

# HOUSE BILL 1089

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By: **Delegates Terrasa, Edelson, Love, Feldmark, Ruth, and Solomon**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Beverage Container Recycling Refund and Litter Reduction Program**

3 FOR the purpose of establishing the Maryland Beverage Container Recycling Refund and  
4 Litter Reduction Program to increase the reuse and recycling of beverage containers  
5 and reduce the litter, pollution, and costs associated with beverage containers;  
6 altering the duties of the Office of Recycling; altering the contents and use of the  
7 State Recycling Trust Fund; establishing a framework for the redemption of  
8 redeemable beverage containers sold in the State; requiring that each redeemable  
9 beverage container sold in the State depict certain information beginning on a  
10 certain date; requiring a retailer to include certain information on a customer's sales  
11 receipt; prohibiting a producer from selling, offering for sale, or distributing in or  
12 importing into the State a redeemable beverage container unless the producer  
13 registers with the Department of the Environment, pays a certain fee, and has or is  
14 part of a certain beverage container stewardship plan; requiring each producer or  
15 beverage container stewardship organization representing the producer to submit a  
16 beverage container stewardship plan to the Department for approval; requiring a  
17 beverage container stewardship organization or producer to implement and  
18 administer a beverage container stewardship plan within a certain time after the  
19 plan is approved; requiring the Department to establish a process for a county or  
20 municipal corporation to create a redemption facility; authorizing redeemable  
21 beverage containers redeemed at a redemption facility managed by a county or  
22 municipal corporation to be credited toward meeting certain recycling rates;  
23 establishing the Beverage Container Recycling Refund Grant Program to increase  
24 the reuse and recycling of beverage containers in the State, reduce the volume of  
25 single-use beverage containers sold in the State, and reduce the volume of litter from  
26 beverage containers in the State; establishing the Redeemable Beverage Container  
27 Recycling Refund Advisory Council to review certain reports, make certain  
28 recommendations, and advise the Department on certain matters; and generally  
29 relating to the Maryland Beverage Container Recycling Refund and Litter Reduction  
30 Program.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Environment  
3 Section 9–1701(a) and (q) and 9–1702(a)  
4 Annotated Code of Maryland  
5 (2014 Replacement Volume and 2022 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Environment  
8 Section 9–1702(d) and 9–1707(f)  
9 Annotated Code of Maryland  
10 (2014 Replacement Volume and 2022 Supplement)

11 BY adding to  
12 Article – Environment  
13 Section 9–1733 through 9–1749 to be under the new part “Part V. Maryland  
14 Beverage Container Recycling Refund and Litter Reduction Program”  
15 Annotated Code of Maryland  
16 (2014 Replacement Volume and 2022 Supplement)

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

19 **Article – Environment**

20 9–1701.

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

22 (q) “Recycling” means any process in which recyclable materials are collected,  
23 separated, or processed and returned to the marketplace in the form of raw materials or  
24 products.

25 9–1702.

26 (a) There is an Office of Recycling created within the Department.

27 (d) The Office shall:

28 (1) Assist the counties in developing an acceptable recycling plan required  
29 under § 9–1703 of this subtitle and § 9–505 of this title, including technical assistance to  
30 the local governments;

31 (2) Coordinate the efforts of the State to facilitate the implementation of  
32 the recycling goals at the county level;

1 (3) Review all recycling plans submitted as part of a county plan as  
2 required under § 9–505 of this title and advise the Secretary on the adequacy of the  
3 recycling plan;

4 (4) Administer the Statewide Electronics Recycling Program under Part IV  
5 of this subtitle; [and]

6 (5) Promote the development of markets for recycled materials and  
7 recycled products in the State in accordance with § 9–1702.1 of this subtitle; AND

8 **(6) ADMINISTER THE MARYLAND BEVERAGE CONTAINER**  
9 **RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §**  
10 **9–1735 OF THIS SUBTITLE.**

11 9–1707.

12 (f) (1) There is a State Recycling Trust Fund.

13 (2) The Fund shall consist of:

14 (i) The newsprint recycling incentive fee;

15 (ii) The telephone directory recycling incentive fee collected under §  
16 9–1709 of this subtitle;

17 (iii) The covered electronic device manufacturer registration fee  
18 collected under § 9–1728 of this subtitle;

19 **(IV) UNCLAIMED DEPOSITS, FEES, AND PENALTIES**  
20 **TRANSFERRED TO THE FUND UNDER §§ 9–1739, 9–1740, AND 9–1749 OF THIS**  
21 **SUBTITLE;**

22 **[(iv)] (V)** All fines and penalties collected under this subtitle;

23 **[(v)] (VI)** Money appropriated in the State budget to the Fund; and

24 **[(vi)] (VII)** Any other money from any other source accepted for the  
25 benefit of the Fund.

26 (3) The Secretary shall administer the Fund.

27 (4) The Treasurer shall hold the Fund separately and the Comptroller shall  
28 account for the Fund.

29 (5) **(I) [At] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
30 **PARAGRAPH, AT** the end of each fiscal year, any unspent or unencumbered balance in the

1 Fund that exceeds \$2,000,000 shall revert to the General Fund of the State in accordance  
2 with § 7-302 of the State Finance and Procurement Article.

3 **(II) THE FUNDS TRANSFERRED TO THE FUND UNDER**  
4 **PARAGRAPH (2)(IV) OF THIS SUBSECTION ARE NOT SUBJECT TO § 7-302 OF THE**  
5 **STATE FINANCE AND PROCUREMENT ARTICLE AND MAY NOT REVERT TO THE**  
6 **GENERAL FUND OF THE STATE.**

7 (6) In accordance with the State budget, the Fund shall be used only:

8 (i) To provide grants to the counties to be used by the counties to  
9 develop and implement local recycling plans;

10 (ii) To provide grants to counties that have addressed methods for  
11 the separate collection and recycling of covered electronic devices in accordance with §  
12 9-1703(c)(1) of this subtitle;

13 (iii) To provide grants to municipalities to be used by the  
14 municipalities to implement local covered electronic device recycling programs; [and]

15 (iv) To carry out the purposes of the land management  
16 administration; AND

17 **(V) TO COVER THE COSTS OF ADMINISTERING, MONITORING,**  
18 **EVALUATING, AND ENFORCING THE MARYLAND BEVERAGE CONTAINER**  
19 **RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §**  
20 **9-1735 OF THIS SUBTITLE.**

21 **(7) (I) THE COMPTROLLER SHALL ESTABLISH A SEPARATE**  
22 **ACCOUNT WITHIN THE FUND.**

23 **(II) THE ACCOUNT SHALL CONSIST OF THE FUNDS SPECIFIED IN**  
24 **PARAGRAPH (2)(IV) OF THIS SUBSECTION.**

25 **(III) THE ACCOUNT MAY BE USED ONLY TO:**

26 **1. COVER THE COSTS OF ADMINISTERING, MONITORING,**  
27 **EVALUATING, AND ENFORCING THE MARYLAND BEVERAGE CONTAINER**  
28 **RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §**  
29 **9-1735 OF THIS SUBTITLE;**

30 **2. FUND THE BEVERAGE CONTAINER RECYCLING**  
31 **REFUND GRANT PROGRAM ESTABLISHED UNDER § 9-1745 OF THIS SUBTITLE;**

1                                   **3. COMPENSATE LOCAL GOVERNMENTS IN**  
2 **ACCORDANCE WITH § 9-1743 OF THIS SUBTITLE; AND**

3                                   **4. MEET OR EXCEED THE PERFORMANCE TARGETS**  
4 **ESTABLISHED UNDER § 9-1736 OF THIS SUBTITLE.**

5                    **[(7)] (8)**     (i)     The Treasurer shall invest the money in the Fund in the  
6 same manner as other State money may be invested.

7                                   (ii)    Any investment earnings of the Fund shall be credited to the  
8 General Fund of the State.

9 **9-1731. RESERVED.**

10 **9-1732. RESERVED.**

11     **PART V. MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND LITTER**  
12                                   **REDUCTION PROGRAM.**

13 **9-1733.**

14            **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**  
15 **INDICATED.**

16            **(B) “ACCOUNT-BASED BULK PROCESSING PROGRAM” MEANS A PROGRAM**  
17 **THAT:**

18                    **(1) ALLOWS A PERSON TO REDEEM MULTIPLE EMPTY REDEEMABLE**  
19 **BEVERAGE CONTAINERS IN A BAG OR OTHER RECEPTACLE IN EXCHANGE FOR A**  
20 **DEPOSIT IN AN ACCOUNT OR SCRIP FOR REFUNDS ASYNCHRONOUSLY;**

21                    **(2) UTILIZES A SYSTEM OF CUSTOMER ACCOUNTS AND A MECHANISM**  
22 **TO ASSOCIATE REDEEMED REDEEMABLE BEVERAGE CONTAINERS WITH THE**  
23 **APPROPRIATE CUSTOMER ACCOUNT;**

24                    **(3) CONSOLIDATES THE REDEEMED REDEEMABLE BEVERAGE**  
25 **CONTAINERS FOR BULK SORTING WHILE COLLECTING DATA ABOUT THE**  
26 **CONTAINERS;**

27                    **(4) FULLY PREPARES REDEEMED REDEEMABLE BEVERAGE**  
28 **CONTAINERS FOR SALE TO RECYCLERS; AND**

29                    **(5) COLLECTS DATA TO SUPPORT AN ACCOUNTING OF THE**  
30 **REDEEMABLE BEVERAGE CONTAINERS, INCLUDING THE DEPOSITS, FEES, AND**

1 POUNDS OF MATERIAL PRODUCED THAT ARE ASSOCIATED WITH THE REDEEMABLE  
2 BEVERAGE CONTAINERS.

3 (C) "ADVISORY COUNCIL" MEANS THE REDEEMABLE BEVERAGE  
4 CONTAINER RECYCLING REFUND ADVISORY COUNCIL ESTABLISHED UNDER §  
5 9-1747 OF THIS SUBTITLE.

6 (D) (1) "BEVERAGE" MEANS ANY DRINKABLE LIQUID INTENDED FOR  
7 HUMAN ORAL CONSUMPTION.

8 (2) "BEVERAGE" DOES NOT INCLUDE:

9 (I) DRUGS REGULATED UNDER THE FEDERAL FOOD, DRUG,  
10 AND COSMETIC ACT; AND

11 (II) INFANT FORMULA.

12 (E) "BEVERAGE CONTAINER" MEANS A PREPACKAGED SEALABLE  
13 CONTAINER THAT:

14 (1) IS MADE OF GLASS, ALUMINUM, OR PLASTIC;

15 (2) IS DESIGNED TO CONTAIN A BEVERAGE; AND

16 (3) CAN CONTAIN A VOLUME OF 3 LITERS OR LESS.

17 (F) "BEVERAGE CONTAINER PROCESSING MECHANISM" MEANS A MANUAL  
18 OR TECHNOLOGICAL METHOD FOR PROPERLY IDENTIFYING, COUNTING, AND  
19 PROCESSING EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION.

20 (G) (1) "BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION" MEANS A  
21 NONPROFIT ORGANIZATION THAT IS:

22 (I) EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE  
23 INTERNAL REVENUE CODE; AND

24 (II) CREATED BY A GROUP OF PRODUCERS TO IMPLEMENT A  
25 BEVERAGE CONTAINER STEWARDSHIP PLAN.

26 (2) "BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION"  
27 INCLUDES AN ORGANIZATION CREATED BY A GROUP OF BEVERAGE CONTAINER  
28 STEWARDSHIP ORGANIZATIONS TO REPRESENT THE ORGANIZATIONS.

1           **(H) “BEVERAGE CONTAINER STEWARDSHIP PLAN” MEANS A PLAN**  
2 **SUBMITTED TO THE DEPARTMENT UNDER § 9-1741 OF THIS SUBTITLE.**

3           **(I) “DEPOSIT INITIATOR” MEANS THE FIRST DISTRIBUTOR TO COLLECT A**  
4 **DEPOSIT ON A BEVERAGE CONTAINER SOLD IN THE STATE.**

5           **(J) (1) “DISTRIBUTOR” MEANS A PERSON THAT SELLS BEVERAGES IN**  
6 **REDEEMABLE BEVERAGE CONTAINERS TO A RETAILER IN THE STATE.**

7           **(2) “DISTRIBUTOR” INCLUDES A PERSON THAT MANUFACTURES AND**  
8 **SELLS BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS TO A RETAILER IN THE**  
9 **STATE.**

10           **(3) “DISTRIBUTOR” DOES NOT INCLUDE AIRLINES OR SHIPPING**  
11 **COMPANIES THAT TRANSPORT REDEEMABLE BEVERAGE CONTAINERS.**

12           **(K) “GRANT PROGRAM” MEANS THE BEVERAGE CONTAINER RECYCLING**  
13 **REFUND GRANT PROGRAM ESTABLISHED UNDER § 9-1745 OF THIS SUBTITLE.**

14           **(L) “LINE BREAKAGE” MEANS A BEVERAGE CONTAINER THAT:**

15           **(1) BECOMES DEFECTIVE OR DAMAGED DURING MANUFACTURING;**

16           **(2) IS NOT INTENDED TO BE SOLD; AND**

17           **(3) IS NOT ELIGIBLE FOR REDEMPTION.**

18           **(M) “MARYLAND-SPECIFIC UPC BARCODE” MEANS A UNIVERSAL PRODUCT**  
19 **CODE THAT IS:**

20           **(1) UNIQUE TO BEVERAGE CONTAINERS SOLD IN THE STATE; AND**

21           **(2) USED TO DETER FRAUD AND ENSURE THE LEGITIMATE**  
22 **REDEMPTION OF REDEEMABLE BEVERAGE CONTAINERS.**

23           **(N) (1) “ON-PREMISES SELLER” MEANS A PERSON THAT SELLS FILLED**  
24 **AND UNOPENED REDEEMABLE BEVERAGE CONTAINERS FOR ON-PREMISES**  
25 **CONSUMPTION.**

26           **(2) “ON-PREMISES SELLER” INCLUDES:**

27           **(I) BARS;**

- 1           **(II) HOTELS;**  
2           **(III) RESTAURANTS;**  
3           **(IV) SPORTING VENUES;**  
4           **(V) ENTERTAINMENT VENUES; AND**  
5           **(VI) GAMING VENUES.**

6           **(O) “PERFORMANCE TARGETS” MEANS THE TARGETS ESTABLISHED UNDER**  
7 **§ 9-1736 OF THIS SUBTITLE.**

8           **(P) (1) “PRODUCER” MEANS A PERSON RESPONSIBLE FOR COMPLYING**  
9 **WITH THE REQUIREMENTS UNDER THIS PART.**

10           **(2) “PRODUCER” INCLUDES A FRANCHISOR OF A FRANCHISE**  
11 **LOCATED IN THE STATE.**

12           **(3) “PRODUCER” DOES NOT INCLUDE:**

13                   **(I) THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR**  
14 **ANY OTHER POLITICAL SUBDIVISION OF THE STATE;**

15                   **(II) A CHARITABLE ORGANIZATION THAT IS TAX EXEMPT UNDER**  
16 **§ 501(C)(3) OF THE INTERNAL REVENUE CODE;**

17                   **(III) A SOCIAL WELFARE ORGANIZATION THAT IS TAX EXEMPT**  
18 **UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE;**

19                   **(IV) A FRANCHISEE THAT OPERATES A FRANCHISE IN THE**  
20 **STATE;**

21                   **(V) A PERSON THAT ANNUALLY SELLS, OFFERS FOR SALE,**  
22 **DISTRIBUTES, OR IMPORTS INTO THE COUNTRY FOR SALE IN THE STATE FEWER**  
23 **THAN 1,000 REDEEMABLE BEVERAGE CONTAINERS; OR**

24                   **(VI) A PERSON THAT ANNUALLY SELLS, OFFERS FOR SALE, OR**  
25 **DISTRIBUTES IN THE STATE REDEEMABLE BEVERAGE CONTAINERS THAT IN**  
26 **AGGREGATE GENERATE LESS THAN \$5,000,000 EACH YEAR IN GLOBAL REVENUE.**



1           **(Q) “PROGRAM” MEANS THE MARYLAND BEVERAGE CONTAINER**  
2 **RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §**  
3 **9-1735 OF THIS SUBTITLE.**

4           **(R) “RECYCLING RATE” MEANS THE NUMBER OF NONREFILLABLE**  
5 **REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE THAT ARE REDEEMED**  
6 **AND RECYCLED SHOWN AS A PERCENTAGE OF ALL NONREFILLABLE REDEEMABLE**  
7 **BEVERAGE CONTAINERS SOLD IN THE STATE.**

8           **(S) “REDEEM” MEANS THE RETURN OF A REDEEMABLE BEVERAGE**  
9 **CONTAINER IN EXCHANGE FOR A REFUND, A VOUCHER FOR A REFUND, OR A CREDIT**  
10 **TO AN ACCOUNT FOR NOT LESS THAN THE REFUND VALUE.**

11           **(T) “REDEEMABLE BEVERAGE CONTAINER” MEANS A BEVERAGE**  
12 **CONTAINER THAT, AT THE TIME OF SALE:**

13                   **(1) CONTAINS 3 LITERS OR LESS OF A BEVERAGE;**

14                   **(2) BEARS A UNIVERSAL PRODUCT CODE; AND**

15                   **(3) MAY BEAR A MARYLAND-SPECIFIC UPC BARCODE FOR THE**  
16 **PURPOSE OF ENSURING LEGITIMATE REDEMPTION AND DETERRING FRAUD.**

17           **(U) “REDEMPTION FACILITY” MEANS A FACILITY THAT:**

18                   **(1) ACCEPTS EMPTY BEVERAGE CONTAINERS FROM A CONSUMER, A**  
19 **RETAILER, OR BOTH;**

20                   **(2) COLLECTS, SORTS, AND COUNTS EMPTY BEVERAGE CONTAINERS;**

21                   **(3) REFUNDS THE REFUND VALUE OF EMPTY REDEEMABLE**  
22 **BEVERAGE CONTAINERS IN CASH, WITH A VOUCHER, OR AS A CREDIT TO AN**  
23 **ACCOUNT FOR NOT LESS THAN THE REFUND VALUE OF THE REDEEMABLE**  
24 **BEVERAGE CONTAINER; AND**

25                   **(4) IS LICENSED UNDER § 9-1738 OF THIS SUBTITLE.**

26           **(V) “REDEMPTION RATE” MEANS THE PERCENTAGE OF EMPTY**  
27 **REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE THAT ARE REDEEMED**  
28 **FOR THE DEPOSIT VALUE AND RETURNED TO A DISTRIBUTOR.**

1           **(W) “REFILLABLE” MEANS A BEVERAGE CONTAINER THAT IS DESIGNED AND**  
2 **INTENDED TO BE REUSED AS A BEVERAGE CONTAINER AFTER BEING USED BY A**  
3 **CONSUMER WITHOUT THE NEED FOR REMANUFACTURING.**

4           **(X) (1) “RETAILER” MEANS A PERSON THAT ENGAGES IN THE SALE OF**  
5 **REDEEMABLE BEVERAGE CONTAINERS TO A CONSUMER IN THE STATE.**

6                   **(2) “RETAILER” INCLUDES A PERSON THAT ENGAGES IN THE SALE OF**  
7 **REDEEMABLE BEVERAGE CONTAINERS:**

8                           **(I) THROUGH A VENDING MACHINE; OR**

9                           **(II) ONLINE FOR HOME DELIVERY.**

10           **(Y) “REVERSE VENDING MACHINE” MEANS AN AUTOMATED DEVICE THAT:**

11                   **(1) ACCEPTS ONE OR MORE TYPES OF EMPTY REDEEMABLE**  
12 **BEVERAGE CONTAINERS;**

13                   **(2) USES A LASER SCANNER, AN OPTICAL SENSOR, A**  
14 **MICROPROCESSOR, OR OTHER TECHNOLOGY TO ACCURATELY RECOGNIZE A**  
15 **BEVERAGE CONTAINER’S UNIVERSAL PRODUCT CODE TO DETERMINE WHETHER THE**  
16 **CONTAINER IS A REDEEMABLE BEVERAGE CONTAINER;**

17                   **(3) ISSUES A REDEEMABLE CREDIT SLIP FOR THE REDEEMABLE**  
18 **BEVERAGE CONTAINER’S REFUND VALUE;**

19                   **(4) SEPARATES REDEEMABLE BEVERAGE CONTAINERS FROM**  
20 **CONTAINERS THAT ARE NOT REDEEMABLE;**

21                   **(5) USES MECHANICAL COMPACTION TO CANCEL REDEEMABLE**  
22 **BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED; AND**

23                   **(6) COMPILES INFORMATION REGARDING THE REDEEMABLE**  
24 **BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED, INCLUDING THE NUMBER OF**  
25 **REDEEMABLE BEVERAGE CONTAINERS REDEEMED.**

26           **(Z) (1) “UNIVERSAL PRODUCT CODE” OR “UPC” MEANS A STANDARD**  
27 **BARCODE THAT ENCODES A NUMBER UNIQUELY ASSIGNED TO A PRODUCT FOR**  
28 **IDENTIFICATION OF THE PRODUCT.**

29                   **(2) “UNIVERSAL PRODUCT CODE” OR “UPC” INCLUDES:**

1 (I) ANY INDUSTRY-ACCEPTED BARCODE USED FOR PRODUCT  
2 IDENTIFICATION PURPOSES; AND

3 (II) A EUROPEAN ARTICLE NUMBER.

4 9-1734.

5 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO:

6 (1) ACHIEVE A REDEMPTION RATE OF AT LEAST 90% FOR THE  
7 APPROXIMATELY 5,200,000,000 SINGLE-USE BEVERAGE CONTAINERS SOLD  
8 ANNUALLY IN THE STATE;

9 (2) PROVIDE A SOURCE OF HIGH-QUALITY FOOD-GRADE MATERIALS  
10 FOR USE AS RECYCLED CONTENT IN BEVERAGE AND FOOD CONTAINERS;

11 (3) REDUCE THE VOLUME OF LITTER AND PLASTIC POLLUTION FROM  
12 BEVERAGE CONTAINERS IN THE STATE;

13 (4) REDUCE THE VOLUME OF BEVERAGE CONTAINERS THAT ARE  
14 LANDFILLED OR INCINERATED IN THE STATE;

15 (5) REDUCE THE COSTS OF LITTER AND BEVERAGE CONTAINER  
16 COLLECTION, RECYCLING, AND DISPOSAL INCURRED BY TAXPAYERS, COUNTIES,  
17 AND MUNICIPAL CORPORATIONS BY MAKING PRODUCERS OF BEVERAGE  
18 CONTAINERS RESPONSIBLE FOR THE RECOVERY, RECYCLING, AND REUSE OF  
19 BEVERAGE CONTAINERS;

20 (6) PROVIDE INCENTIVES FOR INCREASING THE USE OF REUSABLE  
21 AND REFILLABLE BEVERAGE CONTAINERS; AND

22 (7) REDUCE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE  
23 PRODUCTION, TRANSPORTATION, PROCESSING, AND WASTE DISPOSAL OF  
24 SINGLE-USE BEVERAGE CONTAINERS SOLD IN THE STATE.

25 9-1735.

26 THERE IS A MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND  
27 LITTER REDUCTION PROGRAM IN THE DEPARTMENT.

28 9-1736.

29 PERFORMANCE TARGETS FOR THE PROGRAM ARE AS FOLLOWS:

1           **(1) A 70% REDEMPTION RATE BY DECEMBER 31, 2026;**

2           **(2) A 90% REDEMPTION RATE BY DECEMBER 31, 2029;**

3           **(3) A 65% RECYCLING RATE BY DECEMBER 31, 2026;**

4           **(4) AN 85% RECYCLING RATE BY DECEMBER 31, 2029;**

5           **(5) BY DECEMBER 31, 2025, ATTAINMENT OF ALL CONVENIENCE**  
6 **STANDARDS IDENTIFIED BY THE DEPARTMENT UNDER § 9-1746 OF THIS SUBTITLE;**  
7 **AND**

8           **(6) BY DECEMBER 31, 2032, THE RETURN AND REFILLING OF AT**  
9 **LEAST 10% OF ALL BEVERAGE CONTAINERS SOLD BY A PRODUCER.**

10 **9-1737.**

11           **(A) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**  
12 **BEGINNING JANUARY 1, 2025, EACH REDEEMABLE BEVERAGE CONTAINER SOLD IN**  
13 **THE STATE SHALL INCLUDE A DEPICTION OF THE FOLLOWING INFORMATION:**

14                   **(I) THE WORD “MARYLAND” OR THE LETTERS “MD”; AND**

15                           **(II) 1. FOR REDEEMABLE BEVERAGE CONTAINERS WITH A**  
16 **VOLUME OF 24 FLUID OUNCES OR LESS, A REFUND VALUE OF 10 CENTS; OR**

17                                   **2. FOR REDEEMABLE BEVERAGE CONTAINERS WITH A**  
18 **VOLUME OF MORE THAN 24 FLUID OUNCES, A REFUND VALUE OF 15 CENTS.**

19           **(2) THE DEPARTMENT MAY ADJUST THE REFUND VALUES SPECIFIED**  
20 **IN PARAGRAPH (1) OF THIS SUBSECTION:**

21                   **(I) IF THE DEPARTMENT DETERMINES ALTERING THE REFUND**  
22 **VALUES IS NECESSARY TO MEET OR EXCEED PERFORMANCE TARGETS; OR**

23                           **(II) AT THE REQUEST OF A BEVERAGE CONTAINER**  
24 **STEWARDSHIP ORGANIZATION.**

25           **(3) BEGINNING JANUARY 1, 2029, THE DEPARTMENT SHALL**  
26 **INCREASE THE REFUND VALUES SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION**  
27 **BY 5 CENTS IF THE DEPARTMENT DETERMINES THAT FOR 2 CONSECUTIVE**

1 CALENDAR YEARS THE REDEMPTION RATE WAS LESS THAN 90% OF THE TOTAL  
2 NUMBER OF BEVERAGE CONTAINERS SOLD IN THE STATE.

3 (B) A BEVERAGE CONTAINER DEPICTING THE INFORMATION SPECIFIED IN  
4 SUBSECTION (A) OF THIS SECTION MAY NOT BE SOLD TO A CONSUMER BEFORE  
5 JANUARY 1, 2025.

6 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
7 BEGINNING JANUARY 1, 2025:

8 (I) THE WHOLESALE PRICE AND THE RETAIL PRICE OF A FULL  
9 REDEEMABLE BEVERAGE CONTAINER SHALL INCLUDE THE REFUND VALUE OF THE  
10 REDEEMABLE BEVERAGE CONTAINER; AND

11 (II) A RETAILER SHALL INCLUDE ON A CUSTOMER'S SALES  
12 RECEIPT THE REFUND VALUE OF A REDEEMABLE BEVERAGE CONTAINER SOLD BY  
13 THE RETAILER TO THE CUSTOMER.

14 (2) THE RETAIL PRICE OF A FULL REDEEMABLE BEVERAGE  
15 CONTAINER SOLD BY AN ON-PREMISES SELLER MAY NOT INCLUDE THE REFUND  
16 VALUE OF THE REDEEMABLE BEVERAGE CONTAINER.

17 9-1738.

18 (A) THE PROGRAM SHALL PROVIDE A RANGE OF OPTIONS FOR CUSTOMERS  
19 AND ON-PREMISES SELLERS TO CONVENIENTLY REDEEM EMPTY REDEEMABLE  
20 BEVERAGE CONTAINERS FOR THE FULL REFUND VALUE, INCLUDING:

21 (1) REDEEMING AN EMPTY REDEEMABLE BEVERAGE CONTAINER AT  
22 A RETAILER'S PLACE OF BUSINESS;

23 (2) ESTABLISHING DEDICATED REDEMPTION FACILITIES IN PARKING  
24 LOTS AND AT OFFICES IN SHOPPING CENTERS; AND

25 (3) PLACING REDEEMABLE BEVERAGE CONTAINER PROCESSING  
26 MECHANISMS, SUCH AS REVERSE VENDING MACHINES AND ACCOUNT-BASED BULK  
27 PROCESSING PROGRAMS, IN AREAS:

28 (I) WITH A HIGH NUMBER OF PEDESTRIANS; AND

29 (II) WHERE INDIVIDUALS PURCHASE OR USE BEVERAGE  
30 CONTAINERS.

1           **(B) (1) A PERSON SHALL APPLY TO THE DEPARTMENT FOR A LICENSE TO**  
2 **OPERATE A REDEMPTION FACILITY IN THE STATE.**

3           **(2) THE DEPARTMENT SHALL DEVELOP STANDARDS AND A**  
4 **LICENSING PROCESS FOR THE ESTABLISHMENT AND OPERATION OF REDEMPTION**  
5 **FACILITIES.**

6           **(C) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A RETAILER**  
7 **SHALL:**

8                   **(I) ESTABLISH AND MAINTAIN A DEDICATED AREA AT THE**  
9 **RETAILER'S PLACE OF BUSINESS TO ACCEPT REDEEMABLE BEVERAGE CONTAINERS;**

10                   **(II) ACCEPT AT THE RETAILER'S PLACE OF BUSINESS ANY**  
11 **EMPTY REDEEMABLE BEVERAGE CONTAINER RETURNED FOR REDEMPTION DURING**  
12 **THE RETAILER'S BUSINESS HOURS; AND**

13                   **(III) PAY TO THE REDEEMER THE REFUND VALUE FOR EACH**  
14 **REDEEMABLE BEVERAGE CONTAINER REDEEMED.**

15           **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A**  
16 **REDEMPTION FACILITY SHALL ACCEPT ALL TYPES OF EMPTY REDEEMABLE**  
17 **BEVERAGE CONTAINERS FOR REDEMPTION.**

18           **(3) A RETAILER OR REDEMPTION FACILITY MAY REFUSE TO ACCEPT**  
19 **AN EMPTY REDEEMABLE BEVERAGE CONTAINER THAT:**

20                   **(I) IS DIRTY;**

21                   **(II) IS BROKEN;**

22                   **(III) CONTAINS MATERIAL FOREIGN TO THE NORMAL CONTENTS**  
23 **OF THE BEVERAGE CONTAINER; OR**

24                   **(IV) THE RETAILER OR REDEMPTION FACILITY BELIEVES WAS**  
25 **NOT SOLD IN THE STATE.**

26           **(D) (1) A PERSON THAT PROVIDES A REVERSE VENDING MACHINE FOR**  
27 **THE REDEMPTION OF REDEEMABLE BEVERAGE CONTAINERS SHALL:**

28                   **(I) PROVIDE AN OPTION FOR REDEEMING REDEEMABLE**  
29 **BEVERAGE CONTAINERS WHEN THE REVERSE VENDING MACHINE IS FULL, BROKEN,**  
30 **OR UNDER REPAIR; AND**

1                   **(II) PROVIDE AN OPTION FOR REDEEMING ANY REDEEMABLE**  
2 **BEVERAGE CONTAINERS NOT ACCEPTED BY THE REVERSE VENDING MACHINE.**

3                   **(2) (I) THE DEPARTMENT SHALL ESTABLISH A PROCESS FOR**  
4 **SUBMITTING FOR REVIEW, APPROVING, AND MONITORING AN ACCOUNT-BASED**  
5 **BULK PROCESSING PROGRAM THAT:**

6                               **1. ENSURES THAT THE PROGRAM WILL ACCURATELY**  
7 **REFUND DEPOSITS AND MAINTAIN AND REPORT DATA FROM EACH TRANSACTION;**  
8 **AND**

9                               **2. IDENTIFIES THE INFORMATION THAT MUST BE**  
10 **SUBMITTED TO THE DEPARTMENT FOR APPROVAL OF THE PROGRAM.**

11                   **(II) A PERSON THAT INTENDS TO PROVIDE AN ACCOUNT-BASED**  
12 **BULK PROCESSING PROGRAM FOR THE REDEMPTION OF REDEEMABLE BEVERAGE**  
13 **CONTAINERS SHALL SUBMIT INFORMATION IDENTIFIED UNDER SUBPARAGRAPH (I)**  
14 **OF THIS PARAGRAPH TO THE DEPARTMENT FOR APPROVAL OF THE PROGRAM.**

15                   **(E) REFUNDS PROVIDED FOR A REDEEMED REDEEMABLE BEVERAGE**  
16 **CONTAINER SHALL BE:**

17                               **(1) IN CASH; OR**

18                               **(2) IN THE FORM OF A RECEIPT FROM A REVERSE VENDING MACHINE**  
19 **IF:**

20                                       **(I) THE RECEIPT CAN BE EXCHANGED FOR CASH WITHIN 60**  
21 **DAYS AFTER THE RECEIPT IS ISSUED; AND**

22                                       **(II) THERE IS NO REQUIREMENT THAT OTHER GOODS BE**  
23 **PURCHASED TO RECEIVE THE CASH REFUND.**

24                   **(F) (1) A REDEMPTION FACILITY, RETAILER, OR OTHER PERSON THAT**  
25 **ACCEPTS REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION SHALL BE**  
26 **REIMBURSED BY A DISTRIBUTOR FOR THE HANDLING OF EACH REDEEMABLE**  
27 **BEVERAGE CONTAINER REDEEMED.**

28                                       **(2) (I) THE DEPARTMENT SHALL SET A HANDLING FEE TO BE PAID**  
29 **BY A DISTRIBUTOR TO A REDEMPTION FACILITY, RETAILER, OR OTHER PERSON**  
30 **THAT ACCEPTS REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION.**

1                   (ii) 1. THE HANDLING FEE SHALL BE SET AT AN AMOUNT  
2 THAT COVERS THE COSTS OF COLLECTING, SORTING, PROCESSING, AND  
3 TRANSPORTING EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR RECYCLING,  
4 REUSE, OR REFILLING.

5                   2. THE DEPARTMENT MAY INCREASE THE HANDLING  
6 FEE IF THE DEPARTMENT DETERMINES AN INCREASE IS NECESSARY TO ENCOURAGE  
7 THE ESTABLISHMENT OF MORE REDEMPTION FACILITIES.

8           (g) A DEPOSIT INITIATOR THAT COLLECTS A DEPOSIT FROM A RETAILER,  
9 REDEMPTION FACILITY, OR OTHER PERSON THAT ACCEPTS REDEEMABLE  
10 BEVERAGE CONTAINERS FOR REDEMPTION SHALL ACCOUNT FOR ANY DEPOSITS IN  
11 ACCORDANCE WITH § 9-1739 OF THIS SUBTITLE.

12           (h) REDEEMED REDEEMABLE BEVERAGE CONTAINERS SHALL BE  
13 COLLECTED FOR RETURN TO PRODUCERS FOR USE OR SALE AS SCRAP MATERIAL.

14 9-1739.

15           (a) A DEPOSIT INITIATOR SHALL DEPOSIT ANY DEPOSITS COLLECTED  
16 UNDER § 9-1738 OF THIS SUBTITLE INTO A DEPOSIT COLLECTION ACCOUNT THAT IS  
17 MAINTAINED SEPARATELY FROM ALL OTHER REVENUES.

18           (b) THE FUNDS IN THE DEPOSIT COLLECTION ACCOUNT MAY BE USED ONLY  
19 TO PAY THE REFUND VALUE OF A REDEEMABLE BEVERAGE CONTAINER BEING  
20 REDEEMED.

21           (c) A DEPOSIT INITIATOR SHALL REPORT TO THE DEPARTMENT, AT A  
22 FREQUENCY DETERMINED BY THE DEPARTMENT, THE FOLLOWING INFORMATION:

23                   (1) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD  
24 AND REDEEMED SINCE THE LAST REPORT WAS SUBMITTED TO THE DEPARTMENT  
25 UNDER THIS SUBSECTION;

26                   (2) THE FUNDS DEPOSITED INTO THE DEPOSIT COLLECTION  
27 ACCOUNT AND THE REFUNDS ISSUED FROM THE DEPOSIT COLLECTION ACCOUNT  
28 SINCE THE LAST REPORT WAS SUBMITTED TO THE DEPARTMENT UNDER THIS  
29 SUBSECTION;

30                   (3) ANY INCOME EARNED ON THE FUNDS IN THE DEPOSIT  
31 COLLECTION ACCOUNT SINCE THE LAST REPORT WAS SUBMITTED TO THE  
32 DEPARTMENT UNDER THIS SUBSECTION;



1           **(4) THE BALANCE OF THE DEPOSIT COLLECTION ACCOUNT; AND**

2           **(5) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.**

3           **(D) (1) THE DEPARTMENT SHALL DETERMINE THE POINT AT WHICH A**  
4 **DEPOSIT BECOMES AN UNCLAIMED DEPOSIT.**

5           **(2) UNCLAIMED DEPOSITS ARE CALCULATED AS THE AMOUNT OF**  
6 **FUNDS TRANSFERRED TO A DEPOSIT COLLECTION ACCOUNT THAT ARE IN EXCESS**  
7 **OF THE SUM OF:**

8                   **(I) ANY INTEREST EARNINGS ON THE DEPOSIT COLLECTION**  
9 **ACCOUNT DURING THE TIME FOR WHICH UNCLAIMED DEPOSITS ARE BEING**  
10 **CALCULATED; AND**

11                   **(II) THE TOTAL AMOUNT OF THE REFUND VALUE RECEIVED FOR**  
12 **THE REDEEMABLE BEVERAGE CONTAINERS REDEEMED DURING THE TIME FOR**  
13 **WHICH THE UNCLAIMED DEPOSITS ARE BEING CALCULATED.**

14           **(3) A DEPOSIT INITIATOR SHALL TRANSFER:**

15                   **(I) 10% OF ANY UNCLAIMED DEPOSITS TO THE DEPARTMENT**  
16 **AT A FREQUENCY DETERMINED BY THE DEPARTMENT; AND**

17                   **(II) 90% OF ANY UNCLAIMED DEPOSITS TO A RESERVE**  
18 **ACCOUNT.**

19           **(4) A DEPOSIT INITIATOR SHALL USE THE FUNDS IN THE RESERVE**  
20 **ACCOUNT SPECIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO:**

21                   **(I) ACHIEVE THE INTENT OF THE GENERAL ASSEMBLY STATED**  
22 **IN § 9-1734 OF THIS SUBTITLE; AND**

23                   **(II) MEET OR EXCEED THE PERFORMANCE TARGETS**  
24 **ESTABLISHED IN § 9-1736 OF THIS SUBTITLE.**

25           **(5) (I) THE DEPARTMENT SHALL TRANSFER ANY UNCLAIMED**  
26 **DEPOSITS RECEIVED UNDER THIS PARAGRAPH TO THE STATE RECYCLING TRUST**  
27 **FUND UNDER § 9-1707(F) OF THIS SUBTITLE.**

28                   **(II) THE UNCLAIMED DEPOSITS TRANSFERRED TO THE STATE**  
29 **RECYCLING TRUST FUND MAY BE USED ONLY FOR THE COSTS OF ADMINISTERING**  
30 **THE GRANT PROGRAM.**

1 **9-1740.**

2 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION  
3 APPLIES TO A PRODUCER THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES  
4 REDEEMABLE BEVERAGE CONTAINERS IN THE STATE.

5 (2) (I) IF THE BEVERAGE CONTAINER IS SOLD UNDER THE  
6 PRODUCER'S OWN BRAND OR LACKS IDENTIFICATION OF A BRAND, THE PRODUCER  
7 IS THE PERSON THAT MANUFACTURES THE REDEEMABLE BEVERAGE CONTAINER.

8 (II) IF THE REDEEMABLE BEVERAGE CONTAINER IS  
9 MANUFACTURED BY A PERSON OTHER THAN THE BRAND OWNER, THE PRODUCER IS  
10 THE PERSON THAT IS THE LICENSEE OF A BRAND OR TRADEMARK UNDER WHICH A  
11 REDEEMABLE BEVERAGE CONTAINER IS SOLD, OFFERED FOR SALE, OR  
12 DISTRIBUTED IN THE STATE, WHETHER OR NOT THE TRADEMARK IS REGISTERED IN  
13 THE STATE.

14 (III) IF THERE IS NO PERSON DESCRIBED IN THIS PARAGRAPH  
15 OVER WHOM THE STATE CAN CONSTITUTIONALLY EXERCISE JURISDICTION, THE  
16 PRODUCER IS THE PERSON THAT IMPORTS OR DISTRIBUTES THE REDEEMABLE  
17 BEVERAGE CONTAINER IN THE STATE.

18 (B) BEGINNING JANUARY 1, 2025, A PRODUCER MAY NOT SELL, OFFER FOR  
19 SALE, OR DISTRIBUTE IN OR IMPORT INTO THE STATE A REDEEMABLE BEVERAGE  
20 CONTAINER UNLESS THE PRODUCER:

21 (1) IS REGISTERED WITH THE DEPARTMENT UNDER SUBSECTION (C)  
22 OF THIS SECTION;

23 (2) HAS PAID THE REGISTRATION FEE UNDER SUBSECTION (E) OF  
24 THIS SECTION; AND

25 (3) HAS, EITHER INDIVIDUALLY OR AS PART OF A BEVERAGE  
26 CONTAINER STEWARDSHIP ORGANIZATION, A BEVERAGE CONTAINER STEWARDSHIP  
27 PLAN APPROVED BY THE DEPARTMENT UNDER § 9-1741 OF THIS SUBTITLE.

28 (C) ON OR BEFORE MARCH 1, 2024, AND EACH MARCH 1 THEREAFTER, A  
29 PRODUCER OR A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION  
30 REPRESENTING THE PRODUCER SHALL:

31 (1) REGISTER WITH THE DEPARTMENT; AND

1           **(2) PAY A REGISTRATION FEE ESTABLISHED BY THE DEPARTMENT**  
2 **UNDER SUBSECTION (E) OF THIS SECTION.**

3           **(D) THE DEPARTMENT SHALL CREATE A REGISTRATION FORM THAT**  
4 **REQUIRES EACH PRODUCER OR BEVERAGE CONTAINER STEWARDSHIP**  
5 **ORGANIZATION REGISTERING WITH THE DEPARTMENT TO PROVIDE THE**  
6 **FOLLOWING INFORMATION:**

7           **(1) A LIST OF EACH PRODUCER INTENDED TO BE COVERED UNDER**  
8 **THE REGISTRATION;**

9           **(2) THE NAME, PRIMARY BUSINESS ADDRESS, AND CONTACT**  
10 **INFORMATION OF THE PERSON RESPONSIBLE FOR ENSURING COMPLIANCE WITH**  
11 **THIS PART;**

12           **(3) A LIST OF EACH BRAND OF REDEEMABLE BEVERAGE CONTAINERS**  
13 **THAT THE PRODUCER INTENDS TO SELL, OFFER FOR SALE, OR DISTRIBUTE IN THE**  
14 **STATE, INCLUDING THE SIZE AND MATERIAL OF THE REDEEMABLE BEVERAGE**  
15 **CONTAINERS FOR EACH BRAND;**

16           **(4) FOR EACH REDEEMABLE BEVERAGE CONTAINER SPECIFIED IN**  
17 **THE REGISTRATION, WHETHER THE REDEEMABLE BEVERAGE CONTAINER:**

18                   **(i) IS REFILLABLE; AND**

19                   **(ii) DEPICTS A UPC OR MARYLAND-SPECIFIC UPC BARCODE;**

20           **(5) HOW EACH PRODUCER WILL PREVENT THE FRAUDULENT SALE**  
21 **AND REDEMPTION OF REDEEMABLE BEVERAGE CONTAINERS THAT WERE NOT SOLD**  
22 **IN THE STATE;**

23           **(6) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS EACH**  
24 **PRODUCER SOLD IN THE STATE IN THE IMMEDIATELY PRECEDING CALENDAR YEAR;**  
25 **AND**

26           **(7) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.**

27           **(E) (1) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL REGISTRATION**  
28 **FEE FOR PRODUCERS THAT SELL REDEEMABLE BEVERAGE CONTAINERS IN THE**  
29 **STATE.**

30           **(2) THE REGISTRATION FEE SHALL BE SET IN A MANNER THAT:**

1           **(I) WHEN TAKEN IN COMBINATION WITH ANTICIPATED**  
2 **REVENUES FROM PENALTIES COLLECTED UNDER § 9-1749 OF THIS SUBTITLE, WILL**  
3 **PRODUCE FUNDS SUFFICIENT TO COVER THE DEPARTMENT'S ESTIMATED COSTS OF**  
4 **PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND**  
5 **EVALUATING THE PROGRAM FOR THE UPCOMING YEAR; AND**

6           **(II) IS PROPORTIONAL TO A PRODUCER'S SHARE OF THE TOTAL**  
7 **NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE FOR THE**  
8 **IMMEDIATELY PRECEDING CALENDAR YEAR.**

9           **(3) THE DEPARTMENT SHALL:**

10           **(I) IF THE REVENUES FROM THE REGISTRATION FEES IN THE**  
11 **IMMEDIATELY PRECEDING YEAR EXCEED THE COSTS SPECIFIED IN PARAGRAPH**  
12 **(2)(I) OF THIS SUBSECTION, CARRY THE EXCESS REVENUES FORWARD TO REDUCE**  
13 **REGISTRATION FEES THE FOLLOWING YEAR; AND**

14           **(II) IF THE REVENUES FROM THE REGISTRATION FEES IN THE**  
15 **IMMEDIATELY PRECEDING YEAR DO NOT COVER THE COSTS SPECIFIED IN**  
16 **PARAGRAPH (2)(I) OF THIS SUBSECTION, ADJUST REGISTRATION FEES FOR THE**  
17 **FOLLOWING YEAR TO AN AMOUNT THAT WILL COVER THE DEPARTMENT'S ACTUAL**  
18 **COSTS FROM THE IMMEDIATELY PRECEDING YEAR.**

19           **(4) REGISTRATION FEES COLLECTED UNDER THIS SUBSECTION**  
20 **SHALL BE:**

21           **(I) TRANSFERRED TO THE STATE RECYCLING TRUST FUND**  
22 **UNDER § 9-1707(F) OF THIS SUBTITLE; AND**

23           **(II) USED ONLY TO COVER THE DEPARTMENT'S COSTS OF**  
24 **PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND**  
25 **EVALUATING THE PROGRAM.**

26 **9-1741.**

27           **(A) (1) ON OR BEFORE APRIL 1, 2024, EACH PRODUCER OR BEVERAGE**  
28 **CONTAINER STEWARDSHIP ORGANIZATION REPRESENTING THE PRODUCER SHALL**  
29 **SUBMIT A BEVERAGE CONTAINER STEWARDSHIP PLAN TO THE DEPARTMENT.**

30           **(2) A BEVERAGE CONTAINER STEWARDSHIP PLAN SHALL:**

1           **(I) IDENTIFY AND INCLUDE THE CONTACT INFORMATION FOR**  
2 **EACH PRODUCER AND BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION**  
3 **INTENDED TO BE COVERED UNDER THE PLAN;**

4           **(II) IDENTIFY EACH BRAND OF REDEEMABLE BEVERAGE**  
5 **CONTAINER INTENDED TO BE SOLD UNDER THE PLAN, INCLUDING THE SIZE AND**  
6 **MATERIAL OF THE REDEEMABLE BEVERAGE CONTAINERS FOR EACH BRAND AND**  
7 **WHETHER THE REDEEMABLE BEVERAGE CONTAINERS ARE REFILLABLE;**

8           **(III) DESCRIBE:**

9                   **1. THE FINANCING INFORMATION SPECIFIED IN**  
10 **PARAGRAPH (3) OF THIS SUBSECTION;**

11                   **2. HOW THE PERFORMANCE TARGETS WILL BE MET OR**  
12 **EXCEEDED FOR THE 5-YEAR PERIOD FOLLOWING THE YEAR IN WHICH THE PLAN IS**  
13 **APPROVED;**

14                   **3. HOW STAKEHOLDER COMMENTS WERE CONSIDERED**  
15 **AND REFLECTED IN THE DEVELOPMENT OF THE PLAN, INCLUDING THE ROLE OF**  
16 **RETAILERS, DISTRIBUTORS, AND LOCAL GOVERNMENTS IN PLAN IMPLEMENTATION;**

17                   **4. THE ADMINISTRATION AND IMPLEMENTATION OF**  
18 **THE PLAN, INCLUDING ANY STAFFING THAT WILL BE NECESSARY FOR THESE**  
19 **PURPOSES;**

20                   **5. THE ACTIONS THAT HAVE BEEN TAKEN AND THAT**  
21 **WILL BE TAKEN FOR PUBLIC OUTREACH, EDUCATION, AND COMMUNICATION,**  
22 **INCLUDING MESSAGING AND IDENTIFICATION OF TARGET AUDIENCES; AND**

23                   **6. THE ANTICIPATED INVESTMENTS THAT WILL BE**  
24 **MADE TO IMPROVE THE REUSE OF BEVERAGE CONTAINERS, INCLUDING THE**  
25 **SOURCE OF FUNDING FOR THE INVESTMENTS;**

26           **(IV) LIST THE STAKEHOLDERS CONSULTED IN DEVELOPING THE**  
27 **PLAN;**

28           **(V) PROVIDE THE ANTICIPATED COSTS OF IMPLEMENTING THE**  
29 **PLAN FOR 5 YEARS, BROKEN DOWN BY YEAR; AND**

30           **(VI) INCLUDE ANY OTHER INFORMATION REQUESTED BY THE**  
31 **DEPARTMENT.**

1           **(3) THE FINANCING INFORMATION INCLUDED IN A BEVERAGE**  
2 **CONTAINER STEWARDSHIP PLAN SHALL:**

3           **(I) EXPLAIN THE FINANCING FOR DIRECT INVESTMENTS OR**  
4 **REIMBURSEMENTS THAT WILL IMPROVE INFRASTRUCTURE IN A MANNER THAT**  
5 **SUPPORTS REDEMPTION SERVICES AND TECHNOLOGIES;**

6           **(II) ESTABLISH A FEE STRUCTURE IN ACCORDANCE WITH**  
7 **PARAGRAPH (4) OF THIS SUBSECTION FOR PRODUCERS PARTICIPATING IN A**  
8 **BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION;**

9           **(III) DESCRIBE THE COSTS OF MEETING THE PERFORMANCE**  
10 **TARGETS;**

11           **(IV) DESCRIBE THE INCENTIVES USED TO ENCOURAGE**  
12 **PRODUCERS TO:**

13                   **1. INVEST IN REUSABLE AND REFILLABLE BEVERAGE**  
14 **CONTAINER SYSTEMS; AND**

15                   **2. REDESIGN BEVERAGE CONTAINERS TO BE EASIER**  
16 **AND LESS COSTLY TO RECYCLE;**

17           **(V) CREATE INCENTIVES FOR PRODUCERS TO USE A**  
18 **MARYLAND-SPECIFIC UPC BARCODE TO REDUCE FRAUDULENT REDEMPTION; AND**

19           **(VI) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE**  
20 **DEPARTMENT.**

21           **(4) (I) THE FEE STRUCTURE REQUIRED UNDER PARAGRAPH (3) OF**  
22 **THIS SUBSECTION FOR PRODUCERS PARTICIPATING IN A BEVERAGE CONTAINER**  
23 **STEWARDSHIP ORGANIZATION SHALL BE:**

24                   **1. SET IN A MANNER THAT COVERS THE COSTS OF**  
25 **ADMINISTERING A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AND**  
26 **IMPLEMENTING THE BEVERAGE CONTAINER STEWARDSHIP PLAN; AND**

27                   **2. BASED ON:**

28                           **A. THE COSTS ASSOCIATED WITH TRANSPORTING,**  
29 **COLLECTING, AND PROCESSING EACH TYPE OF REDEEMABLE BEVERAGE**  
30 **CONTAINER MATERIAL;**

1                   **B.    WHETHER A PRODUCER’S REDEEMABLE BEVERAGE**  
2 **CONTAINERS ARE REFILLABLE AND EASY TO RECYCLE;**

3                   **C.    A PRODUCER’S PORTION, BY MATERIAL TYPE, OF**  
4 **REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE DURING THE PREVIOUS**  
5 **CALENDAR YEAR; AND**

6                   **D.    ANY OTHER FACTOR THE DEPARTMENT DETERMINES**  
7 **IS NECESSARY TO SUPPORT THE PROGRAM.**

8                   **(II) 1.   A PRODUCER PARTICIPATING IN A BEVERAGE**  
9 **CONTAINER STEWARDSHIP ORGANIZATION SHALL PAY THE FEE ESTABLISHED**  
10 **UNDER PARAGRAPH (3) OF THIS SUBSECTION TO THE BEVERAGE CONTAINER**  
11 **STEWARDSHIP ORGANIZATION.**

12                   **2.    A    BEVERAGE    CONTAINER    STEWARDSHIP**  
13 **ORGANIZATION SHALL DEPOSIT FEES RECEIVED UNDER THIS SUBPARAGRAPH TO AN**  
14 **ACCOUNT HELD BY THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.**

15                   **3.    A    BEVERAGE    CONTAINER    STEWARDSHIP**  
16 **ORGANIZATION MAY USE THE FEES RECEIVED UNDER THIS SUBPARAGRAPH ONLY**  
17 **FOR IMPLEMENTING THE BEVERAGE CONTAINER STEWARDSHIP PLAN.**

18                   **(5)   THE DEPARTMENT SHALL SUBMIT A BEVERAGE CONTAINER**  
19 **STEWARDSHIP PLAN TO AN INDEPENDENT FINANCIAL AUDITOR TO ENSURE THAT**  
20 **THE FINANCING PROPOSED IN THE PLAN WILL COVER THE COSTS OF IMPLEMENTING**  
21 **THE PLAN.**

22                   **(B) (1) (i)   WITHIN 120 DAYS AFTER RECEIPT OF A BEVERAGE**  
23 **CONTAINER STEWARDSHIP PLAN SUBMITTED TO THE DEPARTMENT UNDER THIS**  
24 **SECTION, THE DEPARTMENT SHALL APPROVE, APPROVE WITH CONDITIONS, OR**  
25 **DENY THE PLAN.**

26                   **(ii)   IN DETERMINING WHETHER TO APPROVE, APPROVE WITH**  
27 **CONDITIONS, OR DENY A BEVERAGE CONTAINER STEWARDSHIP PLAN, THE**  
28 **DEPARTMENT SHALL:**

29                   **1.    CONSIDER WHETHER:**

30                   **A.    THE PLAN COMPLIES WITH THE REQUIREMENTS OF**  
31 **THIS SECTION; AND**

1                   **B. THERE WAS SUFFICIENT ENGAGEMENT WITH**  
2 **STAKEHOLDERS, INCLUDING LOCAL GOVERNMENTS, RETAILERS, AND**  
3 **DISTRIBUTORS, IN DEVELOPING THE PLAN; AND**

4                   **2. CONSULT WITH THE ADVISORY COUNCIL.**

5                   **(2) (I) THE DEPARTMENT MAY RESCIND APPROVAL OF A**  
6 **BEVERAGE CONTAINER STEWARDSHIP PLAN FOR GOOD CAUSE.**

7                   **(II) A PRODUCER OR A BEVERAGE CONTAINER STEWARDSHIP**  
8 **ORGANIZATION MAY AMEND A RESCINDED BEVERAGE CONTAINER STEWARDSHIP**  
9 **PLAN AND SUBMIT THE AMENDED PLAN TO THE DEPARTMENT FOR APPROVAL.**

10                  **(3) (I) A BEVERAGE CONTAINER STEWARDSHIP PLAN APPROVED**  
11 **BY THE DEPARTMENT MAY BE AMENDED WITH APPROVAL OF THE DEPARTMENT.**

12                  **(II) THE DEPARTMENT MAY REQUIRE THAT AN APPROVED**  
13 **BEVERAGE CONTAINER STEWARDSHIP PLAN BE AMENDED IF THE REPORT**  
14 **SUBMITTED UNDER § 9-1742 OF THIS SUBTITLE REFLECTS THAT THE**  
15 **PERFORMANCE TARGETS HAVE NOT BEEN MET.**

16                  **(C) AN APPROVED BEVERAGE CONTAINER STEWARDSHIP PLAN EXPIRES AT**  
17 **THE END OF 5 YEARS.**

18                  **(D) (1) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR A**  
19 **PRODUCER THAT IS NOT A MEMBER OF A BEVERAGE CONTAINER STEWARDSHIP**  
20 **ORGANIZATION SHALL IMPLEMENT AND ADMINISTER A BEVERAGE CONTAINER**  
21 **STEWARDSHIP PLAN WITHIN 6 MONTHS AFTER THE PLAN IS APPROVED.**

22                  **(2) IN IMPLEMENTING AND ADMINISTERING A BEVERAGE CONTAINER**  
23 **STEWARDSHIP PLAN, A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR A**  
24 **PRODUCER THAT IS NOT A MEMBER OF A BEVERAGE CONTAINER STEWARDSHIP**  
25 **ORGANIZATION SHALL:**

26                   **(I) FACILITATE LOGISTICS, THE INITIATION OF DEPOSITS, AND**  
27 **THE ISSUANCE OF REFUNDS UNDER THE PLAN;**

28                   **(II) COORDINATE THE LOGISTICS FOR COLLECTING**  
29 **REDEEMABLE BEVERAGE CONTAINERS FROM AN ON-PREMISES SELLER;**

30                   **(III) ESTABLISH PROCEDURES FOR TRACKING REDEEMABLE**  
31 **BEVERAGE CONTAINERS SOLD IN THE STATE;**



1 (IV) DESIGN AND OPERATE SERVICES FOR THE  
2 TRANSPORTATION AND PROCESSING OF REDEEMABLE BEVERAGE CONTAINERS;

3 (V) DEVELOP AND IMPLEMENT A PLAN FOR ESTABLISHING,  
4 OPERATING, AND MANAGING REDEMPTION FACILITIES THAT WILL OFFER A WIDE  
5 RANGE OF CONVENIENT REDEMPTION LOCATIONS AND TECHNOLOGIES THAT ARE  
6 EASY TO USE, ACCESSIBLE, AND MEET OR EXCEED THE CONVENIENCE STANDARDS  
7 ESTABLISHED BY THE DEPARTMENT UNDER § 9-1746 OF THIS SUBTITLE;

8 (VI) ESTABLISH INCENTIVES TO ENCOURAGE RETAILERS TO  
9 PARTICIPATE IN THE PROGRAM;

10 (VII) DEVELOP AND IMPLEMENT A PLAN FOR THE DISTRIBUTION,  
11 OPERATION, AND MAINTENANCE OF BEVERAGE CONTAINER REDEMPTION  
12 TECHNOLOGIES, INCLUDING REVERSE VENDING MACHINES AND ACCOUNT-BASED  
13 BULK PROCESSING PROGRAMS;

14 (VIII) DEVELOP ACCOUNTING AND CONTROL STANDARDS;

15 (IX) IMPLEMENT ACCOUNTING, AUDIT, PAYMENT, AND  
16 REPORTING PROCEDURES;

17 (X) ESTABLISH A HIGH-VOLUME VALIDATION AND AUDIT  
18 SYSTEM TO PAY A BULK RATE TO AN ON-PREMISES SELLER FOR THE REDEMPTION  
19 OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;

20 (XI) ESTABLISH AN APPLICATION PROCESS FOR LARGE  
21 ON-PREMISES SELLERS TO APPLY FOR AND RECEIVE A BULK RATE FOR THE  
22 REDEMPTION OF HIGH VOLUMES OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;

23 (XII) MARKET REDEEMABLE BEVERAGE CONTAINER MATERIALS  
24 FOR REUSE IN THE MANUFACTURING OF SIMILAR PRODUCTS;

25 (XIII) FUND A MARKETING PROGRAM TO EDUCATE THE PUBLIC  
26 ABOUT THE PROGRAM;

27 (XIV) ESTABLISH A SYSTEM FOR REPORTING KEY INFORMATION  
28 GATHERED BY THE PROGRAM TO THE DEPARTMENT ON A QUARTERLY BASIS; AND

29 (XV) CREATE INCENTIVES FOR THE DEVELOPMENT OF  
30 REFILLABLE AND REUSABLE BEVERAGE CONTAINER SYSTEMS.

1           **(3) ON REQUEST OF THE DEPARTMENT, A BEVERAGE CONTAINER**  
2 **STEWARDSHIP ORGANIZATION OR A PRODUCER THAT IS NOT A MEMBER OF A**  
3 **BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL SUBMIT A COPY OF ITS**  
4 **FINANCIAL RECORDS TO THE DEPARTMENT FOR A FINANCIAL AUDIT.**

5           **(E) IF MORE THAN ONE BEVERAGE CONTAINER STEWARDSHIP**  
6 **ORGANIZATION SUBMITS A BEVERAGE CONTAINER STEWARDSHIP PLAN TO THE**  
7 **DEPARTMENT, THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATIONS:**

8           **(1) SHALL COORDINATE WITH THE DEPARTMENT AND LOCAL**  
9 **GOVERNMENTS TO ENSURE THAT:**

10           **(I) REDEEMABLE BEVERAGE CONTAINER RECOVERY,**  
11 **PROCESSING, AND REDEMPTION SERVICES ARE PROVIDED IN A SEAMLESS MANNER**  
12 **ACROSS THE STATE; AND**

13           **(II) PUBLIC OUTREACH, EDUCATION, AND COMMUNICATION**  
14 **ABOUT REDEEMABLE BEVERAGE CONTAINER PROGRAMS ARE PROVIDED IN A**  
15 **CONSISTENT MANNER; AND**

16           **(2) MAY CREATE AN ORGANIZATION TO REPRESENT ALL BEVERAGE**  
17 **CONTAINER STEWARDSHIP ORGANIZATIONS THAT SUBMIT A BEVERAGE CONTAINER**  
18 **STEWARDSHIP PLAN TO THE DEPARTMENT.**

19 **9-1742.**

20           **(A) THIS SECTION APPLIES TO A PRODUCER AND A BEVERAGE CONTAINER**  
21 **STEWARDSHIP ORGANIZATION THAT HAVE A BEVERAGE CONTAINER STEWARDSHIP**  
22 **PLAN APPROVED BY THE DEPARTMENT UNDER § 9-1741 OF THIS SUBTITLE.**

23           **(B) (1) ON OR BEFORE APRIL 1, 2026, AND EACH APRIL 1 THEREAFTER,**  
24 **EACH BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AND PRODUCER THAT**  
25 **IS NOT PART OF A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL**  
26 **SUBMIT A REPORT TO THE DEPARTMENT ON THE PROGRESS MADE IN THE**  
27 **PRECEDING CALENDAR YEAR TOWARD MEETING THE PERFORMANCE TARGETS AND**  
28 **THE GOALS OF THE PROGRAM AND THE PRODUCER'S OR BEVERAGE CONTAINER**  
29 **STEWARDSHIP ORGANIZATION'S BEVERAGE CONTAINER STEWARDSHIP PLAN.**

30           **(2) THE DEPARTMENT SHALL PROVIDE THE ADVISORY COUNCIL**  
31 **WITH A COPY OF EACH REPORT SUBMITTED UNDER THIS SUBSECTION.**

32           **(C) THE REPORT SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION**  
33 **SHALL INCLUDE, FOR THE PRECEDING CALENDAR YEAR:**

1           **(1) THE PROGRESS MADE TOWARD ACHIEVING THE PERFORMANCE**  
2 **TARGETS;**

3           **(2) IF THE PERFORMANCE TARGETS WERE NOT ACHIEVED, A**  
4 **DESCRIPTION OF THE ACTIONS PROPOSED TO ACHIEVE THE PERFORMANCE**  
5 **TARGETS;**

6           **(3) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN**  
7 **THE STATE;**

8           **(4) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN**  
9 **THE STATE SORTED BY MATERIAL TYPE, REFUND VALUE, AND WHETHER THE**  
10 **CONTAINER CAN BE REFILLED OR REUSED;**

11           **(5) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS**  
12 **REDEEMED;**

13           **(6) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS**  
14 **REDEEMED AT EACH REDEMPTION FACILITY, REVERSE VENDING MACHINE,**  
15 **ACCOUNT-BASED BULK PROCESSING PROGRAM, OR OTHER BEVERAGE CONTAINER**  
16 **PROCESSING MECHANISM SORTED BY MATERIAL TYPE, REFUND VALUE, AND**  
17 **WHETHER THE REDEEMABLE BEVERAGE CONTAINER CAN BE REFILLED OR REUSED;**

18           **(7) THE REDEMPTION RATE AND RECYCLING RATE FOR**  
19 **NONREFILLABLE REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE**  
20 **SORTED BY MATERIAL TYPE, NUMBER OF CONTAINERS SOLD, AND CONTAINER**  
21 **WEIGHT;**

22           **(8) THE AMOUNT OF EACH TYPE OF:**

23                   **(I) REDEEMABLE BEVERAGE CONTAINER MATERIAL**  
24 **COLLECTED IN THE STATE; AND**

25                   **(II) SCRAP MATERIAL SOLD BY A PRODUCER;**

26           **(9) THE LOCATION OF EACH REDEMPTION FACILITY IN THE STATE**  
27 **AND THE REDEMPTION TECHNOLOGY USED AT EACH REDEMPTION FACILITY;**

28           **(10) A DESCRIPTION OF ANY IMPROVEMENTS MADE TO MAKE**  
29 **RETURNING REDEEMABLE BEVERAGE CONTAINERS EASIER AND MORE**  
30 **CONVENIENT;**

1           **(11) THE IDENTIFICATION AND DESCRIPTION OF AREAS THAT DO NOT**  
2 **HAVE READILY AVAILABLE OPTIONS FOR REDEEMING A REDEEMABLE BEVERAGE**  
3 **CONTAINER AND ACTIONS THE BEVERAGE CONTAINER STEWARDSHIP**  
4 **ORGANIZATION WILL TAKE TO IMPROVE OPTIONS IN THESE AREAS;**

5           **(12) THE NUMBER OF CONSUMER COMPLAINTS PER MONTH, SORTED**  
6 **BY REDEMPTION FACILITY;**

7           **(13) THE NUMBER OF INDIVIDUALS AND ORGANIZATIONS WITH**  
8 **ACCOUNTS ESTABLISHED FOR THE RECEIPT OF ELECTRONIC DEPOSITS OR**  
9 **REFUNDS;**

10           **(14) THE TOTAL COST OF IMPLEMENTING THE BEVERAGE CONTAINER**  
11 **STEWARDSHIP PLAN, AS DETERMINED BY AN INDEPENDENT FINANCIAL AUDITOR**  
12 **UNDER § 9-1741(A)(5) OF THIS SUBTITLE;**

13           **(15) THE AVERAGE COST OF PROCESSING A REDEEMED REDEEMABLE**  
14 **BEVERAGE CONTAINER;**

15           **(16) A COPY OF THE AUDIT CONDUCTED UNDER § 9-1741(A)(5) OF**  
16 **THIS SUBTITLE;**

17           **(17) FINANCIAL STATEMENTS DETAILING ALL DEPOSITS RECEIVED**  
18 **AND REFUNDS ISSUED BY EACH PRODUCER COVERED UNDER THE BEVERAGE**  
19 **CONTAINER STEWARDSHIP PLAN;**

20           **(18) THE TOTAL AMOUNT OF DEPOSITS INITIATED, REFUNDS ISSUED,**  
21 **AND UNCLAIMED DEPOSITS COLLECTED UNDER THE BEVERAGE CONTAINER**  
22 **STEWARDSHIP PLAN;**

23           **(19) AN ACCOUNTING OF ALL ACTIVITIES AND INVESTMENTS**  
24 **FINANCED BY UNCLAIMED DEPOSITS;**

25           **(20) EXPENDITURES AND REVENUES SORTED BY SOURCE, INCLUDING**  
26 **FEES PAID UNDER § 9-1741(A)(4) OF THIS SUBTITLE, REVENUE FROM THE SALE OF**  
27 **SCRAP MATERIALS, AND UNCLAIMED DEPOSITS;**

28           **(21) SAMPLES OF ALL EDUCATIONAL MATERIALS PROVIDED TO**  
29 **CONSUMERS, RETAILERS, AND OTHER ENTITIES;**

30           **(22) A DETAILED DESCRIPTION OF INVESTMENTS MADE IN NEW**  
31 **REDEMPTION FACILITIES AND REDEMPTION TECHNOLOGY;**

1           **(23) THE LOCATION OF NEW REDEMPTION FACILITIES AND**  
2 **REDEMPTION TECHNOLOGY;**

3           **(24) A DETAILED DESCRIPTION OF CHANGES MADE BY PRODUCERS TO**  
4 **INCREASE THE RECYCLABILITY OF REDEEMABLE BEVERAGE CONTAINERS;**

5           **(25) A DETAILED DESCRIPTION OF ANY INCIDENTS OF FRAUD AND**  
6 **EFFORTS TAKEN TO PREVENT FRAUD; AND**

7           **(26) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.**

8           **(D) THE FINANCIAL, PRODUCTION, AND SALES DATA OF INDIVIDUAL**  
9 **PRODUCERS REPORTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE**  
10 **KEPT CONFIDENTIAL BY THE DEPARTMENT AND THE ADVISORY COUNCIL.**

11           **(E) THE DEPARTMENT SHALL POST THE REPORT SUBMITTED UNDER THIS**  
12 **SECTION ON THE DEPARTMENT'S WEBSITE IN A MANNER THAT PROTECTS**  
13 **CONFIDENTIALITY OF THE DATA SPECIFIED UNDER SUBSECTION (D) OF THIS**  
14 **SECTION.**

15 **9-1743.**

16           **(A) THE DEPARTMENT SHALL ESTABLISH A PROCESS FOR A COUNTY OR**  
17 **MUNICIPAL CORPORATION TO CREATE A REDEMPTION FACILITY.**

18           **(B) REDEEMABLE BEVERAGE CONTAINERS REDEEMED AT A REDEMPTION**  
19 **FACILITY MANAGED BY A COUNTY OR MUNICIPAL CORPORATION SHALL BE**  
20 **CREDITED TOWARD MEETING THE RECYCLING RATES REQUIRED UNDER § 9-505 OF**  
21 **THIS TITLE.**

22           **(C) (1) THROUGH DECEMBER 31, 2027, A PORTION OF PROGRAM**  
23 **REVENUES SHALL BE USED TO COMPENSATE A COUNTY OR MUNICIPAL**  
24 **CORPORATION FOR ANY NET LOSS OF REVENUE TO THE COUNTY'S OR MUNICIPAL**  
25 **CORPORATION'S WASTE MANAGEMENT SYSTEM THAT CAN BE DOCUMENTED AND**  
26 **ATTRIBUTED TO THE PROGRAM.**

27           **(2) IN DETERMINING A NET LOSS OF REVENUE, A COUNTY OR**  
28 **MUNICIPAL CORPORATION SHALL CONSIDER:**

29                   **(I) THE LOSS OF REVENUE FROM THE SALE OF SCRAP**  
30 **MATERIALS;**

31                   **(II) FINANCIAL SAVINGS FROM A REDUCTION IN:**

- 1                   1.     GLASS BOTTLES IN THE RECYCLING STREAM;
- 2                   2.     TRANSPORTATION COSTS ASSOCIATED WITH  
3 CURBSIDE COLLECTION OF TRASH AND RECYCLING;
- 4                   3.     PROCESSING COSTS ASSOCIATED WITH RECYCLING  
5 BEVERAGE CONTAINERS;
- 6                   4.     THE COSTS OF LANDFILLING AND INCINERATING  
7 BEVERAGE CONTAINERS THAT ARE NOT RECYCLED; AND
- 8                   5.     THE COSTS OF LITTER COLLECTION; AND

9                   (III) FOR A COUNTY OR MUNICIPAL CORPORATION THAT HAS A  
10 TOTAL MAXIMUM DAILY LOAD FOR TRASH IN A WATERWAY UNDER ITS  
11 JURISDICTION, THE REDUCED COSTS AND INCREASED BENEFITS OF COMPLYING  
12 WITH THE TOTAL MAXIMUM DAILY LOAD DUE TO A REDUCTION IN BEVERAGE  
13 CONTAINER LITTER.

14 9-1744.

15                   FUNDING FOR THE PROGRAM SHALL:

16                   (1) INCLUDE:

17                   (I) UNCLAIMED DEPOSITS COLLECTED UNDER § 9-1739 OF  
18 THIS SUBTITLE;

19                   (II) REGISTRATION FEES COLLECTED UNDER § 9-1740 OF THIS  
20 SUBTITLE; AND

21                   (III) PENALTIES COLLECTED UNDER § 9-1749 OF THIS  
22 SUBTITLE; AND

23                   (2) BE USED IN ACCORDANCE WITH §§ 9-1707(F), 9-1739, 9-1740,  
24 AND 9-1749 OF THIS SUBTITLE.

25 9-1745.

26                   (A) THERE IS A BEVERAGE CONTAINER RECYCLING REFUND GRANT  
27 PROGRAM.

1           **(B) THE PURPOSE OF THE GRANT PROGRAM IS TO PROVIDE FUNDING FOR**  
2 **PROJECTS THAT:**

3                   **(1) INCREASE THE REUSE AND RECYCLING OF BEVERAGE**  
4 **CONTAINERS IN THE STATE; AND**

5                   **(2) REDUCE THE VOLUME OF:**

6                           **(I) SINGLE-USE BEVERAGE CONTAINERS SOLD IN THE STATE;**  
7 **AND**

8                           **(II) LITTER FROM BEVERAGE CONTAINERS IN THE STATE.**

9           **(C) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM.**

10           **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE GRANT**  
11 **PROGRAM SHALL BE FUNDED FROM A PORTION OF THE UNCLAIMED DEPOSITS**  
12 **TRANSFERRED TO THE SEPARATE ACCOUNT ESTABLISHED UNDER § 9-1707(F)(7) OF**  
13 **THIS SUBTITLE.**

14                   **(2) THE GRANT PROGRAM MAY AWARD UP TO \$5,000,000 IN GRANTS**  
15 **EACH YEAR FROM THE UNCLAIMED DEPOSITS TRANSFERRED TO THE SEPARATE**  
16 **ACCOUNT ESTABLISHED UNDER § 9-1707(F)(7) OF THIS SUBTITLE.**

17           **(E) THE FOLLOWING ENTITIES ARE ELIGIBLE FOR A GRANT UNDER THE**  
18 **GRANT PROGRAM:**

19                   **(1) A SCHOOL OR AN INSTITUTION OF HIGHER EDUCATION;**

20                   **(2) A NONPROFIT ORGANIZATION;**

21                   **(3) A COUNTY OR MUNICIPAL CORPORATION;**

22                   **(4) A FOR-PROFIT ORGANIZATION; AND**

23                   **(5) A PUBLIC-PRIVATE PARTNERSHIP.**

24           **(F) THE DEPARTMENT, IN CONSULTATION WITH THE ADVISORY COUNCIL,**  
25 **SHALL ADOPT REGULATIONS ESTABLISHING:**

26                   **(1) AN APPLICATION PROCESS FOR AN ENTITY TO APPLY FOR A**  
27 **GRANT;**

1           **(2) THE CRITERIA FOR EVALUATING AND AWARDING GRANTS;**

2           **(3) REPORTING AND EVALUATION REQUIREMENTS FOR A GRANT**  
3 **AWARDED UNDER THIS SECTION; AND**

4           **(4) ANY OTHER REQUIREMENTS THE DEPARTMENT DETERMINES**  
5 **ARE NECESSARY FOR ADMINISTERING AND IMPLEMENTING GRANTS AWARDED**  
6 **UNDER THE GRANT PROGRAM.**

7           **(G) THE DEPARTMENT SHALL BEGIN AWARDING GRANTS ON OR BEFORE**  
8 **JANUARY 1, 2026.**

9 **9-1746.**

10           **IN ADDITION TO THE DUTIES AND REQUIREMENTS SPECIFIED IN THIS PART,**  
11 **THE DEPARTMENT SHALL:**

12           **(1) IN CONSULTATION WITH THE ADVISORY COUNCIL:**

13                   **(I) ESTABLISH CONVENIENCE STANDARDS FOR THE COVERAGE**  
14 **AND AVAILABILITY OF REDEMPTION OPTIONS ACROSS THE STATE; AND**

15                   **(II) ENSURE THE CONVENIENCE STANDARDS PROVIDE**  
16 **ACCESSIBLE REDEMPTION OPTIONS FOR DIFFERENTLY ABLED PEOPLE AND PEOPLE**  
17 **WHO LIVE IN RURAL AREAS OR LOW-INCOME COMMUNITIES OF COLOR; AND**

18           **(2) ESTABLISH A SYSTEM FOR LARGE ON-PREMISES SELLERS TO**  
19 **VERIFY THE SOURCE OF THE HIGH VOLUMES OF REDEEMABLE BEVERAGE**  
20 **CONTAINERS REDEEMED BY THE ON-PREMISES SELLER.**

21 **9-1747.**

22           **(A) THERE IS A REDEEMABLE BEVERAGE CONTAINER RECYCLING**  
23 **REFUND ADVISORY COUNCIL.**

24           **(B) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING MEMBERS,**  
25 **DESIGNATED BY THE SECRETARY:**

26                   **(1) ONE MEMBER REPRESENTING RECYCLING PROCESSORS;**

27                   **(2) ONE MEMBER REPRESENTING LOCAL GOVERNMENT AGENCIES**  
28 **RESPONSIBLE FOR RECYCLING PROGRAMS;**



1           **(3) ONE MEMBER REPRESENTING GLASS MANUFACTURERS OR A**  
2 **GLASS MANUFACTURING TRADE ORGANIZATION;**

3           **(4) ONE MEMBER REPRESENTING ALUMINUM MANUFACTURERS OR**  
4 **AN ALUMINUM MANUFACTURING TRADE ORGANIZATION;**

5           **(5) ONE MEMBER REPRESENTING PLASTIC MANUFACTURERS OR A**  
6 **PLASTIC MANUFACTURING TRADE ORGANIZATION;**

7           **(6) ONE MEMBER REPRESENTING BEVERAGE COMPANIES;**

8           **(7) ONE MEMBER REPRESENTING PURCHASERS OF RECYCLED**  
9 **CONTENT;**

10          **(8) ONE MEMBER REPRESENTING RETAILERS;**

11          **(9) ONE MEMBER REPRESENTING RESTAURANTS;**

12          **(10) ONE MEMBER REPRESENTING REVERSE VENDING MACHINE**  
13 **BUSINESSES;**

14          **(11) ONE MEMBER REPRESENTING ACCOUNT-BASED BULK**  
15 **PROCESSORS;**

16          **(12) ONE MEMBER REPRESENTING BUSINESSES INVOLVED IN REUSE**  
17 **AND REFILL SYSTEMS;**

18          **(13) AT LEAST ONE MEMBER REPRESENTING AN ENVIRONMENTAL**  
19 **ADVOCACY ORGANIZATION;**

20          **(14) AT LEAST ONE MEMBER REPRESENTING AN ENVIRONMENTAL**  
21 **JUSTICE ADVOCACY ORGANIZATION; AND**

22          **(15) AT LEAST TWO MEMBERS WHO ARE MEMBERS OF THE GENERAL**  
23 **PUBLIC AND RESIDE IN THE STATE.**

24          **(C) THE SECRETARY SHALL DESIGNATE TWO COCHAIRS FROM AMONG THE**  
25 **MEMBERSHIP OF THE ADVISORY COUNCIL.**

26          **(D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY**  
27 **COUNCIL.**

28          **(E) A MEMBER OF THE ADVISORY COUNCIL:**

1           (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
2 ADVISORY COUNCIL; BUT

3           (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
4 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

5           (F) THE ADVISORY COUNCIL SHALL MEET:

6                 (1) AT LEAST QUARTERLY EACH YEAR; AND

7                 (2) AS REQUESTED BY THE DEPARTMENT.

8           (G) THE ADVISORY COUNCIL SHALL:

9                 (1) ADVISE THE DEPARTMENT ON DETERMINING WHETHER TO  
10 APPROVE A BEVERAGE CONTAINER STEWARDSHIP PLAN;

11                (2) MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE  
12 IMPLEMENTATION OF APPROVED BEVERAGE CONTAINER STEWARDSHIP PLANS;

13                (3) REVIEW AND ADVISE THE DEPARTMENT ON THE ANNUAL  
14 REPORTS SUBMITTED UNDER § 9-1742 OF THIS SUBTITLE; AND

15                (4) ADVISE THE DEPARTMENT ON THE IMPLEMENTATION,  
16 ADMINISTRATION, AND PERFORMANCE OF THE PROGRAM.

17 9-1748.

18           THE DEPARTMENT SHALL ADOPT REGULATIONS ON OR BEFORE JUNE 1, 2024,  
19 TO CARRY OUT THIS PART.

20 9-1749.

21           (A) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION,  
22 THE PROVISIONS OF §§ 9-334 THROUGH 9-344 OF THIS TITLE APPLY TO ENFORCE  
23 VIOLATIONS OF THIS PART.

24           (B) A PENALTY MAY NOT BE IMPOSED ON A PRODUCER FOR FAILING TO  
25 PROPERLY REGISTER WITH THE DEPARTMENT UNDER § 9-1740 OF THIS SUBTITLE,  
26 INCLUDING FAILING TO IDENTIFY EACH BRAND OF REDEEMABLE BEVERAGE  
27 CONTAINER THAT THE PRODUCER INTENDS TO SELL, OFFER FOR SALE, OR  
28 DISTRIBUTE IN THE STATE, UNLESS:

1           **(1) THE DEPARTMENT FIRST ISSUES A WRITTEN NOTICE OF THE**  
2 **VIOLATION TO THE PRODUCER; AND**

3           **(2) THE PRODUCER DOES NOT REGISTER WITHIN 90 DAYS AFTER**  
4 **RECEIVING THE WRITTEN NOTICE.**

5           **(C) (1) A PERSON MAY NOT REDEEM, ATTEMPT TO REDEEM, RECEIVE,**  
6 **STORE, TRANSPORT, DISTRIBUTE, OR OTHERWISE FACILITATE OR AID IN THE**  
7 **REDEMPTION OF THE FOLLOWING MATERIALS WITH AN INTENT TO DEFRAUD:**

8                   **(I) A REDEEMABLE BEVERAGE CONTAINER THAT WAS SOLD IN**  
9 **ANOTHER STATE;**

10                   **(II) A REDEEMABLE BEVERAGE CONTAINER THAT WAS**  
11 **REJECTED FOR REDEMPTION;**

12                   **(III) LINE BREAKAGE;**

13                   **(IV) A PREVIOUSLY REDEEMED REDEEMABLE BEVERAGE**  
14 **CONTAINER; OR**

15                   **(V) ANOTHER INELIGIBLE MATERIAL.**

16           **(2) A PERSON MAY NOT DISPOSE OF A REDEEMED REDEEMABLE**  
17 **BEVERAGE CONTAINER IN A LANDFILL OR AN INCINERATOR.**

18           **(3) THE DEPARTMENT SHALL ESTABLISH ADMINISTRATIVE**  
19 **PENALTIES FOR A VIOLATION OF THIS SUBSECTION THAT ARE BASED ON THE**  
20 **NUMBER OF BEVERAGE CONTAINERS AND REFUND AMOUNTS INVOLVED.**

21           **(D) (1) BEGINNING JANUARY 1, 2028, A PRODUCER OR BEVERAGE**  
22 **CONTAINER STEWARDSHIP ORGANIZATION THAT HAS NOT REACHED THE**  
23 **REDEMPTION RATES ESTABLISHED IN § 9-1736 OF THIS SUBTITLE FOR THE**  
24 **IMMEDIATELY PRECEDING 2 YEARS IS SUBJECT TO AN ADMINISTRATIVE PENALTY.**

25                   **(2) EACH YEAR THAT A PRODUCER OR BEVERAGE CONTAINER**  
26 **STEWARDSHIP ORGANIZATION DOES NOT MEET THE REDEMPTION RATES**  
27 **ESTABLISHED IN § 9-1736 OF THIS SUBTITLE IS A SEPARATE VIOLATION UNDER THIS**  
28 **SUBSECTION.**

29                   **(3) AN ADMINISTRATIVE PENALTY ASSESSED UNDER THIS**  
30 **SUBSECTION SHALL EQUAL THE TOTAL NUMBER OF REDEEMABLE BEVERAGE**

1 CONTAINERS NEEDED TO BE REDEEMED TO MEET THE REDEMPTION RATES  
2 ESTABLISHED IN § 9-1736 OF THIS SUBTITLE, MINUS THE NUMBER OF REDEEMABLE  
3 BEVERAGE CONTAINERS ACTUALLY REDEEMED, MULTIPLIED BY 10 CENTS.

4 (E) THE DEPARTMENT MAY ALTER THE ADMINISTRATIVE PENALTIES  
5 ASSESSED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION AS NECESSARY TO  
6 ENSURE THAT THE PENALTY AMOUNTS ASSESSED EXCEED THE COSTS OF  
7 COMPLYING WITH THIS PART.

8 (F) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE:

9 (1) TRANSFERRED TO THE STATE RECYCLING TRUST FUND UNDER §  
10 9-1707(F) OF THIS SUBTITLE; AND

11 (2) USED ONLY TO COVER THE DEPARTMENT'S COSTS OF PLANNING,  
12 IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING  
13 THE PROGRAM.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
15 1, 2023.