

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 164

(Delegate Lehman, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

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State Buildings and State Highways - Collection and Disposal of Yard Waste

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This bill generally prohibits State employees or contractors from disposing of yard waste collected on the grounds of a State building or a State highway in a single-use plastic container. All such yard waste must be collected in a container that (1) will not be discarded with the yard waste or (2) is a compostable paper bag. In addition, the bill generally requires that such yard waste be disposed of at (1) an organics recycling facility in the State; (2) a natural wood waste recycling facility in the State; or (3) a State facility with on-site capacity to create mulch or soil amendments; however, this requirement applies only if the yard waste is collected within a 30-mile radius of one of those facilities and the facility has the capacity and willingness to accept all of the yard waste. The bill does not apply to a person who is disposing of (1) noxious weeds, as designated by the Maryland Department of Agriculture, or (2) invasive species.

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Fiscal Summary

**State Effect:** State expenditures (multiple fund types) may increase for some State entities, but any such increase is not anticipated to be significant, as discussed below. No effect on revenues.

**Local Effect:** The bill is not anticipated to significantly affect local government operations or finances.

**Small Business Effect:** Minimal.

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## Analysis

**Bill Summary:** A “State building” is defined as a building, structure, or improved area that is owned by the State or is constructed for lease by the State. A “State highway” is any public highway owned by the State, including any land owned by the State that is adjacent to a State highway. “Yard waste” means organic plant waste derived from gardening, landscaping, and tree trimming activities.

### **Current Law:**

#### *Solid Waste Management and the Recycling in the State, Generally*

The solid waste infrastructure in Maryland consists of both permitted and nonpermitted facilities, and solid waste is managed through a combination of recycling, composting, landfilling, incineration, storage, and exporting for disposal or recycling.

Maryland’s recycling policy is guided by the Maryland Recycling Act, which sets mandatory recycling rates for State government and local jurisdictions, as well as a voluntary statewide waste diversion goal of 60% and a voluntary statewide recycling goal of 55% by 2020. Each county (including Baltimore City) must recycle at least 20% or 35% of the county’s solid waste stream, depending on the county’s population. Each county (including Baltimore City) must also prepare a recycling plan that addresses how the jurisdiction will achieve its mandatory recycling rate. Among other things, the plan must also address methods for separate collection and composting of yard waste.

The plan must be submitted to the Maryland Department of the Environment’s (MDE) Office of Recycling for approval when the jurisdiction submits its water and sewerage plan at least every 10 years. At least every 2 years, each county must also submit a progress report to MDE, which must include any revision of or amendment to the county plan that has been adopted.

#### *Composting in Maryland and Diversion of Yard Waste and Other Organic Materials from Refuse Disposal Facilities*

Chapter 686 of 2013 required MDE to adopt regulations governing the permitting and operation of composting facilities. The regulations, which were promulgated in 2014 (through the establishment of Chapter 11 under COMAR 26.04), specify requirements related to the construction and operation of composting facilities in the State. Pursuant to Chapters 520 and 521 of 2023, MDE must exempt specified operators of on-farm composting facilities from permitting requirements under COMAR 26.04.11.06. MDE has also established a general composting facility permit.

Statute prohibits an owner or operator of a refuse disposal system from accepting loads of separately collected yard or food waste for final disposal at the facility unless the facility offers appropriate organics recycling services. However, if an organics recycling facility determines the separately collected food waste is unacceptable for recycling due to contamination, the food waste may be accepted by a refuse disposal system for final disposal.

Several counties in the State restrict the use of plastic bags for the collection of yard waste, including Anne Arundel, Baltimore, Carroll, Charles, Frederick, Harford, Howard, Kent, Montgomery, and Prince George's counties. Several municipalities also restrict the use of plastic bags for the collection of yard waste.

### *Invasive Plants and Noxious Weeds*

“Invasive plant” means any living part of a plant species or its subspecies that (1) did not evolve in the State and (2) if introduced in the State, will cause or is likely to cause, as determined by the Secretary of Agriculture, economic, ecological, or environmental harm or harm to human health. Title 9.5 of the Agriculture Article establishes provisions governing the regulation of invasive plants. Various restrictions exist on activities related to prohibited invasive plants, including propagating, importing, transferring, selling, purchasing, transporting, or introducing any living part of a prohibited invasive plant in the State.

Title 9, Subtitle 4 of the Agriculture Article authorizes the Secretary of Agriculture to, among other things, (1) by regulation, designate as a noxious weed any plant that adversely affects or threatens agricultural production and (2) institute programs or carry out practices necessary for the control and eradication of a noxious weed. The Secretary may also, among other things, enter into an agreement with a county or other political subdivision of the State, an adjoining state, or a federal government agency to implement a program for the control and eradication of a noxious weed. Current regulations designate eight weeds and plants as noxious weeds in the State.

**State Expenditures:** Most State agencies responsible for the removal of large quantities of yard waste from State buildings or highways indicate that the bill has no fiscal effect on their operations. For instance, the Maryland Department of Transportation advises that its removal of yard waste generally involves large volume collections using heavy machinery that transports it directly to recycling centers. The Department of Natural Resources (DNR) advises that while most DNR-managed sites do not routinely dispose of yard waste offsite in single-use plastic containers, its contractors may do so more frequently. DNR further advises that compostable paper bags are two to three times more expensive than conventional plastic contractor bags. Even so, any increased cost to purchase compostable paper bags is expected to be minimal.

Both DNR and the University System of Maryland indicate that properly disposing of yard waste in accordance with the bill could be a challenge and may carry increased costs in transport and disposal fees. However, the bill's exemptions related to the proximity and availability of facilities to accept the yard waste likely minimize any costs associated with the disposal of yard waste under the bill.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 338 of 2025 and HB 173 of 2024

**Designated Cross File:** None.

**Information Source(s):** Maryland Environmental Service; Anne Arundel, Baltimore, Carroll, Charles, Frederick, Harford, Howard, Kent, Montgomery, and Prince George's counties; Northeast Maryland Waste Disposal Authority; Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland Department of Agriculture; Maryland Department of the Environment; Department of General Services; Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 29, 2026  
jg/mcr Third Reader - February 20, 2026

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Analysis by: Andrew Stover

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510