



Committee: Economic Matters

Testimony on: HB 1232 – Local Government – Fees, Receipts, and Penalties for Plastic and Paper Carryout Bags

Position: Opposed

Hearing Date: March 5, 2025

The Maryland Chapter of the Sierra Club urges an unfavorable report on HB 1232. This bill would require that a county or municipality that enacts a local law requiring a retailer to charge a fee at the point of sale for a plastic or paper carryout bag must require the retailer to provide a receipt to the customer that identifies the fee amount charged and the number of plastic or paper carryout bags issued to the customer. It also requires that the county or municipality adopt a common set of penalties.

The world is facing a plastic pollution crisis, and single-use plastic carryout bags are a major culprit. Five Maryland counties and eight municipalities representing 70% of the population of the state have adopted ordinances to discourage or prohibit the provision of single-use plastic carryout bags and, in all but one case,¹ by also taxing or requiring retailers to charge for paper bags (Exhibit 1). The charge for paper bags creates an incentive for shoppers to bring their own bag or not take a bag, instead of simply switching to single-use paper bags.

These ordinances fall within the powers of municipalities and charter counties granted by the Local Government Article (LG § 5-202(5)) and the Express Powers Act (LG §§ 10-102 and 10-206), respectfully. A municipality may adopt ordinances to protect the health, comfort, and convenience of the residents of the municipality. Charter counties are granted the power to provide for the prevention, abatement, and removal of nuisances, as well as to regulate any place that may involve or give rise to unsanitary conditions or conditions detrimental to health. They also are granted broad authority to pass ordinances that may aid in maintaining the peace, good government, health, and welfare of the county.

All of the ordinances already require retailers to issue a receipt showing the fee amount charged and the number of bags taken. Further, they all impose penalties for infractions in line with each jurisdiction's code, enforced by municipal or county code enforcement. The penalties generally do not exceed the schedule proposed in HB 1232. There is no pending statewide legislation prohibiting or regulating single-use carryout bags, and we see no compelling justification for the state to impose a common penalty structure across jurisdictions.

For these reasons, the Maryland Chapter of the Sierra Club respectfully requests an unfavorable report on HB 1232.

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¹Howard County levies a 5-cent tax on plastic carryout bags to discourage their use, but no tax on paper bags.

Exhibit 1.
Plastic carryout bag laws in Maryland
with a charge or tax for plastic or paper carryout bags

Jurisdiction	Year in effect	Type of bill	Amount of charge, tax	Receipt required?	Penalties
Montgomery County	2012	Tax on paper and plastic	5¢, paper & plastic bags	Yes	Class A Civil Violation
Howard County	2020	Tax on plastic	5¢, plastic bag	Yes	Class A Civil Violation, penalties in Title 24 of code
Baltimore City	2021	Hybrid/tax on paper & thicker plastic bags	5¢, paper & thicker plastic bags	Yes	Criminal penalty not more than \$1,000 or 6 months in prison or both
Easton	2023	Hybrid/charge	Min 10¢ paper bag	Yes	Municipal infraction, city code
Salisbury	2023	Hybrid/charge	Min 10¢ paper bag	Yes	Municipal infraction not to exceed \$500
College Park	2023	Hybrid/charge	Min 10¢ paper bag	Yes	Municipal infraction, fine schedule in city code
Baltimore County	2023	Hybrid/charge	Min 5¢ Paper bag	Yes	Civil penalty not to exceed \$500
Greenbelt	2024	Hybrid/charge	Min 10¢ paper bag	Yes	1 st offense a warning, 2 nd offense \$250, 3 rd and higher \$500
Anne Arundel County	2024	Hybrid/charge	Min 10¢ paper bag	Yes	Class C civil offense
Prince George's County	2024	Hybrid/charge	Min 10¢ paper bag	Yes	Not to exceed \$500/infraction
Laurel	2024	Hybrid/charge	Min 10¢ paper bag	Yes	Not to exceed \$200/infraction
Centreville	2024	Hybrid/charge	Min 10¢ paper bag	Yes	Subject to town penalty schedule
Annapolis	2025	Hybrid/charge	Min 10¢ paper bag	Yes	Class C Civil Offense
Montgomery County	2026	Hybrid/tax	10¢, paper bag	Yes	Class B Civil Violation.

Notes:

Hybrid: A policy that combines a ban on plastic carryout bags with a mandatory charge or tax on paper bags. Also known as a “Bring Your Own Bag” bill.

Tax: All or part of the plastic or paper carryout bag tax revenue is retained by local government.

Charge: All of the paper bag revenue from the charge is retained by the retailer