

# HOUSE BILL 1267

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CF SB 11

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By: **Delegate Niemann**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

Reassigned: Economic Matters, February 26, 2010

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Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Business Regulation – Returnable Containers – Plastic Secondary Packaging**

3 FOR the purpose of prohibiting certain persons from purchasing more than a certain  
4 number of items of plastic secondary packaging for a certain purpose; requiring  
5 certain persons that purchase certain plastic secondary packaging to make a  
6 certain record of each transaction in which a person sells a certain number of  
7 items of plastic secondary packaging; requiring certain purchasers to verify the  
8 identity of certain sellers in a certain manner; requiring certain purchasers to  
9 keep certain records of certain transactions; requiring certain records to be kept  
10 for a certain period of time; providing that a person that violates this Act is  
11 guilty of a misdemeanor and subject to a certain fine; defining a certain term;  
12 and generally relating to the purchase of plastic secondary packaging.

13 BY adding to

14 Article – Business Regulation

15 Section 19–308

16 Annotated Code of Maryland

17 (2004 Replacement Volume and 2009 Supplement)

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

20 **Article – Business Regulation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 19-308.

2 (A) (1) IN THIS SECTION, "PLASTIC SECONDARY PACKAGING" MEANS  
3 A PLASTIC CRATE OR SHELL USED FOR THE BULK TRANSPORTATION, STORAGE,  
4 OR CARRYING OF RETAIL ITEMS.

5 (2) "PLASTIC SECONDARY PACKAGING" INCLUDES MILK CRATES,  
6 BAKERY AND SOFT DRINK TRAYS, AND OTHER COMMERCIAL PLASTIC  
7 SECONDARY PACKAGING.

8 (B) OTHER THAN A MANUFACTURER OF PLASTIC SECONDARY  
9 PACKAGING, A PERSON MAY NOT PURCHASE FOUR OR MORE ITEMS OF PLASTIC  
10 SECONDARY PACKAGING FOR THE PURPOSE OF RECYCLING, SHREDDING, OR  
11 DESTROYING THE ITEMS.

12 (C) (1) EACH PERSON THAT PURCHASES AN ITEM OF PLASTIC  
13 SECONDARY PACKAGING, INCLUDING A PERSON THAT IS IN THE BUSINESS OF  
14 RECYCLING, SHREDDING, OR DESTROYING PLASTIC SECONDARY PACKAGING,  
15 SHALL MAKE A WRITTEN RECORD OF EACH TRANSACTION IN WHICH A PERSON  
16 SELLS FOUR OR MORE ITEMS OF PLASTIC SECONDARY PACKAGING, THAT SHOWS  
17 THAT THE PERSON SELLING THE PLASTIC SECONDARY PACKAGING HAS LAWFUL  
18 POSSESSION OR OWNERSHIP OF THE PLASTIC SECONDARY PACKAGING.

19 (2) FOR EACH TRANSACTION SUBJECT TO PARAGRAPH (1) OF  
20 THIS SUBSECTION, THE PURCHASER SHALL:

21 (I) VERIFY THE SELLER'S IDENTITY BY A DRIVER'S LICENSE  
22 OR OTHER GOVERNMENT-ISSUED IDENTIFICATION; AND

23 (II) MAKE A RECORD OF EACH TRANSACTION THAT  
24 INCLUDES:

25 1. THE NAME, ADDRESS, TELEPHONE NUMBER, AND  
26 SIGNATURE OF THE SELLER OR THE SELLER'S AUTHORIZED REPRESENTATIVE;

27 2. THE NAME AND ADDRESS OF THE PURCHASER;

28 3. THE REGISTRATION NUMBER AND LICENSE TAG  
29 NUMBER OF ANY VEHICLE USED IN THE DELIVERY OF THE PLASTIC SECONDARY  
30 PACKAGING;

31 4. A DESCRIPTION OF THE ITEMS SOLD, INCLUDING  
32 THE NUMBER OF UNITS; AND

33 5. THE DATE OF THE TRANSACTION.

1           **(D) THE PURCHASER SHALL KEEP THE RECORDS REQUIRED BY THIS**  
2 **SECTION FOR AT LEAST 1 YEAR AFTER THE DATE OF PURCHASE.**

3           **(E) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A**  
4 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$100.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.