

SENATE BILL 342

M3
SB 346/25 – EEE

6lr1135
CF HB 331

By: **Senators Brooks, Augustine, Guzzone, Hettleman, Kagan, Love, Muse, Smith, and A. Washington**

Introduced and read first time: January 23, 2026

Assigned to: Education, Energy, and the Environment

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; requiring the Comptroller to establish a separate
8 account within the Fund; requiring that each redeemable beverage container sold in
9 the State depict certain information beginning on a certain date; requiring the
10 wholesale price and retail price of a full redeemable beverage container to include
11 the refund value of the container, subject to a certain exception, beginning on a
12 certain date; requiring a retailer to include certain information on a customer's sales
13 receipt; establishing a framework for the redemption of redeemable beverage
14 containers sold in the State; requiring a producer to provide a certified copy of a
15 certain contractual agreement to a certain beverage container stewardship
16 organization; prohibiting a producer from selling, offering for sale, or distributing in
17 or importing into the State a redeemable beverage container unless the producer is
18 registered with the Department of the Environment, pays a certain fee, and is part
19 of the beverage container stewardship organization; establishing a framework for
20 the beverage container stewardship organization to represent producers in fulfilling
21 the requirements of this Act; requiring the beverage container stewardship
22 organization to submit a certain beverage container stewardship plan to the
23 Department for approval; requiring the beverage container stewardship plan
24 organization to implement and administer the beverage container stewardship plan
25 within a certain time after the plan is approved; requiring the Department to
26 establish a process for a county or municipal corporation to create a redemption
27 facility; authorizing redeemable beverage containers redeemed at a redemption
28 facility managed by a county or municipal corporation to be credited toward meeting
29 certain recycling rates; establishing the Beverage Container Recycling Refund Grant
30 Program to evaluate the investments and policies necessary to achieve a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 performance target, increase the reuse and recycling of beverage containers in the
2 State, increase the availability of public water fountains and refill stations in the
3 State, and reduce the volume of litter from beverage containers in the State;
4 requiring the Chesapeake Bay Trust to administer the Grant Program; requiring the
5 beverage container stewardship organization to provide certain payments to certain
6 facilities for a certain period of time for managing unredeemed beverage containers
7 in accordance with certain requirements; establishing the Redeemable Beverage
8 Container Recycling Refund Advisory Council to review certain reports, make
9 certain recommendations, and advise the Department on certain matters; providing
10 immunity from liability to a certain person under certain circumstances; and
11 generally relating to the Maryland Beverage Container Recycling Refund and Litter
12 Reduction Program.

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 9–1701(a) and (q) and 9–1702(a)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Environment
20 Section 9–1702(d) and 9–1707(f)
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2025 Supplement)

23 BY adding to
24 Article – Environment
25 Section 9–1737 through 9–1756 to be under the new part “Part VI. Maryland
26 Beverage Container Recycling Refund and Litter Reduction Program”
27 Annotated Code of Maryland
28 (2014 Replacement Volume and 2025 Supplement)

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

31 **Article – Environment**

32 9–1701.

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

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

37 9–1702.

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

(d) The Office shall:

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

11 (4) Administer the Statewide Electronics Recycling Program under Part IV
12 of this subtitle;

15 (6) Review and approve plans and annual reports, including the paint
16 stewardship assessment, submitted in accordance with a Paint Stewardship Program
17 established under Part V of this subtitle; [and]

24 9-1707

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

(2) The Fund shall consist of:

(i) The newsprint recycling incentive fee:

(ii) The telephone directory recycling incentive fee collected under § title:

(iii) The covered electronic device manufacturer registration fee collected under § 9-1728 of this subtitle:

(iv) The Paint Stewardship Program plan and annual report review fees collected under § 9–1733(b) and (h) of this subtitle;

(v) Any fees collected from producer responsibility organizations under § 9–1702.2 of this subtitle or Subtitle 25 of this title;

5 (VI) FEES AND PENALTIES TRANSFERRED TO THE FUND UNDER
6 §§ 9-1744 AND 9-1755 OF THIS SUBTITLE;

12 (3) The Secretary shall administer the Fund.

13 (4) The Treasurer shall hold the Fund separately and the Comptroller shall
14 account for the Fund.

19 (II) THE FUNDS TRANSFERRED TO THE FUND UNDER
20 PARAGRAPH (2)(VI) OF THIS SUBSECTION ARE NOT SUBJECT TO § 7-302 OF THE
21 STATE FINANCE AND PROCUREMENT ARTICLE AND MAY NOT REVERT TO THE
22 GENERAL FUND OF THE STATE.

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

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

26 (ii) To provide grants to counties that have addressed methods for
27 the separate collection and recycling of covered electronic devices in accordance with §
28 9–1703(c)(1) of this subtitle;

29 (iii) To provide grants to municipalities to be used by the
30 municipalities to implement local covered electronic device recycling programs;

1 (iv) To cover the costs of the Paint Stewardship Program plan review
2 under § 9–1733(b) of this subtitle, the annual report review under § 9–1733(h) of this
3 subtitle, and associated costs for Program compliance oversight;

(v) In accordance with paragraph (7) of this subsection, to cover the costs of a statewide recycling needs assessment conducted under § 9-1702.2 of this subtitle;

(vi) In accordance with paragraph (7) of this subsection, to cover the costs of producer responsibility plan review, oversight, and enforcement under Subtitle 25 of this title; [and]

9 (VII) IN ACCORDANCE WITH PARAGRAPH (8) OF THIS
10 SUBSECTION, TO COVER THE COSTS OF ADMINISTERING, MONITORING,
11 EVALUATING, AND ENFORCING THE MARYLAND BEVERAGE CONTAINER
12 RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §
13 9-1739 OF THIS SUBTITLE; AND

14 [vii)] (VIII) To carry out the purposes of the land management
15 administration.

16 (7) (i) There is a separate account within the Fund[.]

17 (ii) The separate account shall consist] **CONSISTING** of:

26 (8) (i) THERE IS A SEPARATE ACCOUNT WITHIN THE FUND
27 CONSISTING OF THE FUNDS SPECIFIED IN PARAGRAPH (2)(VI) OF THIS SUBSECTION.

(II) THE SEPARATE ACCOUNT SHALL BE USED ONLY:

2. TO COMPENSATE LOCAL GOVERNMENTS IN
ACCORDANCE WITH § 9-1748 OF THIS SUBTITLE; AND

5 [(8)] (9) (i) The Treasurer shall invest the money in the Fund in the
6 same manner as other State money may be invested.

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

9 9-1735. RESERVED.

10 9-1736. RESERVED.

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

13 9-1737.

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

16 (B) (1) "ACCOUNT-BASED BULK PROCESSING PROGRAM" MEANS A
17 PROGRAM THAT:

18 (I) UTILIZES A SYSTEM OF CUSTOMER ACCOUNTS AND A
19 MECHANISM TO ASSOCIATE REDEEMED REDEEMABLE BEVERAGE CONTAINERS WITH
20 THE APPROPRIATE CUSTOMER ACCOUNT;

21 (II) CONSOLIDATES THE REDEEMED REDEEMABLE BEVERAGE
22 CONTAINERS FOR BULK SORTING WHILE COLLECTING DATA ABOUT THE
23 CONTAINERS;

24 (III) FULLY PREPARES REDEEMED REDEEMABLE BEVERAGE
25 CONTAINERS FOR SALE TO RECYCLERS; AND

26 (IV) COLLECTS DATA TO SUPPORT AN ACCOUNTING OF THE
27 REDEEMABLE BEVERAGE CONTAINERS, INCLUDING THE DEPOSITS, FEES, AND
28 POUNDS OF MATERIAL PRODUCED THAT ARE ASSOCIATED WITH THE REDEEMABLE
29 BEVERAGE CONTAINERS.

30 (2) "ACCOUNT-BASED BULK PROCESSING PROGRAM" INCLUDES A

1 BAG DROP PROGRAM IF THE BAG DROP PROGRAM IS A COMPONENT OF THE
2 ACCOUNT-BASED BULK PROCESSING PROGRAM.

3 (C) "ADVISORY COUNCIL" MEANS THE REDEEMABLE BEVERAGE
4 CONTAINER RECYCLING REFUND ADVISORY COUNCIL ESTABLISHED UNDER §
5 9-1753 OF THIS SUBTITLE.

6 (D) "BAG DROP PROGRAM" MEANS A PROGRAM THAT ALLOWS A CUSTOMER
7 TO:

8 (1) DROP OFF EMPTY REDEEMABLE BEVERAGE CONTAINERS IN A BAG
9 OR OTHER RECEPTACLE AT ONE OR MORE LOCATIONS FOR A REFUND; AND

10 (2) HAVE THE CORRESPONDING REFUND PLACED INTO AN ACCOUNT
11 HELD FOR THE BENEFIT OF THE CUSTOMER IN A MANNER THAT ALLOWS THE
12 CUSTOMER TO OBTAIN THE REFUND OR REFUND RECEIPT WITHIN A SPECIFIED
13 NUMBER OF DAYS AFTER THE DROP-OFF.

14 (E) (1) "BEVERAGE" MEANS ANY DRINKABLE LIQUID INTENDED FOR
15 HUMAN ORAL CONSUMPTION.

16 (2) "BEVERAGE" DOES NOT INCLUDE:

17 (I) DRUGS REGULATED UNDER THE FEDERAL FOOD, DRUG,
18 AND COSMETIC ACT; AND

19 (II) INFANT FORMULA.

20 (F) (1) "BEVERAGE CONTAINER" MEANS A BOTTLE, CAN, OR OTHER
21 CONTAINER THAT:

22 (I) HAS BEEN SEALED BY A MANUFACTURER;

23 (II) IS MADE OF GLASS, METAL, OR PLASTIC; AND

24 (III) AT THE TIME OF SALE, CONTAINS 3 LITERS OR LESS OF A
25 BEVERAGE.

26 (2) "BEVERAGE CONTAINER" DOES NOT INCLUDE:

27 (I) A CARTON;

28 (II) A POUCH; OR

(III) ASEPTIC PACKAGING.

2 (G) "BEVERAGE CONTAINER REDEMPTION AND PROCESSING METHOD"
3 MEANS A MANUAL OR TECHNOLOGICAL METHOD FOR PROPERLY COLLECTING,
4 IDENTIFYING, COUNTING, OR PROCESSING EMPTY REDEEMABLE BEVERAGE
5 CONTAINERS FOR REDEMPTION.

6 (h) "BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION" MEANS A
7 NONPROFIT ORGANIZATION THAT IS:

10 (2) CREATED BY PRODUCERS TO IMPLEMENT A BEVERAGE
11 CONTAINER STEWARDSHIP PLAN; AND

14 (I) "BEVERAGE CONTAINER STEWARDSHIP PLAN" MEANS A PLAN
15 SUBMITTED TO THE DEPARTMENT UNDER § 9-1746 OF THIS SUBTITLE.

16 (J) "CHESAPEAKE BAY TRUST" MEANS THE CHESAPEAKE BAY TRUST
17 ESTABLISHED UNDER § 8-1902 OF THE NATURAL RESOURCES ARTICLE.

18 (K) "DEPOSIT INITIATOR" MEANS THE FIRST DISTRIBUTOR TO COLLECT A
19 DEPOSIT ON A BEVERAGE CONTAINER SOLD IN THE STATE.

20 (L) (1) "DISTRIBUTOR" MEANS A PERSON THAT SELLS BEVERAGES IN
21 REDEEMABLE BEVERAGE CONTAINERS TO A RETAILER IN THE STATE.

25 (3) "DISTRIBUTOR" DOES NOT INCLUDE AIRLINES OR SHIPPING
26 COMPANIES THAT TRANSPORT REDEEMABLE BEVERAGE CONTAINERS.

(M) "GRANT PROGRAM" MEANS THE BEVERAGE CONTAINER RECYCLING REFUND GRANT PROGRAM ESTABLISHED UNDER § 9-1750 OF THIS SUBTITLE.

29 (N) "LINE BREAKAGE" MEANS A BEVERAGE CONTAINER THAT:

- 1 **(1) BECOMES DEFECTIVE OR DAMAGED DURING MANUFACTURING;**
- 2 **(2) IS NOT INTENDED TO BE SOLD; AND**
- 3 **(3) IS NOT ELIGIBLE FOR REDEMPTION.**

4 **(O) “MARYLAND-SPECIFIC UPC BARCODE” MEANS A UNIVERSAL PRODUCT**
5 **CODE THAT IS:**

- 6 **(1) UNIQUE TO BEVERAGE CONTAINERS SOLD IN THE STATE; AND**
- 7 **(2) USED TO DETER FRAUD AND ENSURE THE LEGITIMATE**
8 **REDEMPTION OF REDEEMABLE BEVERAGE CONTAINERS.**

9 **(P) “MATERIAL RECOVERY FACILITY” MEANS A FACILITY LOCATED IN THE**
10 **STATE THAT COLLECTS, COMPACTS, REPACKAGES, SORTS, OR PROCESSES**
11 **SOURCE-SEPARATED MATERIALS FOR TRANSPORTATION AND RECYCLING.**

12 **(Q) (1) “ON-PREMISES SELLER” MEANS A PERSON THAT SELLS FILLED**
13 **AND UNOPENED REDEEMABLE BEVERAGE CONTAINERS FOR ON-PREMISES**
14 **CONSUMPTION.**

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

- 16 **(I) BARS;**
- 17 **(II) HOTELS;**
- 18 **(III) RESTAURANTS;**
- 19 **(IV) SPORTING VENUES;**
- 20 **(V) ENTERTAINMENT VENUES; AND**
- 21 **(VI) GAMING VENUES.**

22 **(R) “PERFORMANCE TARGETS” MEANS THE TARGETS ESTABLISHED UNDER**
23 **§ 9-1740 OF THIS SUBTITLE.**

24 **(S) (1) “PRODUCER” MEANS A PERSON RESPONSIBLE FOR COMPLYING**
25 **WITH THE REQUIREMENTS UNDER THIS PART.**

26 **(2) “PRODUCER” INCLUDES A FRANCHISOR OF A FRANCHISE**

1 LOCATED IN THE STATE.

2 (3) "PRODUCER" DOES NOT INCLUDE:

3 (I) THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR
4 ANY OTHER POLITICAL SUBDIVISION OF THE STATE;

5 (II) A CHARITABLE ORGANIZATION THAT IS TAX-EXEMPT
6 UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;

7 (III) A SOCIAL WELFARE ORGANIZATION THAT IS TAX-EXEMPT
8 UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE;

9 (IV) A FRANCHISEE THAT OPERATES A FRANCHISE IN THE
10 STATE;

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

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

17 (T) "PROGRAM" MEANS THE MARYLAND BEVERAGE CONTAINER
18 RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER §
19 9-1739 OF THIS SUBTITLE.

20 (U) "RECYCLING RATE" MEANS THE NUMBER OF NONREFILLABLE
21 REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE THAT ARE RECYCLED
22 SHOWN AS A PERCENTAGE OF ALL NONREFILLABLE REDEEMABLE BEVERAGE
23 CONTAINERS SOLD IN THE STATE.

24 (V) "REDEEM" MEANS THE RETURN OF AN EMPTY REDEEMABLE BEVERAGE
25 CONTAINER IN EXCHANGE FOR A REFUND, A VOUCHER FOR A REFUND, OR A CREDIT
26 TO AN ACCOUNT FOR NOT LESS THAN THE REFUND VALUE.

27 (W) "REDEEMABLE BEVERAGE CONTAINER" MEANS A BEVERAGE
28 CONTAINER THAT, AT THE TIME OF SALE:

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

30 (2) BEARS A UNIVERSAL PRODUCT CODE; AND

3 (X) "REDEMPTION FACILITY" MEANS A FACILITY THAT:

4 (1) ACCEPTS EMPTY BEVERAGE CONTAINERS FROM A CONSUMER, A
5 RETAILER, OR BOTH;

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

11 (4) IS LICENSED UNDER § 9-1742 OF THIS SUBTITLE.

12 (Y) "REDEMPTION RATE" MEANS THE PERCENTAGE OF REDEEMABLE
13 BEVERAGE CONTAINERS SOLD IN THE STATE THAT ARE REDEEMED FOR THE
14 DEPOSIT VALUE.

15 (Z) "REFILLABLE" MEANS A BEVERAGE CONTAINER THAT IS DESIGNED AND
16 INTENDED TO BE REUSED AS A BEVERAGE CONTAINER AFTER BEING USED BY A
17 CONSUMER WITHOUT THE NEED FOR REMANUFACTURING.

18 (AA) (1) "RETAILER" MEANS A PERSON THAT ENGAGES IN THE SALE OF
19 REDEEMABLE BEVERAGE CONTAINERS TO A CONSUMER IN THE STATE.

22 (I) THROUGH A VENDING MACHINE; OR

23 (II) ONLINE FOR HOME OR OFFICE DELIVERY.

24 (BB) "REVERSE VENDING MACHINE" MEANS AN AUTOMATED DEVICE THAT:

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

(2) USES A LASER SCANNER, AN OPTICAL SENSOR, A MICROPROCESSOR, OR OTHER TECHNOLOGY TO ACCURATELY RECOGNIZE A

1 BEVERAGE CONTAINER'S UNIVERSAL PRODUCT CODE TO DETERMINE WHETHER THE
2 CONTAINER IS A REDEEMABLE BEVERAGE CONTAINER;

3 (3) ISSUES A REDEEMABLE CREDIT SLIP FOR THE REDEEMABLE
4 BEVERAGE CONTAINER'S REFUND VALUE;

5 (4) SEPARATES REDEEMABLE BEVERAGE CONTAINERS FROM
6 CONTAINERS THAT ARE NOT REDEEMABLE;

7 (5) USES MECHANICAL COMPACTION TO CANCEL REDEEMABLE
8 BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED; AND

9 (6) COMPILES INFORMATION REGARDING THE REDEEMABLE
10 BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED, INCLUDING THE NUMBER OF
11 REDEEMABLE BEVERAGE CONTAINERS REDEEMED.

12 (CC) (1) "UNIVERSAL PRODUCT CODE" OR "UPC" MEANS A STANDARD
13 BARCODE THAT ENCODES A NUMBER UNIQUELY ASSIGNED TO A PRODUCT FOR
14 IDENTIFICATION OF THE PRODUCT.

15 (2) "UNIVERSAL PRODUCT CODE" OR "UPC" INCLUDES:

16 (I) ANY INDUSTRY-ACCEPTED BARCODE USED FOR PRODUCT
17 IDENTIFICATION PURPOSES; AND

18 (II) A EUROPEAN ARTICLE NUMBER.

19 9-1738.

20 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO:

21 (1) REDUCE THE VOLUME OF LITTER AND PLASTIC POLLUTION FROM
22 BEVERAGE CONTAINERS IN THE STATE BY ACHIEVING A REDEMPTION RATE OF AT
23 LEAST 90% FOR THE APPROXIMATELY 5,500,000,000 SINGLE-USE BEVERAGE
24 CONTAINERS SOLD ANNUALLY IN THE STATE;

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

27 (3) REDUCE THE VOLUME OF BEVERAGE CONTAINERS THAT ARE
28 LANDFILLED OR INCINERATED IN THE STATE;

29 (4) REDUCE THE COSTS OF LITTER AND BEVERAGE CONTAINER

1 COLLECTION, RECYCLING, AND DISPOSAL INCURRED BY TAXPAYERS, COUNTIES,
2 AND MUNICIPAL CORPORATIONS BY MAKING PRODUCERS OF BEVERAGE
3 CONTAINERS RESPONSIBLE FOR THE RECOVERY, RECYCLING, AND REUSE OF
4 BEVERAGE CONTAINERS;

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

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

10 **9-1739.**

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

13 **9-1740.**

14 PERFORMANCE TARGETS FOR THE PROGRAM ARE AS FOLLOWS:

15 (1) A 70% REDEMPTION RATE BY DECEMBER 31, 2030;

16 (2) A 90% REDEMPTION RATE BY DECEMBER 31, 2033;

17 (3) BY DECEMBER 31, 2028, ATTAINMENT OF ALL CONVENIENCE
18 STANDARDS IDENTIFIED BY THE DEPARTMENT UNDER § 9-1752 OF THIS SUBTITLE;
19 AND

20 (4) BY DECEMBER 31, 2038, AT LEAST 10% OF ALL BEVERAGE
21 CONTAINERS SOLD IN THE STATE ARE RETURNED AND REFILLED.

22 **9-1741.**

23 (A) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,
24 BEGINNING JANUARY 1, 2029, EACH REDEEMABLE BEVERAGE CONTAINER SOLD IN
25 THE STATE SHALL INCLUDE A DEPICTION OF THE FOLLOWING INFORMATION:

26 (I) THE WORD "MARYLAND" OR THE LETTERS "MD"; AND

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

5 (I) IF THE DEPARTMENT DETERMINES ALTERING THE REFUND
6 VALUES IS NECESSARY TO MEET OR EXCEED PERFORMANCE TARGETS; OR

14 (B) A BEVERAGE CONTAINER DEPICTING THE INFORMATION SPECIFIED IN
15 SUBSECTION (A) OF THIS SECTION MAY NOT BE SOLD TO A CONSUMER BEFORE
16 JANUARY 1, 2029.

17 (c) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
18 BEGINNING JANUARY 1, 2029:

22 (II) A RETAILER SHALL INCLUDE ON A CUSTOMER'S SALES
23 RECEIPT THE REFUND VALUE OF A REDEEMABLE BEVERAGE CONTAINER SOLD BY
24 THE RETAILER TO THE CUSTOMER

28 9-1742

29 (A) (1) THE PROGRAM SHALL PROVIDE A RANGE OF OPTIONS FOR
30 CUSTOMERS TO CONVENIENTLY REDEEM EMPTY REDEEMABLE BEVERAGE
31 CONTAINERS FOR THE FULL REFUND VALUE, INCLUDING:

7 (III) PLACING REDEEMABLE BEVERAGE CONTAINER
8 REDEMPTION AND PROCESSING METHODS, SUCH AS REVERSE VENDING MACHINES,
9 BAG DROP PROGRAMS, AND ACCOUNT-BASED BULK PROCESSING PROGRAMS, IN
10 AREAS:

1. WITH A HIGH NUMBER OF PEDESTRIANS; AND

17 (I) AN ACCOUNT-BASED REFUND ISSUED BY THE BEVERAGE
18 CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENTS FOLLOWING THE
19 COLLECTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS BY THE BEVERAGE
20 CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENTS FROM THE ON-PREMISES
21 SELLER; OR

22 (II) AN ACCOUNT-BASED REFUND ISSUED BY THE OPERATOR OF
23 A BAG DROP PROGRAM.

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

29 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A REDEMPTION
30 FACILITY SHALL ACCEPT ALL TYPES OF EMPTY REDEEMABLE BEVERAGE
31 CONTAINERS FOR REDEMPTION.

32 (D) A RETAILER OR REDEMPTION FACILITY MAY REFUSE TO ACCEPT AN

1 EMPTY REDEEMABLE BEVERAGE CONTAINER THAT:

2 (1) IS DIRTY;

3 (2) IS BROKEN;

4 (3) CONTAINS MATERIAL FOREIGN TO THE NORMAL CONTENTS OF
5 THE BEVERAGE CONTAINER; OR

6 (4) THE RETAILER OR REDEMPTION FACILITY BELIEVES WAS NOT
7 SOLD IN THE STATE.

8 (E) (1) THIS SUBSECTION APPLIES TO A RETAILER WITH AT LEAST 3,000
9 SQUARE FEET OF SALES FLOOR SPACE AND AT LEAST 150 SQUARE FEET OF SHELF
10 SPACE DEDICATED TO THE DISPLAY OF REDEEMABLE BEVERAGE CONTAINERS.

11 (2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A RETAILER
12 SHALL:

13 (I) ESTABLISH AND MAINTAIN A DEDICATED AREA AT THE
14 RETAILER'S PLACE OF BUSINESS TO ACCEPT EMPTY REDEEMABLE BEVERAGE
15 CONTAINERS;

16 (II) ACCEPT AT THE RETAILER'S PLACE OF BUSINESS ANY
17 EMPTY REDEEMABLE BEVERAGE CONTAINERS RETURNED FOR REDEMPTION
18 DURING THE RETAILER'S BUSINESS HOURS; AND

19 (III) PAY TO THE REDEEMER THE REFUND VALUE FOR EACH
20 EMPTY REDEEMABLE BEVERAGE CONTAINER REDEEMED.

21 (3) RETAILERS MAY MEET THE REQUIREMENTS IN PARAGRAPH (2) OF
22 THIS SUBSECTION THROUGH VARIOUS METHODS, INCLUDING:

23 (I) SUPPLEMENTING THE MANUAL COLLECTION AND STORING
24 OF REDEEMED REDEEMABLE BEVERAGE CONTAINERS WITH A REVERSE VENDING
25 MACHINE, A BAG DROP PROGRAM, OR OTHER COUNTING AND SORTING METHODS;
26 AND

27 (II) GROUPING BEVERAGE CONTAINER REDEMPTION AND
28 PROCESSING METHODS WITH THOSE OF OTHER RETAILERS IF:

29 1. THE BEVERAGE CONTAINER STEWARDSHIP
30 ORGANIZATION APPROVES THE PROPOSAL; AND

9 (I) IS LOCATED IN CLOSE PROXIMITY TO A REDEMPTION
10 FACILITY IN THAT AREA; AND

11 (II) SHARES THE COST OF THE OPERATION OF THE
12 REDEMPTION FACILITY WITH THE BEVERAGE CONTAINER STEWARDSHIP
13 ORGANIZATION.

14 (5) THE DEPARTMENT MAY:

18 (II) ESTABLISH A CAP FOR THE NUMBER OF EMPTY
19 REDEEMABLE BEVERAGE CONTAINERS THAT MAY BE REDEEMED PER VISIT AT
20 SMALL RETAILERS.

21 (F) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A RETAILER WITH LESS
22 THAN 3,000 SQUARE FEET OF SALES FLOOR SPACE OR LESS THAN 150 SQUARE FEET
23 OF SHELF SPACE DEDICATED TO THE DISPLAY OF REDEEMABLE BEVERAGE
24 CONTAINERS SHALL:

1 (G) (1) A PERSON THAT PROVIDES A REVERSE VENDING MACHINE FOR
2 THE REDEMPTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS SHALL:

6 (II) PROVIDE AN OPTION FOR REDEEMING ANY EMPTY
7 REDEEMABLE BEVERAGE CONTAINERS NOT ACCEPTED BY THE REVERSE VENDING
8 MACHINE.

12 1. ENSURES THAT THE PROGRAM WILL ACCURATELY
13 REFUND DEPOSITS AND MAINTAIN AND REPORT DATA FROM EACH TRANSACTION;
14 AND

22 (H) (1) REFUNDS PROVIDED FOR AN EMPTY REDEEMED REDEEMABLE
23 BEVERAGE CONTAINER SHALL BE:

24 (I) IN CASH:

25 (II) IN THE FORM OF A RECEIPT FROM A REVERSE VENDING
26 MACHINE OR ACCOUNT-BASED REDEMPTION SYSTEM, IF:

6 (2) THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION
7 SHALL REIMBURSE A RETAILER FOR THE VALUE OF VALID RECEIPTS REDEEMED BY
8 CONSUMERS.

9 (I) (1) A REDEMPTION FACILITY, RETAILER, OR ANY OTHER PERSON
10 THAT ACCEPTS REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION SHALL BE
11 REIMBURSED BY THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS
12 AGENT FOR THE HANDLING OF EACH EMPTY REDEEMABLE BEVERAGE CONTAINER
13 REDEEMED.

25 (J) (1) AN ON-PREMISES SELLER THAT PROVIDES EMPTY REDEEMABLE
26 BEVERAGE CONTAINERS FOR REDEMPTION SHALL BE REIMBURSED BY THE
27 BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENT FOR:

28 (I) THE REFUNDS PAID BY THE ON-PREMISES SELLER FOR THE
29 EMPTY REDEEMED REDEEMABLE BEVERAGE CONTAINERS; AND

1 BEVERAGE CONTAINERS FOR REDEMPTION.

2 (II) THE HANDLING FEE SHALL BE SET AT AN AMOUNT THAT
3 COVERS THE COSTS OF TEMPORARY STORAGE, PRELIMINARY SORTING, AND
4 PREPARING EACH REDEEMABLE BEVERAGE CONTAINER REDEEMED FOR
5 COLLECTION.

11 (II) ANY LABELS NECESSARY FOR ATTRIBUTING THE
12 REDEEMED REDEEMABLE BEVERAGE CONTAINERS TO THE ON-PREMISES SELLER.

13 (K) A DEPOSIT INITIATOR THAT COLLECTS A DEPOSIT FROM A RETAILER,
14 REDEMPTION FACILITY, OR ANY OTHER PERSON THAT ACCEPTS REDEEMABLE
15 BEVERAGE CONTAINERS FOR REDEMPTION SHALL ACCOUNT FOR ANY DEPOSITS IN
16 ACCORDANCE WITH § 9-1743 OF THIS SUBTITLE.

17 (L) REDEEMED EMPTY REDEEMABLE BEVERAGE CONTAINERS SHALL BE
18 COLLECTED FOR RETURN TO THE BEVERAGE CONTAINER STEWARDSHIP
19 ORGANIZATION FOR SALE AS SCRAP MATERIAL TO FINANCE THE PROGRAM.

20 9-1743.

21 (A) A DEPOSIT INITIATOR SHALL DEPOSIT ANY DEPOSITS COLLECTED
22 UNDER § 9-1742 OF THIS SUBTITLE INTO A DEPOSIT COLLECTION ACCOUNT THAT IS
23 MAINTAINED SEPARATELY FROM ALL OTHER REVENUES.

24 (B) THE FUNDS IN THE DEPOSIT COLLECTION ACCOUNT MAY BE USED ONLY
25 TO PAY THE REFUND VALUE OF AN EMPTY REDEEMABLE BEVERAGE CONTAINER
26 BEING REDEEMED.

27 (C) A DEPOSIT INITIATOR SHALL REPORT TO THE BEVERAGE CONTAINER
28 STEWARDSHIP ORGANIZATION, AT A FREQUENCY DETERMINED BY THE
29 DEPARTMENT, THE FOLLOWING INFORMATION:

(1) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD
AND EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED SINCE THE LAST
REPORT WAS SUBMITTED TO THE BEVERAGE CONTAINER STEWARDSHIP

1 ORGANIZATION UNDER THIS SUBSECTION;

2 (2) THE FUNDS DEPOSITED INTO THE DEPOSIT COLLECTION
3 ACCOUNT AND THE REFUNDS ISSUED FROM THE DEPOSIT COLLECTION ACCOUNT
4 SINCE THE LAST REPORT WAS SUBMITTED TO THE BEVERAGE CONTAINER
5 STEWARDSHIP ORGANIZATION UNDER THIS SUBSECTION;

6 (3) ANY INCOME EARNED ON THE FUNDS IN THE DEPOSIT
7 COLLECTION ACCOUNT SINCE THE LAST REPORT WAS SUBMITTED TO THE
8 BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION UNDER THIS SUBSECTION;

9 (4) THE BALANCE OF THE DEPOSIT COLLECTION ACCOUNT; AND

10 (5) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

11 (D) (1) THE DEPARTMENT SHALL DETERMINE THE POINT AT WHICH A
12 DEPOSIT BECOMES AN UNCLAIMED DEPOSIT.

13 (2) UNCLAIMED DEPOSITS ARE CALCULATED AS THE AMOUNT OF
14 FUNDS TRANSFERRED TO A DEPOSIT COLLECTION ACCOUNT THAT ARE IN EXCESS
15 OF THE SUM OF:

16 (I) ANY INTEREST EARNINGS ON THE DEPOSIT COLLECTION
17 ACCOUNT DURING THE TIME FOR WHICH UNCLAIMED DEPOSITS ARE BEING
18 CALCULATED; AND

19 (II) THE TOTAL AMOUNT OF THE REFUND VALUE RECEIVED FOR
20 THE EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED DURING THE TIME
21 FOR WHICH THE UNCLAIMED DEPOSITS ARE BEING CALCULATED.

22 (3) A DEPOSIT INITIATOR SHALL TRANSFER ALL UNCLAIMED
23 DEPOSITS TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AT A
24 FREQUENCY DETERMINED BY THE DEPARTMENT.

25 (4) THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION
26 SHALL:

27 (I) ESTABLISH A RESERVE ACCOUNT TO MANAGE ALL
28 UNCLAIMED DEPOSITS; AND

29 (II) BEGINNING JANUARY 1, 2030, TRANSFER 10% OF ALL
30 UNCLAIMED DEPOSITS TO THE CHESAPEAKE BAY TRUST WITH A FREQUENCY
31 DETERMINED BY THE DEPARTMENT.

(II) MEET OR EXCEED THE PERFORMANCE TARGETS
ESTABLISHED IN § 9–1740 OF THIS SUBTITLE.

12 9-1744.

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

19 (II) IF THE REDEEMABLE BEVERAGE CONTAINER IS
20 MANUFACTURED BY A PERSON OTHER THAN THE BRAND OWNER, THE PRODUCER IS
21 THE PERSON THAT IS THE LICENSEE OF A BRAND OR TRADEMARK UNDER WHICH A
22 REDEEMABLE BEVERAGE CONTAINER IS SOLD, OFFERED FOR SALE, OR
23 DISTRIBUTED IN THE STATE, WHETHER OR NOT THE TRADEMARK IS REGISTERED IN
24 THE STATE, UNLESS ANOTHER RESPONSIBLE PERSON HAS CONTRACTUALLY
25 ACCEPTED RESPONSIBILITY AS THE PRODUCER AND HAS JOINED THE BEVERAGE
26 CONTAINER STEWARDSHIP ORGANIZATION AS THE PRODUCER RESPONSIBLE FOR
27 THE REDEEMABLE BEVERAGE CONTAINER UNDER THIS SECTION.

28 (III) IF THERE IS NO PERSON DESCRIBED IN THIS PARAGRAPH
29 OVER WHOM THE STATE CAN CONSTITUTIONALLY EXERCISE JURISDICTION, THE
30 PRODUCER IS THE PERSON THAT IMPORTS OR DISTRIBUTES THE REDEEMABLE
31 BEVERAGE CONTAINER IN THE STATE.

32 (3) IF ANOTHER PERSON CONTRACTUALLY ACCEPTS
33 RESPONSIBILITY AS A PRODUCER UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION,

1 THE PRODUCER MUST PROVIDE A CERTIFIED COPY OF THE CONTRACTUAL
2 AGREEMENT TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.

3 (B) BEGINNING JANUARY 1, 2029, A PRODUCER MAY NOT SELL, OFFER FOR
4 SALE, OR DISTRIBUTE IN OR IMPORT INTO THE STATE A REDEEMABLE BEVERAGE
5 CONTAINER UNLESS THE PRODUCER:

6 (1) IS REGISTERED WITH THE DEPARTMENT IN ACCORDANCE WITH
7 THIS SECTION;

8 (2) HAS PAID THE REGISTRATION FEE UNDER SUBSECTION (F) OF
9 THIS SECTION; AND

10 (3) IS PART OF THE BEVERAGE CONTAINER STEWARDSHIP
11 ORGANIZATION THAT:

12 (I) HAS BEEN APPROVED BY THE DEPARTMENT UNDER §
13 9-1745 OF THIS SUBTITLE; AND

14 (II) HAS A BEVERAGE CONTAINER STEWARDSHIP PLAN
15 APPROVED BY THE DEPARTMENT UNDER § 9-1746 OF THIS SUBTITLE.

16 (C) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2028, THE
17 BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL PROVIDE TO THE
18 DEPARTMENT:

19 (1) A LIST OF EACH PRODUCER PARTICIPATING IN THE BEVERAGE
20 CONTAINER STEWARDSHIP ORGANIZATION; AND

21 (2) FOR EACH PRODUCER, THE REGISTRATION FORM REQUIRED
22 UNDER SUBSECTION (D) OF THIS SECTION.

23 (D) (1) THE DEPARTMENT SHALL CREATE A REGISTRATION FORM THAT
24 REQUIRES EACH PRODUCER PARTICIPATING IN THE BEVERAGE CONTAINER
25 STEWARDSHIP ORGANIZATION TO PROVIDE THE FOLLOWING INFORMATION:

26 (I) THE NAME, PRIMARY BUSINESS ADDRESS, AND CONTACT
27 INFORMATION OF THE PERSON RESPONSIBLE FOR ENSURING COMPLIANCE WITH
28 THIS PART;

29 (II) A LIST OF EACH BRAND OF REDEEMABLE BEVERAGE
30 CONTAINERS THAT THE PRODUCER INTENDS TO SELL, OFFER FOR SALE, OR
31 DISTRIBUTE IN THE STATE, INCLUDING THE SIZE AND MATERIAL OF THE

1 REDEEMABLE BEVERAGE CONTAINERS FOR EACH BRAND;

2 (III) FOR EACH REDEEMABLE BEVERAGE CONTAINER SPECIFIED
3 IN THE REGISTRATION, WHETHER THE REDEEMABLE BEVERAGE CONTAINER:

4 1. IS REFILLABLE; AND

5 2. DEPICTS A UPC OR MARYLAND-SPECIFIC UPC
6 BARCODE;

7 (IV) HOW EACH PRODUCER WILL PREVENT THE FRAUDULENT
8 SALE AND REDEMPTION OF REDEEMABLE BEVERAGE CONTAINERS THAT WERE NOT
9 SOLD IN THE STATE;

10 (V) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS
11 EACH PRODUCER SOLD IN THE STATE IN THE IMMEDIATELY PRECEDING CALENDAR
12 YEAR; AND

13 (VI) ANY OTHER INFORMATION REQUIRED BY THE
14 DEPARTMENT.

15 (2) A PRODUCER SHALL SUBMIT A COMPLETED REGISTRATION FORM
16 TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT REPRESENTS
17 THE PRODUCER.

18 (E) ON A SCHEDULE DETERMINED BY THE DEPARTMENT, EACH PRODUCER
19 SHALL PAY A REGISTRATION FEE ESTABLISHED BY THE DEPARTMENT UNDER
20 SUBSECTION (F) OF THIS SECTION.

21 (F) (1) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL REGISTRATION
22 FEE FOR PRODUCERS THAT SELL REDEEMABLE BEVERAGE CONTAINERS IN THE
23 STATE.

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

25 (I) WHEN TAKEN IN COMBINATION WITH ANTICIPATED
26 REVENUES FROM PENALTIES COLLECTED UNDER § 9-1755 OF THIS SUBTITLE, WILL
27 PRODUCE FUNDS SUFFICIENT TO COVER THE DEPARTMENT'S ESTIMATED COSTS OF
28 PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND
29 EVALUATING THE PROGRAM FOR THE UPCOMING YEAR;

30 (II) FOR THE FIRST YEAR OF THE PROGRAM DURING WHICH
31 REGISTRATION FEES ARE COLLECTED, SHALL COVER THE START-UP COSTS OF THE

1 PROGRAM THAT WERE INCURRED BY THE DEPARTMENT AND FINANCED FROM THE
2 GENERAL FUND; AND

3 (III) IS PROPORTIONAL TO A PRODUCER'S SHARE OF THE TOTAL
4 NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE FOR THE
5 IMMEDIATELY PRECEDING CALENDAR YEAR.

6 (3) THE DEPARTMENT SHALL:

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

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

16 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH, REGISTRATION FEES COLLECTED UNDER THIS SUBSECTION SHALL BE:

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

20 2. USED ONLY TO COVER THE DEPARTMENT'S COSTS OF
21 PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND
22 EVALUATING THE PROGRAM.

23 (II) THE PORTION OF THE REGISTRATION FEES THAT COVERED
24 THE START-UP COSTS OF THE PROGRAM AND WERE FINANCED FROM THE GENERAL
25 FUND DURING THE FIRST YEAR OF THE PROGRAM FOR WHICH REGISTRATION FEES
26 ARE COLLECTED IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION
27 SHALL BE DEPOSITED INTO THE GENERAL FUND.

28 9-1745.

29 (A) ON OR BEFORE OCTOBER 1, 2027, THE DEPARTMENT SHALL APPROVE,
30 FOR A PERIOD NOT TO EXCEED 10 YEARS, A SINGLE BEVERAGE CONTAINER
31 STEWARDSHIP ORGANIZATION TO REPRESENT ALL PRODUCERS IN FULFILLING THE
32 REQUIREMENTS OF THIS PART, IF THE BEVERAGE CONTAINER STEWARDSHIP
33 ORGANIZATION DEMONSTRATES THAT IT HAS:

4 (2) A GOVERNING BOARD CONSISTING OF PRODUCERS THAT
5 REPRESENT THE DIVERSITY OF APPLICABLE REDEEMABLE BEVERAGE CONTAINERS
6 IN THE MARKET;

7 (3) SET NO UNREASONABLE BARRIERS TO JOINING THE BEVERAGE
8 CONTAINER STEWARDSHIP ORGANIZATION AND WILL TAKE INTO CONSIDERATION
9 THE NEEDS OF SMALL PRODUCERS THAT DO NOT GENERATE A HIGH VOLUME OF
10 CONTAINERS;

11 (4) ADEQUATE FINANCIAL RESPONSIBILITY AND SAFEGUARDS,
12 INCLUDING FRAUD PREVENTION MEASURES AND AN AUDIT SCHEDULE;

16 (6) MET ANY OTHER REQUIREMENTS SET BY THE DEPARTMENT.

17 **(B) IF NO APPLICATION TO OPERATE A BEVERAGE CONTAINER**
18 **STEWARDSHIP ORGANIZATION IS SUBMITTED BY PRODUCERS TO THE DEPARTMENT**
19 **BY OCTOBER 1, 2027, THE DEPARTMENT SHALL:**

(1) ESTABLISH OR DESIGNATE A BEVERAGE CONTAINER
STEWARDSHIP ORGANIZATION TO IMPLEMENT THIS PART; AND

25 (C) THE DEPARTMENT MAY RENEW THE APPROVAL OF THE BEVERAGE
26 CONTAINER STEWARDSHIP ORGANIZATION UNDER SUBSECTION (A) OF THIS
27 SECTION IF THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION CONTINUES
28 TO MEET THE REQUIREMENTS OF THIS SECTION AND ANY OTHER REQUIREMENT SET
29 BY THE DEPARTMENT.

30 (D) (1) THE DEPARTMENT SHALL REVOKE THE APPROVAL OF THE
31 BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION IF THE DEPARTMENT
32 DETERMINES THAT THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION:

(I) FAILED TO MEET THE REQUIREMENTS OF THIS SECTION; OR

**(II) FAILED TO IMPLEMENT AND ADMINISTER AN APPROVED
AINER STEWARDSHIP PLAN IN ACCORDANCE WITH § 9-1746 OF**

(2) IF THE DEPARTMENT REVOKES THE APPROVAL OF THE CONTAINER STEWARDSHIP ORGANIZATION UNDER PARAGRAPH (1) OF SECTION:

25 9-1746.

26 (A) (1) ON OR BEFORE MARCH 1, 2028, THE BEVERAGE CONTAINER
27 STEWARDSHIP ORGANIZATION SHALL SUBMIT A BEVERAGE CONTAINER
28 STEWARDSHIP PLAN TO THE DEPARTMENT.

(2) A BEVERAGE CONTAINER STEWARDSHIP PLAN SHALL:

30 (I) IDENTIFY AND INCLUDE THE CONTACT INFORMATION FOR
31 EACH PRODUCER INTENDED TO BE COVERED UNDER THE PLAN;

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

5 (III) DESCRIBE:

1 REQUIREMENTS OF SUBSECTION (D)(2) OF THIS SECTION;

2 (IV) LIST THE STAKEHOLDERS CONSULTED IN DEVELOPING THE
3 PLAN;

4 (V) PROVIDE THE ANTICIPATED COSTS OF IMPLEMENTING THE
5 PLAN FOR 5 YEARS, BROKEN DOWN BY YEAR;

6 (VI) INCLUDE A CLOSURE AND TRANSFER PLAN FOR HANDLING
7 THE AFFAIRS OF THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT
8 ENSURES THAT EACH PRODUCER INTENDED TO BE COVERED UNDER THE BEVERAGE
9 CONTAINER STEWARDSHIP PLAN CAN FULFILL THE PRODUCER'S OBLIGATIONS IN
10 THE EVENT THAT THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION
11 DISSOLVES OR HAS ITS APPROVAL REVOKED UNDER § 9-1745 OF THIS SUBTITLE;
12 AND

13 (VII) INCLUDE ANY OTHER INFORMATION REQUESTED BY THE
14 DEPARTMENT.

15 (3) THE FINANCING INFORMATION INCLUDED IN A BEVERAGE
16 CONTAINER STEWARDSHIP PLAN SHALL:

17 (I) EXPLAIN THE FINANCING FOR DIRECT INVESTMENTS OR
18 REIMBURSEMENTS THAT WILL IMPROVE INFRASTRUCTURE IN A MANNER THAT
19 SUPPORTS REDEMPTION SERVICES AND TECHNOLOGIES;

20 (II) ESTABLISH A FEE STRUCTURE IN ACCORDANCE WITH
21 PARAGRAPH (4) OF THIS SUBSECTION FOR PRODUCERS PARTICIPATING IN THE
22 BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION;

23 (III) DESCRIBE THE COSTS OF MEETING THE PERFORMANCE
24 TARGETS;

25 (IV) DESCRIBE THE INCENTIVES USED TO ENCOURAGE
26 PRODUCERS TO:

27 1. INVEST IN REUSABLE AND REFILLABLE BEVERAGE
28 CONTAINER SYSTEMS; AND

29 2. REDESIGN BEVERAGE CONTAINERS TO BE EASIER
30 AND LESS COSTLY TO RECYCLE;

31 (V) CREATE INCENTIVES FOR PRODUCERS TO USE A

1 MARYLAND-SPECIFIC UPC BARCODE TO REDUCE FRAUDULENT REDEMPTION;

2 (VI) ESTABLISH A TRUST FUND OR AN ESCROW ACCOUNT IN THE
3 STATE INTO WHICH THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION
4 SHALL DEPOSIT ALL UNEXPENDED FUNDS FOR USE IN ACCORDANCE WITH THIS
5 SECTION IN THE EVENT THAT THE BEVERAGE CONTAINER STEWARDSHIP
6 ORGANIZATION DISSOLVES OR HAS ITS APPROVAL REVOKED BY THE DEPARTMENT
7 UNDER § 9-1745 OF THIS SUBTITLE; AND

8 (VII) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE
9 DEPARTMENT.

22 C. WHETHER A PRODUCER'S EMPTY REDEEMABLE
23 BEVERAGE CONTAINERS ARE EASY TO RECYCLE:

24 D. WHETHER A PRODUCER'S REDEEMABLE BEVERAGE
25 CONTAINERS HAVE A MARYLAND-SPECIFIC UPC BARCODE:

31 (II) 1. EXCEPT AS PROVIDED IN § 9-1745(d)(2) OF THIS

1 SUBTITLE, A PRODUCER PARTICIPATING IN THE BEVERAGE CONTAINER
2 STEWARDSHIP ORGANIZATION SHALL PAY THE FEE ESTABLISHED UNDER
3 PARAGRAPH (3) OF THIS SUBSECTION TO THE BEVERAGE CONTAINER STEWARDSHIP
4 ORGANIZATION.

5 2. THE BEVERAGE CONTAINER STEWARDSHIP
6 ORGANIZATION SHALL DEPOSIT FEES RECEIVED UNDER THIS SUBPARAGRAPH TO AN
7 ACCOUNT HELD BY THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.

8 3. THE BEVERAGE CONTAINER STEWARDSHIP
9 ORGANIZATION MAY USE THE FEES RECEIVED UNDER THIS SUBPARAGRAPH ONLY
10 FOR IMPLEMENTING THE BEVERAGE CONTAINER STEWARDSHIP PLAN.

11 (5) THE DEPARTMENT SHALL SUBMIT A BEVERAGE CONTAINER
12 STEWARDSHIP PLAN TO AN INDEPENDENT FINANCIAL AUDITOR TO ENSURE THAT
13 THE FINANCING PROPOSED IN THE PLAN WILL COVER THE COSTS OF IMPLEMENTING
14 THE PLAN.

15 (B) (1) (I) WITHIN 120 DAYS AFTER RECEIPT OF A BEVERAGE
16 CONTAINER STEWARDSHIP PLAN SUBMITTED TO THE DEPARTMENT UNDER THIS
17 SECTION, THE DEPARTMENT SHALL APPROVE, APPROVE WITH CONDITIONS, OR
18 DENY THE PLAN.

19 (II) IN DETERMINING WHETHER TO APPROVE, APPROVE WITH
20 CONDITIONS, OR DENY A BEVERAGE CONTAINER STEWARDSHIP PLAN, THE
21 DEPARTMENT SHALL:

22 1. CONSIDER WHETHER:

23 A. THE PLAN COMPLIES WITH THE REQUIREMENTS OF
24 THIS SECTION; AND

25 B. THERE WAS SUFFICIENT ENGAGEMENT WITH
26 STAKEHOLDERS, INCLUDING LOCAL GOVERNMENTS, RETAILERS, DISTRIBUTORS,
27 AND ON-PREMISES SELLERS, IN DEVELOPING THE PLAN; AND

28 2. CONSULT WITH THE ADVISORY COUNCIL.

29 (2) (I) THE DEPARTMENT MAY RESCIND APPROVAL OF A
30 BEVERAGE CONTAINER STEWARDSHIP PLAN FOR GOOD CAUSE.

31 (II) THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION
32 MAY AMEND A RESCINDED BEVERAGE CONTAINER STEWARDSHIP PLAN AND SUBMIT

1 THE AMENDED PLAN TO THE DEPARTMENT FOR APPROVAL.

2 (3) (I) A BEVERAGE CONTAINER STEWARDSHIP PLAN APPROVED
3 BY THE DEPARTMENT MAY BE AMENDED WITH APPROVAL OF THE DEPARTMENT.4 (II) THE DEPARTMENT MAY REQUIRE THAT AN APPROVED
5 BEVERAGE CONTAINER STEWARDSHIP PLAN BE AMENDED IF THE REPORT
6 SUBMITTED UNDER § 9-1747 OF THIS SUBTITLE REFLECTS THAT THE
7 PERFORMANCE TARGETS HAVE NOT BEEN MET.8 (C) AN APPROVED BEVERAGE CONTAINER STEWARDSHIP PLAN EXPIRES AT
9 THE END OF 5 YEARS.10 (D) (1) THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION
11 SHALL IMPLEMENT AND ADMINISTER A BEVERAGE CONTAINER STEWARDSHIP PLAN
12 WITHIN 6 MONTHS AFTER THE PLAN IS APPROVED.13 (2) IN IMPLEMENTING AND ADMINISTERING A BEVERAGE CONTAINER
14 STEWARDSHIP PLAN, THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION
15 SHALL:16 (I) FACILITATE LOGISTICS, THE INITIATION OF DEPOSITS, AND
17 THE ISSUANCE OF REFUNDS UNDER THE PLAN;18 (II) COORDINATE THE LOGISTICS FOR TIMELY COLLECTION OF
19 REDEEMABLE BEVERAGE CONTAINERS FROM AN ON-PREMISES SELLER;20 (III) ESTABLISH PROCEDURES FOR TRACKING REDEEMABLE
21 BEVERAGE CONTAINERS SOLD IN THE STATE;22 (IV) DESIGN AND OPERATE SERVICES FOR THE
23 TRANSPORTATION AND PROCESSING OF REDEEMABLE BEVERAGE CONTAINERS;24 (V) DEVELOP AND IMPLEMENT A PLAN FOR ESTABLISHING,
25 OPERATING, AND MANAGING REDEMPTION FACILITIES THAT WILL OFFER A WIDE
26 RANGE OF CONVENIENT REDEMPTION LOCATIONS AND TECHNOLOGIES THAT ARE
27 EASY TO USE, ACCESSIBLE, AND MEET OR EXCEED THE CONVENIENCE STANDARDS
28 ESTABLISHED BY THE DEPARTMENT UNDER § 9-1752 OF THIS SUBTITLE;29 (VI) DEVELOP AND IMPLEMENT A PLAN FOR THE DISTRIBUTION,
30 OPERATION, AND MAINTENANCE OF BEVERAGE CONTAINER REDEMPTION AND
31 PROCESSING METHODS, INCLUDING REVERSE VENDING MACHINES, BAG DROP
32 PROGRAMS, AND ACCOUNT-BASED BULK PROCESSING PROGRAMS;

(VII) DEVELOP ACCOUNTING AND CONTROL STANDARDS;

2 (VIII) IMPLEMENT ACCOUNTING, AUDIT, PAYMENT, AND
3 REPORTING PROCEDURES;

7 (X) ESTABLISH AN APPLICATION PROCESS FOR LARGE
8 ON-PREMISES SELLERS TO APPLY FOR AND RECEIVE A BULK RATE FOR THE
9 REDEMPTION OF HIGH VOLUMES OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;

10 (XI) MARKET REDEEMABLE BEVERAGE CONTAINER MATERIALS
11 FOR REUSE IN THE MANUFACTURING OF SIMILAR PRODUCTS;

12 (XII) FUND A MARKETING PROGRAM TO EDUCATE THE PUBLIC
13 ABOUT THE PROGRAM;

14 (XIII) ESTABLISH A SYSTEM FOR REPORTING KEY INFORMATION
15 GATHERED BY THE PROGRAM TO THE DEPARTMENT ON A QUARTERLY BASIS; AND

16 (XIV) CREATE INCENTIVES FOR THE DEVELOPMENT OF
17 REFILLABLE AND REUSABLE BEVERAGE CONTAINER SYSTEMS.

21 9-1747.

22 (A) THIS SECTION APPLIES TO THE BEVERAGE CONTAINER STEWARDSHIP
23 ORGANIZATION THAT HAS A BEVERAGE CONTAINER STEWARDSHIP PLAN APPROVED
24 BY THE DEPARTMENT UNDER § 9-1746 OF THIS SUBTITLE.

25 (B) (1) ON OR BEFORE APRIL 1 EACH YEAR, BEGINNING IN 2030, THE
26 BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL SUBMIT A REPORT TO
27 THE DEPARTMENT ON THE PROGRESS MADE IN THE PRECEDING CALENDAR YEAR
28 TOWARD MEETING THE PERFORMANCE TARGETS AND THE GOALS OF THE PROGRAM
29 AND THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION'S BEVERAGE
30 CONTAINER STEWARDSHIP PLAN.

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

5 (1) THE PROGRESS MADE TOWARD ACHIEVING THE PERFORMANCE
6 TARGETS;

10 (3) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN
11 THE STATE;

15 (5) THE NUMBER OF EMPTY REDEEMABLE BEVERAGE CONTAINERS
16 REDEEMED:

23 (7) THE REDEMPTION RATE AND RECYCLING RATE FOR
24 NONREFILLABLE REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE
25 SORTED BY MATERIAL TYPE, NUMBER OF CONTAINERS SOLD, AND CONTAINER
26 WEIGHT:

27 (8) THE AMOUNT OF EACH TYPE OF:

30 (II) SCRAP MATERIAL SOLD BY THE BEVERAGE CONTAINER
31 STEWARDSHIP ORGANIZATION:

6 (11) THE IDENTIFICATION AND DESCRIPTION OF AREAS THAT DO NOT
7 HAVE READILY AVAILABLE OPTIONS FOR REDEEMING AN EMPTY REDEEMABLE
8 BEVERAGE CONTAINER AND ACTIONS THE BEVERAGE CONTAINER STEWARDSHIP
9 ORGANIZATION WILL TAKE TO IMPROVE OPTIONS IN THESE AREAS;

14 (14) THE NUMBER OF INDIVIDUALS AND ORGANIZATIONS WITH
15 ACCOUNTS ESTABLISHED FOR THE RECEIPT OF ELECTRONIC DEPOSITS OR
16 REFUNDS;

20 (16) THE AVERAGE COST OF PROCESSING AN EMPTY REDEEMED
21 REDEEMABLE BEVERAGE CONTAINER:

22 (17) A COPY OF THE AUDIT CONDUCTED UNDER § 9-1746(A)(5) OF
23 THIS SUBTITLE:

(27) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

15 (D) THE FINANCIAL, PRODUCTION, AND SALES DATA OF INDIVIDUAL
16 PRODUCERS REPORTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE
17 KEPT CONFIDENTIAL BY THE DEPARTMENT AND THE ADVISORY COUNCIL.

18 (E) THE DEPARTMENT SHALL POST THE REPORT SUBMITTED UNDER THIS
19 SECTION ON THE DEPARTMENT'S WEBSITE IN A MANNER THAT PROTECTS THE
20 CONFIDENTIALITY OF THE DATA SPECIFIED UNDER SUBSECTION (D) OF THIS
21 SECTION.

22 9-1748.

23 (A) (1) THE DEPARTMENT SHALL ESTABLISH A PROCESS FOR A COUNTY
24 OR MUNICIPAL CORPORATION TO CREATE A REDEMPTION FACILITY.

28 (B) EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED AT A
29 REDEMPTION FACILITY MANAGED BY A COUNTY OR MUNICIPAL CORPORATION
30 SHALL BE CREDITED TOWARD MEETING THE RECYCLING RATES REQUIRED UNDER §
31 9-505 OF THIS TITLE.

1 (C) (1) THROUGH DECEMBER 31, 2031, A PORTION OF PROGRAM
2 REVENUES SHALL BE USED TO COMPENSATE A COUNTY OR MUNICIPAL
3 CORPORATION FOR ANY NET LOSS OF REVENUE TO THE COUNTY'S OR MUNICIPAL
4 CORPORATION'S WASTE MANAGEMENT SYSTEM THAT CAN BE DOCUMENTED AND
5 ATTRIBUTED TO THE PROGRAM.

6 (2) IN DETERMINING A NET LOSS OF REVENUE, A COUNTY OR
7 MUNICIPAL CORPORATION SHALL CONSIDER:

8 (I) THE LOSS OF REVENUE FROM THE SALE OF SCRAP
9 MATERIALS;

10 (II) FINANCIAL SAVINGS FROM A REDUCTION IN:

11 1. GLASS BOTTLES IN THE RECYCLING STREAM;

12 2. TRANSPORTATION COSTS ASSOCIATED WITH
13 CURBSIDE COLLECTION OF TRASH AND RECYCLING;

14 3. PROCESSING COSTS ASSOCIATED WITH RECYCLING
15 BEVERAGE CONTAINERS;

16 4. THE COSTS OF LANDFILLING AND INCINERATING
17 BEVERAGE CONTAINERS THAT ARE NOT RECYCLED; AND

18 5. THE COSTS OF LITTER COLLECTION; AND

19 (III) FOR A COUNTY OR MUNICIPAL CORPORATION THAT HAS A
20 TOTAL MAXIMUM DAILY LOAD FOR TRASH IN A WATERWAY UNDER ITS
21 JURISDICTION, THE REDUCED COSTS AND INCREASED BENEFITS OF COMPLYING
22 WITH THE TOTAL MAXIMUM DAILY LOAD DUE TO A REDUCTION IN BEVERAGE
23 CONTAINER LITTER.

24 9-1749.

25 FUNDING FOR THE PROGRAM SHALL:

26 (1) INCLUDE:

27 (I) REDEEMABLE BEVERAGE CONTAINER STEWARDSHIP
28 ORGANIZATION FEES COLLECTED UNDER § 9-1746 OF THIS SUBTITLE;

(II) REVENUE FROM THE SALE OF RAW MATERIALS;

(III) UNCLAIMED DEPOSITS COLLECTED UNDER § 9-1743 OF

(IV) REGISTRATION FEES COLLECTED UNDER § 9-1744 OF THIS

(V) PENALTIES COLLECTED UNDER § 9-1755 OF THIS

(2) BE USED IN ACCORDANCE WITH §§ 9-1707(F), 9-1743, 9-1744,
5 OF THIS SUBTITLE.

10 9-1750.

(A) THERE IS A BEVERAGE CONTAINER RECYCLING REFUND GRANT
GRAM.

(B) THE PURPOSE OF THE GRANT PROGRAM IS TO PROVIDE FUNDING FOR:

(2) PROJECTS THAT:

18 (I) INCREASE THE REUSE AND RECYCLING OF BEVERAGE
19 CONTAINERS IN THE STATE;

20 (II) INCREASE THE AVAILABILITY OF PUBLIC WATER
21 FOUNTAINS AND REFILL STATIONS IN THE STATE; AND

22 (III) REDUCE THE VOLUME OF LITTER FROM BEVERAGE
23 CONTAINERS IN THE STATE.

24 (c) THE CHESAPEAKE BAY TRUST SHALL ADMINISTER THE GRANT
25 PROGRAM.

26 (D) THE GRANT PROGRAM SHALL BE FUNDED FROM A PORTION OF THE
27 UNCLAIMED DEPOSITS TRANSFERRED TO THE CHESAPEAKE BAY TRUST UNDER §
28 9-1743(D)(4)(II) OF THIS SUBTITLE.

1 (E) THE FOLLOWING ENTITIES ARE ELIGIBLE FOR A GRANT UNDER THE
2 GRANT PROGRAM:

3 (1) A SCHOOL OR AN INSTITUTION OF HIGHER EDUCATION;
4 (2) A NONPROFIT ORGANIZATION;
5 (3) A COUNTY OR MUNICIPAL CORPORATION;
6 (4) A FOR-PROFIT ORGANIZATION; AND
7 (5) A PUBLIC-PRIVATE PARTNERSHIP.

8 (F) THE DEPARTMENT, IN CONSULTATION WITH THE ADVISORY COUNCIL,
9 SHALL ADOPT REGULATIONS ESTABLISHING:

10 (1) AN APPLICATION PROCESS FOR AN ENTITY TO APPLY FOR A
11 GRANT;
12 (2) THE CRITERIA FOR EVALUATING AND AWARDING GRANTS;
13 (3) REPORTING AND EVALUATION REQUIREMENTS FOR A GRANT
14 AWARDED UNDER THIS SECTION; AND
15 (4) ANY OTHER REQUIREMENTS THE DEPARTMENT DETERMINES
16 ARE NECESSARY FOR ADMINISTERING AND IMPLEMENTING GRANTS AWARDED
17 UNDER THE GRANT PROGRAM.

18 (G) BEGINNING JANUARY 1, 2030, THE CHESAPEAKE BAY TRUST SHALL
19 BEGIN AWARDING GRANTS UNDER THE GRANT PROGRAM.

20 9-1751.

21 (A) BEGINNING JANUARY 1, 2029, AND CONTINUING UNTIL
22 REIMBURSEMENT PAYMENTS UNDER § 9-2506 OF THIS TITLE BEGIN, THE BEVERAGE
23 CONTAINER STEWARDSHIP ORGANIZATION SHALL PROVIDE PAYMENTS TO A
24 MATERIAL RECOVERY FACILITY TO COVER THE COSTS OF COLLECTING, SORTING,
25 PROCESSING, AND TRANSPORTING EMPTY UNREDEEMED REDEEMABLE BEVERAGE
26 CONTAINERS FOR RECYCLING, REUSE, OR REFILLING.

27 (B) A MATERIAL RECOVERY FACILITY SHALL BE ELIGIBLE TO RECEIVE A
28 PAYMENT UNDER THIS SECTION ONLY IF:

4 (2) THE MATERIAL RECOVERY FACILITY REPORTS TO THE BEVERAGE
5 CONTAINER STEWARDSHIP ORGANIZATION THE NUMBER OF TONS OF UNREDEEMED
6 REDEEMABLE BEVERAGE CONTAINERS RECEIVED FOR PROCESSING IN THE
7 PREVIOUS MONTH, CATEGORIZED BY MATERIAL TYPE; AND

8 (3) THE MATERIAL RECOVERY FACILITY REPORTS TO THE BEVERAGE
9 CONTAINER STEWARDSHIP ORGANIZATION THE NUMBER OF UNREDEEMED
10 REDEEMABLE BEVERAGE CONTAINERS TRANSFERRED TO ADDITIONAL MATERIALS
11 PROCESSING FACILITIES OR END MARKETS IN THE PREVIOUS MONTH, CATEGORIZED
12 BY MATERIAL TYPE.

13 (C) THE OPERATOR OF A MATERIAL RECOVERY FACILITY SHALL USE AN
14 INDUSTRY-STANDARD SCALE TO MEASURE THE WEIGHT OF ALL COVERED
15 BEVERAGE CONTAINER MATERIALS RECEIVED BY THE FACILITY.

16 (D) THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION MAY, AT ITS
17 OWN EXPENSE, CONDUCT AUDITS OF THE QUALITY AND QUANTITY OF MATERIALS
18 HANDLED BY A MATERIAL RECOVERY FACILITY, ON REQUEST BY THE
19 ORGANIZATION.

20 (E) (1) THE DEPARTMENT SHALL ESTABLISH THE PAYMENT AMOUNT
21 UNDER THIS SECTION.

26 9-1752.

27 IN ADDITION TO THE DUTIES AND REQUIREMENTS SPECIFIED IN THIS PART,
28 THE DEPARTMENT SHALL:

(1) IN CONSULTATION WITH THE ADVISORY COUNCIL:

30 (I) ESTABLISH CONVENIENCE STANDARDS FOR THE COVERAGE
31 AND AVAILABILITY OF REDEMPTION OPTIONS ACROSS THE STATE; AND

32 (II) ENSURE THE CONVENIENCE STANDARDS PROVIDED

1 ACCESSIBLE REDEMPTION OPTIONS FOR DIFFERENTLY ABLED PEOPLE AND PEOPLE
2 WHO LIVE IN RURAL AREAS OR LOW-INCOME COMMUNITIES OF COLOR;

3 (2) ESTABLISH A SYSTEM FOR LARGE ON-PREMISES SELLERS TO
4 VERIFY THE SOURCE OF THE HIGH VOLUMES OF REDEEMABLE BEVERAGE
5 CONTAINERS REDEEMED BY THE ON-PREMISES SELLER; AND

6 (3) PERIODICALLY REVIEW AVAILABLE BEVERAGE CONTAINER
7 REDEMPTION AND PROCESSING METHODS TO DETERMINE WHETHER THE TYPES OF
8 BEVERAGE CONTAINERS COVERED UNDER THE PROGRAM SHOULD BE EXPANDED.

9 **9-1753.**

10 (A) THERE IS A REDEEMABLE BEVERAGE CONTAINER RECYCLING
11 REFUND ADVISORY COUNCIL.

12 (B) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING MEMBERS,
13 DESIGNATED BY THE SECRETARY:

14 (1) ONE MEMBER REPRESENTING RECYCLING PROCESSORS;

15 (2) ONE MEMBER REPRESENTING LOCAL GOVERNMENT AGENCIES
16 RESPONSIBLE FOR RECYCLING PROGRAMS;

17 (3) ONE MEMBER REPRESENTING GLASS MANUFACTURERS OR A
18 GLASS MANUFACTURING TRADE ORGANIZATION;

19 (4) ONE MEMBER REPRESENTING ALUMINUM MANUFACTURERS OR
20 AN ALUMINUM MANUFACTURING TRADE ORGANIZATION;

21 (5) ONE MEMBER REPRESENTING PLASTIC MANUFACTURERS OR A
22 PLASTIC MANUFACTURING TRADE ORGANIZATION;

23 (6) ONE MEMBER REPRESENTING BEVERAGE COMPANIES;

24 (7) ONE MEMBER REPRESENTING PURCHASERS OF RECYCLED
25 CONTENT;

26 (8) ONE MEMBER REPRESENTING RETAILERS;

27 (9) ONE MEMBER REPRESENTING RESTAURANTS OR OTHER
28 ON-PREMISES SELLERS;

1 (10) ONE MEMBER REPRESENTING REVERSE VENDING MACHINE
2 BUSINESSES;

3 (11) ONE MEMBER REPRESENTING ACCOUNT-BASED BULK
4 PROCESSORS;

7 (13) AT LEAST ONE MEMBER REPRESENTING AN ENVIRONMENTAL
8 ADVOCACY ORGANIZATION;

13 (C) THE SECRETARY SHALL DESIGNATE TWO COCHAIRS FROM AMONG THE
14 MEMBERSHIP OF THE ADVISORY COUNCIL.

15 (D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY
16 COUNCIL.

17 (E) A MEMBER OF THE ADVISORY COUNCIL:

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

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

22 (F) THE ADVISORY COUNCIL SHALL MEET:

23 (1) AT LEAST QUARTERLY EACH YEAR; AND

24 (2) AS REQUESTED BY THE DEPARTMENT.

25 (G) THE ADVISORY COUNCIL SHALL:

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

5 (4) ADVISE THE DEPARTMENT ON THE IMPLEMENTATION,
6 ADMINISTRATION, AND PERFORMANCE OF THE PROGRAM.

7 9-1754.

8 (A) ON OR BEFORE JUNE 1, 2027, THE DEPARTMENT SHALL ADOPT
9 REGULATIONS TO CARRY OUT THIS PART.

10 (B) THE DEPARTMENT MAY EXPAND THE TYPES OF BEVERAGE CONTAINERS
11 COVERED UNDER THE PROGRAM BY REGULATION IF, BASED ON ITS REVIEW UNDER
12 § 9-1752(3) OF THIS SUBTITLE, THE DEPARTMENT DETERMINES THERE ARE
13 CONVENIENT REDEMPTION OPTIONS FOR THOSE BEVERAGE CONTAINERS.

14 9-1755.

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

18 (B) A PENALTY MAY NOT BE IMPOSED ON A PRODUCER FOR FAILING TO
19 PROPERLY REGISTER WITH THE DEPARTMENT UNDER § 9-1744 OF THIS SUBTITLE,
20 INCLUDING FAILING TO IDENTIFY EACH BRAND OF REDEEMABLE BEVERAGE
21 CONTAINER THAT THE PRODUCER INTENDS TO SELL, OFFER FOR SALE, OR
22 DISTRIBUTE IN THE STATE, UNLESS:

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

25 (2) THE PRODUCER DOES NOT REGISTER WITHIN 90 DAYS AFTER
26 RECEIVING THE WRITTEN NOTICE.

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

(I) AN EMPTY REDEEMABLE BEVERAGE CONTAINER THAT WAS
SOLD IN ANOTHER STATE:

1 (II) AN EMPTY REDEEMABLE BEVERAGE CONTAINER THAT WAS
2 REJECTED FOR REDEMPTION;

3 (III) LINE BREAKAGE;

4 (IV) A PREVIOUSLY REDEEMED REDEEMABLE BEVERAGE
5 CONTAINER; OR

6 (V) ANOTHER INELIGIBLE MATERIAL.

12 (D) (1) BEGINNING JANUARY 1, 2032, IF THE BEVERAGE CONTAINER
13 STEWARDSHIP ORGANIZATION HAS NOT MET THE REDEMPTION RATES
14 ESTABLISHED IN § 9-1740 OF THIS SUBTITLE FOR THE IMMEDIATELY PRECEDING 2
15 YEARS, THE DEPARTMENT SHALL ASSESS AN ADMINISTRATIVE PENALTY ON THE
16 BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.

26 (E) THE DEPARTMENT MAY ALTER THE ADMINISTRATIVE PENALTIES
27 ASSESSED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION AS NECESSARY TO
28 ENSURE THAT THE PENALTY AMOUNTS ASSESSED EXCEED THE COSTS OF
29 COMPLYING WITH THIS PART.

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

(1) TRANSFERRED TO THE STATE RECYCLING TRUST FUND UNDER §

1 **9-1707(F) OF THIS SUBTITLE; AND**

2 **(2) USED ONLY TO COVER THE DEPARTMENT'S COSTS OF PLANNING,**
3 **IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING**
4 **THE PROGRAM.**

5 **9-1756.**

6 **ANY PERSON PARTICIPATING IN A BEVERAGE CONTAINER STEWARDSHIP**
7 **PLAN IN ACCORDANCE WITH THIS SUBTITLE IS IMMUNE FROM LIABILITY UNDER**
8 **STATE LAWS CONCERNING ANTITRUST AND RESTRAINT OF TRADE FOR**
9 **COOPERATIVE ACTIVITIES ASSOCIATED WITH THE COLLECTION, TRANSPORT,**
10 **PROCESSING, RECYCLING, REUSE, AND MANAGEMENT OF EMPTY REDEEMABLE**
11 **BEVERAGE CONTAINERS.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That:

13 (a) The Department of the Environment shall consult with counties and
14 municipalities to assess the impacts of the Maryland Beverage Container Recycling Refund
15 and Litter Reduction Program (Program), as enacted by Section 1 of this Act, on local
16 beverage container litter and recycling operations and county and municipal budgets.

17 (b) On or before June 1, 2027, the Department of the Environment shall report to
18 the General Assembly, in accordance with § 2-1257 of the State Government Article, its
19 recommendations on ways to offset adverse impacts and enhance positive impacts of the
20 Program on beverage container litter, recycling rates, and county and municipal budgets.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
22 1, 2026.