

Chapter 8

(House Bill 1267)

AN ACT concerning

Business Regulation – Returnable Containers – Plastic Secondary Packaging

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

BY adding to

Article – Business Regulation

Section 19–308

Annotated Code of Maryland

(2004 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 – Business Regulation

19–308.

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

(2) “PLASTIC SECONDARY PACKAGING” INCLUDES MILK CRATES, BAKERY AND SOFT DRINK TRAYS, AND OTHER COMMERCIAL PLASTIC SECONDARY PACKAGING.

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

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

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

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

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

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

2. THE NAME AND ADDRESS OF THE PURCHASER;

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

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

5. THE DATE OF THE TRANSACTION.

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

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

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

Approved by the Governor, April 13, 2010.