

HOUSE BILL 389

M3

1lr1206

By: **Delegate Niemann**

Introduced and read first time: February 3, 2011

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 or participate in a certain program, approved by the Department of
5 the Environment, for the collection and recycling of certain beverage containers;
6 requiring a certain owner or manager of a certain bar or restaurant to separate,
7 store, and arrange for the collection and recycling of certain beverage containers
8 under certain circumstances; authorizing the Department to grant a waiver
9 from certain requirements; requiring the Department to adopt certain
10 regulations; defining certain terms; and generally relating to recycling
11 requirements for distributors and bars and restaurants.

12 BY adding to
13 Article – Environment
14 Section 9–1711
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2010 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) (I) “BAR” MEANS AN ESTABLISHMENT THAT IS LICENSED**
2 **UNDER ARTICLE 2B OF THE CODE TO SELL ALCOHOLIC BEVERAGES AND IS**
3 **GENERALLY RECOGNIZED AS A BAR OR TAVERN.**

4 **(II) “BAR” INCLUDES AN ESTABLISHMENT THAT**
5 **REGULARLY SERVES ALCOHOLIC BEVERAGES TO THE PUBLIC.**

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

9 **(II) “BEVERAGE” INCLUDES BEER, MIXED WINE, MIXED**
10 **SPIRIT, AND ALCOHOL-BASED DRINKS.**

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

12 **1. MILK AND DAIRY-DERIVED PRODUCTS, EXCEPT**
13 **COFFEE AND TEA DRINKS CONTAINING THESE PRODUCTS; AND**

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

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

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

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

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

31 **(2) ON OR BEFORE JANUARY 1, 2014, A DISTRIBUTOR SHALL**
32 **ESTABLISH OR PARTICIPATE IN A PROGRAM, APPROVED BY THE DEPARTMENT,**

1 FOR THE COLLECTION AND RECYCLING OF TARGET BEVERAGE CONTAINERS
2 SOLD BY A DISTRIBUTOR TO A BAR OR RESTAURANT IN THE STATE.

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

7 (2) BEGINNING JANUARY 1, 2014, AN OWNER OR A MANAGER OF
8 A BAR OR RESTAURANT SHALL SEPARATE, STORE, AND ARRANGE FOR THE
9 COLLECTION AND RECYCLING OF ALL TARGET BEVERAGE CONTAINERS THAT
10 THE BAR OR RESTAURANT GENERATES FOR DISPOSAL.

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

12 (I) PARTICIPATE IN A PROGRAM ESTABLISHED UNDER
13 SUBSECTION (B) OF THIS SECTION; OR

14 (II) OTHERWISE ARRANGE FOR THE COLLECTION AND
15 RECYCLING OF TARGET BEVERAGE CONTAINERS.

16 (D) THE DEPARTMENT MAY GRANT A WAIVER FROM THE
17 REQUIREMENTS OF THIS SECTION.

18 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT
19 AND ENFORCE THIS SECTION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2011.