRIBUTOR SHALL**
30 **ESTABLISH A PROGRAM FOR THE COLLECTION AND RECYCLING OF TARGET**
31 **BEVERAGE CONTAINERS SOLD BY A DISTRIBUTOR TO A BAR OR RESTAURANT IN**
32 **THE STATE.**

1 **(3) IN ACCORDANCE WITH § 9-1707(F) OF THIS SUBTITLE, THE**
2 **DEPARTMENT SHALL PROVIDE FINANCIAL ASSISTANCE TO A DISTRIBUTOR**
3 **THAT IS REQUIRED TO ESTABLISH A PROGRAM UNDER PARAGRAPH (2) OF THIS**
4 **SUBSECTION.**

5 **(C) (1) THIS SUBSECTION APPLIES TO AN OWNER OR MANAGER OF A**
6 **BAR OR RESTAURANT THAT IS LOCATED IN A COUNTY WITH A POPULATION**
7 **GREATER THAN 150,000 ACCORDING TO THE LATEST PROJECTIONS BY THE**
8 **DEPARTMENT OF PLANNING.**

9 **(2) BEGINNING JANUARY 1, 2012, AN OWNER OR MANAGER OF A**
10 **BAR OR RESTAURANT SHALL SEPARATE, STORE, AND ARRANGE FOR THE**
11 **COLLECTION AND RECYCLING OF ALL TARGET BEVERAGE CONTAINERS THAT**
12 **THE BAR OR RESTAURANT GENERATES FOR DISPOSAL.**

13 **(3) AN OWNER OR MANAGER OF A BAR OR RESTAURANT MAY:**

14 **(I) PARTICIPATE IN A PROGRAM ESTABLISHED UNDER**
15 **SUBSECTION (B) OF THIS SECTION; OR**

16 **(II) OTHERWISE ARRANGE FOR THE COLLECTION AND**
17 **RECYCLING OF TARGET BEVERAGE CONTAINERS.**

18 **(D) THE DEPARTMENT MAY GRANT A WAIVER FROM THE**
19 **REQUIREMENTS OF THIS SECTION.**

20 **(E) BEGINNING JANUARY 1, 2013, A COUNTY OR MUNICIPAL**
21 **CORPORATION SHALL SUBMIT TO THE DEPARTMENT AN ANNUAL REPORT ON**
22 **THE TOTAL ANNUAL TONNAGE OF ALUMINUM, GLASS, AND POLYETHYLENE**
23 **TEREPHTHALATE COLLECTED AND RECYCLED UNDER THIS SECTION.**

24 **(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**
25 **AND ENFORCE THIS SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2010, contingent on the taking effect of Chapter ____ (0lr1167) of the Acts of
28 the General Assembly of 2010, and if Chapter ____ (S.B. ____/H.B. ____)(0lr1167) does
29 not become effective, this Act shall be null and void without the necessity of further
30 action by the General Assembly.