

HOUSE BILL 1349

M3

7lr1384

By: **Delegate Robinson**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation and Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **Environment – Compostable, Degradable, and Biodegradable Plastic Products –**
3 **Labeling**

4 FOR the purpose of prohibiting a person from selling in the State a certain plastic product
5 that is labeled as biodegradable, degradable, or decomposable on or after a certain
6 date subject to a certain exception; prohibiting a person from selling a certain plastic
7 product in the State labeled as compostable, ~~marine degradable~~, or home
8 compostable on or after a certain date unless the plastic product meets certain
9 standards; prohibiting a person from selling in the State a certain film plastic
10 product labeled as soil degradable ag mulch film or biodegradable mulch film on or
11 after a certain date unless the product meets certain standards; requiring a person
12 that distributes or sells a certain compostable plastic bag for certain purposes to
13 ensure that the compostable plastic bag is labeled in a certain manner; requiring a
14 person that distributes or sells a certain compostable food or beverage product for
15 certain purposes to ensure that the food or beverage product is labeled in a certain
16 manner; specifying certain provisions of this Act apply to a certain extent;
17 establishing certain penalties for certain violations; providing for the disposition of
18 certain penalties collected under this Act; and generally relating to compostable,
19 degradable, and biodegradable plastic products.

20 BY adding to

21 Article – Environment

22 Section 9–2101 through 9–2105 to be under the new subtitle “Subtitle 21. Plastic
23 Products”

24 Annotated Code of Maryland

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.



(2014 Replacement Volume and 2016 Supplement)

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

Article – Environment

SUBTITLE 21. PLASTIC PRODUCTS.

9–2101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ASTM D6400 STANDARD SPECIFICATION” MEANS THE STANDARD SPECIFICATION FOR LABELING OF PLASTICS DESIGNED TO BE AEROBICALLY COMPOSTED IN MUNICIPAL OR INDUSTRIAL FACILITIES SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.

(C) “ASTM D6868 STANDARD SPECIFICATION” MEANS THE STANDARD SPECIFICATION FOR LABELING OF END ITEMS THAT INCORPORATE PLASTICS AND POLYMERS AS COATINGS OR ADDITIVES WITH PAPER AND OTHER SUBSTRATES DESIGNED TO BE AEROBICALLY COMPOSTED IN MUNICIPAL OR INDUSTRIAL FACILITIES SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.

~~(D) “ASTM D7081 STANDARD SPECIFICATION” MEANS THE STANDARD SPECIFICATION FOR NONFLOATING BIODEGRADABLE PLASTICS IN THE MARINE ENVIRONMENT SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.~~

~~(E)~~ (D) “ASTM D5988 STANDARD TEST METHOD” MEANS THE STANDARD TEST METHOD FOR DETERMINING AEROBIC BIODEGRADATION OF PLASTIC MATERIALS IN SOIL SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.

~~(F)~~ (E) “BIODEGRADABLE MULCH FILM” OR “SOIL DEGRADABLE AG MULCH FILM” MEANS A FILM PLASTIC PRODUCT USED AS A TECHNICAL TOOL IN COMMERCIAL FARMING THAT BIODEGRADES IN SOIL AFTER BEING USED AND MEETS THE STANDARDS SPECIFIED UNDER § 9–2102(C) OF THIS SUBTITLE.

~~(G)~~ (F) “FEDERAL GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS” MEANS THE FEDERAL GUIDES ESTABLISHED BY THE FEDERAL TRADE COMMISSION UNDER TITLE 20, PART 260 OF THE CODE OF FEDERAL REGULATIONS.

~~(H)~~ (G) “FILM PLASTIC PRODUCT” MEANS A BAG, A SACK, A WRAP, OR ANY OTHER THIN PLASTIC SHEET FILM PRODUCT.

1 ~~(H)~~ (H) (1) “FOOD OR BEVERAGE PRODUCT” MEANS A PRODUCT THAT
2 IS:

3 (I) USED FOR FOOD AND DRINK; AND

4 (II) MADE OF PLASTIC OR PAPER WITH A PLASTIC COATING.

5 (2) “FOOD OR BEVERAGE PRODUCT” INCLUDES:

6 (I) CONTAINERS;

7 (II) FOOD SERVICE WARE AND UTENSILS; AND

8 (III) STRAWS AND LIDS.

9 ~~(J)~~ (I) “ISO 17556 STANDARD TEST METHOD” MEANS THE STANDARD
10 TEST METHOD MEANS FOR DETERMINING THE ULTIMATE AEROBIC
11 BIODEGRADABILITY OF PLASTIC MATERIALS IN SOIL BY MEASURING THE OXYGEN
12 DEMAND IN A CLOSED RESPIROMETER OR THE AMOUNT OF CARBON DIOXIDE
13 EVOLVED SET BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION.

14 ~~(K)~~ (J) (1) “PLASTIC PRODUCT” MEANS A PRODUCT MADE OF PLASTIC,
15 WHETHER ALONE OR IN COMBINATION WITH ANOTHER MATERIAL, INCLUDING
16 PAPERBOARD.

17 (2) “PLASTIC PRODUCT” INCLUDES:

18 (I) A PACKAGE OR A PACKAGING COMPONENT;

19 (II) A FILM PLASTIC PRODUCT;

20 (III) A FOOD OR BEVERAGE PRODUCT; AND

21 (IV) ANY OTHER PLASTIC PRODUCT OR PART OF A PLASTIC
22 PRODUCT.

23 (3) “PLASTIC PRODUCT” DOES NOT INCLUDE A PERSONAL CARE
24 PRODUCT REGULATED UNDER SUBTITLE 20 OF THIS TITLE.

25 ~~(L)~~ (K) “VINCOTTE” MEANS THE BELGIAN-ACCREDITED INSPECTION
26 AND CERTIFICATION ORGANIZATION.

27 9-2102.

1 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON OR
2 AFTER OCTOBER 1, 2018, A PERSON MAY NOT SELL IN THE STATE A PLASTIC
3 PRODUCT THAT IS LABELED AS BIODEGRADABLE, DEGRADABLE, DECOMPOSABLE,
4 OR WITH ANY OTHER TERM TO IMPLY THAT THE PRODUCT WILL BREAK DOWN,
5 FRAGMENT, BIODEGRADE, OR DECOMPOSE IN A LANDFILL OR ANY OTHER
6 ENVIRONMENT.

7 (B) ON OR AFTER OCTOBER 1, 2018, A PERSON MAY NOT SELL IN THE STATE
8 A PLASTIC PRODUCT THAT IS LABELED AS COMPOSTABLE, ~~MARINE DEGRADABLE,~~
9 OR HOME COMPOSTABLE UNLESS THE PLASTIC PRODUCT MEETS THE FOLLOWING
10 STANDARDS:

11 (1) FOR A PLASTIC PRODUCT LABELED AS COMPOSTABLE, THE
12 PLASTIC PRODUCT SHALL MEET:

13 (I) 1. THE ASTM D6400 STANDARD SPECIFICATION; OR

14 2. THE ASTM D6868 STANDARD SPECIFICATION; AND

15 (II) ANY APPLICABLE LABELING GUIDELINES IN THE FEDERAL
16 GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS.

17 ~~(2) FOR A PLASTIC PRODUCT LABELED AS MARINE DEGRADABLE, THE~~
18 ~~PLASTIC PRODUCT SHALL MEET:~~

19 ~~(I) THE ASTM D7081 STANDARD SPECIFICATION; AND~~

20 ~~(II) ANY APPLICABLE LABELING GUIDELINES IN THE FEDERAL~~
21 ~~GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS.~~

22 ~~(3) FOR A PLASTIC PRODUCT LABELED AS HOME COMPOSTABLE, THE~~
23 ~~PLASTIC PRODUCT SHALL MEET:~~

24 (I) THE OK COMPOST HOME CERTIFICATION STANDARD
25 ADOPTED BY VINCOTTE; AND

26 (II) ANY APPLICABLE LABELING GUIDELINES IN THE FEDERAL
27 GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS.

28 (C) ON OR AFTER OCTOBER 1, 2018, A PERSON MAY NOT SELL IN THE STATE
29 A FILM PLASTIC PRODUCT LABELED AS SOIL DEGRADABLE AG MULCH FILM OR
30 BIODEGRADABLE MULCH FILM UNLESS THE PRODUCT:

1 **(B) IF A COMPOSTABLE PLASTIC BAG IS SMALLER THAN 14 INCHES BY 14**
2 **INCHES, THE COMPOSTABLE BAG MAY BE LABELED IN A MANNER THAT IS IN**
3 **PROPORTION TO THE SIZE OF THE BAG.**

4 **(C) A COMPOSTABLE PLASTIC BAG SOLD OR DISTRIBUTED IN THE STATE**
5 **MAY NOT BE LABELED AS RECYCLABLE.**

6 **(D) A PROVISION OF THIS SECTION HAS EFFECT ONLY TO THE EXTENT THAT**
7 **THE PROVISION DOES NOT CONFLICT WITH THE FEDERAL GUIDES FOR THE USE OF**
8 **ENVIRONMENTAL MARKETING CLAIMS.**

9 **9-2104.**

10 **(A) SUBJECT TO § 9-2102(B) OF THIS SUBTITLE, ON AND AFTER OCTOBER**
11 **1, 2018, A PERSON THAT DISTRIBUTES OR SELLS A COMPOSTABLE FOOD OR**
12 **BEVERAGE PRODUCT INTENDED FOR SALE OR DISTRIBUTION BY A RETAILER IN THE**
13 **STATE SHALL ENSURE THAT THE COMPOSTABLE FOOD OR BEVERAGE PRODUCT IS**
14 **LABELED:**

15 **(1) IN A MANNER THAT IS READILY AND EASILY IDENTIFIABLE FROM**
16 **OTHER FOOD OR BEVERAGE PRODUCTS;**

17 **(2) IN A MANNER THAT IS CONSISTENT WITH THE FEDERAL GUIDES**
18 **FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS; AND**

19 **(3) (I) WITH A CERTIFICATION LOGO INDICATING THE**
20 **COMPOSTABLE FOOD OR BEVERAGE PRODUCT MEETS THE ASTM D6400 STANDARD**
21 **SPECIFICATION OR ASTM D6868 STANDARD SPECIFICATION; OR**

22 **(II) AS COMPOSTABLE.**

23 **(B) SUBSECTION (A) OF THIS SECTION HAS EFFECT ONLY TO THE EXTENT**
24 **THAT THE PROVISION DOES NOT CONFLICT WITH THE FEDERAL GUIDES FOR THE**
25 **USE OF ENVIRONMENTAL MARKETING CLAIMS.**

26 **9-2105.**

27 **(A) A PERSON THAT VIOLATES THIS SUBTITLE IS SUBJECT TO:**

28 **(1) FOR A FIRST VIOLATION, A CIVIL PENALTY OF \$500;**

29 **(2) FOR A SECOND VIOLATION, A CIVIL PENALTY OF \$1,000; AND**

1 **(3) FOR A THIRD AND SUBSEQUENT VIOLATION, A CIVIL PENALTY OF**
2 **\$2,000.**

3 **(B) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID TO**
4 **THE COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT THAT BROUGHT THE**
5 **ENFORCEMENT ACTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.