

SB0313/967377/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 313  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Plastics and Packaging” and substitute “Plastic Bag”; in line 3, strike “a store” and substitute “, on or after a certain date, a certain retail establishment”; in line 4, after “sale;” insert “providing that, on or after a certain date, only the State may enact a law or take other action to prohibit, restrict, or regulate the use of certain plastic bags by a retail establishment, that certain authority of a county or municipality is preempted, and that certain laws or ordinances are superseded;”; strike beginning with “requiring” in line 4 down through “circumstances;” in line 9; in lines 10 and 11, strike “or failure to charge for”; in line 15, after “Act;” insert “prohibiting a county or municipality from adopting or enforcing a certain law or ordinance unless certain conditions are met;”; strike beginning with “establishing” in line 16 down through “date;” in line 22; strike beginning with “providing” in line 22 down through “Act;” in line 24; and in line 25, strike “and single-use products”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 9 through 11, inclusive, and substitute:

**“(2) “FOOD SERVICE FACILITY” HAS THE MEANING STATED IN § 21–301 OF THE HEALTH – GENERAL ARTICLE.**

**(3) (I) “PLASTIC CARRYOUT BAG” MEANS A PLASTIC BAG LESS THAN 4 MILS THICK THAT IS PROVIDED BY A RETAIL ESTABLISHMENT TO A CUSTOMER AT THE POINT OF SALE.**

**(II) “PLASTIC CARRYOUT BAG” INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE SPECIFICATIONS OF THE AMERICAN SOCIETY OF**

(Over)

**TESTING AND MATERIALS INTERNATIONAL STANDARD SPECIFICATION FOR  
COMPOSTABLE PLASTICS D6400.**

**(III) “PLASTIC CARRYOUT BAG” DOES NOT INCLUDE:”;**

in line 12, after “A” insert “PLASTIC”; in lines 21 and 25, in each instance, strike “OR”;  
in line 23, after “DRESSES;” insert “OR

**G. CONTAIN ICE;”;**

in line 24, after the first “A” insert “PLASTIC”; in line 27, strike the period and substitute  
a semicolon; and after line 27, insert:

**“4. A PLASTIC BAG PROVIDED BY A FOOD SERVICE  
FACILITY THAT IS NECESSARY TO MEET FOOD SAFETY AND CONTAMINATION  
STANDARDS;**

**5. A PLASTIC BAG PROVIDED BY A RETAIL  
ESTABLISHMENT TO TAKE LIVE FISH, INSECTS, MOLLUSKS, OR CRUSTACEANS  
AWAY FROM THE RETAIL ESTABLISHMENT;**

**6. A PLASTIC BAG PROVIDED AT A FARM OR ORCHARD  
THAT CONTAINS FRUITS OR VEGETABLES THAT WERE PRODUCED BY AND  
PURCHASED ON THE FARM OR ORCHARD.”.**

**AMENDMENT NO. 3**

On pages 2 and 3, strike in their entirety the lines beginning with line 28 on page  
2 through line 9 on page 3, inclusive, and substitute:

**“(4) “RETAIL ESTABLISHMENT” MEANS A STORE, A FOOD SERVICE FACILITY, OR ANY OTHER ESTABLISHMENT THAT PROVIDES BAGS TO ITS CUSTOMERS AS A RESULT OF THE SALE OF A PRODUCT.”.**

On page 3, in line 10, strike “A STORE” and substitute “**ON OR AFTER JULY 1, 2021, A RETAIL ESTABLISHMENT**”; strike in their entirety lines 11 through 23, inclusive; in lines 24 and 26, strike “(D)” and “(E)”, respectively, and substitute “(C)” and “(D)”, respectively; in line 24, strike “(E)” and substitute “(D)”; in the same line, strike “STORE” and substitute “**RETAIL ESTABLISHMENT**”; in line 26, strike “(I)”; and strike in their entirety lines 28 through 31, inclusive.

**AMENDMENT NO. 4**

On page 4, in lines 1, 5, 9, and 12, in each instance, strike “STORE” and substitute “**RETAIL ESTABLISHMENT**”; in line 7, strike “(F)” and substitute “(E)”; in line 14, strike “STORES” and substitute “**RETAIL ESTABLISHMENTS**”; and after line 14, insert:

**“(F) BEGINNING JULY 1, 2021:**

**(1) ONLY THE STATE MAY ENACT A LAW OR TAKE ANY OTHER ACTION TO PROHIBIT, RESTRICT, OR REGULATE THE USE OF PLASTIC BAGS LESS THAN 4 MILS THICK BY A RETAIL ESTABLISHMENT;**

**(2) ITEM (1) OF THIS SUBSECTION PREEMPTS THE AUTHORITY OF A COUNTY OR MUNICIPALITY TO ENACT A LAW OR AN ORDINANCE TO PROHIBIT, RESTRICT, OR REGULATE THE USE OF PLASTIC BAGS LESS THAN 4 MILS THICK BY A RETAIL ESTABLISHMENT; AND**

**(3) THIS SECTION SUPERSEDES ANY LAW OR ORDINANCE OF A COUNTY OR MUNICIPALITY THAT PROHIBITS, RESTRICTS, OR REGULATES THE USE OF PLASTIC BAGS LESS THAN 4 MILS THICK BY A RETAIL ESTABLISHMENT.**

(Over)

(G) (1) NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR MUNICIPALITY MAY NOT ADOPT OR ENFORCE A LAW OR AN ORDINANCE THAT REQUIRES A RETAIL ESTABLISHMENT TO CHARGE AND COLLECT A FEE, A TAX, OR ANY OTHER CHARGE FOR THE USE OF CARRYOUT BAGS AT THE POINT OF SALE UNLESS THE LAW OR ORDINANCE IS AUTHORIZED BY A STATE LAW ENACTED ON OR AFTER JANUARY 1, 2021.

(2) WITH RESPECT TO A COUNTY OR MUNICIPALITY THAT, ON OR BEFORE FEBRUARY 1, 2020, ADOPTED A LAW OR AN ORDINANCE THAT REQUIRES A RETAIL ESTABLISHMENT TO CHARGE AND COLLECT A FEE, A TAX, OR ANY OTHER CHARGE FOR THE USE OF CARRYOUT BAGS AT THE POINT OF SALE, THIS SUBSECTION DOES NOT AFFECT THE AUTHORITY OF THE COUNTY OR MUNICIPALITY TO CHARGE AND COLLECT THE FEE, TAX, OR OTHER CHARGE FOR THE USE OF CARRYOUT BAGS THAT ARE NOT OTHERWISE PROHIBITED UNDER THIS SECTION.”;

and in line 15, strike “(G)” and substitute “(H)”.

#### AMENDMENT NO. 5

On pages 4 through 6, strike in their entirety the lines beginning with line 17 on page 4 through line 13 on page 6, inclusive.

On page 6, in line 14, strike “3.” and substitute “2.”; in the same line, strike “Section 1 of”; in line 15, strike “2021” and substitute “2020”; and strike in their entirety lines 16 through 20, inclusive.