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**Committee:** Environment and Transportation

**Testimony on:** HB 1067 – Local Government – Fee for Plastic and Paper Carryout Bags – Prohibition on Charge

**Position:** Opposed

**Hearing Date:** March 5, 2025

The Maryland Chapter of the Sierra Club urges an unfavorable report on HB 1067. This bill would require that a county or municipality that enacts a local law requiring a retailer to charge a fee for a plastic or paper carryout bag waive the fee for any transaction for which the customer makes a purchase using a form of payment issued as part of the federal Supplemental Nutrition Assistance Program (SNAP) or Special Supplemental Food Program for Women, Infants, and Children (WIC).

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,<sup>1</sup> 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 express 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 its residents. 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.

As each of these local governments considered their ordinances, there were discussions about the best way to ensure the participation of shoppers of limited means and to minimize any hardship, with the understanding that the charge on paper bags is key to changing behavior in favor of reusable bags or no bag. In all of these jurisdictions with ordinances under implementation, the local governments have opted to maximize participation in the behavior change by trying to ensure that low-income shoppers have access to reusable bags and are well briefed on what to expect at the checkout. Sierra Club's observational shopper surveys have confirmed the effectiveness of these policies.<sup>2</sup>

Early this year, Montgomery County adopted a "Bring Your Own Bag" ordinance to be launched in 2026. It will ban single-use plastic carryout bags and raise the tax on paper bags to 10 cents. It will also waive the paper bag tax for shoppers paying with SNAP or WIC benefits.<sup>3</sup> The ordinance will go into effect in 2026. The impact of that county's policy on shopper behavior and the operational implications for retailers will surely be evaluated and yield useful lessons. Until that information is available, it would be inappropriate and premature for the State to impose waivers on fees for the other 12 jurisdictions that have already adopted highly effective Bring Your Own Bag policies. For these reasons, the Maryland Chapter of the Sierra Club urges an unfavorable report on HB 1067.

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Exhibit 1.

**Plastic carryout bag laws in Maryland  
with a charge or tax for plastic or paper carryout bags**

<b>Jurisdiction</b>	<b>Year in effect</b>	<b>Type of bill</b>	<b>Amount of charge or tax</b>	<b>Policy to accommodate low-income shoppers</b>
Montgomery County	2012	Tax	5¢ tax on paper and plastic bags	Facilitate universal participation, use bag tax revenue to finance reusable bags.
Howard County	2020	Tax	5¢ tax on plastic bags	Facilitate universal participation, use bag tax revenue to finance reusable bags
Baltimore City	2021	Hybrid/tax	5¢ tax on paper & thicker plastic bags	Facilitate universal participation, use bag tax revenue to finance reusable bags.
Easton	2023	Hybrid/charge	Min 10¢ paper bags	Facilitate universal participation
Salisbury	2023	Hybrid/charge	Min 10¢ paper bags	Facilitate universal participation
College Park	2023	Hybrid/charge	Min 10¢ paper bags	Facilitate universal participation
Baltimore County	2023	Hybrid/charge	Min 5¢ paper bags	Facilitate universal participation
Greenbelt	2024	Hybrid/charge	Min 10¢ paper bags	Facilitate universal participation
Anne Arundel County	2024	Hybrid/charge	Min 10¢ paper bags	Facilitate universal participation
Prince George's County	2024	Hybrid/charge	Min 10¢ paper bags	Facilitate universal participation
Laurel	2024	Hybrid/charge	Min 10¢ paper bags	Facilitate universal participation
Centreville	2024	Hybrid/charge	Min 10¢ paper bags	Facilitate universal participation
Annapolis	2025	Hybrid/charge	Min 10¢ paper bags	Facilitate universal participation
Montgomery County	2026	Hybrid/tax	10¢ tax on paper bags	Shoppers paying with SNAP or WIC benefits are exempted from the paper bag tax, bag tax revenue finances reusable bags

*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 revenue from the charge on paper bags is retained by the retailer

Facilitate universal participation: A policy that distributes reusable carryout bags to low-income shoppers and ensures that all shoppers are briefed on what to expect at checkout.

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

<sup>2</sup> In Montgomery and Howard Counties, revenue from carryout bag taxes continues to be used to purchase reusable bags for distribution to low-income shoppers on an annual basis.

<sup>3</sup> The tax is levied on top of any charge by retailers for paper bags.