

HOUSE BILL 1418

M3

0lr3087

By: **Delegate Lafferty**

Introduced and read first time: February 22, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – At-Store Recycling – Plastic Carryout Bags**

3 FOR the purpose of requiring the operator of certain retail stores to establish an
4 at-store recycling program for plastic carryout bags; requiring certain retail
5 stores to print or display certain language on plastic carryout bags provided by
6 the store; requiring certain stores to provide certain collection bins for the
7 recycling of plastic carryout bags in a certain manner; requiring certain retail
8 stores to maintain certain records and to make those records available to the
9 Department of the Environment or a local jurisdiction under certain
10 circumstances; requiring certain stores to make reusable bags available to
11 customers; requiring a plastic carryout bag manufacturer to develop and make
12 available certain educational materials; prohibiting a county or municipality
13 from adopting certain ordinances, resolutions, regulations, or rules under
14 certain circumstances; providing a certain exception to the prohibition;
15 establishing certain penalties for certain violations; providing for the recovery of
16 the penalties by the State in certain civil actions; authorizing the Department to
17 delegate the implementation and enforcement of this Act to a local government;
18 requiring the Department to adopt certain regulations; defining certain terms;
19 and generally relating to the recycling of plastic carryout bags.

20 BY repealing and reenacting, with amendments,
21 Article – Environment
22 Section 9–1701
23 Annotated Code of Maryland
24 (2007 Replacement Volume and 2009 Supplement)

25 BY adding to
26 Article – Environment
27 Section 9–1733 through 9–1736 to be under the new part “Part V. Plastic
28 Carryout Bag Recycling”
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

9–1701.

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

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

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

(d) (1) “Computer” means a desktop personal computer or laptop computer, including the computer monitor.

(2) “Computer” does not include:

(i) A personal digital assistant device;

(ii) A computer peripheral device, including:

1. A mouse or other similar pointing device;

2. A printer; or

3. A detachable keyboard.

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

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

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

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

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

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

7 (g) “Director” means the Director of the Office of Recycling.

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

11 (i) (1) “Natural wood waste” means tree and other natural vegetative
12 refuse.

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

15 (j) (1) “Natural wood waste recycling facility” means a facility where
16 recycling services for natural wood waste are provided.

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

19 (i) A nonprofit or governmental organization located in the
20 State; or

21 (ii) A single individual or business that provides recycling
22 services for its own employees or for its own recyclable materials generated on its own
23 premises.

24 (k) “Office” means the Office of Recycling within the Department.

25 **(L) “OPERATOR” MEANS A PERSON IN CONTROL OF, OR HAVING DAILY**
26 **RESPONSIBILITY FOR, THE DAILY OPERATION OF A STORE AND MAY INCLUDE**
27 **THE OWNER OF THE STORE.**

28 **(M) “PLASTIC CARRYOUT BAG” MEANS A PLASTIC CARRYOUT BAG**
29 **PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF SALE.**

30 **(N) “PLASTIC CARRYOUT BAG MANUFACTURER” MEANS THE PRODUCER**
31 **OF A PLASTIC CARRYOUT BAG SOLD TO A STORE.**

32 **[(l) (O) “Recyclable materials” means those materials that:**

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

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

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

(2) “Recycling” includes composting.

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

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

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

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

(S) “REUSABLE BAG” MEANS:

(1) A BAG MADE OF CLOTH OR ANY OTHER MACHINE-WASHABLE FABRIC THAT HAS HANDLES; OR

(2) A DURABLE PLASTIC BAG, WITH HANDLES, THAT IS AT LEAST 2.25 MILLIMETERS THICK AND IS SPECIFICALLY DESIGNED AND MANUFACTURED FOR REUSE.

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

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

(i) Hospital waste;

(ii) Rubble;

(iii) Scrap material;

(iv) Land clearing debris;

(v) Sewage sludge; or

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

(U) "STORE" MEANS A RETAIL ESTABLISHMENT THAT PROVIDES PLASTIC CARRYOUT BAGS TO ITS CUSTOMERS AS A RESULT OF THE SALE OF A PRODUCT, AND HAS OVER 7,000 SQUARE FEET OF RETAIL SPACE.

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

(2) "Video display device" includes a device that is an integral part of the display and cannot easily be removed from the display by the consumer and that produces the moving image on the screen.

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

[(r)] (W) "White goods" includes:

(1) Refrigerators;

(2) Stoves;

(3) Washing machines;

(4) Dryers;

(5) Water heaters; and

(6) Air conditioners.

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

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

9-1731. RESERVED.

9-1732. RESERVED.

PART V. PLASTIC CARRYOUT BAG RECYCLING.

9-1733.

(A) THE OPERATOR OF A STORE SHALL ESTABLISH AN AT-STORE RECYCLING PROGRAM THAT PROVIDES AN OPPORTUNITY FOR A CUSTOMER OF THE STORE TO RETURN CLEAN PLASTIC CARRYOUT BAGS TO THE STORE.

(B) AN AT-STORE RECYCLING PROGRAM SHALL INCLUDE THE FOLLOWING REQUIREMENTS:

(1) PLASTIC CARRYOUT BAGS PROVIDED BY THE STORE SHALL HAVE PRINTED OR DISPLAYED ON THE BAG IN A MANNER VISIBLE TO THE CONSUMER THE WORDS "PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING";

(2) A PLASTIC CARRYOUT BAG COLLECTION BIN SHALL BE PLACED AT EACH STORE AND BE VISIBLE, EASILY ACCESSIBLE TO THE CONSUMER, AND CLEARLY MARKED THAT THE COLLECTION BIN IS AVAILABLE FOR THE PURPOSE OF COLLECTING AND RECYCLING PLASTIC CARRYOUT BAGS;

(3) THE STORE SHALL MAINTAIN RECORDS DESCRIBING THE COLLECTION, TRANSPORT, AND RECYCLING OF PLASTIC CARRYOUT BAGS COLLECTED FOR A MINIMUM OF 3 YEARS AND SHALL MAKE THE RECORDS AVAILABLE TO THE DEPARTMENT OR LOCAL JURISDICTION ON REQUEST; AND

(4) THE OPERATOR OF THE STORE SHALL MAKE REUSABLE BAGS AVAILABLE TO CUSTOMERS WITHIN THE STORE THAT MAY BE PURCHASED INSTEAD OF USING A PLASTIC CARRYOUT BAG OR PAPER BAG.

9-1734.

A PLASTIC CARRYOUT BAG MANUFACTURER SHALL DEVELOP EDUCATIONAL MATERIALS TO ENCOURAGE REUSING, RECYCLING, AND THE REDUCTION OF PLASTIC CARRYOUT BAGS, AND SHALL MAKE THOSE MATERIALS AVAILABLE TO STORES REQUIRED TO COMPLY WITH THIS PART.

9-1735.

(A) A COUNTY OR MUNICIPALITY MAY NOT ADOPT AN ORDINANCE, RESOLUTION, REGULATION, OR RULE TO:

(1) REQUIRE A STORE THAT IS IN COMPLIANCE WITH THIS PART TO COLLECT, TRANSPORT, OR RECYCLE PLASTIC CARRYOUT BAGS;

1 (2) IMPOSE A BAN ON THE USE OF PLASTIC CARRYOUT BAGS BY A
2 STORE; AND

3 (3) REQUIRE AUDITING OR REPORTING REQUIREMENTS THAT
4 ARE IN ADDITION TO THE REQUIREMENTS UNDER § 9-1733 OF THIS SUBTITLE.

5 (B) THIS SECTION DOES NOT PROHIBIT THE ADOPTION,
6 IMPLEMENTATION, OR ENFORCEMENT OF ANY LOCAL ORDINANCE,
7 RESOLUTION, REGULATION, OR RULE GOVERNING CURBSIDE OR DROP-OFF
8 RECYCLING PROGRAMS OPERATED BY, OR IN ACCORDANCE WITH, A CONTRACT
9 WITH A COUNTY OR MUNICIPALITY, INCLUDING ANY ACTION RELATING TO FEES
10 FOR THESE PROGRAMS.

11 9-1736.

12 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS PART IS LIABLE
13 TO THE STATE FOR A CIVIL PENALTY NOT EXCEEDING:

14 (1) \$500 FOR A FIRST VIOLATION;

15 (2) \$1,000 FOR A SECOND VIOLATION; AND

16 (3) \$2,000 FOR A THIRD OR SUBSEQUENT VIOLATION.

17 (B) THE STATE SHALL RECOVER THE CIVIL PENALTIES UNDER THIS
18 SECTION IN A CIVIL ACTION IN ANY COUNTY.

19 (C) THE DEPARTMENT MAY DELEGATE THE IMPLEMENTATION AND
20 ENFORCEMENT OF THIS PART TO A LOCAL GOVERNMENT.

21 (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT
22 THIS PART.

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