

HOUSE BILL 551

C2

5lr1593
CF SB 620

By: **Delegates Lierman, Angel, Atterbeary, Brooks, Carr, Cassilly, Fraser-Hidalgo, Frush, Hayes, Hettleman, Korman, Lafferty, Lam, Luedtke, McIntosh, Moon, S. Robinson, Rosenberg, Smith, A. Washington, and M. Washington**

Introduced and read first time: February 11, 2015

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Community Cleanup and Greening Act of 2015**

3 FOR the purpose of prohibiting a store from distributing plastic disposable carryout bags
4 to a customer at the point of sale; requiring a store to charge and collect a certain fee
5 for each paper disposable carryout bag the store provides to a customer; authorizing
6 a store to retain a certain amount of a certain fee under certain circumstances;
7 prohibiting a store from advertising or stating certain information under certain
8 circumstances; requiring a store to include certain information on certain receipts;
9 providing that the sales and use tax does not apply to a certain amount of money
10 retained by a store under certain circumstances; requiring the operator of a store to
11 remit a certain amount of money to the Comptroller; requiring the Comptroller to
12 retain a certain amount of money for a certain purpose; requiring the Comptroller to
13 distribute a certain amount of money to the Department of Labor, Licensing, and
14 Regulation for a certain purpose and to distribute a certain remaining amount of
15 money to the counties proportional to the county's population; requiring a county
16 that receives a certain distribution of money to use the money only for certain
17 purposes; establishing a certain maximum penalty for a violation of this Act;
18 providing that a distribution of one or more plastic disposable carryout bags at a
19 single point of sale is a single violation; requiring the Department to adopt certain
20 regulations; defining certain terms; and generally relating to carryout bags and
21 community cleanup and greening efforts.

22 BY adding to

23 Article – Business Regulation

24 Section 19–104

25 Annotated Code of Maryland

26 (2010 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Regulation**

4 **19-104.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) “CUSTOMER BAG CREDIT PROGRAM” MEANS A PROGRAM
8 IMPLEMENTED IN A STORE THAT:

9 (I) REQUIRES THE STORE TO PAY A CUSTOMER A CREDIT OF AT
10 LEAST 5 CENTS FOR EACH BAG PROVIDED BY THE CUSTOMER FOR PACKAGING THE
11 CUSTOMER’S PURCHASES;

12 (II) REQUIRES THE TOTAL AMOUNT OF THE CREDIT PAID TO A
13 CUSTOMER UNDER ITEM (I) OF THIS PARAGRAPH TO BE DISPLAYED ON THE
14 CUSTOMER TRANSACTION RECEIPT; AND

15 (III) IS PROMINENTLY ADVERTISED AT EACH CHECKOUT
16 REGISTER IN THE STORE.

17 (3) (I) “DISPOSABLE CARRYOUT BAG” MEANS A PAPER OR PLASTIC
18 BAG PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF SALE.

19 (II) “DISPOSABLE CARRYOUT BAG” DOES NOT INCLUDE:

20 1. A DURABLE PLASTIC BAG WITH HANDLES THAT IS
21 DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE;

22 2. A BAG USED TO:

23 A. PACKAGE BULK ITEMS, INCLUDING FRUIT,
24 VEGETABLES, NUTS, GRAINS, CANDY, OR SMALL HARDWARE ITEMS;

25 B. CONTAIN OR WRAP FROZEN FOODS, MEAT, OR FISH,
26 WHETHER PREPACKAGED OR NOT;

27 C. CONTAIN OR WRAP FLOWERS, POTTED PLANTS, OR
28 OTHER DAMP ITEMS;

1 **D.** CONTAIN UNWRAPPED PREPARED FOODS OR BAKERY
2 **GOODS; OR**

3 **E.** CONTAIN A NEWSPAPER OR DRY CLEANING;

4 **3.** A BAG PROVIDED BY A PHARMACIST TO CONTAIN
5 **PRESCRIPTION DRUGS;**

6 **4.** PLASTIC BAGS SOLD IN PACKAGES CONTAINING
7 **MULTIPLE PLASTIC BAGS INTENDED FOR USE AS GARBAGE BAGS, PET WASTE BAGS,**
8 **OR YARD WASTE BAGS; AND**

9 **5.** A PAPER BAG THAT A RESTAURANT PROVIDES TO A
10 **CUSTOMER TO TAKE FOOD OR DRINK AWAY FROM THE RESTAURANT.**

11 **(4) (I) "OPERATOR" MEANS A PERSON IN CONTROL OF, OR HAVING**
12 **DAILY RESPONSIBILITY FOR, THE DAILY OPERATION OF A STORE.**

13 **(II) "OPERATOR" INCLUDES THE OWNER OF THE STORE.**

14 **(5) (I) "STORE" MEANS A RETAIL ESTABLISHMENT THAT**
15 **PROVIDES DISPOSABLE CARRYOUT BAGS TO ITS CUSTOMERS AS A RESULT OF THE**
16 **SALE OF A PRODUCT.**

17 **(II) "STORE" DOES NOT INCLUDE A ROADSIDE STAND OR**
18 **FARMER'S MARKET.**

19 **(B) A STORE MAY NOT DISTRIBUTE PLASTIC DISPOSABLE CARRYOUT BAGS**
20 **TO A CUSTOMER AT THE POINT OF SALE.**

21 **(C) (1) A STORE SHALL CHARGE AND COLLECT A FEE OF 10 CENTS FOR**
22 **EACH PAPER DISPOSABLE CARRYOUT BAG THE STORE PROVIDES TO A CUSTOMER.**

23 **(2) A STORE MAY RETAIN:**

24 **(I) 5 CENTS FROM EACH 10-CENT FEE THE STORE COLLECTS;**
25 **OR**

26 **(II) 7 CENTS FROM EACH 10-CENT FEE THE STORE COLLECTS IF**
27 **THE STORE HAS A CUSTOMER BAG CREDIT PROGRAM.**

28 **(3) A STORE MAY NOT ADVERTISE, HOLD OUT, OR STATE TO THE**
29 **PUBLIC OR TO A CUSTOMER, DIRECTLY OR INDIRECTLY, THAT THE REIMBURSEMENT**

1 OF THE FEE OR ANY PART OF THE FEE COLLECTED BY THE STORE WILL BE ASSUMED
2 OR ABSORBED BY THE STORE OR REFUNDED TO THE CUSTOMER.

3 (4) A STORE SHALL INDICATE ON THE CONSUMER TRANSACTION
4 RECEIPT THE NUMBER OF DISPOSABLE CARRYOUT BAGS PROVIDED BY THE STORE
5 AND THE TOTAL AMOUNT OF THE FEE CHARGED.

6 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SALES
7 AND USE TAX DOES NOT APPLY TO THE AMOUNT OF MONEY RETAINED BY A STORE
8 UNDER PARAGRAPH (2) OF THIS SUBSECTION.

9 (6) THE OPERATOR OF A STORE SHALL REMIT TO THE COMPTROLLER
10 THE AMOUNT OF MONEY COLLECTED FROM THE FEE THAT IS NOT RETAINED BY THE
11 STORE UNDER PARAGRAPH (2) OF THIS SUBSECTION.

12 (D) (1) FROM THE MONEY COLLECTED UNDER SUBSECTION (C)(6) OF
13 THIS SECTION, THE COMPTROLLER SHALL:

14 (I) RETAIN AN AMOUNT NECESSARY FOR THE ADMINISTRATION
15 OF THIS SECTION, INCLUDING EDUCATION OF THE PUBLIC AND REGULATED
16 BUSINESSES ABOUT THIS SECTION AND ITS PURPOSE;

17 (II) DISTRIBUTE A PORTION TO THE DEPARTMENT IN AN
18 AMOUNT TO COVER THE COSTS OF IMPLEMENTING AND ENFORCING THIS SECTION;
19 AND

20 (III) DISTRIBUTE THE MONEY THAT REMAINS AFTER THE
21 DISTRIBUTIONS UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH TO THE COUNTIES,
22 PROPORTIONAL TO THE COUNTY'S POPULATION.

23 (2) A COUNTY THAT RECEIVES MONEY UNDER PARAGRAPH (1)(III) OF
24 THIS SUBSECTION MAY USE THE MONEY ONLY FOR:

25 (I) COMMUNITY GREENING;

26 (II) STORMWATER CONTROL;

27 (III) TRASH OR LITTER CLEANUP AND PREVENTION;

28 (IV) TOTAL MAXIMUM DAILY LOAD AND WATERSHED
29 IMPLEMENTATION PROJECTS;

30 (V) RECYCLING PROGRAMS AND PROJECTS;

1 **(VI) FRESH FOOD FINANCING; OR**

2 **(VII) ANY OTHER PROJECT RELATED TO WATER QUALITY**
3 **IMPROVEMENT OR SOLID WASTE SOURCE REDUCTION.**

4 **(E) (1) A STORE THAT VIOLATES THIS SECTION IS SUBJECT TO A PENALTY**
5 **NOT EXCEEDING \$100.**

6 **(2) A DISTRIBUTION OF ONE OR MORE PLASTIC DISPOSABLE**
7 **CARRYOUT BAGS TO A CUSTOMER AT A SINGLE POINT OF SALE IS A SINGLE**
8 **VIOLATION.**

9 **(3) A PENALTY MAY NOT BE IMPOSED ON A STORE MORE THAN ONCE**
10 **WITHIN A 7-DAY PERIOD.**

11 **(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT AND**
12 **ENFORCE THIS SECTION.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2015.